

## **REZONING CASE H-24-18**

### **STAFF REPORT**

#### **RECOMMENDATIONS/ACTIONS**

##### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION**

**November 4, 2022**

It is recommended that the Planning and Zoning Commission recommend the Board of county Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations and the following performance conditions listed in **Appendix A** of this Staff Report.

##### **PLANNING & ZONING COMMISSION**

**November 14, 2022**

On November 14, 2022, the Planning and Zoning Commission voted 4-0 to recommend the Board of county Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations and the following modified performance conditions listed in **Appendix B** of this Staff Report.

##### **BOARD OF COUNTY COMMISSIONERS**

**December 13, 2022**

On December 13, 2022, the Board of County Commissioners voted 4-0 to continue the hearing to a date uncertain, as requested by the petitioner. The purpose of the continuance is for the Agent to take the guidance provided by the BOCC to the petitioner, revise the application and resubmit the proposed master plan. The Board provided the guidance as listed in **Appendix C** of the Staff Report.

##### **STAFF RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS**

**July 17, 2024**

It is recommended that the Board of county Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations and performance conditions as listed in **Appendix D** of the Staff Report.

**INTRODUCTORY INFORMATION**

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**HEARINGS:** Planning & Zoning Commission: November 14, 2022  
Board of County Commissioners: December 13, 2022

**APPLICANT:** DR Horton

**FILE NUMBER:** H-22-51

**REQUEST:** Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations

**GENERAL LOCATION:** East side of Commercial Way, across from Happy Days Drive

**PARCEL KEY NUMBERS:** 418907, 1243835, 1357631

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**APPLICATION UPDATE:**

On December 13, 2022, the Board of County Commissioners (BOCC) voted to continue the hearing to a future date, as requested by the petitioner, in order for the petitioner to revise the application and resubmit the proposed master plan. As part of the postponement the BOCC provided the following guidance:

1. Performance Condition # 17: should be edited to convey that the developer will work with the County Engineer to identify where the frontage road should be located on the property.
2. Performance Condition Added: The maximum number of dwelling units should remain 176, per the previous PDP approval.
3. Performance Condition # 18: The Minimum lot width should remain 50' per the previous PDP approval,
4. Performance Condition #19: The side setbacks should remain 7.5', per the previously approved PDP.

On May 3, 2024, the petitioner provided an updated narrative and master plan addressing the previous concerns. The staff report has been modified to include those

changes and also where applicable underlines and strikethroughs have been utilized to assist in differentiating revisions in the body of the report.

**NEW APPLICANT REVISIONS:**

1. The petitioner has revised the Master Plan to eliminate driveways from the required frontage road that runs parallel to US Hwy 19. The connection to Bourassa Boulevard will be right-in/right-out access only.
2. The maximum proposed density has been reduced from 250 units to 222 units for a net decrease of 28 single family units.
3. The front yard setbacks have been increased from 20' to 22.5' to allow residents with larger vehicles to park without impeding pedestrian walkways.
4. The petitioner has added Performance Conditions for 40' Lots, committing to the monotony control requirements that the Board has required of other recent developments, including architectural design guidelines and limitations to garage protrusions. The petitioner has also included street tree requirements in the Performance Conditions for 40' lots. Requiring each lot have at least two shade trees on or in front of the lots and to include minimum landscape beds. Additionally, the petitioner has indicated that 40' lots will be limited to 50% of the overall density.

**STAFF COMMENTS:** The Board of County Commissioners had requested on their December 13, 2022, hearing that lots remain a minimum of 50' in width as previously approved (2007). The petitioner has indicated 50% of the overall lots will be 40' lots and has implemented self-imposed performance conditions (see performance conditions) to ensure a cohesive and aesthetically pleasing development.

5. The petitioner has addressed concerns with 5' side yard setbacks being able to accommodate the necessary utility infrastructure by committing to thoughtfully designing the site with all driveways on the same side in cul-de-sacs.

**STAFF COMMENTS:** The Board of County Commissioners had requested on their December 13, 2022, hearing that lots retain a minimum side setback of 7.5' as previously approved (2007). The petitioner has proposed 5' side setbacks with self-imposed performance conditions (see performance conditions) to prevent Utility and Tree planting conflicts. A determination should be considered on

whether 5' setbacks provide appreciate separation between homes from a functional (i.e. utilities) and aesthetics standpoint. Furthermore, should 5' side setbacks only be considered for specific lot widths.

