

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

Rezoning ☐ Standard ☐ PDP

Master Plan ☒ New ☐ Revised

PSFOD ☐ Communication Tower ☐ Other

PRINT OR TYPE ALL INFORMATION

Date: _____

File No. H-27-27 Official Date Stamp:

Received

APR 06 2022

Planning Department
Hernando County, Florida

APPLICANT NAME: Hillpointe, LLC - Nick Everly

Address: 1031 W Morse Blvd, Suite 240

City: Winter Park

State: FL

Zip: 32789

Phone: 3036568506

Email: neverly@hillpointe.com

Property owner's name: (if not the applicant) Powerstroke Properties LLC

REPRESENTATIVE/CONTACT NAME: Cameron Langermann

Company Name: VHB

Address: 501 E Kennedy Blvd Suite 1010

City: Tampa

State: FL

Zip: 33602

Phone: 8133275441

Email: clangermann@vhb.com

HOME OWNERS ASSOCIATION: ☐ Yes ☒ No (if applicable provide name) _____

Contact Name: _____

Address: _____ City: _____ State: _____ Zip: _____

PROPERTY INFORMATION:

1. PARCEL(S) **KEY** NUMBER(S): 1708511, 1708487, & 1492673

2. SECTION 10, TOWNSHIP 23, RANGE 18

3. Current zoning classification: PDP MF, PDP SU, CPDP

4. Desired zoning classification: PDP MF, PDP SU, CPDP

5. Size of area covered by application: 25.2

6. Highway and street boundaries: Astaire Lane

7. Has a public hearing been held on this property within the past twelve months? ☐ Yes ☒ No

8. Will expert witness(es) be utilized during the public hearings? ☐ Yes ☒ No (If yes, identify on an attached list.)

9. Will additional time be required during the public hearing(s) and how much? ☐ Yes ☒ No (Time needed: _____)

PROPERTY OWNER AFFIDIVAT

I, John Grubbs, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (**check one**):

☐ I am the owner of the property and am making this application **OR**

☒ I am the owner of the property and am authorizing (applicant): Hillpointe, LLC

and (representative, if applicable): _____

to submit an application for the described property.

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 3rd day of April, 2022, by John G. Grubbs who is personally known to me or produced _____ as identification.

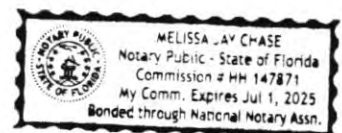
Signature of Notary Public

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

PRINT FORM

CLEAR FORM

Notary Seal/Stamp



Narrative Description of Request

Spring Hill Multifamily

Astaire Lane

Hernando County, Florida

PREPARED FOR

Hernando County

PREPARED BY



VHB
501 E Kennedy Blvd. Suite 1010
Tampa, Florida 33602
813-327-5450

April 2022

Received

APR 6 2022

Planning Department
Hernando County, Florida

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Spring Hill Multifamily

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Proposed Project Information

Proposed Uses and Acreages

The proposed use is **±22.8-acres of multi-family residential** with associated buildings and parking. This proposed project includes:

- 348 two-bedroom units
- One clubhouse
- One fitness center
- ±3.42-acres of open space
- ±4.56-acres of stormwater pond

Additionally, the project will include **±1.0-acres of roadway** (Astaire Lane) and **±1.4-acres of existing stormwater pond/lift station**.

Proposed Density Level

The proposed density is **15.3 DU/Acre**. Only the primary site parcel is included in the density calculations, not the retention pond parcel or Astaire Lane right-of-way.

Proposed Square Footage

The project proposes the following building square footages:

- (3) 12-unit buildings of 4,591 SF per floor (3 stories) = 41,319 SF
- (13) 24-unit buildings of 9,205 SF per floor (3 stories) = 358,995 SF
- (6) Garages of 2,000 SF = 12,000 SF
- One clubhouse = 3,102 SF
- One fitness center = 1,824 SF

Total building square footage is **417,240 SF**, which is equivalent to a building coverage of **42%**.

Proposed Deviations from Code

The proposed project is generally consistent with the Hernando County Code of Ordinances for the current zoning designation; Planned Development Project Multifamily (PDP MF).

The list of deviations from the Land Development Regulations is provided below.

List of Proposed Deviations

1. Points of Access

Code: Code of Ordinance, Appendix A, Article VIII, Section 6 - (8)b

- (8) *"Additional standards for commercial development with any single user occupying and/or using greater than 65,000 square feet of moss floor area:*
- (b) *The master plan shall demonstrate at least two vehicular access points providing adequate ingress and egress with appropriate turn lanes, intersection improvements, signage and signalization (as may be required) to accommodate the traffic impacts of the project...."*

Justification for Deviation

The Astaire Lane extension to the eastern boundary of the project site is the only proposed ingress and egress point. The project location and surrounding parcel configuration result in a lack of other reasonable ingress and egress points.

Abutting parcels to the north, south, and southeast are undeveloped parcels owned by unaffiliated parties and have limited access to the roadway network. No known roadway projects are planned or programmed for the subject property to provide access to.

The properties to the east of the project site are single-family homes part of the Sterling Hill community. Creating an ingress/egress point in this direction would result in high costs and significant disruption to that community's existing residents.

The site layout proposes paved parking access along most of the site's external boundary. If unforeseen future development projects on abutting properties would benefit, require, or otherwise need a connection to the project site, this site configuration would allow for such with limited on-site adjustments to existing paved areas.

Senior, Age-Restricted, or Affordable Housing

The proposed project does not include dedicated senior, age-restricted, or affordable housing as defined in section 420.0004, Florida Statutes, or workforce housing as defined in section 420.5095, Florida Statutes.

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Site Characteristics

Site Size

The primary subject site is a ± 22.8 -acre property located on the west side of Barclay Avenue. It is connected by a ± 1.0 -acre Right of Way, Astaire Lane, and a ± 1.4 -acre detention pond to the south of Astaire Lane. Hernando County Property Appraisers' website shows the three parcels as described below:

ID	Owner	Area
1708511	Powerstroke Properties LLC	22.8 acres
1708487	Powerstroke Properties LLC	1.4 acres
1492673	Powerstroke Properties LLC	1.0 acres

Existing Uses & Activities On-Site

The primary ± 22.8 -acre site is currently vacant. The property is heavily wooded, previously undeveloped, and has no active uses.

Astaire Lane is partially developed, extending approximately half the length of the existing right-of-way. The roadway is proposed to be extended as part of this project. The roadway detention pond is entirely constructed and is designed to serve the existing portion of Astaire Lane and the adjacent retirement facility.

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Environmental Considerations

Flood Zone

According to FEMA FIRM Panel 12053C0326D dated February 2, 2012, the project site falls within Zone X, an area of minimal flood hazard.

Drainage Features

There is an existing detention pond south of the Astaire Lane right-of-way which serves the roadway and the adjacent assisted living facility. There are no existing drainage features on the primary site parcel.

Water Features

The project site does not contain any rivers, wetlands, or upland buffers.

Habitats

An **Ecological Due Diligence Report** was completed by Modica & Associates on March 17, 2022 and is included in this application submittal. Below is a summary of the report findings.

Vegetative Habitats

The vegetative community types were classified according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS). The primary parcel is classified as "Longleaf Pine – Xeric Oak." Vegetation in this classification consists of the following:

- Turkey Oak (*Quercus Laevis*)
- Longleaf Pine (*Pinus Palustris*)
- Live Oak (*Quercus Virginiana*)
- Sand Live Oak (*Quercus Geminata*)
- Catbrier (*Smilax Sp.*)
- Saw Palmetto (*Serenoa Repens*)
- Prickly Pear Cactus (*Opuntia Humifusa*),
- Blackberry (*Rubus Spp.*)

Survey Observations

A survey was conducted by Modica & Associates to document the presence of any protected plant species within the Project Site. This floral species survey was conducted in conjunction with the assessment on March 17, 2022. **No protected plant species were observed on the Project Site.**

Wildlife Habitats

Wildlife species with the potential to occur onsite based on USFWS Consultation Areas, geographic locale, habitat types of present, and presence of suitable soils or vegetative cover include the American bald eagle (*Haliaeetus leucocephalus*), gopher tortoise (*Gopherus polyphemus*), and eastern indigo snake (*Drymarchon couperi*). The Florida Natural Areas Inventory Tracking List for Hernando County was obtained and reviewed to assist with this process. A site survey was conducted to determine the need and extent of a formal survey for any particular species.

