

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 12, 2023
Board of County Commissioners: July 11, 2023

APPLICANT: Elevation Development Corporation

FILE NUMBER: H-23-09

REQUEST: Master Plan Revision and a Rezoning from PDP(GC)/ Planned Development Project (General Commercial) and PDP(OP)/ Planned Development Project (Office Professional) to CPDP (Combined Planning Development Project) to include Multifamily and specific C-2 uses and with Deviations

GENERAL LOCATION: North side of Elgin Boulevard approximately 450' from its intersection with Barclay Avenue and west side of Barclay Avenue, approximately 650' south of its intersection with Silverthorn Boulevard

PARCEL KEY NUMBERS: 377292, 377274

APPLICANT'S REQUEST

On January 8, 2003, the Board of County Commissioners approved a Master Plan revision on the subject sites to include a rezoning from AG (Agriculture) to PDP(GC)/Planned Development Project (General Commercial) and PDP(OP)/ Planned Development Project (Office Professional) with the specific C-1 use of personal service establishment. Since the 2003 approval, no development has commenced. In accordance with County Land Development Regulations (LDRs), a master plan is valid for a period of two (2) years. Should no development occur during that time, the entitlements remain, however the master plan expires and requires the property owner to reestablish the plan.

The petitioner's current request is for a Master Plan revision and a rezoning from PDP(MF)/ Planned Development Project (Multi-Family) Planned Development (General Commercial) and PDP(OP)/Planned Development Project (Office Professional) to PDP(MF)/Planned Development Project (Multifamily) with specific C-2 uses of Drive-Thru Restaurants and Mini-Storage Facilities. The petitioner's proposal is for a multiple-use development with commercial outparcels at the front and residential developments located behind the commercial parcels.

The residential portion of the development will consist of 312 units, 3-story multifamily (13 buildings) development and a 120 unit, 3-story townhome development (13 buildings). with a proposed density of 12.40 DU per acre for the residential portion.

The proposed PDP will include six (6) commercial out-parcels that will consist of 10.32 acres and two (2) multifamily parcels consisting of a total of 34.82 acres. The commercial portion of the development will consist of C-1 Uses with the addition of drive-thru restaurants and mini-storage facilities.

Table 1: Proposed Residential Land Use Distribution

Land Use	Proposed Acreage
Multifamily	19.63
Townhome	15.19
Total Residential	34.82

Table 2: Proposed Commercial Land Use Distribution

Land Use	Proposed Acreage
Commercial – Outparcel 1	2.94
Commercial – Outparcel 2	1.26
Commercial – Outparcel 3	1.06
Commercial – Outparcel 4	0.88
Commercial – Outparcel 5	1.30
Commercial – Outparcel 6	2.88
Total Commercial	10.32

The land is currently vacant with adjacent residential uses directly to north and west, except for a portion of the property that aligns with the proposed commercial outparcels which is an existing storm water pond. Eglin Blvd abuts the south with residential on the south side of the roadway. To the east property line abuts commercial that aligns with the proposed commercial outparcels. The remainder of the east property line abuts Barclay Avenue, with residential uses on the east side of Barclay Avenue.

Deviations Requested

The petitioner is requesting deviations from the following County LDRs.

- Internal Commercial Building Setbacks: 0' (deviation from 20')
- Internal Commercial Landscape Buffers: 0' (deviation from 5')
- Commercial Side Building Setback: 10' (deviation from 20')
- Multifamily Building Setback (Barclay Ave.): 10' (deviation from 25')
- Residential protection standards: building height within 100' of single-family residential zoned property: 35' (deviation from 20')

SITE CHARACTERISTICS

Site Size: 45.7 Acres

Surrounding Zoning;

Land Uses:

- North: PDP(MF); Multifamily
- South: PDP(SF); Single Family
- East: PDP(GC), PDP(SF); Silverthorn Plaza and Subdivision
- West: PDP(SF); Sterling Hills Subdivision

Current Zoning:	CPDP/Combined Planned Development Project (H-02-44)
Future Land Use Map Designation:	Residential and Commercial

ENVIRONMENTAL REVIEW

Soils: Candler Fine Sand

Habitat: Undeveloped sandhill and coniferous pine plantation 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: Based on soils and habitat there is potential for gopher tortoise, a protected species, and associated commensal species to be present. The naturally vegetated parcel (key 377274) is mapped as Strategic Habitat Conservation Area by FWC.