6. To lessen impact on existing residents, additional open space has been provided along the perimeter of Tooke Lake to maximize the distance and reduce visual impact of future lots. Lots will range from approximately 1,100 to 1,500 feet away from residents across the lake.
7. A new series of conditions has been added to prohibit on-street parking (where allowed by the Code) on both sides of the street so as to ensure that the on-site streets and roads remain passable and usable by service providers and utilities. Dedicated on-street parking has been added to the proposed development plan to provide residents and their guests with additional parking options and mitigate congestion on the streets.

**STAFF COMMENTS:** The Board of County Commissioners has expressed concerns about off street parking in subdivisions with deviated lot widths, reduced setbacks and increased FAR's. Although the petitioner has indicated increased front setbacks to increase driveway lengths and included architectural design guidelines and limitations to garage protrusions, an overall off-street parking percentage should be considered to quantify and ensure an adequate amount of parking has been provided. If approved, off-street parking should amount to a minimum of 10% of the overall required parking.

8. Enhanced lighting has been added to the Performance Conditions to ensure that lighting throughout the project will be designed to shield the night sky.

Additionally, the petitioner has revised the master plan to meet the County Engineering frontage road requirements. The revised plan shows the frontage road northern connection at Bourassa Boulevard and extending south to align with the US Hwy 19 Publix main entrance. The development's main entrance will align with Happy Days Drive to the west (north of Walgreens).

**ORIGINAL APPLICANT'S REQUEST (12/13/22):**

On November 14, 2007, the Board of County Commissioners approved a revision to a Master Plan on property zoned PDP(SF)/Planned Development Project (Single Family) with a rezoning of a portion from residential to PDP(GC)/Planned Development Project (General Commercial). The development at the time

proposed 176 single family lots (1.3 DU/AC) with a mixture of 70' and 55' lots. Furthermore, deviations were requested and approved for internal front, side and rear setbacks. Since its approval no development has occurred on the site and the previous master plan has expired.

The petitioner now seeks to revise the previously approved master plan for the 128.0 acres to increase the number of lots to ~~250~~ 222 (1.9 1.73 du/ac), reduce the lot width and side setbacks. The 3.5 acres allocated for commercial will remain along the north.

	<b>Previously Approved</b>	<b>Proposed</b>
<b>Lot Width</b>	70' and 55'	50' and 40' <u>(50%)</u>
<b>Side Yard Setback</b>	7.5'	5'
<b>Lots</b>	176	<del>250</del> <u>222</u>

**Deviations Requested:**

The following deviations are requested with this application:

- ~~Waiver of the required frontage road.~~
- Lot Width: 40' (deviation from previously approved 55')
- Residential Side Setback: 5' (deviation from previously approved 7.5')
- Residential Rear Setback: 12.5' (deviation from previously approved 15')

**SITE CHARACTERISTICS:**

**Site Size:** 128.0 acres

**Surrounding Zoning & Land Uses:**

North: C-2; Undeveloped, Pool Contractor  
 South: AG, PDP(GC); Undeveloped, Mobile Homes  
 East: AG; Tooke Lake  
 West: PDP(SF), (GHC); Undeveloped, Publix Plaza

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family, PDP(GC)/Planned Development Project (General Commercial) and AG/(Agricultural)

**Future Land Use Map Designation:** Residential, Commercial, Conservation (Lake)

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand, Basinger Fine Sand/Depressional

**Habitat:** Xeric Hammock, Wet Prairie and Lacustrine (lake) 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:** A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the conditional plat stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection Features:**

There are no Well Head Protection Areas (WHPA) according to County data resources. The subject property contains a known sinkhole (Special Protection Area) approximately 858' from the southern property line and approximately 375' from Commercial Way. According to the Groundwater Protection Ordinance (GPO), Special Protection Areas (SPA) are subject to restrictions.

**Comments:** The Special Protection Area (SPA) shall be delineated by a Florida Registered Geotechnical Engineer through a geotechnical/geophysical assessment and shall be incorporated into a revised master plan (before the submission of the conditional plat) as open space. The delineation shall include the extent of the subsurface karst feature(s).