Survey Observations

The list below indicates all species observed on or near the Project Site in the various communities during the March 17, 2022 site inspection.

Birds

- Northern cardinal (*Cardinalis cardinalis*)
- Turkey (*Meleagris gallopavo osceola*)

Mammals

- Nine-banded armadillo (*Dasypus novemcinctus*)
- Raccoon (*Procyon lotor*)
- Coyote (*Canis latrans*)

Reptiles

- Gopher tortoise (*Gopherus polyphemus*)

The **gopher tortoise was the only protected species** of wildlife documented on the Project Site during the March 17, 2022, site inspection. Due to the number of gopher tortoise burrows within the project site, a Conservation Permit will be obtained from the Florida Fish and Wildlife Conservation Commission (FWC).

Conditions and Impacts on Natural Features

The site is heavily wooded and will have a to-be-determined number of trees removed before construction. A tree survey will be completed prior to construction plan development to determine tree impacts and amount of preservation that can be reasonably accommodated on the project site.

Relocation of the aforementioned gopher tortoise population prior to construction will also be required.

The site has about 20 feet of elevation difference. Significant earthworks will be required to balance the site and maintain reasonable slopes. Retaining walls may be necessary to accommodate the proposed design.

Other significant impacts on natural features are not anticipated.

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Site Plan Discussion

The primary project site is proposed to be developed as shown in the Master Plan included in this submittal. The site will be designed to comply with the criteria defined by Hernando County and Southwest Florida Water Management District.

Concept Description

The site plan depicts the following proposed buildings and facilities:

- 348 two-bedroom dwelling units
 - (3) 12-unit buildings
 - (13) 24-unit buildings
- 591 parking spaces
 - 531 regular spaces
 - 60 accessible spaces
- ±3.42 acres of open space (excluding buffers and stormwater)
- ±1.60 acres of native vegetation
- ±4.56 acres of stormwater facilities (two separate stormwater ponds, not including the existing detention pond south of Astaire Lane)
- One (1) clubhouse
- One (1) fitness center
- One (1) mail kiosk building
- One (1) in-ground swimming pool

Proposed Buffer Sizes, Separation Widths, and Setbacks

The site plan depicts the setbacks and buffers from the perimeter of the primary site parcel shown in the table below.

Parcel Side(s)	Type	Distance
North / South	Building Setback	10'
East	Building Setback	25'
West	Building Setback	20'
All	Accessory Structure Setback	5'
All	Vegetative Buffer	5'

Infrastructure Impacts and Improvements

Transportation

Astaire Lane currently extends only to the existing assisted living facility entrance. The site plan depicts the extension of this roadway west, leading to the proposed entrance of the project site. This roadway extension connects directly to the proposed parking facilities. No other existing, planned, or programmed roadways intersect or abut the primary project parcel.

Drainage

Two dry retention ponds are proposed as shown on the Master Plan. The ponds will be designed to follow existing drainage patterns and to meet the criteria defined by Hernando County and Southwest Florida Water Management District.

Utilities

Water and sewer service for the subject property are provided by Hernando County Utilities. A 16" watermain exists on the north side of Astaire Lane, which will be extended with the proposed roadway extension and utilized for service to the proposed development. The as-built plans for Astaire Lane indicate that an 8" gravity main is stubbed out on the western end of the roadway which ties into an existing lift station located east of the detention pond. This gravity system will be extended with the proposed roadway extension and utilized for service to the proposed development.

The water and sewer systems will be extended through the site, providing service to the entire development.

Other Site Plan Topics

Lot Sizes and Lot Setbacks

The proposed project has no individual lots as it is proposed to be entirely multi-family residential.

Proposed Uses in Pods

The site plan does not depict individual pods. The proposed use is entirely multi-family residential and accessory uses.

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Impacts on Public Facilities

Proposed Infrastructure and Impacts

Transportation

The project will be served by a proposed extension of Astaire Lane and will not create additional access points to the surrounding arterial street network.

At time of design, a traffic analysis will be completed to determine the need for any further roadway improvements.

Drainage

Two dry retention ponds are proposed as shown on the Master Plan.

The subject site appears to discharge to a closed basin. As such, the stormwater design must adhere to volume-sensitive basin criteria. This criterion limits the volumetric discharge during the 100-year, 24-hour storm event to that of the pre-development condition. The discharge rate for the 25-year, 24-hour storm event shall also not be exceeded. Furthermore, the stormwater system will need to be designed to treat 0.5 inches over the basin area.

Water

A 16" water main exists on the north side of Astaire Lane, and it is assumed that the system has the capacity for the proposed development. The main shall be extended on Astaire Lane and looped through the development, providing potable and fire services to all proposed buildings.

Sanitary Sewer

A gravity system exists adjacent to the project site and it is assumed that it has capacity for the proposed development. The as-built plans for Astaire Lane indicate that an 8" gravity main is stubbed out on the western end of the roadway, which ties into an existing lift station located east of the detention pond. This gravity system should be extended with the proposed roadway extension and utilized to service the proposed development.

Given the grade change between the project site and the existing lift station, it is assumed that sanitary can discharge via gravity mains, and a new lift station will not be necessary.

Parks & Recreation

Approximately 3.42 acres of open space are proposed on the project site. This space may be used as passive recreation space by residents. Based on the calculation presented in Hernando County's Concurrency Evaluation Package, the proposed project will generate demand for 1.4-acres of park facilities.

No park facilities are proposed on the site.

Solid Waste

The proposed project will utilize the garbage service provided by Republic Services through the hauler's contractual agreement with Hernando County.

The proposed project will generate about 3,377 pounds of solid waste per day based on the calculation presented in Hernando County's Concurrency Evaluation Package.

Public School Facilities

The project site falls within the Pine Grove Elementary, West Hernando Middle, and Central High School zones. An application will be submitted to the Hernando County School Board to ensure and reserve capacity.

Electricity

Electric service is provided to the project site by Withlacoochee River Electric Cooperative, Inc. and the availability of service has been confirmed. A letter of availability has been obtained and is available upon request.

Telephone

Telephone service is provided to the project site by AT&T, and the availability of service has been confirmed. A letter of availability has been obtained and is available upon request.

Fiber

Charter Communications and WANrack LLC were listed as having fiber facilities in the area. Both entities have been contacted regarding facility locations and service availability, but a response has not been received.

Gas

Gas service is provided to the project site by TECO Peoples Gas. TECO has confirmed that they have facilities within Barclay Ave.

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Water & Sewer Services

Potential Connection Points

Hernando County Utilities provides water and sewer service for the subject property.

A **16" water main** exists on the north side of Astaire Lane, which should be continued with the proposed roadway extension and utilized for service to the proposed development.

The as-built plans for Astaire Lane indicate that an **8" gravity main** is stubbed out on the western end of the roadway, which ties into an **existing lift station** located east of the detention pond. This gravity system should be extended with the proposed roadway extension and utilized to service the proposed development. Confirmation of lift station capacity is required prior to construction plan development.

Acknowledgment of Ordinance Requirements

The developer of the proposed project is aware that the County's subdivision regulations require the dedication of sewer and water systems to the County in planned development projects and provide for obtaining water and sewer service from the County, payment of connection fees, and commitments for service.

**BARCLAY AVENUE
HERNANADO COUNTY, FLORIDA**

ECOLOGICAL DUE DILIGENCE

March 2022



ENVIRONMENTAL
PLANNING
DESIGN &
PERMITTING

Prepared for:

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Received

APR 6 2022

Planning Department
Hernando County, Florida

**BARCLAY AVENUE
HERNANDO COUNTY, FLORIDA**

ECOLOGICAL DUE DILIGENCE

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**BARCLAY AVENUE
HERNANDO COUNTY, FLORIDA**

ECOLOGICAL DUE DILIGENCE

1.0 INTRODUCTION

Modica & Associates conducted Ecological Due Diligence on the 35.20± acre Barclay Avenue property (Project Site) on March 17, 2022. The Project Site is generally located west of Barclay Avenue and north of Elgin Boulevard in unincorporated Hernando County, Florida (Figures 1 & 2). More specifically, the Project Site consists of three parcels identified by the Hernando County Property Appraiser with Parcel Key Numbers: 01708511, 01492673, and 01708487 (Figures 1 & 2).

The intent of the Ecological Due Diligence was to evaluate on-site habitats, vegetative communities, estimate any onsite wetlands, and document the presence or potential presence of protected wildlife species that might affect the cost and/or feasibility of developing the property.

