

H-23-28

STAFF RECOMMENDATION

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 CPDP (Combined Planning Development Project) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations and the following performance conditions:

1. The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes.
2. ~~All performance conditions established herein shall be completed according to the approved plans prior to the release of the performance bond.~~ **NOTE: A Performance Bond is not required by the county for this type of project; County required Landscape Bond will be provided during the Construction Plan review process.**
3. Maximum number of Dwelling Units Allowed:220
4. Planning
 - A. Allowed Uses in this PDP: Two-family residential homes / Duplexes, Community Amenities.
 - B. Minimum living area: 1,000 square feet
 - C. Duplex Setbacks
 - i. Front (access road): **25' 20'**
 - ii. Building Separation: **15' 10'** (this would equal a 7.5' setback for each duplex) **This would be equal to 5' side yard setbacks and 0' for attached walls**
 - D. Perimeter Setbacks **(Inclusive of Buffer):**
 - i. North (adjacent to Wellington): 25'
 - ii. South (along County Line Road): **125' 35' from future County Line Road R/W as approved by the County Engineer.**
 - iii. East (adjacent to Verano): 15'
 - iv. West (adjacent to commercially zoned property): 10'
 - E. The petitioner may locate the community amenities building at the entrance of the development.
 - ~~F. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development. (Section 26-75). Only required for subdivisions. NOTE: Section 26-75 is Subdivision Regulations. Not applicable here if you are not subdividing.~~
 Required Neighborhood Park for 220 DU: — 2.7 acres.
 - G. The petitioner shall provide a treed roadway which extends the length of the development, per *Section 10-21(a)3*, that spans the length or width of the subdivision, whichever dimension is greater, and includes a vegetative buffer at least 10' in width **with at least 1 tree for every 30 feet** on either side of the road. **The Treed roadways will be limited to the Main Entrance off County Line Road and the Roadway on Parcel 1523676 providing access to Quality Drive.**

H. Residential PDPs with multifamily uses shall not exceed more than 45% building area coverage for the residential acreage. (*Article VIII, Section 1D*). This condition applies to the gross residential acreage of the development and not individual lots. Residential acreage includes lots, roads, open space, and drainage.

I. The petitioner shall work with TheBus to determine an appropriate location to be reserved for a future transit stop.

5. Environmental

A. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. This survey shall include existing plant communities present on the site, identification of invasive vegetation (as designated by IFAS or the USDA).

B. The petitioner is required to comply with all applicable FWC regulations and permitting.

C. 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.

D. ~~The Petitioner shall meet all requirements included in *Article VIII, Section 2, H.1*.~~ The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. ~~For~~ The required natural vegetation may be included in the county required open space, drainage, and buffers as part of the required open space.

Required Natural Vegetation: 2.04 acres.

6. Buffers

~~Buffers may not include any stormwater management facilities or drainage retention areas. Vegetative buffers are comprised of a minimum of forty (40) plants per area of land five (5) feet in width by one hundred (100) feet in length³. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the requirement (*Section 10-26(c)*).~~

~~Perimeter buffers shall remain undisturbed, except for the removal of invasive species or dead trees, and the installation supplemental plantings to reach the required opacity. All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height. All landscaping, buffer and groundcover requirements shall be completed before the performance bond is released.~~

A. Perimeter Buffers

- North (Wellington at Seven Hills Subdivision)

Florida Red Cedars will be planted at 36" O.C. with a planted Height of 7'-8" Tall to achieve 50% opacity within 12 months and 80% opacity within 3 years. augmented with an 8' tall masonry wall or fence with 100% opacity. Vegetation shall be planted on the exterior of the fence and maintained to a maximum of 8' tall. The fence shall be placed on the interior boundary of the 15' buffer.

- South: (CR 578 / County Line Road)

20' landscape buffer planted to achieve 50% opacity within 12 months of planting. Vegetation shall be maintained to a maximum of 8' tall.

³ 40 plants per 500 square feet of buffer.

- East (Verano Subdivision)

~~15' landscape buffer planted to achieve 50% opacity within 12 months, an 6' tall masonry wall or fence, with 100% opacity. Vegetation shall be planted on the exterior of the fence and maintained to a maximum of 8' tall. The fence shall be placed on the interior boundary of the 15' buffer. The petitioner shall work with staff to design this area to meet the requirements of the buffer while considering the adjacent buffer requirements, the safety of the residents, and creating an asset for these communities. The petitioner will provide a 15' Landscape buffer planter to achieve 50% opacity within 12 months, while considering the existing adjacent buffer requirements for the Verano Subdivision, will work with staff to design the buffer area to meet the county buffer requirements creating an asset for these communities.~~

- West (Office Professional)

A fifteen ~~15'~~ landscape buffer planted to achieve 50% opacity within 12 months, augmented with an 8' tall masonry wall or fence with 100% opacity. Vegetation shall be planted on the exterior of the fence and maintained to a maximum of 8' tall. The fence shall be placed on the interior boundary of the 15' buffer.

