

## **REZONING CASE H-23-52**

### **STAFF REPORT**

#### **RECOMMENDATIONS/ACTIONS**

##### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION FEBRUARY 5, 2024**

It is recommended that the Planning and Zoning Commission recommend that the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and performance conditions listed in **Appendix A** of this Staff Report.

##### **PLANNING & ZONING COMMISSION ACTION FEBRUARY 12, 2024**

At the February 12, 2024, Planning and Zoning Commission meeting, the applicant requested that the item be postponed in order to work through staff's recommendations with Planning and Zoning staff.

The Planning and Zoning Commission voted 5-0 to postpone the petitioners request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and performance conditions, to March 11, 2024.

##### **STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS MARCH 5, 2024**

It is recommended that the Board of County Commissioners postpone the petitioners request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and performance conditions to April 9, 2024, consistent with the Planning and Zoning Commission action of February 12, 2024.

##### **BOARD OF COUNTY COMMISSIONERS ACTION MARCH 12, 2024**

On March 12, 2024, the Board voted 5-0 to postpone petitioners request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and performance conditions to April 9, 2024.

**PLANNING & ZONING COMMISSION ACTION  
MARCH 11, 2024**

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioners request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and with the following modified performance conditions listed in **Appendix B** (Planning and Zoning Commission recommendation) of this Staff Report.

**STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS  
APRIL 2, 2024**

It is recommended the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and performance conditions to the April 9, 2024, hearing listed in **Appendix B** (Planning and Zoning Commission recommendation) of this Staff Report.

**BOARD OF COUNTY COMMISSIONERS ACTION  
APRIL 9, 2024**

Due to the failure of the applicant to appear at the Board of County Commissioners Public Hearing to consider this item, the Board voted 5-0 to deny the petitioners request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations.

**BOARD OF COUNTY COMMISSIONERS ACTION  
APRIL 23, 2024**

During the Public Comment portion of the April 23, 2024, Board of County Commissioners meeting, the applicant requested that the Board reconsider the item. The applicant stated that due to the County's network interruption issues, there was a misunderstanding that led the applicant to believe that the item would not be heard on its scheduled April 9, 2024, meeting date.

The Board voted 5-0 to reconsider the request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for

Townhomes with Deviations. The Commission agreed to hear the item at the next available Board of County Commission meeting that could be accommodated by staff and would meet all statutory notice and advertising requirements.

**INTRODUCTORY INFORMATION**

**HEARINGS:** Planning & Zoning Commission: February 12, 2024 (postponed)  
Board of County Commissioners: March 12, 2024 (postponed)  
Planning & Zoning Commission: March 11, 2024  
Board of County Commissioners: April 9, 2024 (denied)  
Board of County Commissioners: May 28, 2024 (to be reconsidered)

**APPLICANT:** Southern Citrus Groves LLC on behalf of Opal Clark TTEE

**FILE NUMBER:** H-23-52

**REQUEST:** Rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations

**GENERAL**

**LOCATION:** Kettering Road across from its intersection with Dashback Street

**PARCEL KEY NUMBERS:** 541523, 548018, 396761

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**APPLICANT’S REQUEST:**

The petitioner is requesting a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations on three (3) parcels totaling 200.9 acres. The proposed project will consist of 883 units (4.39 du/ac) and a combination of housing types; single family homes, townhomes and villa units. The petitioner has indicated the development will cluster like size parcels together. 50' lots would occupy the majority of the boundary, while 60' and 40' wide lots would be centralized to the development. A small section of the project has 40' on the northern boundary.

**Deviations Requested**

- Side Setbacks: 5' (deviation from 10')
- Side Setbacks (villas): 0' (deviation from 10')
- Rear Setbacks: 15' (deviation from 20')
- Minimum Lot Width: 40' (deviation from 60')
- Minimum Lot Size: 4,800 Sq. Ft. (deviation from 6,000 Sq. Ft.)

**SITE CHARACTERISTICS:**

**Site Size:** 200.9 Acres (Total 260.9 acres)

**Comments:** The project consists of three (3) parcels. The petitioners master plan only provides for development on a 40.0 acre portion of Key # 396761 (100.9 acres).