2.0 PROJECT SITE CONDITIONS

Modica & Associates reviewed a variety of data prior to conducting the evaluation of the Project Site. Data evaluated included published literature and publicly available ArcView™ GIS data layers including site soils, vegetation, and anticipated or documented wildlife use in the vicinity of the property, etc. The following resources were reviewed as part of the subject assessment:

- Aerial Photographic Imagery, Hernando County, Florida;
- Historic Aerial Photographs, 1941 - 1958, <https://original-ufdc.uflib.ufl.edu/>
- Google Earth Aerial Imagery, 1994 to present;
- U.S. Department of Agriculture (USDA) *Soil Survey of Hernando County Florida*;
- Florida Natural Areas Inventory - Species Occurrence Tracking List, Hernando County;
- *Florida's Endangered and Threatened Species*; June 2021, FWC;
- *Florida Land Use, Cover and Forms Classification System (FLUCFCS) Handbook*, U.S. Department of Transportation; and
- Audubon Florida EagleWatch Nest Map
(<https://cbop.audubon.org/conservation/about-eaglewatch-program>).

The Project Site was reviewed on March 17, 2022, utilizing pedestrian transects. The following information summarizes the observations made during the onsite assessment and the findings of the data reviewed prior to the site inspection.

2.1 Soils

The onsite soil types were classified according to the Soil Survey for Hernando County, Florida (USDA, 1976) and USDA Natural Resource Conservation Service (NRCS) (Figure 3). The following presents a brief description of each of the soil types mapped within the Project Site; the descriptions are excerpts from the Soil Survey.

Candler fine sand, 0 to 5 percent slopes (#14) is a nearly level to gently sloping, excessively drained soil in very large to small areas on uplands. Typically, the surface layer is dark grayish brown fine sand about 4 inches thick. The subsurface layer is fine sand to a depth of about 48 inches. The upper 5 inches is brown, the next 28 inches is brownish yellow. This soil has a very low available water capacity in the upper 48 inches and low available water capacity below that depth. Permeability is very rapid in the upper 48 inches of the profile and rapid below. Natural fertility is low.

Candler sand, 5 to 8 percent slopes (#15) consist of very deep, excessively drained, rapidly permeable soils on uplands. The slopes in the areas mapped range from 5 to 8 percent. The surface layer of this soil type generally consists of dark gray sand and is about 7 inches thick. The water table for this soil type is at a depth of more than 120 inches. Permeability is very rapid.

2.2 Land Use Types & Vegetative Communities

The onsite land uses, and vegetative community types were classified according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Figure 4). The following section provides a general description of all vegetative communities found on site.

412 – Longleaf Pine – Xeric Oak

The uplands on the Project Site can be described by this land use type. Vegetation consists of turkey oak (*Quercus laevis*), longleaf pine (*Pinus Palustris*), live oak (*Quercus virginiana*), sand live oak (*Quercus geminata*), catbrier (*Smilax* sp.), saw palmetto (*Serenoa repens*), prickly pear cactus (*Opuntia humifusa*), and blackberry (*Rubus spp.*).

530 – Reservoirs

A pond was constructed in 2010 to treat the stormwater associated with the construction of a retirement facility located to the northeastern of the Barclay Avenue Project.

814 – Roadway

The entrance road into the Project Site lies in the eastern portion of the property.

830 – Utilities

There is a lift station in the eastern portion of the property located south of the entrance road.

2.3 Wildlife

A qualitative review of the Project Site was conducted to determine if any wildlife species using the property are listed as protected by the U.S. Fish & Wildlife Service (USFWS) or the Florida Fish & Wildlife Conservation Commission (FWC). To assist in documenting the potential protected species on the Project Site, the Florida Natural Areas Inventory Tracking List for Hernando County was obtained and reviewed (**Exhibit A**). Wildlife species with the potential to occur onsite based on USFWS Consultation Areas, geographic locale, habitat types of present, and presence of suitable soils or vegetative cover include the American bald eagle (*Haliaeetus leucocephalus*), gopher tortoise (*Gopherus polyphemus*), and eastern indigo snake (*Drymarchon couperi*). Using this information, a survey of the site was conducted to determine the need and extent of formal survey for any particular wildlife species.

The below list indicates all species which were observed on or near the Project Site in the various communities during March 17, 2022, site inspection.

Birds

Northern cardinal (*Cardinalis cardinalis*)

Turkey (*Meleagris gallopavo osceola*)

Mammals

Nine-banded armadillo (*Dasypus novemcinctus*)

Raccoon (*Procyon lotor*)

Coyote (*Canis latrans*)

Reptiles

Gopher tortoise (*Gopherus polyphemus*)

The gopher tortoise was the only protected species of wildlife documented on the Project Site during the March 17, 2022 site inspection. The potential for other protected species of wildlife that may occur on or near the site are explained in further detail in Section 4 below.

2.4 Listed Flora

A survey was conducted to document the presence of any protected plant species within the Project Site. This floral species survey was conducted in conjunction with the assessment on March 17, 2022. No protected plant species were observed on the Project Site.

3.0 REGULATORY AGENCY PERMITTING

Regulatory agencies with jurisdiction over the Project Site include the Southwest Florida Water Management District (SWFWMD) and Hernando County (County). The Project Site does not contain any jurisdictional wetlands or surface waters and therefore State 404 permitting through the Florida Department of Environmental Protection (FDEP) will not be required.

3.1 Southwest Florida Water Management District

The SWFWMD administers regulatory authority for proposed developments through the Environmental Resource Permit (ERP) program. Development of the Project Site will require an ERP application to be submitted to the SWFWMD for stormwater management and environmental regulatory review.

A review of Florida's Water Permitting Portal determined that one permit has been issued for the Project Site. Permit No. 34224.000 was issued on August 21, 2008 for the construction of the onsite dry retention area and Astaire Lane. This permit is currently in the Operation and Maintenance phase and the next statement of inspection report is due on August 10, 2022. Any modifications to the road or pond would require a permit modification or new ERP.

Because there are no wetlands onsite, this report should be sufficient to facilitate the environmental review of the ERP application. The timeframe to receive an ERP permit is dependent upon engineering and geotechnical information for a project. A typical project would generally take 3-6 months.

3.2 Hernando County

The Project Site is located in unincorporated Hernando County (County) and is therefore subject to the County's Land Development Regulations (LDR's). Chapter 23, Article VI contains provisions for Riverine Protection, including rivers, associated wetlands and upland buffers. The Project Site does not contain any of these features. This report should be sufficient to facilitate any environmental review with the County.

4.0 PROTECTED SPECIES REGULATIONS AND PERMITTING

Modica & Associates conducted a review of the existing database for listed species geographic coverage and an onsite survey of the Project Site to determine if any wildlife species listed as protected by the USFWS or the FWC are using the project site. The state listed gopher tortoise was only protected wildlife species that was observed.

The information outlined below describes the findings of the site evaluation and discusses the development constraints and permitting requirements, as applicable.

4.1 Gopher Tortoise

The gopher tortoise is listed by the FWC as “Threatened” according to the State of Florida regulations. Gopher tortoises are commonly found in areas occurring on well-drained sandy soils associated with xeric pine-oak hammock, scrub, pine flatwoods, pastures, and citrus groves.

FWC regulations prohibit development within a 25-foot radius of any potentially occupied gopher tortoise burrow. A permit will need to be obtained from the FWC authorizing the relocation of any gopher tortoises within 25-feet of the footprint of development prior to the initiation of any land clearing or construction activities.

A preliminary survey was completed by Modica & Associates on March 17, 2022. Eleven (11) potentially occupied gopher tortoise burrows were documented; however, this was only a preliminary survey that covered approximately 30% of the site. A 100% survey must be conducted within 90-days of the anticipated start date of construction.

Conservation Permit

Because there are more than 10 gopher tortoise burrows within the Project Site that will be impacted by development, a “Conservation Permit” must be obtained from the FWC. A Conservation Permit authorizes the relocation of captured tortoises to a permitted off-site recipient area.

An application for the relocation of the tortoises must be submitted to the FWC by a state-licensed Authorized Gopher Tortoise Agent. The Conservation Permit only requires a 15% gopher tortoise survey to obtain the permit, but a 100% survey must be conducted no more than 90 days prior to relocation activities. If the relocation effort does not occur within 90-days of the survey date, it will be necessary to repeat the survey prior to conducting the relocation effort.

