

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 9, 2023
Board of County Commissioners: February 14, 2023
Board of County Commissioners: April 11, 2023
Board of County Commissioners: May 9, 2023
Board of County Commissioners: July 11, 2023

APPLICANT: Maya Motels, Inc.

FILE NUMBER: H-22-83

REQUEST: Rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations

GENERAL LOCATION: North side of Cortez Boulevard (SR 50), approximately 300' west of Deltona Boulevard

PARCEL KEY NUMBER: 1703847

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with deviations to construct two 4-story apartment buildings with 32 units each on 2.68 acres. The remaining 1.61, not part of this application, will retain its existing C-1 zoning.

The proposed apartment complex will contain a mix of one- and two-bedroom apartments, associated amenities, and parking. The project is proposed in two phases with a 32-unit building being built in each phase. The subject site is 4.29 acres, with the project area consisting of 2.68 acres.

Deviations Requested

The petitioner is requesting the following deviations:

- A deviation from the twelve (12) units per building to allow a maximum of 32 units per building.

- A deviation from the minimum multifamily open space requirement of 15% due to the concept of the proposed use and the site constraints. The request is justified based on the forementioned design criteria.
- A deviation from the maximum multifamily building height. The petitioner is proposing a deviation from the maximum 45' to 50'.

SITE HISTORY

The proposed project sits on a parcel that was originally intended for the second phase to the existing Quality Inn, located immediately to the South of the proposed development. Currently there is a large Drainage Retention Area (DRA) that was constructed as part of the originally planned build out for the property. With the proposed development a modification to the existing drainage permit will be executed with the Southwest Florida Water Management District (SWFWMD) to relocate the DRA as shown on the master plan.

SITE CHARACTERISTICS

Site Size:	4.29 acres
Surrounding Zoning & Land Uses:	North: PDP(SF); Single Family South: PDP(GC); Retail Plaza, Van Sales East: PDP(GHC); Telecommunication Substation West: C-2; Hotel
Current Zoning:	C-1 (General Commercial) and C-2 (Highway Commercial)
Future Land Use Map Designation:	Commercial

ENVIRONMENTAL REVIEW

Soil Type:	Paola Fine Sand
Protection Features:	This site does not contain Protection Features (Wellhead Protection Areas (WHPA) or Special Protection Areas (SPA) according to County data resources.
Hydrologic Features:	The subject property contains no Hydrologic Features (wetlands, karst sensitive areas, or wetlands) according to County data resources.

- Habitat:** The property was previously cleared. It is identified as urban open land 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).
- 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.
- Flood Zone:** X and AE

SCHOOL BOARD REVIEW

No comments were received from the Hernando County School District on the subject application.

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 Utility Department (HCUD) has indicated it does not currently supply water or sewer service to this parcel. There is an existing 12-inch water main that runs along the north side of Cortez Boulevard in front of this property. There is an existing 8-inch sewer gravity main that runs north/south in parcel #1047496 to the west, an existing 3-inch sewer force main that runs along the south side of Cortez Boulevard, and an existing 6-inch sewer force main that runs along the north side of Noddy Tern Road to the north.

It should be noted that some of the sewer options may require the applicant to acquire an easement. HCUD has no objection to the request subject to a utility capacity

analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING & TRANSPORTATION REVIEW

The subject site is located on the North side of Cortez Boulevard (SR 50), approximately 300' west of Deltona Boulevard. The petitioner has proposed utilizing the existing access road currently used for the commercial development. The existing access will continue north to provide access to the multifamily.

The County Engineer reviewed the request and indicated the following:

- This site contains two areas of Flood Zone "AE" associated with storm water mitigation.
- Any revision to the existing ponds requires Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) Modification and County construction plan approval.
- The development must comply with Hernando County Facility Design Guideline requirements.
- The development will be required to extend the existing Frontage Road along the entire frontage of Cortez Blvd.
- The driveway, parking and layout will be required to meet County standards.
- A Traffic Access Analysis will be required to be submitted upon the development of the commercial phase and will require the apartments traffic and queuing analysis to be included.
- The Access Drive may be required to be updated to a Major Local/Commercial Roadway.
- FDOT access and drainage permits are required.