A conservation easement shall be provided for the feature at time of final plat. Specific land uses are prohibited within 500' of a SPA, therefore, a 500' prohibited use buffer around the sinkhole shall be shown on any future plats and construction drawings.

Single-family residential parcels and associated stormwater, connected to central sewer, is permitted within the SPA buffer.

**Hydrologic Features:**

The subject property contains Class I and Class II wetlands, and a 100-year floodplain associated with Tooke Lake.

**Comments:** Wetlands shall be delineated on all plats and plans (Strategy 10.03B(1)). The 100-year floodplain should be defined on the construction plans for the project. All finished floor elevations should be above the 100 year flood elevation.

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.

A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I and/or Class II wetlands (the hydrologically connected sinkhole is also a Class I wetland). No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)). The wetland buffers should be planted with native vegetation to control erosion.

The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.

The lake to the east of the subject property is owned by the petitioner and should be included within the zoning approval and designated as a conservation area.

A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands and the Lake. There should be a minimum 25' average upland buffer between the drainage system and the lake's wetland line. This buffer should be indicated on all plans for this development and final plat.

Natural vegetation is to be retained in the non-wetland buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

**Water Quality:** The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group.

**Comments:** 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.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information, include FFL language in the HOAs covenants and restrictions, and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

**Flood Zone:** AE and X

**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.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the west side of Commercial Way. There are existing 10-inch and 20-inch sewer force mains that run along the east side of Commercial Way. HCUD has no objections to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

**ENGINEERING REVIEW:**

The subject site is located on east side of Commercial Way/US Hwy 19, across from Happy Days Drive. ~~The petitioner is requesting two access points for the residential development and the commercial development located at the southeast corner of US Hwy 19 and Bourassa Boulevard. The main access for the residential development will align with Glen Lakes Boulevard. The second mains of access will be off Bourassa through the commercial development and is proposed as a~~

~~right-in/right-out. The commercial development will also provide for right-in only off US Hwy 19 and a shared access off Bourassa Boulevard. Furthermore, due to the nature of the residential development and site constraints, the petitioner is requesting a wavier of the frontage road. the petitioner has revised the master plan to meet the County Engineering frontage road requirements. The revised master plan provides for three access points to the property including an unloaded frontage road traversing north-south throughout the property. Primary access to the residential portion will be from U.S. 19. The two secondary access points, shared by the commercial and residential parcels, will be from US Hwy 19 as a right-in only drive, and from Bourassa Boulevard as right-in/right-out, east of the intersection with US Hwy 19.~~

The County Engineer has reviewed the petitioner’s request and has the following comments:

- This project generates over 50 PM Peak Hour trips. A Traffic Access Analysis is required. The analysis must include a queuing analysis.
- Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.
- Properties along Commercial Way/US Hwy 19 are required to install a frontage road, per Ordinance Chapter 24, Article I, Section 24-2. A Frontage Road is required the entire property frontage of Commercial Way/ US Hwy 19.
- This property contains three areas of 1% annual chance floodplain (Zone AE). Development within the floodplain requires specific permitting and mitigation.

**LAND USE REVIEW:**

**Commercial Setbacks**

Proposed Commercial Building Setbacks:

US Hwy 19: 125'  
Rear: 20'  
Side: 35'

**Comments:** The petitioner has not proposed a use for the commercial parcel nor provided design criteria for the commercial parcel. If approved the commercial will be required to meet the minimum Commercial Design Standards.

**Residential Setbacks, Lot Width and Sizes:**

The petitioner is proposing the following lot widths and sizes:

Lot Width: 40' (deviation from the previously approved 55')

**Proposed Residential Building Setbacks:**

Front: ~~20'~~ (previously approved) 22.5' to accommodate larger vehicles

Side: ~~5.5'~~ 5' (deviation from the previously approved 7.5')

Rear: ~~15'~~ 12.5' (previously approved)

**Comments:** The County has expressed concerns with 5' side setbacks from a utilities and aesthetics standpoint. If approved, 5' side setbacks should be limited to a specific lot width (i.e. 40' lots) as opposed to all lots.

**Buffers:**

Due to the development predominate lake frontage, the petitioner has indicated a 5' landscape buffer along the north, northeast portion of the development. The petitioner will also utilize drainage retention areas as buffers along US Hwy 19.

**Comments:** If approved, all buffers shall meet the minimum County LDR's standards

**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.

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.