Once a formal survey is conducted and the application submitted, the permit issuance typically occurs within 45-days following a complete application submittal. The permit will be valid for a period of one year and is renewable in one-year increments and is transferrable.

Once issued, the permit is valid for one (1) year, and can be renewed for one additional year, and is transferable. Relocation cannot commence until local government approval for land clearing or site development has been issued.

4.2 American Bald Eagle

The American bald eagle (*Haliaeetus leucocephalus*) is no longer listed under the Endangered Species Act; however, it is still afforded protection by the USFWS under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

A review of the FWC bald eagle nest database and of the Audubon Florida EagleWatch Nest Map was conducted prior to visiting the site to determine if there are any known bald eagle nests that could affect the development of the property. The database review revealed the closest eagle nest (HN-013) lies almost 5.00 miles northeast of the Project Site (**Figure 6**). Due to the distance of the nest from the site, no coordination with USFWS is anticipated for this species.

4.3 Eastern Indigo Snake

The Eastern indigo snake (*Drymarchon couperi*) is listed as “Threatened” by the USFWS. Indigo snakes are thick-bodied, glossy black snakes with iridescent blue highlights. Adult indigo snakes may be between 60 and 74 inches long (USFWS, 2016c). The USFWS routinely concurs that a project is “not likely to adversely affect” the indigo snake if the USFWS’s *Standard Protection Measures for the Eastern Indigo Snake* (“Standard Protection Measures”; USFWS, 2004c) will be followed during project construction. The Standard Protection Measures require that an educational program be developed by the Applicant to inform all construction personnel of the potential presence of indigo snakes on the project site. This requires placement of posters on the project site, distribution of educational pamphlets and informational signs and videos. These educational documents have been prepared by USFWS and are readily available for use by the landowner.

Recent discussions with USFWS staff from the South Florida Ecological Services Office indicate that if a snake’s presence on a property is “reasonably certain to occur”, consultation will be required. The USFWS is defining “reasonably certain to occur” as recorded or known primary evidence of a snake’s presence on or near a property (i.e. documented observation of an indigo snake, snake shed).

Although the presence of an indigo snake on the Project Site is unlikely, it is recommended that the Standard Protection Measures be implemented during construction activities. Formal consultation with USFWS for this species is not anticipated to be required.

5.0 SUMMARY

Modica & Associates conducted Ecological Due Diligence on the 35.20± acre Barclay Avenue property on March 17, 2022. The Project Site is generally located west of Barclay Avenue and north of Elgin Boulevard in unincorporated Hernando County, Florida.

The intent of the Ecological Due Diligence was to evaluate vegetative communities, on-site habitats, determine if there were any onsite wetlands, and document the presence or potential presence of protected wildlife species that might affect the cost and/or feasibility of property development.

Development of the Project Site will require permitting through the SWFWMD and Hernando County (County). There are no wetlands on the Project Site and therefore State 404 permitting through FDEP will not be required.

A review of Florida's Water Permitting Portal revealed that one ERP had been previously issued for the Project Site. An ERP authorized construction of the dry retention area and Astaire Lane. Proposed site development, and any modifications to the road or pond would require a permit modification or new ERP.

The Project Site is located in unincorporated Hernando County and is therefore subject to the County's LDR's. This report should be sufficient to facilitate any environmental review. There are no anticipated ecological challenges with the County.

Modica & Associates conducted a preliminary survey for gopher tortoises on March 17, 2022 and documented eleven (11) potentially occupied gopher tortoise burrows. This was a partial survey. A comprehensive (100%) survey must be conducted no more than 90 days prior to the anticipated start date of construction. Prior to development, a permit will have to be obtained from the FWC to relocate the tortoises to an approved recipient site.

It is recommended that the Standard Protection Measures for the eastern indigo snake be implemented during construction activities. This requires placement of posters on the project site, distribution of educational pamphlets and informational signs which explain what to do if this species is found.

Development of the Project Site will not affect bald eagles as there are no nests within 660 feet of the property boundaries.

No other listed species of wildlife were identified on the property, nor does the Project Site appear to provide suitable habitat for other listed species at the time. However, it should be noted that these results reflect site conditions at the time of the investigation and do not preclude the possibility of any additional listed species using or inhabiting the site in the future, especially if vegetative habitat characteristics become more favorable for listed species in the future.

6.0 OTHER ENVIRONMENTAL CONCERNS

No other environmental concerns were identified or expected for the Project Site. This ecological assessment does not constitute a Phase 1 Environmental Audit and this report makes no representation as to the presence or absence of hazardous materials.

This report does not constitute a Cultural Resource Assessment Survey and provides no opinion on the presence of cultural or historical resources.

7.0 REFERENCES

Audubon Center for Birds of Prey, Eagle Nest Locator

(<https://cbop.audubon.org/conservation/about-eaglewatch-program>).

Florida Fish & Wildlife Conservation Commission. 2021. Florida's Endangered and Threatened Species. Tallahassee, Florida.

Florida Natural Areas Inventory. 2022. Tracking List Hernando County.

<http://www.fnai.org/bioticssearch.cfm>.

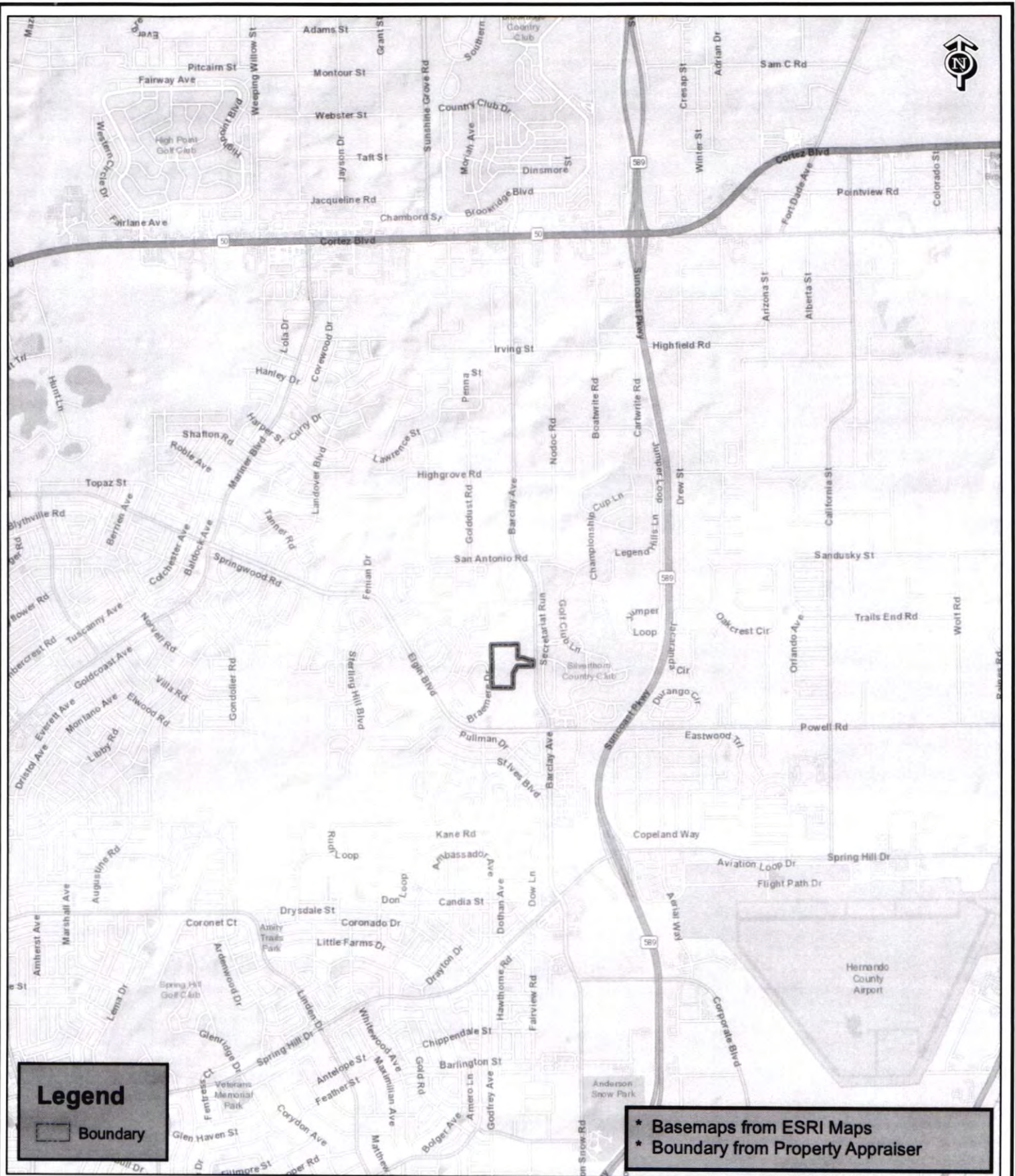
U.S. Department of Agriculture, Soil Conservation Service. 1979. Soil survey of Hernando County Area, Florida.