The petitioner shall provide an updated gopher tortoise burrow survey prepared by a qualified professional, FWC permitting, and proof of relocation prior to site approval. The gopher tortoise survey shall be submitted and approved prior to any geotechnical activity occurring on-site.

A comprehensive floral and faunal (wildlife) survey shall be performed and provided with the construction plans. Invasive species shall be included in this survey.

The petitioner is required to comply with all applicable FWC regulations and permitting.

Protection Features: The properties do not contain SPAs (Special Protection Area), wetland, or archaeological sites. However, the subject parcels do fall within a WHPA 2 (Wellhead Protection Area class 2).

Comments: The following activities are prohibited in WHPA2, the prohibited uses should not impact the proposed development:

- (1) Hazardous waste treatment, storage or disposal facilities as defined in section 403.703(22), Florida Statutes, or 40 Code of Federal Regulations 260.10 or chapter 17-730 Florida Administrative Code, including transfer facilities, such facilities ancillary to recycling facilities and facilities which burn such hazardous waste for fuel.
- (2) Unlined solid waste disposal facilities.
- (3) New discharges of any regulated substance or untreated stormwater into karst solution features, sinkholes or

drainage wells. Existing stormwater facilities discharging to sinkholes or drainage wells which are in violation of chapter 17-25, Florida Administrative Code permit requirements shall be brought into compliance within one year of the effective date of this article. Stormwater facilities which treat stormwater to chapter 17-25, Florida Administrative Code standards shall be presumed to be allowable under this section.

- (4) Landfarming of soil contaminated with regulated substances.
- (5) The siting of underground petroleum product lines, including, but not limited to, pipelines designed for the transportation of gasoline and oil.

Water Quality:

This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Implementation of Florida Friendly Landscaping™ principles, techniques, and materials are designed to conserve water and reduce pollutant loading to Florida’s waters.

Comments:

The Developer shall provide new commercial property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the 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.

The developer must provide geotechnical/geophysical subsurface testing in accordance with the Hernando County Facility Design Guidelines. This testing shall be done after the gopher tortoise burrow survey is completed and approved to avoid destruction of the burrows.

Flood Zone: X

SCHOOL DISTRICT 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 Utilities Department (HCUD) has reviewed the request and indicated it does not currently supply water or sewer service to these parcels. There is an existing 20-inch water main that runs along the south side of Elgin Boulevard, and an existing 16-inch water main that runs along the east side of Barclay Avenue. There is an existing 8-inch sewer force main that runs along the north side of Elgin Boulevard, and an existing 8-inch sewer force main that exits a lift station at the corner of Astaire Lane and Barclay Avenue, then runs south along the east side of Barclay Avenue. HCUD has no objection to the submitted master plan update subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW

The subject site is located on the north side of Elgin Boulevard approximately 450' from its intersection with Barclay Avenue and west side of Barclay Avenue, approximately 650' south of its intersection with Silverthorn Boulevard. The petitioner is proposing two right-in/right-out access points on Elgin Boulevard for the commercial and residential development. Cross Access is being proposed into the existing Circle K and the Centennial Bank at the intersection of Barclay Avenue and Elgin Boulevard and another cross-access with the parcel directly to the north, as per previous direction issued by the Board of County Commissioners (H-22-27). An additional full access is proposed to Barclay Avenue along the north multifamily parcel.

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

- Proposed development must meet Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permit drainage design standards.
- This project generates over 50 PM Peak Hour Trips and a Traffic Access Analysis is required. The Methodology Statement received for this project was not in compliance with county standards. (Refer to Hernando County Facilities Design Guidelines IV-18.)
- This project may require signalization on Barclay Avenue or Elgin Boulevard. A signalization analysis at these intersections will be required as part of the Traffic Access Analysis.
- Barclay Avenue is scheduled to be widened to a 4-lane roadway. This project will be required to participate through a dedication of land to facilitate the widening.
- Provide a Cross Access Agreement for parcels located to the east, Circle K / Parcel Key# 1282873 and Centennial Bank -Parcel Key#1696132.
- Relocate the western most access driveway along Elgon Boulevard to align with median opening.

LAND USE REVIEW

The petitioner is proposing a mixed-use development on the subject property, consisting of commercial, office professional and residential uses. Certain land use specifications apply to the entire project; others apply specifically to the nonresidential or residential components.

Building Setbacks

Due to the nature of the mixed-use development, the building setbacks listed pertain to all uses based on their location/orientation.

