

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 14, 2021
Board of County Commissioners: July 13, 2021

APPLICANT: Impact – MCG Ventures, LLC

FILE NUMBER: H-21-20

REQUEST: Master Plan Revision on property zoned PDP(MF)/Planned Development Project (Multifamily) with deviations

GENERAL

LOCATION: North of County Line Road, approximately 1,700' east of Trillium Boulevard

PARCEL KEY

NUMBER: 379263

APPLICANT'S REQUEST:

On August 14, 2018, the Board of County Commissioners approved a rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) in order to develop the 19.5-acre subject site with a 156 multifamily units and associated amenities. Since approval, no construction has commenced.

The petitioner's current request is for a Master Plan Revision to develop the subject site with up to 200 single family townhomes. The proposed townhomes will be a maximum of the three (3) stories and parking will be within enclosed garages or on a designated driveways. The petitioner is requesting zero side setbacks where the townhomes are attached and a reduction of rear building setbacks from 20 feet to 15 feet.

SITE CHARACTERISTICS:

Site Size: 19.5 acres

**Surrounding Zoning/
Land Uses:**

North:	R-1A, AR and AG; Single Family
South:	Pasco County
East:	AG; Single Family
West:	PDP/MF (H-19-59); Single-Family, vacant

Current Zoning: PDP(MF)/Planned Development Project (Multifamily)

**Future Land Use
Map Designation:** Residential

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Masaryk Very Fine Sand

**Hydrologic
Features:** The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

**Protection
Features:** The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.

Habitat: Masaryk Very Fine Sand has the potential for habitats that maybe suitable for gopher tortoises.

Comments: The site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines is required for all Drainage Retention Areas (DRAs) within the proposed project.

SCHOOL BOARD REVIEW:

No comments were received from the School Board.

The applicant must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated that they currently do not supply water or sewer service to the subject site. There is an existing 12-inch water main to the west that runs north along Trillium Boulevard, and a 16-inch water main in the construction that will run along the Ayers Road extension to the west of the parcel. HCUD has no objections to the request, subject to a water and sewer capacity analysis and connection to the central water and sewer system at the time of vertical construction.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located north of County Line Road, approximately 1,700' east of Trillium Boulevard. The petitioner is proposing a main access to County Line Road and emergency access to Korbus Road, an unimproved limerock road.

The County Engineer reviewed the request and indicated the following:

1. A Traffic Access Analysis will be per the Hernando County Facility Design Guidelines.
2. The internal roadway will have to meet the Hernando County Major Local Road standards.
3. The petitioner must coordinate the potential for additional right-of-way for County Line Road with the County Engineer prior to development.
4. The petitioner must coordinate with the County Engineer to identify future right-of-way reservation needs for Korbus Road prior to development.
5. This site contains two areas of floodplain. Development within floodplain requires specific permitting.
6. Geotechnical subsurface testing and reporting in accordance with Hernando County Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.
7. Access to Korbus Road shall be for emergency purposes only, until such time as Korbus Road is improved and the need for a second access is reviewed by the County Engineer.

LAND USE REVIEW:

Building Setbacks

Perimeter Building Setbacks:

County Line Road:	75' (previously approved for a deviation from 125')
Korbus Road:	35'
Side:	20'

Internal Lot Building Setbacks

Front: 25'

Side: 0' (where attached)

Side: 15' (building separation)

Rear: 15' (deviation from 20')

Maximum Number of Units Attached: 8

Buffers

The petitioner has indicated that natural vegetation will be maintained where possible. Additionally, a 15' buffer will be provided along the east and west perimeter and a 10' buffer along the north and south. All buffers will be at 80% opacity. If approved, the petitioner shall provide the proposed buffers which shall retain natural vegetation where feasible.

Access

To establish minimum access requirements to single family subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units.

Comment: The petitioner is proposing a boulevard entrance from County Line Road. A second access for emergency use will be provided once Korbus Road is improved.

Neighborhood Park:

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements. The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres.

Comment: The petitioner is proposing up to 200 fee simple units which would require a minimum of 2.5 acres for the proposed development. If approved, the petitioner must meet the minimum 2.5 acres neighborhood park requirement.