LAND USE REVIEW

Units Per Building

Appendix A, Article IV, Section 2(H), 4(K); requires a maximum of twelve (12) multifamily dwelling units per building.

Comments: The petitioner is requesting a deviation from the twelve (12) units per building in order to allow a maximum of 32 units per building. The Building Department indicated no concerns with the increased unit count per building.

Building Setbacks

Proposed Minimum Building Setbacks:

East:	25'
South:	24'
West:	20'
North:	90'
Height:	4 Story Structures (Maximum 50', Deviation from 45')

Buffer

The County LDRs have design standards for buffering. The buffer shall consist of a minimum five (5) foot landscaped separation. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

Comments: The petitioner is proposing a 15' landscape buffer on the north boundary adjacent to the residential area. The buffer will include a 6' high privacy fence along the northern border and the retention of the existing large trees; moreover, installing the landscape required by Hernando County LFR's. All remaining landscape buffers are proposed at 10'.

If approved, the petitioner must provide a 15' buffer with 6' high opaque fence along northern boundary. Existing trees shall be preserved and supplemented where necessary with 8' high trees at planting. All remaining landscape buffers are proposed at 10'.

Access

To establish minimum access requirements to multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units.

Comments: The petitioner is proposing a single access to Cortez Boulevard; however, there are two means of access from the multifamily through the existing commercial. If approved, access will be in general conformance with the proposed master plan.

Open Space

The LDRs have design standards required for PDP(MF)/Planned Development Project (Multifamily). The design standards require a minimum 15% of the gross area be provided as open space.

Comments: The petitioner is requesting a deviation from the minimum open space requirement due to the concept of the proposed use and the site constraints. The request is justified based on the forementioned design criteria.

Landscape

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.

COMPREHENSIVE PLAN REVIEW

The area is characterized by single-family homes parcels to the north and commercial to the south, east and west. The subject property is located within the Commercial land use classification on the adopted Future Land Use Map.

Public School Facilities Element

Strategy 8.01C(2) Hernando County shall encourage development to locate in areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School District, provided such location of the development is consistent with the land use polices of the Hernando County Comprehensive Plan.

Future Land Use Element

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

Comments: The proposed project is considered transitional from the existing commercial and as part of the hotel is considered a mixed-use development. Multifamily is allowed in the Commercial category when it's an integral part of a mixed-use development.

Multi-Family Housing

Strategy 1.04B(4)

The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22 dwelling units per gross acre in order to provide for a diversity of housing choices. Multifamily housing should be located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

Strategy 1.04B(5)

High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high-density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

Strategy 1.04B(6)

Multifamily development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed use development.

Comments:

The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 64 units on 2.68 acres. The proposed density is 23.88 du/acre. The proposed density is higher than the allowable

density permitted by the comprehensive plan. The proposed 64 units shall be reduced to 56 units (20.89 du/ac) in order to not exceed the maximum density of the multifamily designation.

Road Network – Frontage Roads

Objective 5.01B

Maintain and expand a system of frontage roads and cross-access easements parallel to County arterial and collector roads. The frontage road network is designed to enable the creation of shared drives, shared easements, and alternative routes. Frontage road configuration is intended to optimize corridor and roadway network function, maintain capacity on the functionally classified network, and provide aesthetic, safe and convenient access to multiple properties and business sites.

Strategy 5.01B(3)

The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

Comments:

The County Engineer has reviewed the proposed development and indicated the petitioner shall be required to provide extend the existing frontage road across the entire frontage of the subject site.

FINDINGS OF FACT

The request to rezone from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations is appropriate based on the following conclusions:

1. The following requested deviations are justified with appropriate performance conditions:
 - Maximum Number of Multi-Family Units/Building
 - 15% Open Space requirement
 - Maximum Building Height
2. The master plan is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

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 Concurrence. 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.

STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The multifamily development shall be limited to 56 units.
3. 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, as applicable.
4. A 15' buffer with 6' high opaque fence shall be provided along northern boundary. Existing trees shall be preserved and supplemented where necessary with 8' high trees at planting. All remaining landscape buffers are proposed at 10'.
5. Minimum Perimeter Building Setbacks:

East:	25'
South:	24'
West:	20'
North:	90'
Height:	4 Story Structures (Maximum 50', Deviation from 45')

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. Modifications to the existing ponds shall require a Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) Modification and County construction plan approval.
8. Development shall comply with Hernando County Facility Design Guideline requirements.
9. The development shall extend the existing Frontage Road along the entire frontage of Cortez Blvd.
10. The driveway, parking and layout shall be required to meet County standards.
11. A Traffic Access Analysis shall be required to be submitted upon the development of the commercial phase and will require the apartments traffic and queuing analysis to be included.
12. The petitioner shall coordinate the Access Drive with the County Engineer and may be required to be upgraded to a Major Local/Commercial Roadway.
13. FDOT access and drainage permits shall be required.
14. The development shall provide a minimum of two (2) access points and shall be in general conformance with submitted master plan.
15. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project.
16. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
17. The petitioner shall provide a master plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure

to submit the revised plan will result in no further development permits being issued.

P&Z RECOMMENDATION

On January 9, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The multifamily development shall be limited to 56 units.
3. 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, as applicable.
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5. Minimum Perimeter Building Setbacks:

East:	25'
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Height:	4 Story Structures (Maximum 50', Deviation from 45')
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8. Development shall comply with Hernando County Facility Design Guideline requirements.
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12. The petitioner shall coordinate the Access Drive with the County Engineer and may be required to be upgraded to a Major Local/Commercial Roadway.
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15. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project.
16. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
17. The petitioner shall provide a master plan in compliance with all of 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.

BOCC ACTION:

On February 14, 2023, the Board of County Commissioners voted 5-0 to postpone the petitioner's request for a Rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations to the April 11, 2023, hearing, with the applicant incurring all re-advertising costs.

BCC ACTION:

On April 11, 2023, the Board of County Commissioners voted 5-0 to postpone the petitioner's request for a rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations to a future hearing date in order to allow the petitioner ample time to coordinate changes to the master plan with county staff.

NOTE:

Subsequent to the February 14, 2023, Board of County Commissioners (BOCC) hearing and per BOCC direction, the petitioner submitted a revised master plan addressing density, building height and parking. Unfortunately, the master plan was provided to staff to close to the rescheduled April 11, 2023, BOCC hearing, and did not afford departmental review. The request was postponed to a future BOCC hearing in order to allow for departmental review. The Planning and Engineering Departments have reviewed the following revisions:

1. The height of the structures was reduced to 3-stories and is the same height as the neighboring hotel.
2. The density was reduced from 64 units to 56 units.
3. The parking and access drives were reconfigured in order to provide the minimum County required parking spaces.

It is recommended that the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations and with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The multifamily development shall be limited to 56 units.
3. 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, as applicable.
4. A 15' buffer with 6' high opaque fence shall be provided along northern boundary. Existing trees shall be preserved and supplemented where necessary with 8' high trees at planting. All remaining landscape buffers are proposed at 10'.

5. Minimum Perimeter Building Setbacks:
 - East: 25'
 - South: 24'
 - West: 20'
 - North: 90'
 - Height: 3-Story Structures (Maximum 50', Deviation from 45')
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.
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12. The petitioner shall coordinate the Access Drive with the County Engineer and may be required to be upgraded to a Major Local/Commercial Roadway.
13. FDOT access and drainage permits shall be required.
14. The development shall provide a minimum of two (2) access points and shall be in general conformance with submitted master plan.
15. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project.

16. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
17. The petitioner shall provide a master plan in compliance with all of 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.