- Front (South) (Elgin Blvd.): 75'
- Side (West): 10'
- Side (West) (Commercial): 10' (deviation from 20')
- Side (East) (Barclay Ave.) (Multifamily): 10' (deviation from 25')
- Rear (North) (Residential): 20'
- Internal (Commercial to Commercial): 0' (deviation from 20')
- Internal (Commercial to Residential): 20'

Multifamily Specific Regulations

- Building Separation: 15'
- Maximum Building Height: 3 Stories

Townhome Specific Regulations

- Maximum Building Height within 100' of single-family residential zoned property: 35' (deviation from 20')

Perimeter Landscape Buffers

Due to the nature of the mixed-use development, the buffers pertain to all uses based on their location/orientation. Unless specifically stated on the master plan, perimeter buffers shall consist of undisturbed natural vegetation that provides a visual buffer with at least 80% opacity. If natural vegetation cannot achieve this level of opacity, plantings shall be used to achieve the required opacity.

- Front (South) (Elgin Blvd.): 25'
- Side (West): 20'
- Side (East) (Barclay Ave.): 10'
- Rear (North) (Residential): 10'
- Internal (Commercial to Commercial): 0' (deviation from 5')
- Internal (Commercial to Residential): 20'

Comments: Each land use shall meet the minimum internal landscape buffer requirements for each of the proposed land uses (multifamily and/or commercial).

The petitioner has proposed a 5' portion of the 20' western landscape buffer as undisturbed natural vegetation. If approved the entire 20' western buffer shall be natural vegetation and supplemented where necessary to achieve 80% opacity.

Commercial Land Use Specifications

Large Retail Development Standards:

Based on the "Floor to Area Ratio" of the commercial area, the subject development will be required to meet the Large Retail Development standards as specified below:

- Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor area is only allowable through approval as a Planned Development Project and which otherwise satisfies these requirements and this article. This type of development may be compatible in a given commercial zoning district but because of its size, intensity, increased traffic-generation, extended hours of operation, or proximity to residential areas/districts or public schools require additional conditions as a prerequisite for approval at a requested location. The applicant shall have the burden of adequately demonstrating compliance with all of the minimum standards set forth below and otherwise contained within this article. The governing body, in their sole discretion and following public hearing and notice, shall be the final arbiter of determining whether compliance with these minimum standards has been adequately demonstrated and whether to approve, approve in part or deny a particular request hereunder.
- Mechanical/operational equipment including HVAC located at ground level shall be set back at least one hundred (100) feet from any property line external to the development site and shall be visually shielded through enhanced screening or shall be located on the roof and shall be visually shielded with a parapet wall. All mechanical/operational equipment shall be sound attenuated as necessary to comply with the county's noise ordinance.
- Where the proposed commercial development consists of multiple buildings (excluding out parcels), then loading areas and loading docks should be situated between said buildings in a manner which allows the buildings to act as screens. All loading areas/docks shall be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.
- All on-site advertising signs, including out parcels, shall be designed as part of a complete signage system and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of

the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code.

- The master plan shall meet the following increased setbacks and buffering requirements:
 - Setbacks. Where any side or rear lot line adjoins (excluding roads) a residential- or agricultural-zoned property or an existing residential use, then no building shall be located within one hundred (100) feet of said lot line.
 - Buffering. A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer shall be screened through the use of landscape planting and landscape berms and may be augmented through the use of fences or walls, existing natural vegetation, and/or a combination thereof. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- The applicant shall demonstrate that the proposed use is appropriate to the property in question, is compatible with existing and planned uses in the area and demonstrate compliance with the County Comprehensive Plan.

Large Retail Development Signage:

County LDRs require that any commercially zoned parcel(s) with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area. For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential there shall be a maximum of fifty (50) square feet of sign area.

Comments: The predominant sign material shall be like the material (e.g., brick, stone, etc.) of the buildings developed on the subject property. The signage for the project is limited to four (4) monument signs not to exceed the maximum spacing in the LDRs. A maximum of two (2) signs no more than 15' in height are allowed as indicated on the site plan. A maximum of two signs no more than 10' in height are allowed along the frontage road.

Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to County LDRs. The petitioner must meet the minimum sign standards as required by the County LDRs.