**Surrounding Zoning & Land Uses:**

North: PDP(SF); Sunrise Development  
South: PDP(SF); AG; Rural residential uses; Benton Hill Subdivision.  
East: PDP(SF); Undeveloped, Sand Mine  
West: AG; Undeveloped

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** I-75/SR 50 PDD

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand, Anclote Fine Sand and Adamsville Fine Sand

**Resources/ Features:**

A large wetland is shown on parcel key # 548018 as Class 2 (Comp plan). There are no WHPAs, or SPAs according to County data resources. A minimum 25' buffer shall be maintained around the Class 2 wetland. The petitioner shall provide jurisdictional wetland lines on future plans and plats.

**Comments:** At the time of construction drawings, the petitioner shall contact the State Division of Historical Resources to ensure the subject project does not contain archaeological/historical sites.

**Habitat:** Vacant, agricultural shown as improved pasture according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping.

**Comments:** Candler Fine Sands provide habitat suitable for gopher tortoises and commensal species. A comprehensive floral and faunal survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Flood Zone:** Parcel Key# 548018 has a large area designated AE floodplain and associated wetlands. The remaining properties are within the X flood zone.

**Comments:** The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

Invasive plant species shall be identified during the construction plan review and removed during the development process.

**SCHOOL DISTRICT REVIEW:**

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) does not currently supply water or sewer service to this parcel. Water and sewer service are not currently available to this parcel, however a development to the south on Kettering is installing a 16-inch water main that will run along the east side of Kettering Road, and a 12-inch sewer force main that will run along the west side of Kettering Road. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

NOTE: A capacity study does not guarantee capacity. Furthermore, the sewer capacity analysis will determine whether or not offsite improvements are necessary.

**ENGINEERING REVIEW:**

The subject project is located on Kettering Road across from its intersection with Dashback Street. The petitioner is requesting the main entrance of Kettering Road as a boulevard entrance. Three (3) additional future access points are proposed, one towards the west and two along the north.

The County Engineer reviewed the petitioner's request and provided the following comments:

- A Traffic Access Analysis shall be required. Traffic Access Analysis shall include queuing analysis and turn lane justifications. Any improvements identified by the Traffic Access Analysis is the responsibility of the developer to install.
- Dashback Street shall be extended the length of parcel to provide potential future connectivity to or over I-75. To be determined.
- Project must comply with the I-75/PDD Circulation Plan.
- This project will be required to participate in the 4-laning of Kettering Road and Lockhart Road.
- The intersection of Kettering Road at Cortez Boulevard will need to be improved. This project will be required to participate in the improvements.
- Kettering Road is classed as a Collector Roadway; a sidewalk is required along the entire frontage of Kettering Road.
- Roadways within this development will be required to meet Hernando County Facility Design Guideline standards.

**LAND USE REVIEW**

**Setbacks, Lot Sizes and Lot Widths:**

Proposed Minimum Lot Size and Widths:

- 40' x 120' for a minimum lot size of 4,800 Sq. Ft. (Deviation from 60' and 6,000 Sq. Ft.)
- 50' x 120' for a minimum lot size of 5,500 Sq. Ft. (Deviation from 60' and 6,000 Sq. Ft.)
- 60'x120' for a minimum lot size of 7,200 Sq. Ft.

**Comments:** There shall be no 40' lots along the perimeter of the project. All 40' lots shall be located in the interior of the development. 40' lots shall be clearly identified on the master plan.

