

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 4, 2024
Board of County Commissioners: December 17, 2024
Planning & Zoning Commission: December 9, 2024
Board of County Commissioners: January 28, 2025
Board of County Commissioners: March 25, 2025
Board of County Commissioners: May 6, 2025

APPLICANT: NVR, Inc., Barbara Zellmer, Regional Land Entitlement Manager

FILE NUMBER: H-24-53

REQUEST: Rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial) and SF (Single-family) uses, and CPDP (Combined Planning Development Project) with OP (Office Professional) and Congregate Care Facility uses, to PDP(MF)/ Planned Development Project (Multifamily) for the development of a townhome community and to establish an associated master plan

GENERAL LOCATION: South side of Cortez Boulevard (SR 50) at its intersection with Oxley Road, reaching Emerson Road approximately 940' south of its intersection with Cortez Boulevard (SR 50)

PARCEL KEY NUMBER(S): 420556, 1580541, 739730, 1411163, 1411154, 739749, 476407

BACKGROUND

The petitioner's initial request was a rezoning of the subject property from CPDP (Combined Planning Development Project) including GC (General Commercial), and SF (Single-family) uses, and CPDP (Combined Planning Development Project) including OP (Office Professional) and Congregate Care Facility uses, to PDP(MF) Planned Development Project (Multifamily). The petitioner proposed a 245-unit townhome community configured to preserve the stream/wetland that runs through the middle of the property. The petition was postponed several times before being heard at the January 28, 2025, Board meeting.

BOARD OF COUNTY COMMISSIONERS CONCERNS

At the Board of County Commissioners meeting on January 28, 2025, several concerns were raised regarding the proposed development, including:

- Whether school capacity is available for the proposed development
- Whether a flood zone elevation requirement would be in place for the proposed development
- The trip generation rate for the proposed development

APPLICANT'S RESPONSE AND REVISED REQUEST

The petitioner has modified the master plan and associated narrative to address the concerns identified by the Board of County Commissioners. These modifications include:

- Reduction of the total number of units from 245 to 215
- Reduction of development density from 6.1 units/acre to 5.4 units/acre
- Removal of setback deviation request along S.R. 50
- Agreement to construct sidewalk along the west side of Emerson Road

In addition, the developer has proposed a change in the townhome layout, increasing the proposed width from 24' to 28' and incorporating a two-car garage in lieu of the 1-car initially proposed. This change will allow for four parking spaces per unit.

Lastly, the applicant's transportation engineer provided an analysis of the potential traffic impacts for the proposed development versus those that could be generated from the existing entitlements. This analysis has been provided to the County Engineer for review and comment.

Requested Deviations

With the new site design, the petitioner has requested two deviations to the Land Development Regulations:

- Lot Size Reduction to 3,800 square feet
- Lot Setback Reductions:
 - Front: 20'
 - Side: 0' (internal only); external to be at least 10' between buildings
 - Rear: 15'

REVISED STAFF RECOMMENDATION:

Based on the revised master plan and narrative, staff has revised its staff recommendation for the proposed project and has summarized previous actions by the Planning and Zoning Commission and Board of County Commissioners for ease of reference.

SITE CHARACTERISTICS

Site Size: 40.18 acres

Surrounding Zoning;

Land Uses:

North:	PDP(GHC) H-88-109 and Cortez Boulevard (SR 50); Undeveloped
South:	AG with a Special Exception & AR; Moton elementary School & Single-family home
East:	AG; Undeveloped
West:	AR, CPDP; Single-family houses, & undeveloped

Current Zoning: CPDP (Combined Planning Development Project) H-08-06/H-05-35

**Future Land Use
Map Designation:** Residential and Commercial

ENVIRONMENTAL REVIEW

Soils: Blichton Loamy Fine Sane and Flemington Fine Sandy Loam.

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.

Comments: The petitioner shows a wetland flowing through the middle of the project. Staff recommend establishing a jurisdictional wetland line on the property; this line shall be included in all plans and drawings for this project. A buffer of 25' shall be established adjacent to the wetlands. See land use section for specific requirements.

Habitat: The subject property is designated Mixed Hardwood-Coniferous according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

Comments: This property has the potential to have the Red-cockaded Woodpecker, the Florida Black Bear, the Swallow-tail Kite, Gopher Tortoises, and the Cooper's Hawk. Invasive plant species, if present, are to be removed during the development process.