**Comments:** The petitioner has not indicated a treed boulevard entrance; however, has provided for two means of access for the residential development. If approved, a treed boulevard entrance must be provided for the main access along US Hwy 19.

**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 phase 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.

**Comments:** The petitioner has proposed a 1.27 acre neighborhood park. If approved the petitioner must provide the minimum 3.0 acre neighborhood park as required by County LDR's.

**Natural Vegetation:**

Projects greater than twenty (20) acres shall designate an area of at least seven (7) 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 twenty thousand (20,000) square feet.

**Comments:** If approved, the petitioner must provide a minimum of seven (7) percent 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.

**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:**

The subject property is located within the Residential and Commercial land use classification on the adopted Future Land Use Map.

**Future Land Use Map**

**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.

**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.

**Strategy 1.04B(1):** Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

**Strategy 1.04B(2):** Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

**Single-Family Housing**

**Strategy 1.04B(3):** The Residential Category will include zoning for single-family housing, generally averaging a density of 2.5 dwelling units per gross acre to 6.0 dwelling units per gross acre comprised of varying lot sizes and dwelling unit types such as senior housing, villa housing, single family detached housing, and zero lot line housing.

**Land Use Compatibility**

**Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

**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:** Based on the forgoing Strategies, the subject site's unique location (US Hwy 19 to the west and Tooke Lake to the east) provides for ample transition to neighboring parcels. The development and its proposed lot sizes would be an enclave and not create adverse compatibility concern.

**Wetlands**

**Strategy 10.03B(2):** Hernando County shall only allow the alteration of Class I Wetlands consistent with the requirements of state and federal regulatory agencies.

**Strategy 10.03B(4):** The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland.

**FINDINGS OF FACT:**

The request to establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations is appropriate based on the following conclusions:

1. The following requested deviations ~~are justified with appropriate performance conditions~~ should be considered in light of the concessions made by the developer to mitigate impacts:
  - Minimum Lot Width: 40'
  - Minimum Side Setback: 5' (deviation from 7.5')
  - Minimum Rear Setback: 12.5' (deviation from 15')
2. The subject site has extensive environmental features. Appropriate performance conditions should be in place to mitigate potential impacts to the features (SPA, Wetland, Lake).
3. 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.*

**APPENDIX A**  
**STAFF RECOMMENDATION TO PLANNING AND ZONING**  
**COMMISSION**

**APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:**

It is recommended that the Planning and Zoning Commission recommend the Board of county Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations and 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 at the conditional plat stage of development. 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. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted, including all proposed drainage retention areas within the project to test for subsurface karst features.
6. The Special Protection Area (SPA) shall be delineated by a Florida Registered Geotechnical Engineer through a geotechnical/geophysical assessment and shall be incorporated into a revised master plan (before the submission of the conditional plat) as open space. The delineation shall include the extent of the subsurface karst feature(s).
7. A conservation easement shall be provided for the Special Protection Area (SPA) at time of final plat. Specific land uses are prohibited within 500' of

- a SPA, therefore, a 500' prohibited use buffer around the sinkhole shall be shown on any future plats and construction drawings.
8. Wetlands shall be delineated on all future plats and plans.
  9. A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. The wetland buffers should be planted with native vegetation to control erosion.
  10. The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.
  11. A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands and the Lake. There should be a minimum 25' average upland buffer between the drainage system and the lake's wetland line. Said buffer shall be indicated on all plans for this development and final plat.
  12. A conservation easement shall be provided for Tooke Lake, wetlands and Special Protection Area.
  13. Natural vegetation is to be retained in the non-wetland buffers and enhanced with trees and vegetation to meet 80% opacity requirement.
  14. 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.
  15. This project generates over 50 PM Peak Hour trips. A Traffic Access Analysis is required. The analysis must include a queuing analysis.
  16. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.