**Townhome Standards:**

- Front: 25'
- Side: 7.5'
- Rear: 20'

- Minimum Living Area: 600 Sq. Ft.
- Maximum Lot Coverage: 45%
- Max Building Height: 45'3 stories
- Maximum number of DU per Building: 12
- Minimum Lot Size: 12,000 Sq. Ft. + 3,000 Sq. Ft. for each Dwelling Unit over 2

**Comments:** These setbacks apply to the building, not individual dwelling units

**Duplex Lots (Two-Family or “Villa” Lots):**

- Front: 25'
- Side: 7.5' (Deviation from 10')
- Rear: 20'
- Minimum Lot Size: 12,000 Sq Ft (6,000 Sq Ft per Dwelling Unit)
- Minimum Lot Width at Building Setback Line: 37.5'
- Minimum Living Area: 600 Sq. Ft.
- Maximum Lot Coverage: 45%
- Maximum Building Height: 35'2.5 stories

**Comments:** These setbacks apply to the building, not individual dwelling units

**Single-Family Lots**

**40' LOTS**

- Minimum Lot Width at Building Setback Line: 40' (Deviation from 60')
- Minimum Lot Square Footage: 4,800 Sq. Ft. (Deviation from 6,000 Sq. Ft.)
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5' (Deviation from 10')
- Rear: 20'

**50' LOTS**

- Minimum Lot Width At Building Setback Line: 50' (Deviation from 60')
- Minimum Lot Square Footage: 5,500 Sq. Ft. (Deviation from



- Minimum Living Area: 6,000 Sq. Ft.)  
900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/no more than 2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5' (Deviation from 10')
- Rear: 20'

**60' LOTS**

- Minimum lot width at building setback line: 60'
- Minimum Lot Square Footage: 7,200 Sq. Ft.
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5' (Deviation from 10')
- Rear: 20'

**Comments:** The petitioner is requesting setback deviations for the proposed development. Recent deviations to front and/or side setbacks, on similar projects, have resulted in unforeseen consequences with parking and utility equipment. Reductions to the front setback reduce the driveway length, thereby causing vehicles to block sidewalks, furthermore, causing additional street parking which restricts the drive aisles for delivery trucks, emergency vehicles and garbage trucks.

Additionally, a reduction to side setbacks has resulted in access issues between the homes into rear yards due to AC units, other ancillary uses and the placement/access of utility equipment, especially on curved roads, where the required lot width is reduced and/or cul-de-sacs.

Staff recommends that the minimum side setback be held at 7.5' and 25' for front setbacks.

**Buffer:**

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural.

The buffer shall consist of a minimum five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

**Comments:** The petitioner shall be required to provide a 25' buffer around the entire community with the exception of the boundary shared with parcel key #1720980. Parcel key #1720980 has an existing home. The buffer along this parcel shall also include a 6' fence or wall with landscaping on the outside of the fence or wall. Vegetation along the perimeter 25' buffer shall be designed to achieve 80% within 12 months.

**Access:**

To establish minimum access requirements to single family and multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access for subdivisions. 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. If approved, individual single family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

Additionally, Hernando County Land Development Regulations require that new single family and multifamily developments with more than 50 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width on either side.

**Comments:** The petitioner is requesting the main entrance on Kettering Road as a boulevard entrance. Three (3) additional future access points are proposed, one towards the west and two along the north. At least one (1) additional access point shall be constructed prior to Performance Bond release.

**Neighborhood Park:**

Developments that include more than fifty (50) dwelling units shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of this section. The provision of neighborhood parks in accordance with the requirements of this section may count towards the minimum open space requirements, where applicable.

The amount of land provided and maintained as a neighborhood park or parks shall be one (1) acre for the first fifty (50) dwelling units plus one-one-hundredth of an acre for each

dwelling unit over fifty (50) up to two hundred fifty (250) dwelling units, for a maximum of three (3) acres. Developments consisting of two hundred fifty-one (251) dwelling units up to five hundred (500) dwelling units shall provide one (1) acre of land per one hundred (100) dwelling units, with a minimum of three (3) acres and a maximum of five (5) acres, or fraction thereof. Developments consisting of five hundred one (501) units or more shall provide a minimum of five (5) acres up to a maximum of twenty (20) acres or fraction thereof, based upon a calculation of five (5) acres for the first five hundred (500) dwelling units plus one-hundred twenty-fifth of an acre for each dwelling unit over five hundred (500), up to the twenty-acre maximum. The required neighborhood park system may consist of single or multiple neighborhood park sites, but in no event shall the required site be less than one (1) acre in size.