A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as part of the conditional plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Water Quality: The proposed development is within the Chassahowitzka River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate. It is also within the Chassahowitzka Outstanding Florida Spring Group (OFS).

Comments: The proposed development must maintain a 15' buffer around all water bodies where fertilizers are not used to prevent contamination. The builder is required to provide information on Florida Friendly Landscaping™ techniques and proper fertilizer use to the homeowners. These materials are designed to address and help reduce nutrient pollution. These educational materials are available through the Hernando County Utilities Department (HCUD).

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

Flood Zone: The subject property is in flood zones X, A and AE.

Comments: The petitioner shall be required to notify all potential residents of their flood risk and evacuation options through the Hernando County Emergency Operations Center if an emergency event occurs.

Archaeology: This property has a potential of containing archaeological sites according to previous surveys.

Comments: An archaeological survey shall be performed by a qualified professional and shall be submitted with the site development permit or conditional plat. If evidence of archaeological sites are present, the petitioner shall be required to adhere to the State regulations regarding archaeological sites and development.

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.

Comments: The petitioner has been coordinating with the Hernando County School District on the capacity needs at the high school level. Final capacity determinations will be determined at the time of conditional plat review.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's application and provided the following comment: These parcels are located within the City of Brooksville Utility Department's (CBUD) first right to serve district. The petitioner shall coordinate with the City of Brooksville to validate the availability of utilities capacity.

Note: Prior to receiving a Certificate of Concurrency for the proposed development, the petitioner shall be required to provide proof of capacity from the City of Brooksville.

ENGINEERING REVIEW

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

- The property is in the Bystre Lake Watershed with areas of A and AE flood Zones at Elevation 99.6. Oxley Road is a minor rural residential road, with no markings, that is unable to handle the traffic volumes that will be generated by the development occurring on this road.
- A Traffic Access Analysis has been received and is currently under review. Any improvements identified will be the responsibility of the developer to install.
- To make Oxley Road functional for new development, it is required to be paved according to County standards from Cortez Boulevard (SR 50) to the entrance of the development.
- All roadways and driveways shall meet Hernando County standards.
- Driveway locations must be in coordination with another project located at West side of Oxley Rd. & South side of Cortez Blvd. (Cone & Graham, key numbers: 357508, 357946, rezoning case H-24-22)
- Sidewalks shall be installed throughout this development.
- FDOT access management and drainage permits are required.
- The petitioner shall coordinate with the Engineering Department to provide a transit stop with amenities.

Comments: Subsequent to the initial comments, the petitioner reduced the number of units to 215 and provided a preliminary trip generation analysis indicating that the proposed development would generate less trips than those uses previously approved. This analysis has been included in the applicant's submittal documents for the Board's consideration. Staff recommends that the total number of units in the development be limited to those that would not exceed previously established trip generation maximums, or 215, whichever is less. This trip generation maximum will be demonstrated at the time of conditional plat through the traffic analysis.

Additionally, the petitioner agreed to construct a sidewalk from the entrance of the development to Moton Elementary, as shown on the proposed Master Plan, at their sole expense.

LAND USE REVIEW

The petitioner requests to rezone the property to PDP(MF) Planned Development Project (Multifamily) to construct a townhome development. The site is located just south of Brooksville in an area that is appropriate for higher density due to its proximity to the City and Cortez Boulevard (SR 50). As the Land Development Regulations do not currently have a townhome district, the R-3 standards are used as the base for the PDP(MF) Planned Development Project (Multifamily) master plan request.

Perimeter Setbacks and Buffers:

The petitioner has proposed the following perimeter setbacks for the subject site:

- S.R. 50: 125'
- West: 45'

- South: 45'
- East (Along Emerson): 35'
- East (Remainder): 30'

Within the perimeter setbacks, the petitioner has proposed the following perimeter buffers:

- S.R. 50: 45'
- West: 20'
- South: 15'
- East (Along Emerson): 35'
- East (Remainder): 5'

Comments: The petitioner shall maintain and/or enhance vegetation along all buffers to ensure that they are at 80% opacity within 18 months of planting.

Wetland Buffer:

The petitioner has recognized a potential wetland that runs throughout the center of the property. The petitioner shall be required to delineate the wetland jurisdictional line at the time of site development or conditional plat application submittal. A 25' buffer and building setback shall be set from the jurisdictional lines. No structures shall be permitted within this setback, and conservation easements in favor of the HOA or CDD, as applicable, which shall include a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), shall be placed over all wetland setback and buffer areas.