17. The subject site shall install a frontage road for the entire property frontage of Commercial Way/ US Hwy 19, per Ordinance Chapter 24, Article I, Section 24-2. A Frontage Road is required the
18. Minimum Lot Widths: 40' (deviation from 50')
19. Minimum Residential Building Setbacks:
  - Front: 20'
  - Rear: 15'
  - Side: 5' (deviation from 7.5')
20. Minimum Commercial Building Setbacks:
  - US Hwy 19: 125'
  - Bourassa Blvd: 35'
  - Side: 20'
  - Rear: 35'
21. 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.
22. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
23. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
24. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
25. The petitioner shall be required to provide a treed boulevard entrance from Commercial Way/US Hwy 19.
26. The petitioner shall submit a GIS Shapefile showing the final SPA, wetlands, and buffer delineations at the conditional plat phase of project development.
27. The petitioner shall be required to conduct and/or supply a State reviewed and approved Cultural Resource Assessment Survey (CRAS) performed by

a qualified professional in accordance with the guidelines published by the Florida Bureau of Archaeological Research, prior to the conditional plat phase of development.

28. The petitioner shall provide a revised plan in compliance with all the performance conditions within 60 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

**APPENDIX B  
PLANNING AND ZONING COMMISSION  
ACTION**

**APPENDIX B –PLANNING & ZONING COMMISSION ACTION:**

On November 14, 2022, the Planning and Zoning Commission voted 4-0 to recommend the Board of county Commissioners adopt a resolution approving the petitioner’s request to Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses 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. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the conditional plat stage of development. 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. Geotechnical subsurface testing and reporting in accordance with Hernando County’s Facility Design Guidelines shall be conducted, including all proposed drainage retention areas within the project to test for subsurface karst features.
6. The Special Protection Area (SPA) shall be delineated by a Florida Registered Geotechnical Engineer through a geotechnical/geophysical assessment and shall be incorporated into a revised master plan (before the submission of the conditional plat) as open space. The delineation shall include the extent of the subsurface karst feature(s).
7. A conservation easement shall be provided for the Special Protection Area (SPA) at time of final plat. Specific land uses are prohibited within 500’ of

- a SPA, therefore, a 500' prohibited use buffer around the sinkhole shall be shown on any future plats and construction drawings.
8. Wetlands shall be delineated on all future plats and plans.
  9. A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. The wetland buffers should be planted with native vegetation to control erosion.
  10. The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.
  11. A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands and the Lake. There should be a minimum 25' average upland buffer between the drainage system and the lake's wetland line. Said buffer shall be indicated on all plans for this development and final plat.
  12. A conservation easement shall be provided for Tooke Lake, wetlands and Special Protection Area.
  13. Natural vegetation is to be retained in the non-wetland buffers and enhanced with trees and vegetation to meet 80% opacity requirement.
  14. 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.
  15. This project generates over 50 PM Peak Hour trips. A Traffic Access Analysis is required. The analysis must include a queuing analysis.
  16. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.

17. The subject site shall install a frontage road for the entire property frontage of Commercial Way/ US Hwy 19, per Ordinance Chapter 24, Article I, Section 24-2. ~~A Frontage Road is required the~~
18. Minimum Lot Widths: 40' (deviation from 50')
19. Minimum Residential Building Setbacks:
  - Front: 20'
  - Rear: 15'
  - Side: 5' (deviation from 7.5')
20. Minimum Commercial Building Setbacks:
  - US Hwy 19: 125'
  - Bourassa Blvd: 35'
  - Side: 20'
  - Rear: 35'
21. 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.
22. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
23. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
24. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
25. The petitioner shall be required to provide a treed boulevard entrance from Commercial Way/US Hwy 19.
26. The petitioner shall submit a GIS Shapefile showing the final SPA, wetlands, and buffer delineations at the conditional plat phase of project development.
27. The petitioner shall be required to conduct and/or supply a State reviewed and approved Cultural Resource Assessment Survey (CRAS) performed by a qualified professional in accordance with the guidelines published by the

Florida Bureau of Archaeological Research, prior to the conditional plat phase of development.

28. The petitioner shall install a fence along the eastern perimeter of the site where adjacent to parcel key 538948.
- ~~29.~~ ~~28.~~ The petitioner shall provide a revised plan in compliance with all the performance conditions within 60 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

**APPENDIX C  
BOARD OF COUNTY COMMISSION  
ACTION**

**APPENDIX B –PLANNING & ZONING COMMISSION ACTION:**

December 13, 2022, the Board of County Commissioners voted 4-0 to continue the hearing to a date uncertain, as requested by the petitioner. The purpose of the continuance is for the Agent to take the guidance provided by the BOCC to the petitioner, revise the application and resubmit the proposed master plan. The Board provided the following guidance:

1. Performance Condition # 17: should be edited to convey that the developer will work with the County Engineer to identify where the frontage road should be located on the property.
2. Performance Condition Added: The maximum number of dwelling units should remain 176, per the previous PDP approval.
3. Performance Condition # 18: The Minimum lot width should remain 50' per the previous PDP approval,
4. Performance Condition #19: The side setbacks should remain 7.5', per the previously approved PDP.