**Comments:** The petitioner is proposing a 737 unit development and will be required to provide a minimum 7.37 acre neighborhood park. If the master plan is approved, the petitioner shall also be required to create a second neighborhood park along the southwest section of the development to provide adequate resident access to park amenities. No park shall be smaller than 2.5 acres.

Additionally, if the master plan is approved, the petitioner shall be required to provide multi-modal access to the recreational amenities within the development, to include pedestrian, bicycle and vehicular access.

**Natural Vegetation:**

Projects greater than twenty (20) acres shall designate an area of at least seven percent (7%) 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 twenty thousand (20,000) square feet. If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width.

**Comments:** The petitioner has not indicated the amount of reserved Natural Vegetation for the proposed project. If the master plan is approved, the petitioner shall be required to set aside a minimum of 14.06 acres for natural vegetation.

**Fire Protection Plan:**

Hernando County LDRs require that a fire protection plan be completed for residential developments with lot sizes less than 60' in width.

**Comments:** If approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

**Construction Buffer language (Sec 10-21 (5))**

All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction. If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation.

**COMPREHENSIVE PLAN REVIEW:**

The subject site is located with the I-75/SR-50 Planned Development District. The area is currently in transition with multiple single family development breaking ground (Sunrise and Benton Hill). Kettering Road is a mixed-use corridor with industrial, distribution and sand mine uses.

**I-75/SR-50 Planned Development District**

**Objective 1.05A:** The I-75/SR-50 Planned Development District (I-75/SR-50 PDD) is hereby established for the purpose of implementing planning tools to maximize the potential economic value of the I-75 corridor through coordination of multiple land uses, roadway network configuration, new and upgraded public infrastructure and consistency of design. The PDD shall extend between the County's existing SR-50/I-75 interchange and where Lockhart Road crosses I-75 and from Lockhart Road to the Withlacoochee State Trail.

**Strategy 1.05A(1):** The I-75/SR-50 Planned Development District mapped area is characterized by a significant potential for future development of multiple land use types. The I-75/SR-50 PDD shall seek to create, to the maximum extent practical, a largely self-contained internally functional concentration of commercial, industrial, and mixed residential land uses supported by public infrastructure. The County intends to encourage and functionally integrate these land uses mainly through advance planning and programming of infrastructure that facilitates orderly development patterns.

**Strategy 1.05A(2):** Developments within the I-75/SR-50 PDD shall include a master plan utilizing the Planned Development Project (PDP) process for

review. The County shall consider the following guidelines and criteria in the review of a PDP and associated master plan:

- a. Standards for a multi-modal transportation network encompassing access, circulation and connection among and between public and private properties;
- b. Planning for infrastructure needs to accommodate wastewater, potable water, fire and emergency medical service, recreation and schools;
- c. Concentration of commercial uses, mixed uses and town-center type development along and/or easily accessed from SR-50, including park and ride opportunities for future inter-county transit;
- d. Opportunities that include primary industrial uses compatible with the placement of commercial or town center areas in order to enhance employment opportunities;
- e. Attractive, convenient and safe multi-modal connections to schools, parks and other identified community focal points;
- f. Attractive, convenient and safe bike and pedestrian connection to the Withlacoochee State Trail;
- g. Standards to create a “sense of place.”

**Comments:** The development shall meet the minimum Development Guidelines of the I-75/SR 50 PDD as listed herein.

**Strategy 1.05A(3):** Plans for development approval shall include a frontage road network, alternative access, and easements in accordance with long-range transportation plans of the Hernando/Citrus Metropolitan Planning Organization, and other planning studies/transportation criteria for the I-75/SR-50 PDD.

**Strategy 1.05A(4):** The County shall coordinate with the plans of the Florida Department of Transportation for SR 50 and I-75 in order to ensure that the transportation network is closely coordinated with land uses in the PDD.

**Strategy 1.05A(5):** The County shall utilize the I-75/SR-50 Area Plan document dated September 4, 2007, and the I-75/SR-50 Area Circulation Plan Study dated April 2013, both hereby incorporated by reference, as a guide for the consistency of proposals for development, and the overall infrastructure needs and plans in the PDD.