Lot Size and Setbacks:

The R-3 (Residential-3) zone, which is the zoning district related to the PDP(MF), states the minimum lot area for multifamily dwellings containing three (3) or more dwelling units, shall be twelve thousand (12,000) square feet plus three thousand (3,000) square feet for each additional dwelling unit over the first two (2) dwelling units (*Article IV, Section 2(G)(4)(iii)*). For a four (4) unit building, the minimum size for the lot is 18,000 square feet. This provides a 4,500 square foot lot minimum for each dwelling unit. For a six (6) unit building, the minimum lot size is 24,000 square feet, providing a 4,000 square foot lot minimum for each dwelling unit.

The petitioner has proposed the following lot sizes, lot widths, and setbacks for the townhome product:

- Lot size: 3,800 square feet (Deviation from 4,000 square feet for a 6-unit building)
- Townhome width: 28' with 2 car garage

Comments: The townhomes are proposed to be sold as fee-simple, individually owned units. The lot lines will be clearly delineated at the subdivision phase of development, with no individual lot being less than 3,800 square feet.

Building Setbacks:

- Front: 20'
- Side: 0' (Internal)
- Rear:
- Building Separation: Minimum 10'

The petitioner has requested between 2 and 8 units per building.

Comments: Staff has no objections to the lot sides and layout as requested by the applicant.

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.

Comments: The petitioner has identified two access points to the development – one of Emerson Road just north of Moton Elementary School and a second off Oxley Road just south of S.R. 50. As per the requirements of the County Engineer, these points of access must be coordinated with the representatives for previously approved master plan H-24-22 prior to the submittal of the conditional plat for the development.

Tree-Lined Entrance

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.

Comments: The petitioner has not indicated the location of the tree-lined entrance into the development. Planning staff recommends that the petitioner coordinate with the County Engineer to identify the primary entranceway into the proposed development. Upon determination, that entrance must be designed as the tree-lined entrance into the development in accordance with the Hernando County Land Development Regulations.

Neighborhood Park:

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 project 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. The approximate location and acreage of the neighborhood park system shall be identified within the project master plan.

Comments: If the master plan is approved, the petitioner shall be required to set aside 2.15 acres for a neighborhood park. Staff believes the park location is appropriate to identify in the Conditional Plat, due to the topographic uniqueness of the property. The park should be centrally located to be accessible to all residents within the development. The petitioner can utilize wetlands as part of the park system, by including it in the Neighborhood Park Plan submitted as part of the construction drawings.

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.

Comments: 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. The natural vegetation of 2.81 acres (122,517 square feet) shall be designated during the conditional plat phase of development.

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.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map, Residential Category

Strategy 1.04A(3): The Residential Category accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

Multifamily 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.

Strategy 1.04B(6): Multi-family development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed-use development.

Strategy 1.04B(7): All multifamily developments shall be located such that the integrity of nearby established single family neighborhoods is preserved:

- a. multifamily development may serve as a density transition located on the periphery of single-family neighborhoods and connecting to higher intensity uses;
- b. multifamily developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single-family neighborhoods

Future Land Use Map, Commercial Category

Strategy 1.04A(6): The Commercial Category provides commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties. Publicly owned lands along the commercial use corridors that are made available for surplus may be considered to have a Commercial designation, if the agency proceeds through the Comprehensive Plan Amendment process to amend the future land use map, in accordance with Section 163.3184, F.S.

Objective 1.04G: The Commercial Category allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 but also includes limited industrial, recreational, and institutional uses. Residential and mixed uses may be allowed subject to locational criteria and performance standards.