**APPENDIX D**  
**STAFF RECOMMENDATION TO BOARD OF COUNTY COMMISSION**  
**ACTION**

**REVISED STAFF RECOMMENDATIONS:**

It is recommended that the Board of county Commissioners adopt a resolution approving the petitioner's request to Establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project) with Single Family and General Commercial Uses with deviations and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The developer shall meet the County's LDR requirements for small box commercial development.
3. The development shall be served by central water and sewer.
4. The petitioner shall provide a 10' vegetative buffer, with 80% opacity between the proposed commercial and residential uses to the south and on the east along the entrance road extending south to the drainage retention area. A ~~5'~~ 20' undisturbed natural buffer shall be provided along the east property line, except where a lake or retention area may serve as the buffer.
5. The commercial parcels shall be limited to one (1) right in/right out access to Bourassa Boulevard.
6. The petitioner shall coordinate with FDOT and the County Engineer for the proposed right-in and right turn lane along US Hwy 19 for the commercial development.
7. The petitioner shall provide a pedestrian connection from the commercial development to the residential development.
8. The minimum Commercial building setbacks shall be as follows:

US Hwy 19:	125'
Bourassa Blvd:	35'
Side:	20'
Rear:	35'
9. The petitioner shall provide a wildlife survey prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.

10. The petitioner shall provide at least one treed roadway/access way for motor vehicles extending through the length or width of the development with a vegetative buffer at least 10' feet in width.
11. The lake shall be included within the boundary of the master plan area and designated as conservation.
12. Florida Yards & Neighborhoods™ (FYN) principles shall be implemented for landscaping within the development and FYN materials shall be distributed to new homeowners.
13. All roads and finished floor elevations within the floodplain shall be constructed above the 100-year flood elevation.
14. The maximum number of Single Family units shall be ~~250~~ 222 units.
15. Jurisdictional wetlands shall be delineated on all future development plans and any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
16. Lots adjacent to the lake shall maintain a drainage system upland of the wetland line in order to prevent direct stormwater runoff into the wetland and/or lake. A minimum 25' upland buffer is required between the drainage system and the wetland and/or lake and must be designated on the final plat.
17. There shall be no lake access provided to the future residents of this development. Docks are prohibited from the property on to Tooke Lake.
- ~~17-18.~~ 18. The petitioner shall provide access to the west to tie in with the US Hwy 19/ Glen Lakes Boulevard intersection, and a connection to Bourassa.
- ~~18-19.~~ 19. The petitioner shall pay their proportionate share of traffic signalization along US Hwy 19 in a location determined by the County Engineer and/or FDOT when warranted.
- ~~19-20.~~ 20. The developer shall provide 40' of right-of-way from the centerline of Bourassa Boulevard.
- ~~20-21.~~ 21. The minimum internal lot setbacks shall be as follows:
  - Front: ~~20'~~ 22.5' (deviation from the previous 20')
  - Side: 5'
  - Rear: 45' 12.5' (deviation from the previous 15')

22. The developer shall provide a minimum of an 18' wide driveway for 2 car garage homes.
23. A maximum of 50% of lots may be 40' lots. The remainder of the lots shall be at least 50' wide.
24. Each front-loaded single-family detached lot shall have a minimum of two shade trees on or in front of the lot, with at least one lot tree (in the lot front yard), but the other may be a street tree (in front of the lot). There shall be a minimum of 100' sq. ft. of landscaped beds for 40' lots and 125' sq. ft. of landscaped beds for 50' lots, which includes beds around street and front yard trees. For purposes of this subsection front yard shall be measured from the back of curb to 5' behind the body of the home.
25. Monotony Control and Architectural Design Standards for Single-Family Detached Units are hereby imposed as follows:
  - a) Monotony Control for Single-Family Detached Units. Each single-family detached unit (home) shall be required to address the following requirements to avoid architectural monotony:
    - A proposed home shall have three different architectural features (as defined below) from the two houses on either side of it that face the same street.
    - A proposed home shall differ in architectural features (as defined below) from the house(s) directly across the street (i.e., the house directly across the street, but not diagonal or those on either side of the house directly across the street).
    - The rear of a proposed home shall differ in appearance (as set forth in section (b)(ii) below) from the houses directly adjacent to it when facing another road.
  - b) Architectural Features for Single-Family Detached Units: To establish a difference in architectural features between homes of the same model type facing a street or mews, a minimum of three (3) architectural features shall differ on all 40-foot and 50-foot lots.
    - i. These features shall include different: colors, materials (e.g., stucco, siding, brick, stone, etc.), elevations, arrangement of openings such as windows and doors, gables and eaves, dentils, cornices, trim, division of lights within windows, variation of building elevation (i.e., height, recessed planes etc.) porches, porticos, dormers, location of garage (left, right or rear), ornamental or decorative garage doors, ornaments such as medallions, shutters etc., and color or material