**Strategy 1.05A(6):** The County shall identify and implement feasible funding mechanisms to accommodate public infrastructure needs for the PDD.

**Comments:** The subject site is within the I-75/S.R. 50 PDD and is consistent with the PDD requirements for the area.

**FINDINGS OF FACT:**

A rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations is appropriate based on the following:

1. The following requested deviations are not justified and are consider adverse to the public interest:
  - Reduction in Side Setbacks from 10' to 5' is not appropriate. It is recommended that the minimum side setback not be reduced to smaller than 7.5'.
2. The proposed development, with the appropriate performance condition, is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.

**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 Concurrency. 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 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.*

**APPENDIX A**  
**STAFF RECOMMENDATION TO PLANNING AND ZONING COMMISSION**

**APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:**

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 rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and 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. A comprehensive wildlife survey shall be provided by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida-Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
6. The Developer shall provide a traffic access and level of service analysis at the time of conditional plat review. Any off-site improvements recommended by the traffic analysis will be the responsibility of the Developer.
7. The developer shall extend Dashback Street the length of parcel to provide connectivity over I-75.
8. Project shall comply with the I-75/PDD Circulation Plan.
9. The developer shall participate in the 4-laning of Kettering Road and Lockhart Road.
10. The developer shall be required to participate in the improvements of the Kettering Road at Cortez Boulevard intersection.



- 11. Kettering Road is classed as a Collector Roadway; a sidewalk shall be installed along the entire frontage of Kettering Road.
- 12. The petitioner shall construct a treed boulevard entrance from Kettering Road into the development in accordance with the Hernando County Land Development Regulations
- 13. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
- 14. Minimum Building Setbacks, Lot Sizes and Widths:
  - 40' x 120' for a minimum lot size of 4,800 Sq. Ft.
  - 50' x 120' for a minimum lot size of 5,500 Sq. Ft.
  - 60'x120' for a minimum lot size of 7,200 Sq. Ft.

**Townhome Standards:**

- Front: 25'
- Side: 7.5'
- Rear: 20'
- Minimum Living Area: 600 Sq. Ft.
- Maximum Lot Coverage: 45%
- Max Building Height: 45'3 stories
- Maximum number of DU per Building: 12
- Minimum Lot Size: 12,000 Sq. Ft. + 3,000 Sq. Ft. for each Dwelling Unit over 2

**Duplex Lots (Two-Family or “Villa” Lots):**

- Front: 25'
- Side: 7.5'
- Rear: 20'
- Minimum Lot Size: 12,000 Sq Ft (6,000 Sq Ft per Dwelling Unit)
- Minimum Lot Width at Building Setback Line: 37.5'
- Minimum Living Area: 600 Sq. Ft.
- Maximum Lot Coverage: 45%
- Maximum Building Height: 35'2.5 stories

**Single-Family Lots**

**40' LOTS**

- Minimum Lot Width at Building Setback Line: 40'
- Minimum Lot Square Footage: 4,800 Sq. Ft.
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5'
- Rear: 20'

**50' LOTS**

- Minimum Lot Width at Building Setback Line: 50'
- Minimum Lot Square Footage: 5,500 Sq. Ft.
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/no more than 2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5'
- Rear: 20'

**60' LOTS**

- Minimum lot width at building setback line: 60'
- Minimum Lot Square Footage: 7,200 Sq. Ft.
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5'
- Rear: 20'

15. There shall be no 40' lots along the perimeter of the project. All 40' lots shall be located in the interior of the development. 40' lots shall be clearly identified on the master plan.