U.S. Fish & Wildlife Service. 2004c. Standard Protection Measures for the Eastern Indigo Snake. Souza, Paul (U.S. Department of Interior, Fish & Wildlife Service, Vero Beach, FL). Letter to: Connie Kinard (Jacksonville District Corps of Engineers, Jacksonville, FL). 2010 May 18. Wood stork key and biomass foraging assessment methodology.

U.S. Fish & Wildlife Service. 2016c. Species profile for Eastern indigo snake (*Drymarchon corais couperi*).

<https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=C026>.

FIGURES



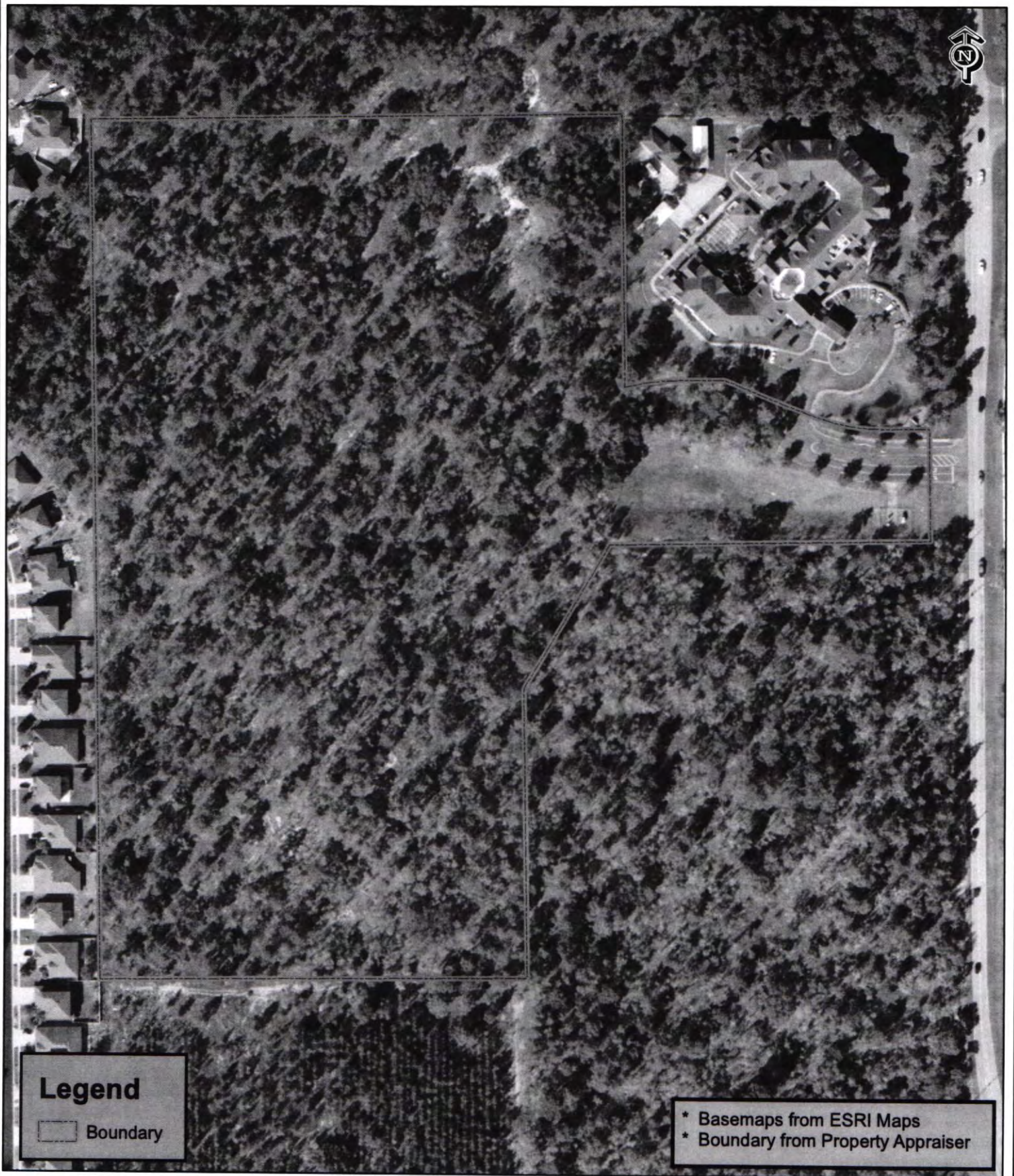
Barclay Avenue

Figure 1 - Location Map
Section 10, T23S, R18E
Hernando County, Florida

4,000 2,000 0 4,000 Feet



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302 Mohawk Road
Clermont, Florida 34715
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Email: Environmental@Modica.cc
www.ModicaAndAssociates.com



Legend

□ Boundary

- * Basemaps from ESRI Maps
- * Boundary from Property Appraiser

Barclay Avenue

Figure 2 - Aerial Map
Section 10, T23S, R18E
Hernando County, Florida

200 100 0 200 Feet



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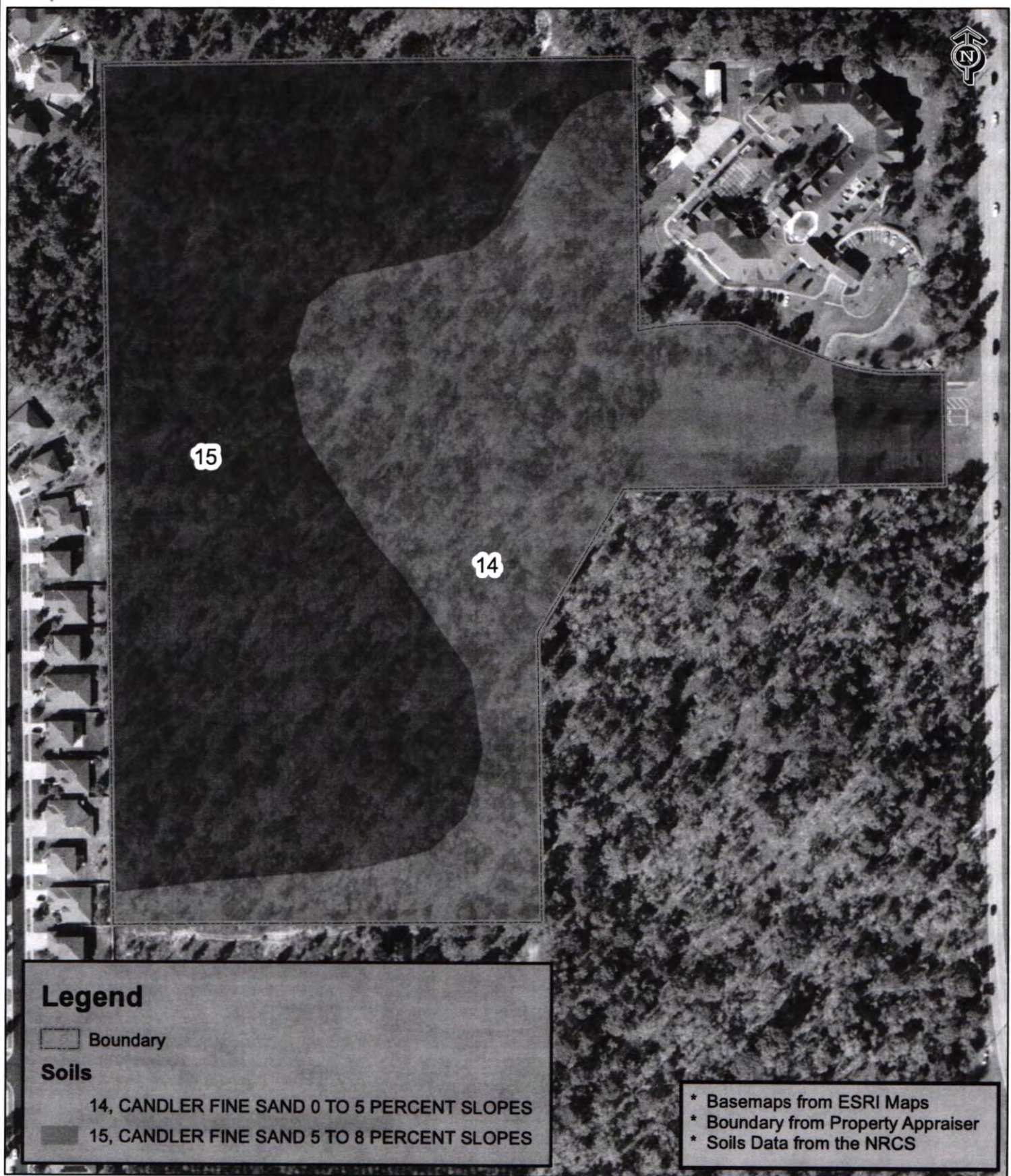
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Barclay Avenue