of rooftops (e.g., shingles, tiles etc.). If different models of homes are adjacent to or across from each other, monotony is avoided.

- ii. For the rear of homes that back-up to or face a street (i.e., local, collector, or arterial), the differing appearance shall be accomplished, at a minimum, by the reversal of floor plans or changes in material colors.
- iii. No more than 20% of garages shall protrude more than 8 feet beyond the roof line of each single family detached unit and each such garage (protruding more than 8 feet beyond the roof line) shall contain decorative garage fronts.

The applicant/developer has committed to, and is hereby requiring, the foregoing architectural and monotony controls, notwithstanding any potential contrary requirements in Section 163.3202(5)(a), Florida Statutes. These conditions shall be construed as a requirement imposed by the applicant/developer pursuant to Section 163.3202(5)(c), Florida Statutes, and not a requirement of the County, to the extent that Section 163.3202(5)(a), Florida Statutes, prevents the County from applying or enforcing architectural or monotony controls in this Combined PDP.

26. The HOA or CDD established for this Combined PDP shall include provisions for the management of on-street parking and obstruction of roadways, including without limitation covenants, conditions, and restrictions which require the HOA or CDD, as applicable, to be the primary enforcement entity for all current or future Code of Ordinance provisions related to on-street parking and obstruction of roadways, and which require the HOA or CDD, as applicable, to adopt and enforce specific regulations which empower the HOA or CDD Board, as applicable, to adopt, enforce, and otherwise regulate on-street parking and obstruction of roadways within the subdivision, which regulations may be more restrictive than applicable Code of Ordinance provisions. Such regulations shall specifically include the authority for the HOA or CDD to tow vehicles that violate such regulations. Such HOA or CDD enforcement shall include, at a minimum, any obstruction of any roadway in the subdivision that causes interference with the efficient delivery of emergency or law enforcement services and/or vehicles at any time, whether or not emergency services have been requested. This condition, and the applicable HOA or CDD regulations, do not preclude the County from also enforcing applicable Code of Ordinance provisions relating to on-street parking or obstruction of roadways. In addition to the other requirements of this condition, the HOA or CDD required to be established under this Combined PDP shall include provisions which limit parking to one side of each street within the project (in those areas where on-street parking is allowed at all pursuant to the Code of Ordinances) so as to avoid the

- obstruction of on-site roadways. The forgoing parking limitation does not prevent the developer from providing dedicated parking stalls on both sides of a street outside the travel lane.
27. The development shall provide a minimum of 10% on-street parking spaces for residents in addition to the minimum parking required by the Land Development Code.
28. Lots within a cul-de-sac will be required to have driveways on the same side of the lot to allow for ease of access to utility infrastructure.
29. Enhanced lighting beyond minimum standards shall be required as follows:
- Lighting throughout the Project shall be designed to shield the night sky. Shielding means a fixture, either directly from the lamp or indirectly from a fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
  - Internal residential area lighting shall not exceed 18 feet in height with full cut- off fixtures.
  - Street and parking lot lighting shall be oriented downward with full electrical cut- off fixtures. Fifty percent of all lighting fixtures within parking lots shall be turned off within one hour after closing or between 11:00 pm and sunrise, whichever occurs first.
  - Solar streetlighting shall be allowed within public or private road rights-of way areas. All street lighting shall be privately owned by the developer or its designee, and/or operated by the HOA, CDD or the Developer, at the Developer's sole election.
- 24-30. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.