

HERNANDO COUNTY ZONING AMENDMENT PETITION

File No. H-21-21 Official Date Stamp: Received MAR 6 2024 Planning Department Hernando County, Florida



Application to Change a Zoning Classification

Application request (check one): Rezoning [] Standard [x] PDP Master Plan [] New [] Revised PSFOD [] Communication Tower [] Other PRINT OR TYPE ALL INFORMATION

Date: 2/1/2024

APPLICANT NAME:

Address: Land Builder, LLC City: 6522 Gunn Highway State: FL Zip: 33625 Phone: (813) 781-7219 Email: devonrushnell@landbuilder.com Property owner's name: (if not the applicant) Bourassa Blvd

REPRESENTATIVE/CONTACT NAME:

Company Name: Coastal Engineering Address: 966 Candlelight Blvd City: Brooksville State: FL Zip: 34601 Phone: (352) 796-9423 Email: dlacey@coastal-engineering.com

HOME OWNERS ASSOCIATION: [] Yes [x] No (if applicable provide name)

Contact Name: Address: City: State: Zip:

PROPERTY INFORMATION:

- 1. PARCEL(S) KEY NUMBER(S): 00539091 2. SECTION 18, TOWNSHIP 22, RANGE 18 3. Current zoning classification: PDP(MF) 4. Desired zoning classification: PDP(MF)- Removal/Modification of BOCC Condition #23 5. Size of area covered by application: 29.7 6. Highway and street boundaries: South side of Bourassa Blvd 7. Has a public hearing been held on this property within the past twelve months? [] Yes [x] No 8. Will expert witness(es) be utilized during the public hearings? [] Yes [x] No (If yes, identify on an attached list.) 9. Will additional time be required during the public hearing(s) and how much? [] Yes [x] No (Time needed:)

PROPERTY OWNER AFFIDIVAT

I, Sara Flint- Registered Agent for Bourassa Blvd, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

- [] I am the owner of the property and am making this application OR [x] I am the owner of the property and am authorizing (applicant): Land Builder, LLC and (representative, if applicable): Coastal Engineering to submit an application for the described property.

Signature of Property Owner: Sara Flint

STATE OF FLORIDA COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 1st day of February, 2024, by Sara Flint who is personally known to me or produced as identification.

Signature of Notary Public: Lauren E. May

Lauren E. May Notary Public State of Florida Comm# HH026893 Expires 8/2/2024

Notary Seal/Stamp

Effective Date: 11/8/16 Last Revision: 11/8/16

Received

MAR 6 2024

Planning Department
Hernando County, Florida

**PDP REZONING MODIFICATION NARRATIVE
BRUGER PROPERTY
PARCEL KEY 539091**

Proposed PDP Rezoning Modification

The site was approved for a rezoning and master plan by the Board of County Commissioners on October 11, 2022, under Resolution 2022-198 for 190 townhome units subject to 24 performance conditions.

The applicant intends to adhere to the approved master plan, but requests the elimination of performance condition 23. All other performance conditions will remain in full force and effect. Performance condition 23 reads as follows:

Performance Condition 23:

Rentals of any individual units shall be prohibited within 2 years of each individual home purchase. These restrictions shall be memorialized in the Homeowners' Association documents for the development.

Justification

There are several items that should be considered in support of the above request, including:

- A well-vegetated 50 foot buffer with fence will be retained along the southern boundary of the project
- There will be a 100 foot building setback along the southern boundary of the project
- A large drainage retention area will be designed between the southern buffer and the development
- The project will not place active recreation facilities in the southern portion of the project
- Another project along the Woodland Waters boundary allows for townhomes without a restriction related to renting
- The condition as written is not enforceable by the County from a practical standpoint and is not something that the County can, or should, monitor

The approved master plan and BOCC approval conditions are included with this submittal. The requested removal of Performance Condition 23 is highlighted in yellow.