Future Land Use Element, Planned Development Project Standards

- Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.
- Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.
- Strategy 1.10C(2): Delineation of the allowable density and/or intensity of development shall be contingent upon the ability to provide the adopted level of service of public services and facilities concurrent with project development as outlined in the adopted land development regulations.
- Objective 1.10D: Design criteria for Planned Development Projects (PDP) shall address as applicable building placement and height, parking, multi-modal circulation, drainage, landscaping, architectural standards, public space amenities, and energy efficiency. The PDP process allows flexibility in standards for projects that provide environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits, or features that promote quality community design and land use compatibility.
- Strategy 1.10D(4): Public space and amenity standards appropriate to the development context and consistent with the scale of development may be required where appropriate for new Planned Development Projects. Concepts such as the following may be utilized: a. wide sidewalks, courtyards, gardens or greens that enhance the walkability and expanded useful open space of the site; b. public space integrated with the drainage network, using low impact development (LID) standards where practical; c. public space integrated with multi-modal movement, resting and staging area amenities, such as transit stops and business fronting sidewalks; d. site amenities that encourage the use of outdoor public space using vegetation, furniture, architectural features, appropriate lighting and mobile vendor accommodation where appropriate.

Urban Sprawl

- GOAL 1.11 In accordance with the County's growth strategy to provide for directed high-quality infrastructure services and discourage urban sprawl, Hernando County will provide mechanisms that prioritize

public infrastructure and direct growth towards urbanized and urbanizing areas of the County.

Directed Infrastructure

- Objective 1.11A: All County infrastructure planning shall ensure that the existing and future infrastructure needs, especially for roads, wastewater service, and potable water service, are prioritized for urbanized, urbanizing and infill areas of the County, especially in the Residential, Commercial, Industrial and Planned Development District Future Land Use Categories.
- Strategy 1.11A(1): The County's long range and master plans for transportation, potable water service, wastewater service and other public facilities are utilized to provide guidance for the timing and location of infrastructure according to need and level of service. Capital infrastructure projects shall be primarily directed to the urbanized areas of the County as depicted on the Adjusted Urbanized Area Map.
- Strategy 1.11A(2): The County shall manage infrastructure availability to influence the timing and location of development.
- Strategy 1.11A(3): Direct infrastructure toward the urbanized area and areas designated under the Plan for new development to prevent urban sprawl.

Comments: The subject rezoning application is consistent with the Comprehensive Plan's goals, objectives and strategies related to multifamily residential development. The property shall be limited to its impacts to the transportation network by ensuring the number of units does not generate more impacts than the previously approved entitlements. In addition, the applicant has been coordinating with the school district on its capacity needs and will enter into any mitigation agreement at the time of conditional plat.

Further, the development is consistent with both the commercial and residential land use classifications, as it is located along a major highway corridor, does not require that residents travel through existing single-family residential neighborhoods for highway access, and has a moderate multi-family density. The applicant shall be required to coordinate with the City of Brooksville for the provision of water and sewer services; a certificate of concurrency will not be issued until provision is secured.

FINDINGS OF FACT

The petitioner's request for a rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial) and SF (Single-family) uses, and CPDP (Combined Planning

Development Project) with OP (Office Professional) and Congregate Care Facility uses, to PDP(MF)/ Planned Development Project (Multifamily) for the development of a townhome community and to establish an associated master plan is appropriate as it is consistent with the Comprehensive Plan and the surrounding land uses.

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.

SUMMARY OF PREVIOUS ACTIONS ON APPLICATION:

Original Staff Recommendation: It is recommended that the Planning and Zoning Commission postpone the petitioner's request in order to provide the petitioner and staff with ample time to discuss proposed changes to the originally submitted application. Changes are based on County Departmental comments and the petitioners' desire to change some features of the project due to some of the subject site's environmental conditions.

P&Z ACTION (November 4, 2024): On November 4, 2024, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request to provide the petitioner with additional time to coordinate with staff revisions to the original request/application.

Note: Subsequent to the P&Z Action on November 4, Planning staff developed a staff recommendation that was presented to the Planning and Zoning Commission on December 9, 2024.

P&Z ACTION (December 9, 2024): On December 9, 2024, the Planning and Zoning Commission voted 3-2 to approve the petitioner's request with revised performance conditions.

BOCC Action (January 28, 2025): On January 28, 2025, the Board of County Commissioners (BOCC) voted to postpone the petitioners request to their March 25, 2025, hearing, in order to provide additional time for the petitioner to review BOCC comments and potential changes to the master plan with County staff.

BOCC Action (March 25, 2025): On March 25, 2025, the Board of County Commissioners (BOCC) voted to postpone the petitioner's request to their May 6, 2025, hearing in order to provide additional time for the petitioner to review BOCC comments and potential changes to the master plan with County staff.