Table 3: Minimum County Required Sign Setbacks

Sign Size	Setback Required
Up to 75 square feet in area:	5' from property line
75 square feet and up to 150 square feet in area:	10' from property line
150 square feet or greater:	20' from property line

Multifamily/Residential Land Use Specifications:

Boulevard Entrance Policy

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

Comments: The Master Plan establishes more than one access point to the developments. The petitioner shows a boulevard entrance into the development from Barclay Avenue. This access point is the only full access entrance (meaning vehicles may make left- and right-hand turns) to the development. Two other access points, both right-in, right-out, are provided on Elgin Boulevard. These entrances provide direct access to the commercial portion of the development. The westernmost access point on Elgin Boulevard is shown as a boulevard entrance that leads to the Townhome portion of the proposed development. All proposed boulevards must be landscaped with trees and a variety of plantings.

Treed Roadway

County LDRs 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 on both sides of the road.

Comment: The petitioner has not shown a treed roadway entrance into the development. If approved, the developer will be required to meet the minimum requirements of the Treed Boulevard Roadway standards.

Natural Vegetation

Projects greater than twenty (20) acres shall designate an area of at least seven percent (7%) of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of twenty thousand (20,000) square feet. If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation. Preserved natural vegetation and/or planted native

vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width.

Comment: This proposal includes 34.82 acres of residential land use. The natural vegetation area must be at least 2.44 acres. The minimum size of this area is 20,000 square feet. The petitioner has not indicated the location of the preserved natural vegetation on the site. If approved, the petitioner shall be required to update the master plan within 30 days to demonstrate compliance with the natural vegetation requirements in the Land Development Regulations.

Neighborhood Park

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed 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. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

Comments: The petitioner shows a proposed playground at the southwest corner of the townhome portion of the property and a clubhouse with amenities for multifamily/apartments. If the approved, the petitioner shall provide appropriate recreation amenities for the townhomes and apartments as represented on the master plan.

Construction Buffer

All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction. If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation.

Comments: This project abuts an existing residential subdivision on a portion of the western boundary. If approved, the developer will be required to provide a construction buffer along the western property line.

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: The petitioner shall be required to provide a fire protection plan at the time of conditional plat.

COMPREHENSIVE PLAN REVIEW

The proposed commercial parcels will align with a major roadway, Elgin Boulevard and the residential provides a step down in intensity with the denser multi-family community abutting Barclay Avenue. The townhome community offers a further step down as the land use transitions into single family residential. The subject property is located within the Residential and 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 project is located adjacent to the Elgin Boulevard and Barclay Avenue commercial node. The proposed project is mixed-use and the commercial along Elgin Boulevard is allowed in the Residential category when it's an integral part of a mixed-use development.

Residential Mapping Criteria:

The Residential Category is designed to accommodate a variety of residential and support uses at varying densities and types located in areas primarily clustered in and around the Adjusted Urbanized Area and those areas that maximize the efficient use of existing and planned infrastructure.

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.

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.

Comments: The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 432 units on 34.82 acres. The proposed density is 12.4 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

FINDINGS OF FACT

The request for a Master Plan Revision and a Rezoning from PDP(GC)/ Planned Development Project (General Commercial) and PDP(OP)/ Planned Development Project (Office Professional) to CPDP (Combined Planning Development Project) to include Multifamily and specific C-2 uses and with Deviations is appropriate based on the following:

1. The following requested deviations are justified with appropriate performance conditions:
 - Internal Commercial Building Setbacks: 0' (deviation from 20')
 - Internal Commercial Landscape Buffers: 0' (deviation from 5')

- Commercial Side Building Setback: 10' (deviation from 20')
2. The following requested deviation is not justified and shall be required to meet the minimum requirements of the County LDR's:
 - Multifamily Building Setback (Barclay Ave.): 10' (deviation from 25')
 3. The requested C-2 (Highway Commercial) uses are not considered adverse to the public interest and are compatible with the Comprehensive Plan and surrounding land uses.
 4. 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 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.

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 Master Plan Revision and a Rezoning from PDP(GC)/ Planned Development Project (General Commercial) and PDP(OP)/ Planned Development Project (Office Professional) to CPDP (Combined Planning Development Project) to include Multifamily and specific C-2 uses of Drive-Thru Restaurants and Mini-Storage Facilities, and 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 development shall have no more than 432 residential dwelling units.
3. The developer shall provide a construction buffer along the western property line adjacent to existing single-family residential zoning.

