

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 4, 2024
Board of County Commissioners: December 17, 2024

APPLICANT: NVR, Inc/ Ryan Homes

FILE NUMBER: H-24-48

REQUEST: Master Plan Revision and Rezoning of a portion of Parcel Key 00893475 from C-1(General Commercial) to PDP(SF)/ Planned Development Project (Single Family) with Deviations

GENERAL LOCATION: South side of Cortez Boulevard, approximately 885' west of Frisco Road

PARCEL KEY NUMBERS: 893475, 837786, 837777, 837795

BOCC ACTION:

On December 17, 2024, the Board of County Commissioners voted 4-1 to adopt a resolution approving the petitioner's request for rezoning from C-1(General Commercial) to PDP/SF (Planned Development Project/Single Family) with deviations and the following **modified** performance conditions:

1. The petitioner shall 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. Maximum number of dwelling units: 125
3. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
4. The petitioner shall 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.
5. The Builder/Developer shall provide new property owners with 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.
6. 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.

7. The petitioner shall 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.
8. A Traffic Access Analysis shall be performed and submitted to the engineering department for approval. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer. This Traffic Access Analysis shall also include a queuing analysis for the development.
9. FDOT access management and drainage permitting shall be required.
10. This project shall meet the storm drainage design requirements of Southwest Florida Water Management District (SWFWMD) and Hernando County Facility Design Guidelines.
11. Minimum Lot Widths: 40' and 50' (Previously approved deviation from 60')
12. Minimum Lot Sizes: 4,400** and 5,500 square feet (Previously approved deviation from 6,000 square feet)
**correction of a scrivener's error from H-22-16 that will apply to all phases of the development.
13. Minimum Building Setbacks:
 - Front: 25'
 - Rear: 15' (Previously approved deviation from 20')
 - Side: 5' (Previously approved deviation from 10')
 - Faber Drive: 25'
14. Landscape Buffers:
 - Cortez Blvd: ~~45'~~ 10' (Previously approved)
 - West: 5' (Previously approved)
 - South: 20' (Previously approved)
 - Buffer easement on rear of the residential lots
 - Faber Drive: 15'
15. 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.
16. 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.

17. The petitioner shall submit a fire protection plan with the conditional plat application in accordance with Hernando County LDRs.
18. The developer shall provide a utility capacity analysis with the Conditional Plat application 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'.
19. ~~The petitioner shall be required to provide a treed boulevard entrance from Cortez Boulevard on the west side of the projects entrance. Additionally, a secondary access to Faber Drive is also required.~~ The project's primary access shall be from the Faber Drive connection. Direct access to SR 50 shall be coordinated with the County Engineer as a right-out only access.
20. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of notification in writing of the final BCC action. Failure to submit the revised plan will result in no further development permits being issued.

APPENDIX A

H-22-21 Performance Conditions Approved by the Board of County Commissioners on August 9, 2022

BOCC Previously Approved Performance Conditions for H-22-16

On August 9, 2022, the Board of County Commissioners voted 4-0 to adopt Resolution 2022-152, approving the petitioner's request for rezoning from AR (Agricultural/Residential) to PDP(SF)/Planned Development Project (Single Family) 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 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 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 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.
7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer. This Traffic Access Analysis shall also include a queuing analysis for the development.
8. FDOT access management and drainage permitting shall be required.
9. This project must meet the storm drainage design requirements of Southwest Florida Water Management District (SWFWMD) and Hernando County Facility Design Guidelines.
10. Minimum Lot Widths: 40' and 50' (Deviation from 60')

11. Minimum Lot Sizes: 4,800 and 5,500 square feet (Deviation from 6,000 square feet)
12. Minimum Building Setbacks:
 - Front: 25'
 - Rear: 15' (Deviation from 20')
 - Side: 5' (Deviation from 10')
13. Landscape Buffers:
 - Cortez Blvd: 15'
 - West: 5'
 - South: 20'
14. 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.
15. 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.
16. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
17. 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.
18. The petitioner shall be required to provide a treed boulevard entrance from Cortez Boulevard. Additionally, a stub-out to the west must be provided.
19. The developer shall provide an emergency access connection to Faber Drive. This access connection shall be designed to meet all full access requirements as identified in the Hernando County Facility Design Guidelines and may be converted to a full access connection based on need, demand and public benefit as approved by the Board of County Commissioners through an amendment to this master plan. This language shall be included on the master plan and all development plans for the site. Faber Drive shall remain fully barricaded either by natural and/or supplemental barriers on the side of the road external to the development until construction is completed for the associated phase. As each stage of development is approved, it shall include the construction access plan for the site as approved by the Department of Public Works.
- ~~19.~~ 20. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.