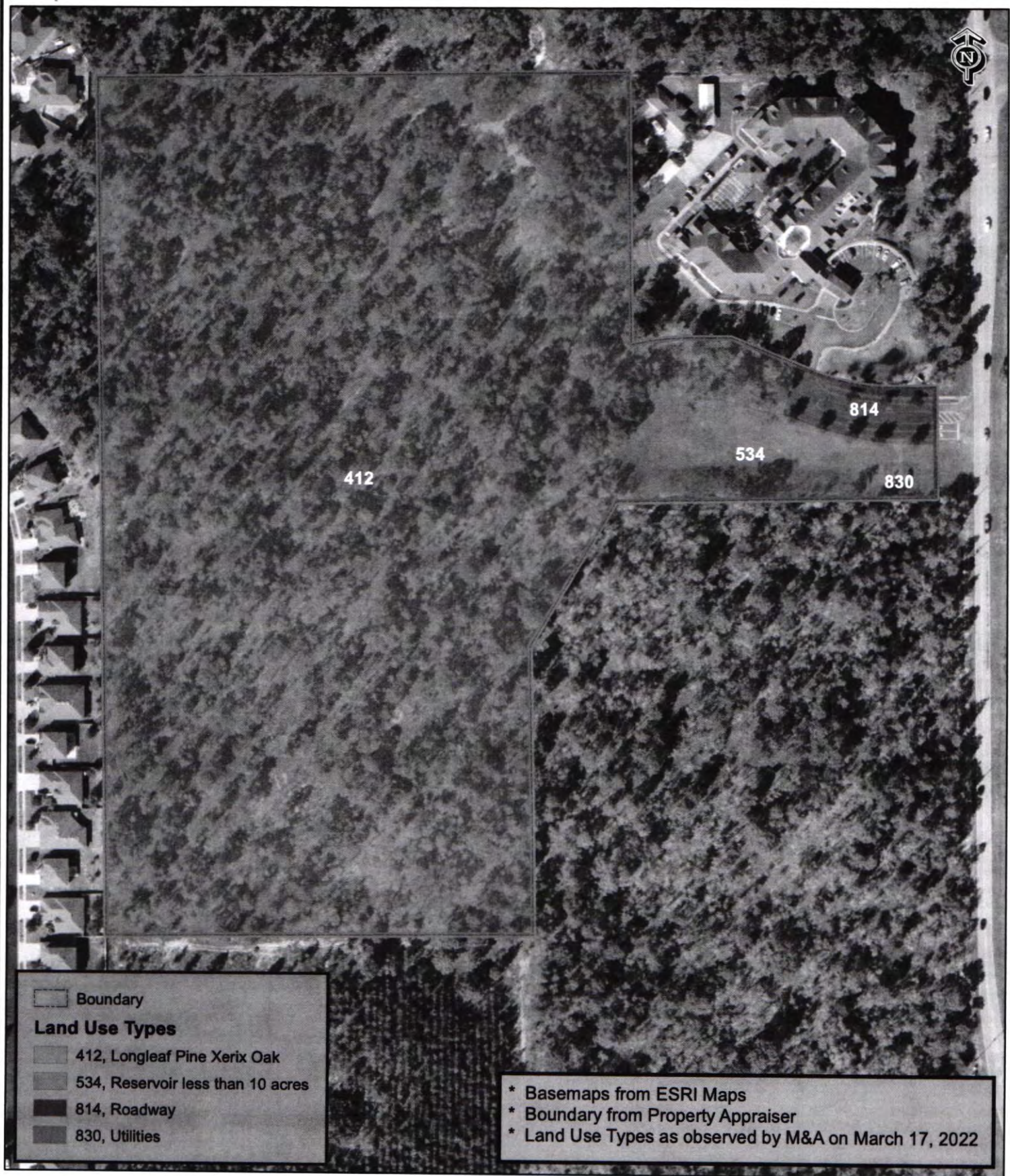
Figure 3 - Soils Map
 Section 10, T23S, R18E
 Hernando County, Florida

200 100 0 200 Feet



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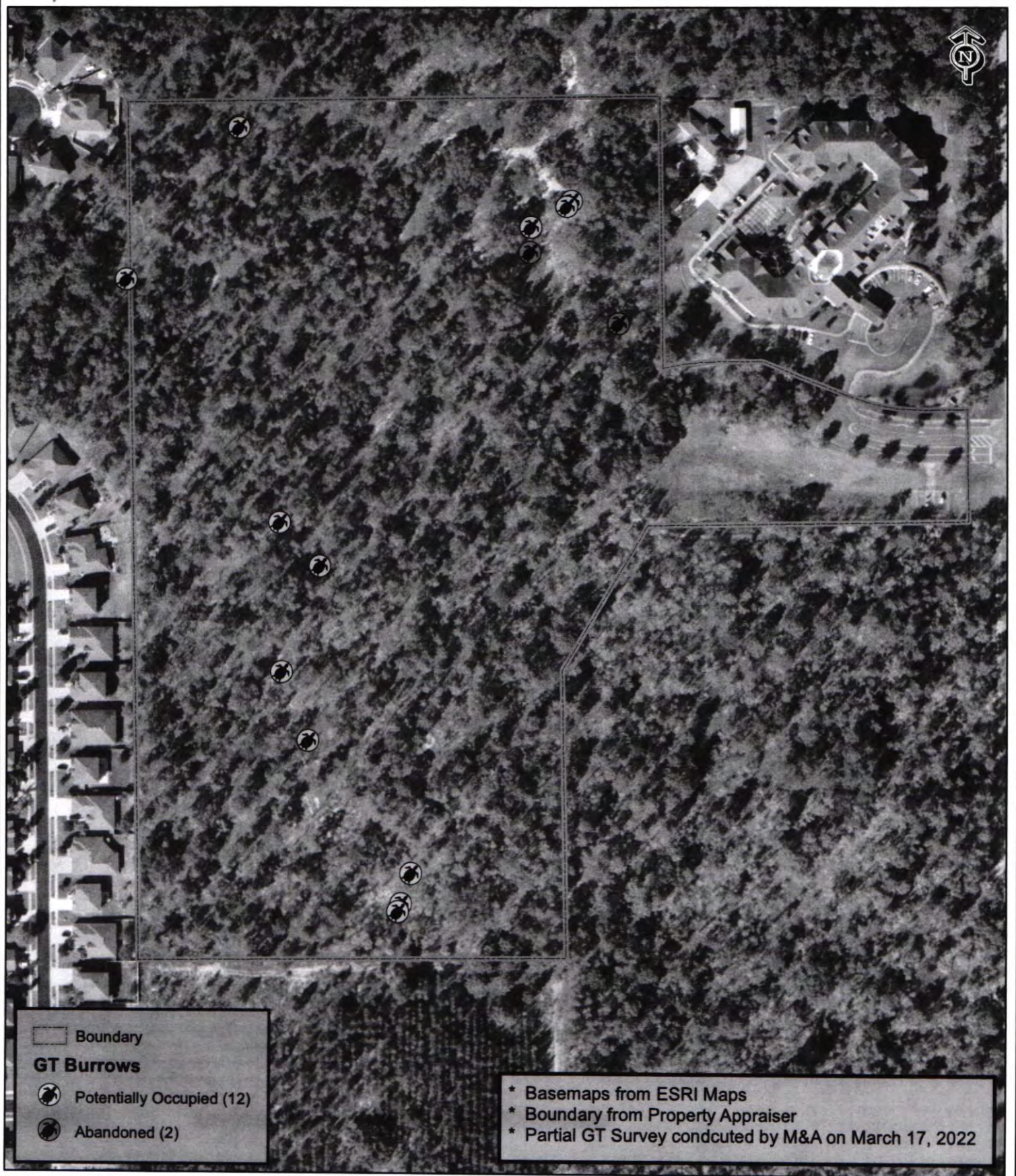
Barclay Avenue