REVISED STAFF RECOMMENDATION (FOR MAY 6, 2025, BOARD OF COUNTY COMMISSIONERS HEARING):

Staff recommends that the Board of County Commissioners adopt a resolution approving the petitioner's request 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 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.
4. 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.
5. The petitioner shall coordinate with the City of Brooksville to validate the availability of utilities capacity. Prior to receiving a Certificate of Concurrency for the proposed development, the petitioner shall be required to provide proof of capacity from the City of Brooksville.
6. The property is in the Bystre Lake Watershed with areas of A and AE flood Zones at Elevation 99.6. Oxley Road is a minor rural residential road, with no markings, that is unable to handle the traffic volumes that will be generated by the development occurring on this road.
7. A Traffic Access Analysis has been received and is currently under review. Any improvements identified will be the responsibility of the developer to install.
8. To make Oxley Road functional for new development, it is required to be paved according to County standards from Cortez Boulevard (SR 50) to the entrance of the development.
9. All roadways and driveways shall meet Hernando County standards.

10. Driveway locations must be in coordination with previously approved rezoning case H-24-22. This coordination must occur prior to the submittal of the conditional plat for the project.
11. Sidewalks shall be installed throughout this development.
12. FDOT access management and drainage permits are required.
13. The petitioner shall coordinate with the Engineering Department to provide a transit stop with amenities. This shall be identified on the conditional plat.
14. The petitioner shall construct a sidewalk from the entrance of the development to Moton Elementary, along Emerson Road, as shown on the proposed master plan, at the sole expense of the developer.
15. The development shall be limited to a total of 215 units or the number of units that will not exceed trip generation maximums from previous entitlements on the site, whichever is less. This will be demonstrated through the Traffic Analysis provided at the conditional plat.
16. The development shall be required to follow the Class A subdivision requirements as identified in Chapter 26 of the Land Development Regulations.
17. The following perimeter setbacks shall apply to the development:
 - S.R. 50: 125'
 - West: 45'
 - South: 45'
 - East (Along Emerson): 35'
 - East (Remainder): 30'
18. The development shall be required to provide the following perimeter buffers for the development. These buffers shall be maintained and/or enhanced to reach 80% opacity within 18 months of development. If enhancement is required, the specific planting plans shall be incorporated into the landscape plans submitted with the construction drawings for the development.
 - S.R. 50: 45'
 - West: 20'
 - South: 15'
 - East (Along Emerson): 35'
 - East (Remainder): 5'
19. The petitioner shall be required to delineate the wetland jurisdictional line at the time of site development or conditional plat application submittal. A 25' buffer and building setback shall be set from the jurisdictional lines. No structures shall be permitted within this setback, and conservation easements in favor of the HOA or CDD, as applicable, which shall include a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), shall be placed over all wetland setback and buffer areas.

20. The townhomes are proposed to be sold as fee-simple, individually owned units. The lot lines will be clearly delineated at the subdivision phase of development, with no individual lot being less than 3,800 square feet.
21. Building Setbacks:
 - Front: 20'
 - Side: 0' (Internal)
 - Rear:
 - Building Separation: Minimum 10'
22. The units shall be constructed in pods, with no building having more than 8 units.
23. The conditional plat may allow for flexibility in the overall layout of the buildings and units without requiring a master plan revision, as long as the general areas of development as identified in this rezoning are not impacted.
24. The petitioner shall coordinate with the County Engineer to identify the primary entranceway into the proposed development. Upon determination, that entrance must be designed as the tree-lined entrance into the development in accordance with the Hernando County Land Development Regulations.
25. The petitioner shall be required to set aside 2.15 acres for a neighborhood park, with the location identified at conditional plat. The park should be centrally located to be accessible to all residents within the development. The petitioner can utilize wetlands as part of the park system, by including it in the Neighborhood Park Plan submitted as part of the construction drawings.
26. The petitioner shall 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. The natural vegetation of 2.81 acres shall be designated during the conditional plat phase of development.
27. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with the Hernando County Land Development Regulations.

BOCC ACTION

On May 6, 2025, the Board of County Commissioners voted 5-0 to adopt a resolution denying the petitioner's request for a rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial) and SF (Single-family) uses, and CPDP (Combined Planning Development Project) with OP (Office Professional) and Congregate Care Facility uses, to PDP(MF)/ Planned Development Project (Multifamily) for the development of a townhome community and to establish an associated master plan. Denial was based on intensity of the project and environmental impact concerns.