4. Environmental

- a. The petitioner is required to comply with all applicable FWC regulations and permitting.
- b. 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.
- c. A comprehensive floral and faunal (wildlife) survey shall be performed and provided with the construction plans. Invasive species shall be included in this survey. Invasive plant species shall be removed during the development process.
- d. The petitioner shall provide an updated gopher tortoise burrow survey, FWC permitting, and proof of relocation prior to site approval. The gopher tortoise survey shall be performed and submitted prior to any geotechnical subsurface testing on the site.
- e. 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. This is a BOCC required performance condition and may not be waived.
- f. The development shall meet the natural vegetation area requirements of 2.44 acres per County LDR's.
- g. No land uses prohibited in the Wellhead Protection Area Class 2 shall be permitted on this site.

5. Traffic Analysis and Access

- a. A Traffic Access Analysis, Signal Warrant Analysis and a queue Stacking Study shall be required. This project may require signalization on Barclay Avenue or Elgin Boulevard. A signalization analysis (signal warrant analysis) at these intersections will be required as part of the Traffic Access Analysis.
- b. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- c. The Multifamily development shall provide a boulevard entrance from Elgin into the residential area of the project.
- d. The petitioner shall be required to provide interconnectivity and cross-connection between outparcels.
- e. The petitioner shall provide a Cross Access Agreement for all interconnections.

- f. This development shall coordinate the dedication of land to facilitate the widening of Barclay Avenue.
- g. The petitioner shall relocate the western most access driveway along Elgin Boulevard to align with median opening.
6. Proposed development must meet Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permit drainage design standards.
7. The petitioner shall provide a fire protection plan at the time of conditional plat.
8. Building Setbacks
- Front (South) (Elgin Blvd.): 75'
 - Side (West): 10'
 - Side (West) (Commercial): 10' (deviation from 20')
 - Side (East) (Barclay Ave.) (Multifamily): 25'
 - Rear (North) (Residential): 20'
 - Internal (Commercial to Commercial): 0' (deviation from 20')
 - Internal (Commercial to Residential): 20'
- Multifamily Specific
- Building Separation: 15'
 - Maximum Building Height: 3 Stories
- Townhome Specific
- Maximum Building Height within 100' of single-family residential zoned property: 35' (deviation from 20')
9. Perimeter Landscape Buffers
- Front (South) (Elgin Blvd.): 25'
 - Side (West): 20'
- The entire 20' western buffer shall be natural vegetation and supplemented where necessary to achieve 80% opacity.
- Side (East) (Barclay Ave.): 10'
 - Rear (North) (Residential): 10'
 - Internal (Commercial to Commercial): 0' (deviation from 5')
 - Internal (Commercial to Residential): 20'

10. Buffers

Each land use shall meet the minimum internal landscape buffer requirements for each of the proposed land uses (multifamily and/or commercial). Unless specifically shown on the master plan, perimeter buffers shall consist of undisturbed natural vegetation that provides a visual buffer with at least 80% opacity. If natural vegetation cannot achieve this level of opacity, plantings shall be used to achieve the required opacity.

Perimeter Landscape Buffers

- Front (South) (Elgin Blvd.): 25'
- Side (West): 20'
- Side (East) (Barclay Ave.): 10'
- Rear (North) (Residential): 10'

Internal Landscape Buffers

- Internal (Commercial to Commercial): 0' (deviation from 5')
- Internal (Commercial to Residential): 20'

11. School Concurrency

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.

12. Utilities

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. The petitioner shall coordinate with HCUD for acquisition of a new force main easement and installation of the new force main.

13. Site Clearing and Development

- a. The development shall meet the minimum LDR design standards for Large Retail Development in Article III, Appendix A (Zoning).
- b. This site shall not be clear-cut. A tree survey, conducted by a qualified professional, identifying all trees with 16" DBH and above shall be submitted with construction plans. This tree survey shall conform to Section 10-28 Subdivision Landscaping Requirements of the Hernando County LDRs.

- c. Trees over 18" DBH shall not be removed from the property unless formal approval is given by the Zoning Department. Best efforts should be made to preserve trees 18" DBH and above.
- d. All lighting shall be full cut-off fixtures to prevent any light spillage into neighboring parcels.

14. Signage

The project shall meet the minimum sign standards as required by the County LDRs. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, shall be designed as part of a complete signage system, and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in the Hernando County Code of Ordinances.

- 15. The petitioner shall provide recreation amenities for the townhomes and apartments as appropriate to these development types and demonstrated on the master plan.
- 16. The petitioner shall dedicate transit stop location(s) on site and shall coordinate installation with the Transit Division upon need and demand at the developer's expense.
- 17. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.