BOCC ACTION:

On October 11, 2022, the Board of County Commissioners adopted Resolution 2022-198, approving the petitioner's request for a rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) with deviations and the following 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. The petitioner shall provide a floral and faunal survey including invasive species, prepared by a qualified environmental 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.
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/geophysical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including all proposed drainage retention areas (DRA) within the project to test for subsurface karst features.
6. The geotechnical evaluation and report is required by a Florida Registered Geotechnical Professional Engineer prior to construction drawing approval. The geotechnical evaluation shall indicate whether a Special Protection Area (SPA) is present or propose alternative testing due to high water levels. Based on the outcome of the geotechnical evaluation all Land Development Regulation requirements shall be met and report recommendations, including remediation, shall be met.
7. The petitioner shall provide a 50-foot wetland buffer from the jurisdictional wetland line to the Class 1 wetland on the master plan, plats, and construction plans, unless the wetland is determined not to contain a direct aquifer

connection. Additionally, the petitioner shall provide a conservation easement over wetland and the wetland buffer.

8. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.
9. 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.
10. A Traffic Access Analysis is required. This Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer. Additionally, if the petitioner chooses to proceed with development prior to completion of Lake Hideaway, the petitioner shall be required to bring Bourassa Boulevard to County Standards.
11. ~~The developer shall be required to develop an emergency access connection to Lazy Days Court meeting the Hernando County Facility Design Guidelines and gated in accordance with the requirements of Hernando County Fire and Emergency Services.~~
12. This project must also meet the storm drainage design requirements of South West Florida Water Management District and Hernando County Facility Design Guidelines.
13. The developer shall coordinate with the Lake Hideaway development (H2110) on a more appropriate access easement to Bourassa Boulevard. This access easement must be approved by the County Engineer prior to site development.
14. Minimum Perimeter Setbacks:
 North: 25'
 South: 100'
 West: 25'
 East: 25'

All perimeter setbacks are inclusive of the required vegetative buffers.

Minimum Lot Setbacks

Front: 25'
 Side: 0' (between units)/15' (between townhome clusters)
 Rear: 15'

15. Minimum Lot Width: 22' (Deviation from 50')
16. Minimum Lot Size: 1,980 square feet (Deviation from 6,000 square feet)
17. Minimum Buffers:
 North: 25'
 South: 50'
 West: 10'
 East: 25'

All buffers shall be separate tracts, owned and maintained by the Homeowners' Association, with natural vegetation preserved and enhanced to 80% opacity within 3 years of planting. All required buffers shall remain undisturbed during site development except for dead trees and exotic invasive species which shall be removed. Existing vegetation shall be retained and, if necessary, supplemented with vegetation meeting the requirements of the Florida Yards and Neighborhoods program. Opaque fencing shall not be used to meet opacity requirements.

In addition to the vegetative buffer, an 8' black chain link fence supplemented with vinyl slats to increase opacity shall be placed on the Land Builder side of the property to increase security and privacy for existing Woodland Waters residents.

18. The petitioner shall provide the minimum neighborhood park acreage in accordance with the Hernando County Land Development Regulations and relocate the neighborhood park to create one consolidated space easily accessible to all residents via vehicular, pedestrian and bicycle means and not split by the roadway network serving the development.
19. The petitioner shall set aside the minimum natural vegetation in accordance with the Hernando County Land Development Regulations.
20. At the time of conditional plat, the petitioner shall submit a fire protection plan in accordance with the Hernando County Land Development Regulations.
21. Townhomes shall be limited to one-story buildings, with a maximum of four units per building, along the southern and eastern borders of the property, with green space between buildings to create visual separation between buildings.

22. The petitioner shall be limited to 190 units.

~~23. Rentals of any individual units shall be prohibited within 2 years of each individual home purchase. These restrictions shall be memorialized in the Homeowners' Association documents for the development.~~

22-24. 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.

Received
 MAR 6 2024
 Planning Department
 Hernando County Florida

ZONING MASTER PLAN
 BRUGER PROPERTY KEY 5390981



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