- B. Parking lot Buffers (See Condition #1 – The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes):

- A vegetative buffer at least five feet (5') in width shall be installed around the perimeter of any parking lot within the development, including the neighborhood amenities. This buffer shall include plants with a minimum height of eighteen (18) inches at time of planting.

- C. If a fence or wall is used as part of the buffer, it shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting (*Section 10-26(b)*). The greenery shall be installed on the external side of the fence that faces adjacent parcels.
 - D. Invasive plant species, if present, are to be removed during the development process.
7. Landscaping (**See Condition #1 - The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes**):
- A. ~~A **Landscape Design Plan** meeting all requirements of *Section 10-25* of the Hernando County Code shall be prepared by a qualified professional and submitted as a part of the conditional plat application. Existing plant communities, including any vegetation listed as invasive by the county, shall be listed on the landscape design plan (*Section 10-22 j*).~~
 - B. ~~A **Land Clearing Plan** meeting all the requirements of *Section 10-28* of the Hernando County Code shall be prepared by a qualified professional and submitted for approval with the conditional plat application. The plan shall show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of high water use shall also be shown. The land clearing permit for the new subdivision authorizes clearing of street right of way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans. (*Section 10-28 (2)*)~~
 - C. A **Comprehensive Tree Management Plan** containing the following items shall be submitted with the Conditional Plat:
 - i. ~~Tree location survey, performed by a qualified professional that includes all Regulated Trees⁴: A readable, scale drawing or accurate sketch that provides, at a minimum, the following information (*Section 10-19 Definitions*):~~
 - a. ~~A unique identifying number~~
 - b. ~~The approximate location of the trees,~~
 - c. ~~Identifying species,~~
 - d. ~~Size measured by DBH, and~~
 - e. ~~Whether a tree is to remain or is proposed for removal.~~
 - ii. ~~For Protected Trees⁵ (Specimen and Majestic), in addition to the information listed above, the following is required:~~
 - a. ~~Condition of the tree,~~
 - b. ~~Recommendations about future maintenance to help the tree thrive,~~
 - c. ~~Appropriate mitigating circumstances that require the removal of the tree from the property (acceptable circumstances are listed above and in *Section 10-28 (4)*.~~

- ~~D. Unless otherwise approved by the county administrator or designee, specimen and majestic trees shall be preserved. Upon county staff compliance review and approval of a petition detailing the appropriate mitigating circumstances, a specimen tree may be removed when it prevents a proposed reasonable permitted use of the site. The appropriate mitigating circumstances may be found in Section 10-23a(3).~~
- ~~E. Regardless of development site acreage, the total number of trees existing on the development site up to a maximum of fifteen (15) shall be either preserved or planted. If less than four (4) trees exist at the time of development, a minimum of four (4) trees shall be preserved or planted. Planted trees must be shade trees and a minimum two-inch caliper.~~

8. Development

- A. A **Construction Buffer** shall be installed along the North and East perimeters of the development. It shall be a natural vegetative buffer a minimum of fifteen (15) 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, **Florida Red Cedars at 36" O.C.**, 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.

⁴ Regulated tree: In a tree preservation context, a tree with a DBH of three (3) inches or greater but less than eighteen (18) inches. (Section 10-19 Definitions)

⁵ Protected tree: A tree that is required to be preserved. (Section 10-19 Definitions)

