

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 13, 2025
Board of County Commissioners: February 28, 2025

APPLICANT: Brooksville Landing LLC – Melissa Truckenbrod

FILE NUMBER: H-24-44

REQUEST: Rezoning from AG (Agricultural) to PDP(MF) Planned Development Project (Multifamily) with deviations

GENERAL LOCATION: East side of Emerson Road, approximately 2,100' south of its intersection with Cortez Boulevard

PARCEL KEY NUMBER: 1695696

BACKGROUND

Prior to the parcel being rezoned to AG (Agricultural) in 2012 (H-12-21) it was zoned for multifamily development (H-07-40). This property was part of a larger 50.0 acre development that was never constructed. Under the H-07-40 zoning, the Board of County Commissioners granted the developer 134 townhome dwelling units.

APPLICANT'S REQUEST

The property is currently zoned AG (Agricultural). The petitioner's request is a rezoning to PDP(MF)/ Planned Development Project (Multifamily) on a 30.0-acre parcel to develop a 184 unit townhome development. The units will be fee-simple and consist of two (2) story and three (3) story townhomes with a garage. The dwellings will be grouped in clusters of eight (8) and twelve (12) units per building. The petitioner states amenities such as park space, walking trails, dog parks, pool, a clubhouse, a gym, and others, will be included in this development.

Requested Deviations

The development is proposing two deviations as follows:

1. Minimum lot width: The petitioner has not specified a minimum lot width, however with the reduction to the minimum lot size a deviation is needed for the lot width.
2. Minimum lot size: 2,200 Sq. Ft. (deviation from 3,500 square feet required per unit in a 12 unit townhouse building)

SITE CHARACTERISTICS

Site Size: 30.0 acres

Surrounding Zoning & Land Uses:

North: AG (Agricultural); School
South: PDP(SF); vacant and retirement residence
East: AG (Agricultural); Vacant
West: AG (Agricultural); School and a church

Current Zoning: AG (Agricultural)
Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW

Soils: Blichton Fine Sands and Flemington Fine Sands

Protection Features: There are neither Protection Features (Wellhead Protection Areas (WHPA) nor Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

Habitat: According to the Soil Survey of Hernando County, within the Blichton loamy fine sand, at 0 to 2 percent slopes, the water table is at a depth of less than 10 inches for cumulative periods of 1 to 4 months during most years. This soil has medium potential for small commercial buildings if proper water control measures are used, and footings and foundations are increased in size and strength. Potential for roads and streets is low even if the unsuitable soil material is replaced.

Within the Flemington fine sandy loam, 2 to 5 percent slopes have a perched water table above the Bt horizon (clay accumulation) and is saturated for 1 to 4 months during the wet season. Potential is low for dwellings without basements, and small commercial buildings. Increased size and strength of footings and foundations is needed for dwellings without basements. Potential is very low for local roads and streets even if poor soil material is replaced and proper water control measures are used.

Comments: Invasive plant species if present are to be removed during the development process.

Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This will be addressed during the permitting phase of development.

Flood Zone: A portion of the project is located within the Bystre Lake Flood Area. Any land alterations that impact the 10- year floodplain capacity and volume must be appropriately mitigated.

SCHOOL DISTRICT REVIEW

The Hernando County School District Level of Service (LOS) is 100% of school capacity. At the elementary school level, adequate capacity for 14 students is currently available in the assigned Concurrency Service Area (CSA) of Moton ES. At the middle school level, adequate capacity for 7 students is currently available in the assigned CSA of Parrott MS.

At the high school level, adequate capacity is not available for 9 students in the assigned CSA of Hernando HS. Capacity is also not available in any of the three adjacent CSAs of Central HS, Nature Coast Tech HS, and Weeki Wachee HS.