16. The petitioner shall be required to provide a 25' buffer around the entire community with the exception of the boundary shared with parcel key #1720980. Parcel key #1720980 has an existing home. The buffer along this parcel shall also include a 6' fence or wall with landscaping on the outside of the fence or wall. Vegetation along the perimeter 25' buffer shall be designed to achieve 80% within 12 months.
17. The petitioner shall provide a minimum of 7.37 acres of neighborhood park for the proposed development. The park shall include a park along the east, as shown on the master plan, and another along the southwest. No park shall be smaller than 2.5 acres.
18. The petitioner shall be required to provide multi-modal access to the recreational amenities within the development, to include pedestrian, bicycle and vehicular access. A multi-modal plan shall be provided with the conditional plat.
19. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
20. The petitioner 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.
21. The developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setback deviations of 7.5 feet.
22. The Developer shall provide a utility capacity analysis in accordance with the requirements of the Utility Department at the time of conditional plat review and connect to the central water and sewer systems at time of vertical construction. The developer shall participate in and contribute their proportionate share toward any off-site capacity improvements determined by the utility capacity analysis. A Utility Service Agreement may be required.
23. The petitioner shall contact the State Division of Historical Resources, Compliance and Review section, be contacted to determine if there are any State survey requirements for any archaeological features near the subject property.

24. A jurisdictional survey shall be provided at the time of conditional plat review and areas determined to be wetlands shall be delineated and shown on future plans and subdivision plats.
25. A vegetated buffer averaging a minimum of twenty-five (25) feet in width and no narrower than fifteen (15) feet in width shall be maintained by development adjacent to Class I and/or Class II wetlands.
26. The developer shall provide a construction Buffer in accordance with Sec 10-21 of the Hernando County LDR's.
27. The development shall be limited to 244 40' wide lots, 348 50' wide lots and 145 60' wide lots, for a total maximum dwelling unit of 737. Any increase in the number of 40' wide lots shall require a master plan revision.
28. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas on plat(s).
29. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
30. The petitioner shall provide a revised plan in compliance with all 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.

**APPENDIX B**  
**PLANNING AND ZONING COMMISSION**  
**ACTION/RECOMMENDATION**

**P&Z ACTION**

On February 12, 2024, the Planning and Zoning Commission voted 5-0 to postpone petitioners request for a rezoning from AG (Agricultural) to CPDP (Combined Planning Development Project) to include Single Family and Multifamily for Townhomes with Deviations and performance conditions, to March 11, 2024, to give staff and the petitioner time to work through concerns.

**NOTE:**

Subsequent to the February 12, 2024, the Planning and Zoning Commission, staff met with the petitioner to review details about the proposed project as it pertained to engineering utility comments and lot width and buffers. The following are modified 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. A comprehensive wildlife survey shall be provided by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida-Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
6. The Developer shall provide a traffic access and level of service analysis at the time of conditional plat review. Any off-site improvements recommended by the traffic analysis will be the responsibility of the Developer.
7. The developer shall extend Dashback Street ~~the length of parcel to provide connectivity over I-75.~~ in accordance with the required traffic access and level of service analysis and the County Engineer.

8. Project shall comply with the I-75/PDD Circulation Plan.
9. The developer shall participate in the 4-laning of Kettering Road and Lockhart Road.
10. The developer shall be required to participate in the improvements of the Kettering Road at Cortez Boulevard intersection.
11. Kettering Road is classed as a Collector Roadway; a sidewalk shall be installed along the entire frontage of Kettering Road.
12. The petitioner shall construct a ~~treed boulevard entrance roadway/access~~ roadway/access, from Kettering Road into the development in accordance with the Hernando County Land Development Regulations
13. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
14. Minimum Building Setbacks, Lot Sizes and Widths:
  - ~~40' x 120' for a minimum lot size of 4,800 Sq. Ft.~~
  - ~~50' x 120' for a minimum lot size of 5,500 Sq. Ft.~~
  - ~~60'x120' for a minimum lot size of 7,200 Sq. Ft.~~

**Townhome Standards:**

- Front: 25'
- Side: 7.5'
- Rear: 20' 15'
- Minimum Living Area: 600 Sq. Ft.
- Maximum Lot Coverage: 45%
- Max Building Height: 45/3 stories
- Maximum number of DU per Building: 12
- Minimum Lot Depth: 105'
- Minimum Lot Size: 12,000 Sq. Ft. + 3,000 Sq. Ft. for each Dwelling Unit over 2

**Duplex Lots (Two-Family or "Villa" Lots):**

- Front: 25'
- Side: 7.5' 5'
- Rear: 20' 15'
- Minimum Lot Width at Building Setback Line: 37.5' 35'