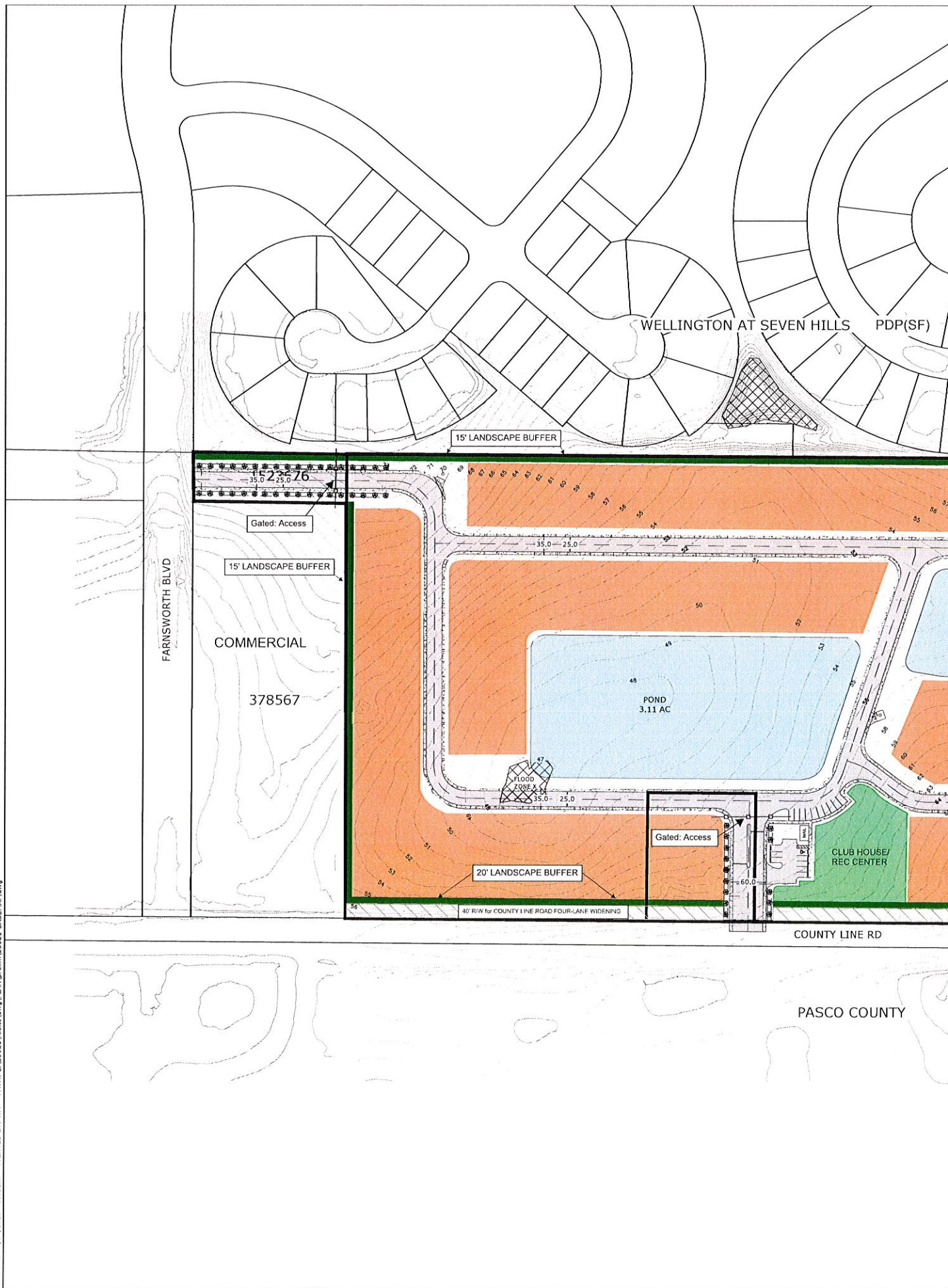
buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation. *(based on Chapter 10, Article II, Section 10-21(a)5 with the buffer width updated to reflect the width of the required undisturbed buffer).*

- B. **Reestablishing Ground Cover:** Within 30 days of completion of the infrastructure approved by the land clearing permit, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turf grass is used, varieties with excellent drought-tolerance are required. **Ground cover is required at all times for pervious surfaces except during permitted construction. Ground Cover will be re-established within 30 days of construction completion for common areas and before issuance of Certificate of Occupancy for individual building pads.**
- C. 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 designated as PDP (Special Use) on plats.

9. Engineering

- A. ~~The petitioner shall designate the Quality Drive extension as the treed roadway required for new development. The Treed roadways will be limited to the Main Entrance off County Line Road and the Roadway on Parcel 1523676 which provides access to Quality Drive.~~
 - B. County Line Road is classified as a Collector Roadway and a sidewalk is required for the entire length of the parcel's frontage along County Line Road; to protect the future design integrity for the county line four Lane improvements, this requirement will be met by the petitioner paying into the county sidewalk mitigation fund.
 - C. The petitioner shall provide 40' of Right-of-Way work with the County Engineer to establish the Right-of-Way to be dedicated to the County in accordance with the direction of the county engineer for the four-lane widening of County Line Road. ~~A Deed of Dedication will be required to be completed within 30 days of Master Plan approval.~~
 - D. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines is required for all Drainage Retention Areas (DRA) within the proposed project. This requirement may be waived by the County Engineer upon determination of necessity.
 - E. Any improvements required by the Traffic Access Analysis (which was approved May 14, 2021), will be the responsibility of the developer.
 - F. Sidewalks (See Condition #1 - The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes) (Section 26-52)
 - i. ~~Sidewalks shall be constructed on all internal, and adjoining, streets in conjunction with all new subdivisions.~~
 - ii. ~~Sidewalks shall be constructed in conjunction with the installation of all required subdivision improvements along common areas and adjoining streets. Sidewalks shall be constructed as a condition of site development for the length of the site frontage along all streets for individual lots within the subdivision.~~
 - iii. All sidewalks shall be designed and constructed in accordance with the requirements of the Florida Accessibility Code and Hernando County Facilities Design Guidelines.
 - G. The development will be private streets with gated entrances to Quality drive and county line road; the eastern access connection to Verano will be emergency only.
10. Utilities: A utility capacity analysis, and connection to the central water and sewer systems shall be performed at time of vertical construction.
11. If/when the property owner decides to subdivide the property, a rezoning is required to establish minimum lot sizes, setbacks, buffers, etc. to create a conforming subdivision.

12. Fire protection plan. ~~For all residential PDPs with lots which have lot widths of less than sixty (60) feet at the building line, a fire protection plan must be submitted upon the filing of a conditional plat.~~ **Fire protection will be provided per Florida Building Code.**
13. 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.
14. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days **after receiving the official notice from the County of BOCC Action** ~~of BCC approval.~~ Failure to submit the revised plan will result in no further development permits being issued **until submitted by the applicant.**



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