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) reviewed the petitioner's request. HCUD states that the subject parcel is located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

ENGINEERING REVIEW:

The subject parcel is on the east side of Emerson Road, approximately 2,100' south of its intersection with Cortez Boulevard. There are two schools within 500' of this property, Moton Elementary and Hernando Christian Private Academy, Inc. With the exception of the schools, the area is largely undeveloped. The future land use on the property to the east is designated Conservation, while the property to the south is designated Rural. There has recently been increased activity and rezonings in this area and two other townhome developments with a total of 523 dwelling units between them.

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

- The subject property is within the Bystre Lake Watershed with floodplain; Node C0700 is located on the property. A note of consideration in design: The proposed development would bifurcate the floodplain for the basin and require cup-for-cup compensation not only for the encroachment on the developing property, but the impacted floodplain area to the north and south as well if connectivity could not be maintained.
- A Traffic Access Analysis shall be performed and provided to the County. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
- Traffic Access Analysis shall include appropriate mitigation for the two existing schools in proximity to the project.
- A sidewalk shall be installed on Emerson Road (Collector) for the entire frontage.
- Sidewalk Connections shall be installed from the townhomes to the sidewalks.
- The driveway connection and roadway shall be designed and constructed to meet County standards.
- Parking spaces, drive aisles, signage and pavement markings shall be designed and constructed to meet County Standards.

LAND USE REVIEW:**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.

The petitioner shows the main boulevard entrance for the project directly across the street from the Moton Elementary School entrance on Emerson Road, which the petitioner proposes to turn into a 4-way intersection". The petitioner has not designated a second access point, based on the location of the primary intersection, and not wanting to locate access points too closely together.

Comments: The petitioner proposes a boulevard entrance across from Moton Elementary School. If the County Engineer determines there is enough room to safely place a second access point to the subdivision, one should be installed.

Setbacks and Lot Size:

The petitioner proposes the following Perimeter Setbacks for the subject site:

- North: 50'
- South: 50'
- West: 250'
- East: 50'

The petitioner has proposed the following setbacks for the Individual Lots:

- Front: 25'
- Rear: 20'
- Building Separation: 20'

Buffer

The petitioner proposes a buffer along the western portion of the northern boundary and the eastern portion of the southern boundary of the property.

- North: 50'
- South: 50'
- East: 250'
- West (Emerson Road): 225'

Comments: If the master plan is approved, the petitioner shall be required to provide a 20' wide vegetative buffer with preserved existing vegetation, enhanced to 80% opacity as required, along the entire northern and southern boundaries. This buffer shall be placed in a separate tract owned and maintained by the Homeowners' Association. A landscape plan for the buffer shall be provided at the time of conditional plat review.

Neighborhood Park

The petitioner has not identified the park area on the master plan. The park area shall be identified on the master plan revision due after approval by the County Commissioners.

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 community 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. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single-family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

Comments: The petitioner shall provide a park serving the neighborhood that is a minimum of 1.82 acres. The park area shall be identified on the master plan revision due after approval by the County Commissioners. This park shall be centrally located to conveniently serve all residents.

Natural Vegetation

The petitioner has not designated the areas of natural vegetation that are required for a 30-acre project. The natural vegetated areas shall be identified on the master plan revision due after approval by the County Commissioners.

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) non-contiguous areas shall be allowed.

Comments: The petitioner has not specified the location for preservation of any natural vegetation. Natural vegetation areas equaling 2.10-acres total shall be identified on the master plan revision due after approval by the County Commissioners. These areas will meet the minimum requirements of the Hernando County Land Development Regulations.

COMPREHENSIVE PLAN REVIEW:

Residential Category

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.

Comments: The density requested is 4.4 dwelling units per acre. The location is in close proximity to a major roadway (Cortez Boulevard (SR 50)) and downtown Brooksville.

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.

Land Use Compatibility

Strategy 1.10B(2): Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

Comments: This development will not be accessing major roadways through any existing subdivisions. The petitioner proposes several buffers that exceed what is required by Hernando County. The property east and south of this project are not developed, however this area is in transition and several new developments have been approved that are in the same general area.