Vegetation and Open Space

Projects two (2) to twenty (20) acres must designate an area of at least five (5) percent of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) areas shall be allowed. If approved, the petitioner must provide a minimum of five (5%) percent natural vegetation. This could be included as part of the required open space.

Landscape

The County’s LDRs encourage Florida friendly design. It is recommended that best management practices and compliance with the Florida Yards & Neighborhoods (FYN) program be adhered to. The petitioner should coordinate with the Florida Friendly Landscaping Program Coordinator as part of the development of the project.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by large and medium sized agriculturally zoned parcels. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

Objective 1.04B: **The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre**

Multi-Family Housing

Strategy 1.04B(4): The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22 dwelling units per gross acre in order to provide for a diversity of housing choices. Multifamily housing should be located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

Comment: The multifamily development is proposed at a maximum of 200 units on approximately 19.5 acres. The overall proposed density of 10.25 du/acre is considered a medium density step-down.

Strategy 1.04B(5): High density zonings are intended for locations in the more intensely developed sections of the County. New residential

development of high density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

Comment: The proposed project was previously approved for 156 multifamily units and the increase in units to 200 meets the criteria for multifamily development at this location.

Strategy 1.04B(7): All multi-family developments shall be located such that the integrity of nearby established single family neighborhoods is preserved:

- a. multi-family development may serve as a density transition located on the periphery of single-family neighborhoods and connecting to higher intensity uses;
- b. multi-family developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single-family neighborhoods.

Comment: The proposed townhome product and the proposed buffers, provide an adequate transition for single family and agriculture parcels to the north and east.

FINDINGS OF FACT:

A Master Plan Revision on property zoned PDP(MF)/Planned Development Project (Multifamily) with deviations is appropriate based on the following conclusions:

1. The request is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

2. The petitioner has proposed deviations from the County LDRs for side and rear building setback. The proposed setback reductions are not adverse to public interest.

NOTICE OF APPLICANT RESPONSIBILITY:

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner's associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan Revision on property zoned PDP(MF)/Planned Development Project (Multifamily) with deviations, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. Minimum Perimeter Building Setbacks:
County Line Road: 75'
Korbus Road: 35'
Side: 20'

Internal Lot Building Setbacks
Front: 25'
Side: 0' (where attached)
Side: 15' (building separation)

Rear: 15' (deviation from 20')

Maximum Number of Units Attached: 8
Maximum Number of Units: 200

4. The property shall apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
5. Florida Yards & Neighborhoods (FYN) principles shall be used for landscaping within the development.
6. A 15' buffer along the east and west perimeter and a 10' buffer along the north and south shall be provided and shall be at 80% opacity. Buffers shall retain natural vegetation where feasible.
7. The petitioner shall provide a Traffic Study in accordance with the requirements of the County Engineer at the time of permitting.
8. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.
9. Access to Korbus Road shall be for emergency purposes only until such time Korbus Road is improved and the need for a second access is reviewed by the County Engineer.
10. The petitioner shall provide a boulevard entrance along County Line Road.
11. The petitioner must coordinate the potential for additional right-of-way for County Line Road and Korbus Road with the County Engineer prior to development.
12. The petitioner shall prepare a water and sewer capacity analysis at the time of conditional plat or site plan approval and connect to the central water and sewer system at the time of vertical construction.

13. The petitioner shall provide the minimum neighborhood park acreage of 2.5 acres exclusive of the drainage retention area in accordance with the Hernando County Land Development Regulations.

14. The petitioner shall provide a master plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

P&Z RECOMMENDATIONS:

On June 14, 2021, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner’s request for a Master Plan Revision on property zoned PDP(MF)/Planned Development Project (Multifamily) with deviations, with the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
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14. The petitioner shall provide a master plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

BCC ACTION:

On July 13, 2021, the Board of County Commissioners voted 5-0 to adopt Resolution 2021-106 approving the petitioner’s request for a Master Plan Revision on property zoned PDP(MF)/Planned Development Project (Multifamily) with deviations, with the following unmodified performance conditions:

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