Figure 4 - Land Use Map
 Section 10, T23S, R18E
 Hernando County, Florida

200 100 0 200 Feet



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Barclay Avenue

Figure 5 - GT Survey Map
 Section 10, T23S, R18E
 Hernando County, Florida

200 100 0 200 Feet



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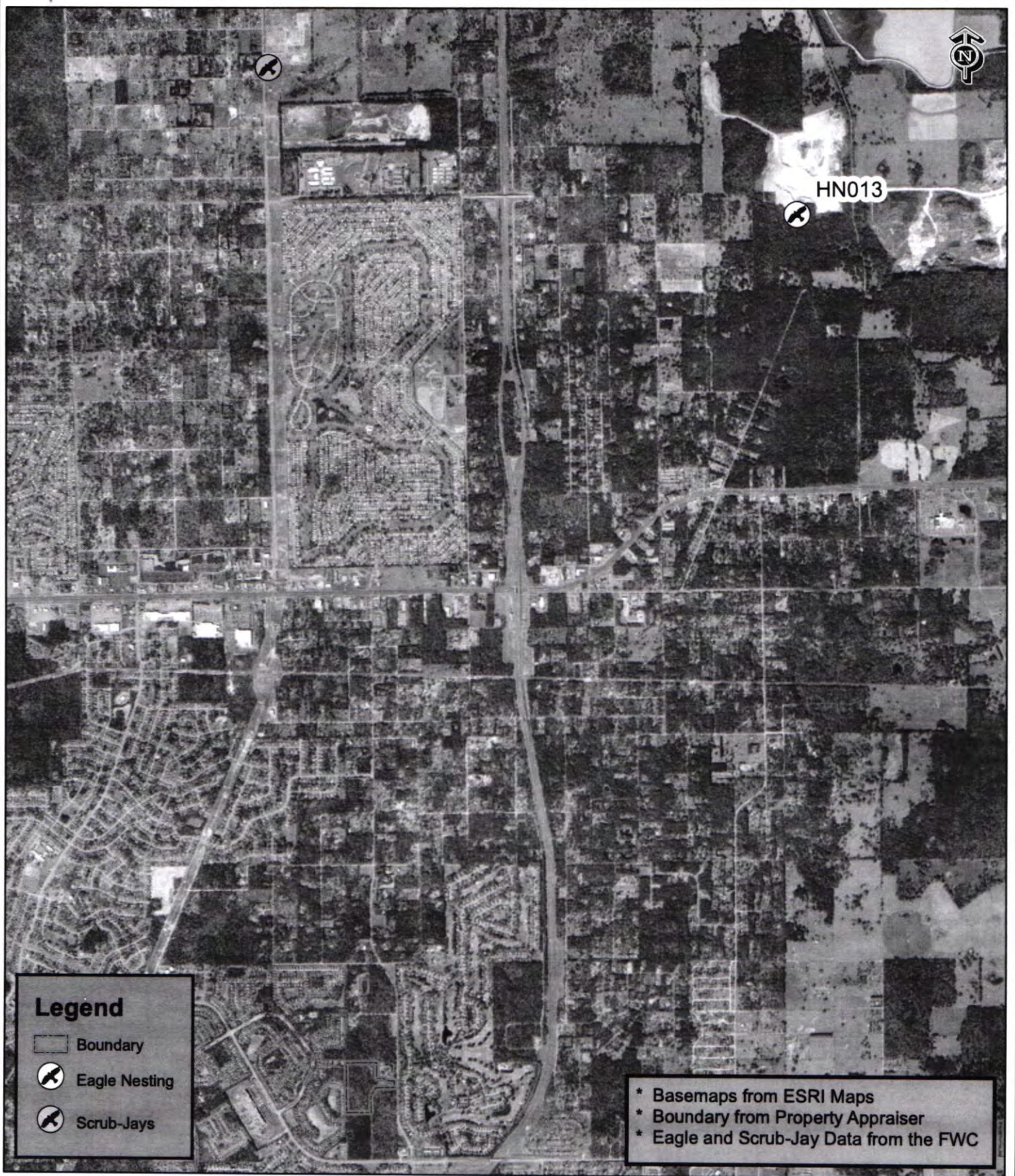


EXHIBIT A



Rare Species and Communities We Track

FNAI maintains and continues to build the Natural Heritage database for the state of Florida. This database is the single most comprehensive compilation of records documenting the location and ecological status of rare plant and animal species in the state. Staff ecologists, botanists and zoologists, contract staff, volunteers and cooperating agencies, conduct the ongoing research and field inventory work, which populates the database. We derive records from historical reports, herbarium and museum specimens, agency records, in addition to precise field observations.

FNAI scientists "track" (collect information on) approximately 233 vertebrates, 562 invertebrates, and 492 plants representing approximately 13% of the state's vertebrate species, less than 5% of the invertebrates, and about 12% of the plants. For all tracked species, we conduct status assessments following **NatureServe methodology**, and map standardized Occurrences in the **NatureServe Biotics** data management system that houses our database.

Searchable Tracking List

You can search our tracking list or download it as a pdf using the links below. You can obtain our Element Occurrence data by submitting a [data request](#). If you have observations of tracked species that you would like to share with us please see our [data submission](#) page. Search by element type and/or county. Choose "All Elements" and "Statewide" to view the full tracking list.

NOTE: You can access FNAI field guide accounts, which are available for a selection of the species we track, by clicking on the species name in the search results.

Element Type

Vertebrates

Location

Hernando

Only results with field guides?

No

Search

Please use the tabs below to navigate the results. Example: clicking on "Plants" will show the plants results. More information about the data can be found in "Metadata" tab.

FLORIDA
Natural Areas
Inventory



Conservation Status

Services

Global Mammal & Reptile

Amphibians	<i>Ambystoma tigrinum</i> 🐸	Eastern Tiger Salamander	G5	S3		N
Amphibians	<i>Amphiuma pholeter</i> 🐸	One-toed Amphiuma	G3	S3		N
Amphibians	<i>Lithobates capito</i> 🐸	Gopher Frog	G2G3	S3		N
Reptiles	<i>Alligator mississippiensis</i> 🐊	American Alligator	G5	S4	SAT	FT(S/A)
Reptiles	<i>Caretta caretta</i> 🐢	Loggerhead Sea Turtle	G3	S3	T	FT
Reptiles	<i>Chelonia mydas</i> 🐢	Green Sea Turtle	G3	S2S3	T	FT
Reptiles	<i>Crotalus adamanteus</i> 🐍	Eastern Diamondback Rattlesnake	G3	S3		N
Reptiles	<i>Dermochelys coriacea</i> 🐢	Leatherback Sea Turtle	G2	S2	E	FE
Reptiles	<i>Drymarchon couperi</i> 🐍	Eastern Indigo Snake	G3	S2?	T	FT
Reptiles	<i>Gopherus polyphemus</i> 🐢	Gopher Tortoise	G3	S3	C	ST
Reptiles	<i>Heterodon simus</i> 🐍	Southern Hognose Snake	G2	S2S3		N
Reptiles	<i>Lampropeltis extenuata</i> 🐍	Short-tailed Snake	G3	S3		ST
Reptiles	<i>Lampropeltis floridana</i> 🐍	Florida Kingsnake	G2	S2		N
Reptiles	<i>Pituophis melanoleucus</i> 🐍	Pine Snake	G4	S3		ST
Reptiles	<i>Pseudemys concinna suwanniensis</i> 🐢	Suwannee Cooter	G5T3	S3		N
Birds	<i>Ammodramus maritima peninsularis</i> 🐦	Scott's Seaside Sparrow	G4T3	S3		ST
Birds	<i>Aphelocoma coerulescens</i> 🐦	Florida Scrub-Jay	G1G2	S1S2	T	FT
Birds	<i>Athene cunicularia floridana</i> 🦉	Florida Burrowing Owl	G4T3	S3		ST
Birds	<i>Dryobates borealis</i> 🐦	Red-cockaded Woodpecker	G3	S2	E, PT	FE