- Minimum Living Area: 600 Sq. Ft.
- Maximum Lot Coverage: 45%
- Maximum Building Height: 35'/2.5 stories
- Minimum Lot Depth: 110'
- Minimum Lot Size: 12,000 Sq Ft (6,000 Sq Ft per Dwelling Unit)

**Single-Family Lots**

**40' LOTS**

- Minimum Lot Width at Building Setback Line: 40'
- Minimum Lot Depth: 110'
- Minimum Lot Square Footage: 4,800 Sq. Ft.
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5' 5'
- Rear: 20' 15'

**50' LOTS**

- Minimum Lot Width at Building Setback Line: 50'
- Minimum Lot Depth: 110'
- Minimum Lot Square Footage: 5,500 Sq. Ft.
- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/no more than 2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: 7.5' 5'
- Rear: 20' 15'

**60' LOTS**

- Minimum Lot width at building setback line: 60'
- Minimum Lot Depth: 110'
- Minimum Lot Square Footage: 7,200 Sq. Ft.



- Minimum Living Area: 900 Sq. Ft.
- Maximum Lot Coverage: 35%
- Maximum Building Height: 35'/2.5 stories

**SETBACKS**

- Front/Secondary Front: 25'
- Side: ~~7.5'~~ 5'
- Rear: ~~20'~~ 15'

15. For lots on a curve that qualify for a reduced frontage, said frontage shall provide a minimum 7.5' side setback between the home and the property line.
16. ~~There shall be no 40' lots along the perimeter of the project. All 40' lots shall be located in the interior of the development. 40' lots shall be clearly~~ limited to the location identified on the master plan.
17. The petitioner shall be required to provide a 25' buffer ~~around the entire community with~~ along the east, west and the northern portion adjacent to the Benton Hills subdivision. ~~the exception of the boundary shared with parcel key #1720980. Parcel key #1720980 has an existing home. The buffer along this parcel shall be 25' and also include a 6' fence or wall with landscaping on the outside of the fence or wall. Vegetation along the perimeter 25' buffer shall be designed to achieve 80% within 12 months.~~
18. The petitioner shall provide a minimum of 7.37 acres of neighborhood park for the proposed development. The park shall include a park along the east, as shown on the master plan, and another along the southwest. No park shall be smaller than 2.5 acres.
19. The petitioner shall be required to provide multi-modal access to the recreational amenities within the development, to include pedestrian, bicycle and vehicular access. A multi-modal plan shall be provided with the conditional plat.
20. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
21. The petitioner 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.

22. The developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setback deviations of 7.5 feet.
23. The Developer shall provide a utility capacity analysis in accordance with the requirements of the Utility Department at the time of conditional plat review and connect to the central water and sewer systems at time of vertical construction. The developer shall participate in and contribute their proportionate share toward any off-site capacity improvements determined by the utility capacity analysis. A Utility Service Agreement may be required.
24. The petitioner shall contact the State Division of Historical Resources, Compliance and Review section, be contacted to determine if there are any State survey requirements for any archaeological features near the subject property.
25. A jurisdictional survey shall be provided at the time of conditional plat review and areas determined to be wetlands shall be delineated and shown on future plans and subdivision plats.
26. A vegetated buffer averaging a minimum of twenty-five (25) feet in width and no narrower than fifteen (15) feet in width shall be maintained by development adjacent to Class I and/or Class II wetlands.
27. The developer shall provide a construction Buffer in accordance with Sec 10-21 of the Hernando County LDR's.
28. The development shall be limited to ~~244 40' wide lots, 348 50' wide lots and 145 60' wide lots, for a total maximum dwelling unit of 737 883 dwelling units. Any increase in the number of 40' wide lots shall require a master plan revision.~~
29. 40' Lots shall not exceed 1/3 of the overall approved project density.
30. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas on plat(s).
31. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.

32. Phase II shall require a master plan.
33. The developer shall meet the minimum Development Guidelines of the I-75/SR 50 PDD as listed in Strategy 1.05A(2) of the Adopted Comprehensive Plan.
34. The petitioner shall provide a revised plan in compliance with all 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.