

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: March 10, 2025  
Board of County Commissioners: April 3, 2025

**APPLICANT:** Rivard Development, LLC

**FILE NUMBER:** H-25-10

**REQUEST:** Reestablishment of a Master Plan on Property zoned CPDP/Combined Planned Development Project

**GENERAL**

**LOCATION:** Northern terminus of Old Oak Trail, northern terminus of Dog Leg Court, eastern terminus of Rivard Boulevard, and the eastern terminus of Clearview Drive.

**PARCEL KEY NUMBER:** 383374

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**APPLICANT’S REQUEST:**

On July 16, 2019, the Board of County Commissioner’s approved a Master Plan Revision for the 63.7-acre phase of the existing Rivard subdivision (Resolution 2019-104). Since approval, no construction has been initiated. County LDRs indicate any approved project that does not obtain approval for vertical construction within two (2) years shall become null and void. Article VIII, Appendix A (Zoning), states that the density/intensity is retained under the previous zoning approval.

The petitioners current request is to reestablish the previously approved Master Plan on the subject site zoned CPDP/Combined Planned Development Project. The petitioner has indicated they seek no changes to the development or changes to the previously approved performance conditions.

<b>Previously Approved Entitlements (240 Lots)</b>		
	<b>5,500 Sq Ft Lots</b>	<b>7,700 Sq Ft Lots</b>
Front Setbacks	25’	25’
Side Setbacks	5’	7.5’
Rear Setbacks	15’	15’
Perimeter Setback	25’	25’

**SITE CHARACTERISTICS:**

<b>Site Size:</b>	63.7 acres
<b>Surrounding Zoning; Land Uses:</b>	<p>North: PDP(MH)/Planned Development Project Manufactured Housing</p> <p>South: CPDP/Combined Planned Development Project Mobile Home, AG/(Agricultural); Undeveloped</p> <p>East: Airport PDD/Planned Development District; Undeveloped</p> <p>West: PDP(SF) and PDP(SU)/Planned Development Project Single Family and Special Use; Existing Trails at Rivard Community</p>
<b>Current Zoning:</b>	CPDP/Combined Planned Development Project
<b>Future Land Use Map Designation:</b>	Residential, Recreational, and Rural
<b>Flood Zone:</b>	X; area subject to minimal flooding (Squirrel Prairie Basin Study is more up to date and accurate; information in that study supersedes the flood zone mapping)
<b>Comments:</b>	This property is located within the Squirrel Prairie Watershed. The floodplain has been delineated in the Floodplain Justification Report dated August 9, 2016, by Applied Science and Hydro Solutions for Hernando County and SWFWMD. The petitioner will be required to meet all of the requirements of the study.

**ENVIRONMENTAL REVIEW:**

<b>Soil Type:</b>	Blitchton Loamy Fine Sand, Micanopy Loamy Fine Sand, Nobleton Fine Sand
<b>Hydrologic Features:</b>	The property does not contain any Wellhead Protection Areas (WHPAs) but contains a few small class 3 wetlands according to County data resources.
<b>Protection Features:</b>	The property does not contain any Special Protection Areas (SPAs), according to County data sources.

**Habitat:** Tree planation (hardwood coniferous mixed) with a smaller area of improved pasture, shown as herbaceous, according to FLUCCS (Florida Land Use Cover and Classification System) mapping. Site contains majestic and specimen trees.

**Comments:** The proposed Master Plan shows the small class 3 wetland areas filled for development or incorporated into the stormwater design. Jurisdictional wetland lines shall be delineated on any future plans and construction drawings. Any removal, alteration, or encroachment of these wetlands shall comply with state and federal wetland permitting and mitigation procedures.

Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all drainage retention areas (DRAs) within the project area.

The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles. The developer shall provide new property owners with written program materials and owners shall be encouraged to utilize Florida-Friendly Landscaping™ program's best management practices.

A comprehensive floral and faunal survey shall be updated in order to identify any listed species present on the undeveloped portion of the property. The petitioner is required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

#### **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. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

**STAFF RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to Reestablish a Master Plan on property zoned CPDP/Combined Planned Development Project with the following previously approved 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 preliminary floral and fauna (plant and wildlife) survey shall be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Fish and Wildlife Conservation Commission (FWC) regulations.
3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles.
4. At the time of preliminary plat, the developer will be required to update the Master Drainage Plan for the development, including providing any joint use documents with properties outside the current phase. Locations for any proposed drainage facilities should also be provided.
5. All lots, excluding the rear setback area, and roads shall be elevated at or above the regulatory 100 year flood elevation in accordance with the requirements of the Squirrel Prairie basin study and the adopted regulatory floodplain maps. All future development plans shall show the regulatory floodplain consistent with these documents.
6. The petitioner shall ensure that the post-development volumes and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100-year storm event.
7. The petitioner shall design storage structures to the 100-year storm event.
8. A traffic analysis is required at the time of conditional plat, to include a traffic signal warrant study. The developer will be responsible for the cost of the traffic signal if warranted, the amount of which will be escrowed prior to final plat approval.
9. The petitioner shall provide a stub-out to the south.

10. The roads within the subdivision shall be private.
11. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.
12. The developer shall provide new property owners with written program materials and owners shall be encouraged to utilize the Florida-Friendly Landscaping™ program best management practices.
13. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. If approved, the petitioner must provide a minimum of natural vegetation. The required natural vegetation may be included as part of the required open space.
14. The property 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.
15. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
16. The total number of units is limited to 240.
17. The minimum lot sizes are 7,700 Sq. Ft. and 5,500 Sq. Ft..
18. There shall be an appropriate transition of lot sizes from the existing Trails of Rivard Phase 1 to the currently proposed Phase 2, with Lot sizes along Rivard Boulevard to the golf-court crossing, along Old Oak Trail, Brassey Drive, Dog Leg Court; and Clearview Drive to its intersection with Pine Lake Drive shall be a minimum of 7,700 ft<sup>2</sup>. This lot size applies to homes construct0ed on either side of each of these roadways. Lot sizes along Pine Lake Drive and Wind Tree Court shall be a minimum of 5,500 ft<sup>2</sup>.
19. Minimum Building Setbacks are as Follows:
  - a. Lot Size: 5,500 Sq. Ft.  
Front: 25'  
Side: 5'  
Rear: 15'

b.     Lot Size:     7,700 Sq. Ft.  
       Front:       25'  
       Side:         7.5'  
       Rear:         15'

- 20.    Minimum Perimeter Setback shall be 25'. No buildings shall be located within this setback.
  
- 21.    There shall be a twenty-foot (20') natural vegetated buffer along the south and east boundaries where the proposed development is adjacent to existing subdivisions.
  
- 22.    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.

**P&Z RECOMMENDATION**

On March 10, 2025, the Planning and Zoning Commission voted 5-0 recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to Reestablish a Master Plan on property zoned CPDP/Combined Planned Development Project with 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. A preliminary floral and fauna (plant and wildlife) survey shall be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Fish and Wildlife Conservation Commission (FWC) regulations.
3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles.
4. At the time of preliminary plat, the developer will be required to update the Master Drainage Plan for the development, including providing any joint use documents with properties outside the current phase. Locations for any proposed drainage facilities should also be provided.
5. All lots, excluding the rear setback area, and roads shall be elevated at or above the regulatory 100 year flood elevation in accordance with the requirements of the Squirrel Prairie basin study and the adopted regulatory floodplain maps. All future development plans shall show the regulatory floodplain consistent with these documents.
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22. 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.