Birds	<i>Eudocimus albus</i> 🐦	White Ibis	G5	S4		N
Birds	<i>Falco sparverius paulus</i> 🐦	Southeastern American Kestrel	G5T4	S3		ST
Birds	<i>Haliaeetus leucocephalus</i> 🐦	Bald Eagle	G5	S3		N
Birds	<i>Laterallus jamaicensis</i> 🐦	Black Rail	G3	S2	T	N
Birds	<i>Mycteria americana</i> 🐦	Wood Stork	G4	S2	T	FT
Birds	<i>Nycticorax nycticorax</i> 🐦	Black-crowned Night-heron	G5	S3		N
Mammals	<i>Mustela frenata peninsulae</i> 🐾	Florida Long-tailed Weasel	G5T3?	S3?		N
Mammals	<i>Neofiber alleni</i> 🐾	Round-tailed Muskrat	G2	S2		N
Mammals	<i>Neovison vison halimmetes</i> 🐾	Gulf Salt Marsh Mink	G5T2	S2		N
Mammals	<i>Podomys floridanus</i> 🐾	Florida Mouse	G3	S3		N
Mammals	<i>Sciurus niger niger</i> 🐾	Southeastern Fox Squirrel	G5T5	S3		N
Mammals	<i>Trichechus manatus latirostris</i> 🐾	Florida Manatee	G2G3T2	S2S3	T	N
Mammals	<i>Ursus americanus floridanus</i> 🐾	Florida Black Bear	G5T4	S4		N

[Download Complete Tracking List](#)

[Printable Complete Tracking List - Current](#)

[Explanations and Definitions of Rank and Status](#)

Tracking List Archives

A collection of previous Tracking List Element Change Reports and Complete Tracking Lists by year. Select a report year with the boxes and click the "Show Report" button to view the report.

2021 Tracking List Element Change Report

[Show Report](#)

how Report

FLORIDA
Natural Areas
InventoryLand & Nature
Conservation

Conservation Lands

Services

Data, Maps & Publications

[Show Report](#)FLORIDA STATE
UNIVERSITY

Received

APR 6 2022

Planning Department
Hernando County Florida

Site Data Table

ADDRESS:	ASTAIRE LANE
LAND USE:	VACANT
ZONINGS:	PLANNED DEVELOPMENT PROJECT MULTIFAMILY (PDP MF) PLANNED DEVELOPMENT PROJECT SPECIAL USE (PDP SU) PLANNED DEVELOPMENT PROJECT (COMBINED) CPDP RESIDENTIAL
FLU:	
OWNERSHIP AREA:	
PARCEL #R10 223 18 3184 0000 000A:	1.0 AC (ASTAIRE ROW)
PARCEL #R10 223 18 3184 0000 000B:	1.4 AC (POND/LIFT STATION)
PARCEL #R10 223 18 3184 0000 0020:	22.8 AC (MULTI-FAMILY PARCEL)
TOTAL:	25.2 AC

PROPOSED UNITS = 348 2BR
PROPOSED DENSITY = 15.3 DU/AC (22.8 AC/348 UNITS)

CLUBHOUSE:	3,102 SF
FITNESS CENTER:	1,824 SF
(3) 12 UNIT BUILDINGS (4,591 SF X 3 FLOORS - 13,773 SF):	41,319 SF
(13) 24 UNIT BUILDINGS (9,205 SF X 3 FLOORS - 27,615 SF):	358,995 SF
(6) GARAGES (2,000 SF):	12,000 SF
TOTAL:	417,240 SF (42%)

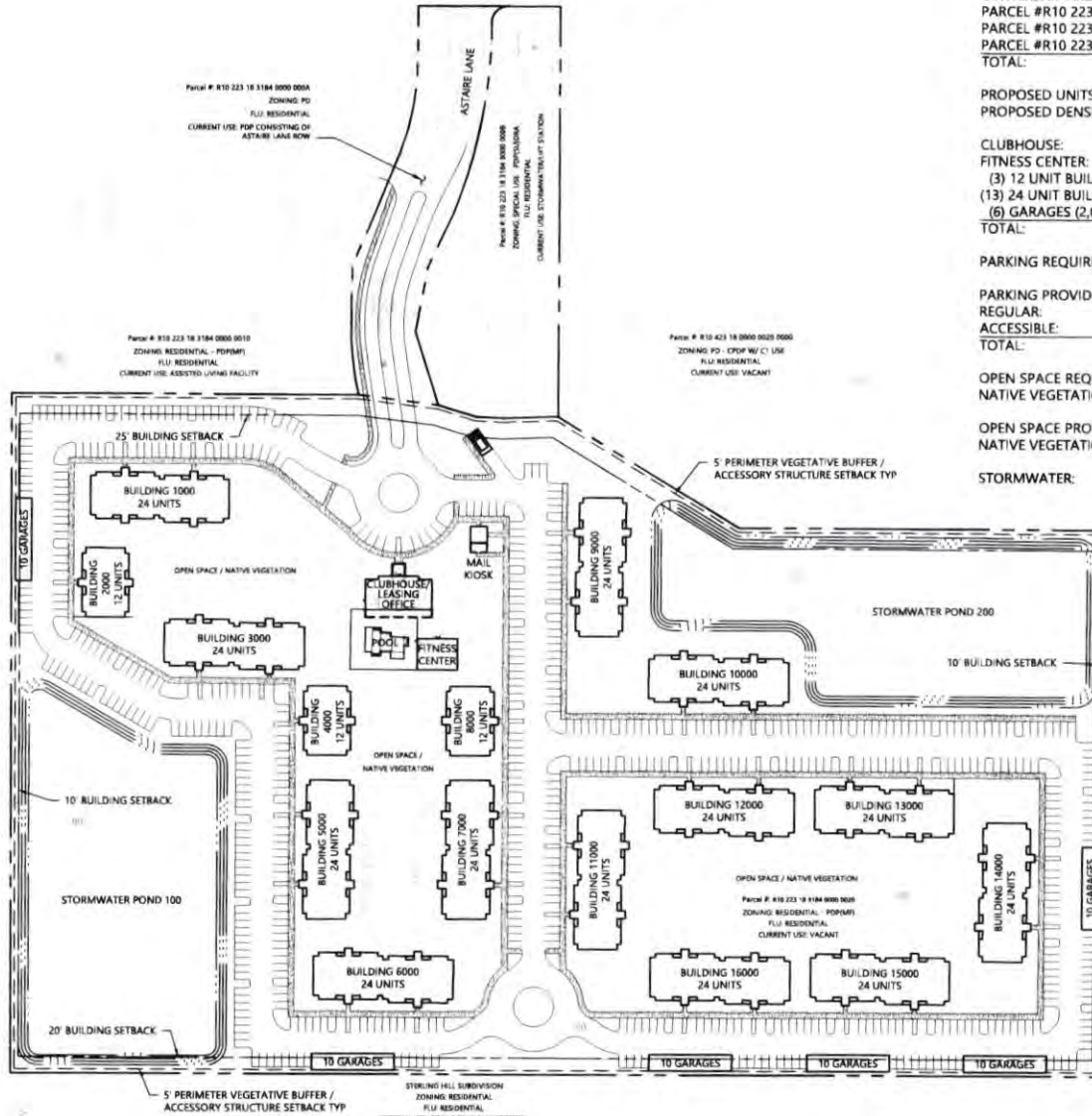
PARKING REQUIRED: 522 SPACES (1.5 PER UNIT X 348 UNITS)

PARKING PROVIDED:	
REGULAR:	531 SPACES
ACCESSIBLE:	60 SPACES
TOTAL:	591 SPACES

OPEN SPACE REQUIRED: 3.42 AC (15% MIN EXCLUDING BUFFERS & STORMWATER)
NATIVE VEGETATION REQUIRED: 1.60 AC (7% FOR PROPERTIES OVER 20 AC)

OPEN SPACE PROVIDED: 3.42 AC
NATIVE VEGETATION PROVIDED: 1.60 AC

STORMWATER: ±4.56 AC (20%)



Spring Hill Multi-Family Housing

Astaire Lane & Barclay Avenue
Spring Hill, Florida

Designed by	CM	Checked by	CMC
Drawn by		Scale	

Master Plan Approval April 6, 2022

Vertical Datum NAVD88

Master Plan

C1.00

66472.00
85.472000 - 85.472000