FINDINGS OF FACT:

The request for rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) with Deviations is appropriate based on the following conclusions:

The proposed use 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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

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 AG (Agricultural) to PDP(MF)/Planned Development Project (Multifamily) with deviations and 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. A comprehensive floral and faunal (wildlife) survey shall be prepared 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. The developer must provide geotechnical testing in accordance with the Hernando County Facility Design Guidelines, including DRAs to determine if karst features are present.
6. The subject property is within the City of Brooksville's right to serve area. Information about water and sewer connections shall be referred to the City of Brooksville.
7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
8. Project drainage retention may be located northeast of subject project on County owned property subject to all agreements for Drainage Retention Area use. These agreements shall be in place no later than at the time of Conditional Plat.
9. Minimum Perimeter Setbacks:
 - North: 50'
 - South: 50'
 - East: 225'
 - West (Emerson Road): 250'
10. Minimum Lot Setbacks:
 - Front: 25' from roadway
 - Rear: 20'
 - Minimum Building Separation: 20'
11. Buffers

Buffers shall be placed in a separate tract owned and maintained by the Homeowners' Association. A landscape plan for the buffer shall be provided at the time of conditional plat review.

 - North: 30' of the 50' northern perimeter setback shall be comprised of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
 - South: 30' of the 50' southern perimeter setback shall be comprised of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
 - East: 30' of the 225' wide building setback. buffer of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
 - West (Emerson Road): 30' of the 250' western perimeter setback shall be comprised of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
12. The minimum lot size shall be 2,200 square feet (deviation from 3,500 square feet).
13. The petitioner shall provide a treed boulevard entrance from Emerson Road.

14. The petitioner shall work with the County Engineering Department to locate a second access point if it is deemed safe and necessary by the County Engineer.
15. The petitioner shall provide the minimum neighborhood park acreage in accordance with the Hernando County Land Development Regulations.
16. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County Land Development Regulations.
17. The petitioner shall set aside the minimum acreage for natural vegetation in accordance with the Hernando County Land Development Regulations.
18. The petitioner 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.
19. 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.

PLANNING & ZONING COMMISSION ACTION:

On December 9, 2024, the Planning and Zoning Commission voted 5-0 postponing the petitioners request to their January 13, 2025, hearing in order to allow the petitioner and staff time to review an increase in overall units.

REVISED 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 AG (Agricultural) to PDP(MF)/ Planned Development Project (Multifamily) with deviations and 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. A comprehensive floral and faunal (wildlife) survey shall be prepared 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.
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6. The subject property is within the City of Brooksville's right to serve area. Information about water and sewer connections shall be referred to the City of Brooksville.
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11. Buffers

Buffers shall be placed in a separate tract owned and maintained by the Homeowners' Association. A landscape plan for the buffer shall be provided at the time of conditional plat review.

- North: 30' of the 50' northern perimeter setback shall be comprised of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
 - South: 30' of the 50' southern perimeter setback shall be comprised of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
 - East: 30' of the 225' wide building setback. buffer of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
 - West (Emerson Road): 30' of the 250' western perimeter setback shall be comprised of preserved existing vegetation, enhanced to 80% opacity as required, within 18 months.
12. The minimum lot size shall be 2,200 square feet (deviation from 3,500 square feet).
 13. The development shall be limited to a maximum of 182 units.
 14. The petitioner shall provide a treed boulevard entrance from Emerson Road.
 15. The petitioner shall work with the County Engineering Department to locate a second access point if it is deemed safe and necessary by the County Engineer.
 16. The petitioner shall provide the minimum neighborhood park acreage in accordance with the Hernando County Land Development Regulations.
 17. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County Land Development Regulations.
 18. The petitioner shall set aside the minimum acreage for natural vegetation in accordance with the Hernando County Land Development Regulations.
 19. The petitioner 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.
 20. 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.