

## STAFF REPORT

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

**APPLICANT:** DR Horton

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

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

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

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

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### APPLICANT'S REQUEST:

On November 14, 2007, the Board of County Commissioners approved a revision to a Master Plan on property zoned PDP(SF)/Planned Development Project (Single Family) with a rezoning of a portion from residential to PDP(GC)/Planned Development Project (General Commercial). The development at the time proposed 176 single family lots (1.3 DU/AC) with a mixture of 70' and 55' lots. Furthermore, deviations were requested and approved for internal front, side and rear setbacks. Since its approval no development has occurred on the site and the previous master plan has expired.

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

	<b>Previously Approved</b>	<b>Proposed</b>
<b>Lot Width</b>	70' and 55'	50' and 40'
<b>Side Yard Setback</b>	7.5'	5'
<b>Lots</b>	176	250

**Deviations Requested:**

The following deviations are requested with this application:

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

**SITE CHARACTERISTICS:**

**Site Size:** 128.0 acres

**Surrounding Zoning & Land Uses:**

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

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

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

**ENVIRONMENTAL REVIEW:**

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

**Habitat:** Xeric Hammock, Wet Prairie and Lacustrine (lake) according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

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

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

Ordinance (GPO), Special Protection Areas (SPA) are subject to restrictions.

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

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

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

**Hydrologic Features:**

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

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

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

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

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

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

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

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

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

**Comment:** The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

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

**Flood Zone:** AE and X

**SCHOOL DISTRICT REVIEW:**

The applicant must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate

share mitigation agreement between the applicant, the School District, and the County.

**UTILITIES REVIEW:**

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

**ENGINEERING REVIEW:**

The subject site is located on east side of Commercial Way/US Hwy 19, across from Happy Days Drive. The petitioner is requesting two access points for the residential development and the commercial development located at the southeast corner of US Hwy 19 and Bourassa Boulevard. The main access for the residential development will align with Glen Lakes Boulevard. The second mains of access will be off Bourassa through the commercial development and is proposed as a right-in/right-out. The commercial development will also provide for right-in only off US Hwy 19 and a shared access off Bourassa Boulevard. Furthermore, due to the nature of the residential development and site constraints, the petitioner is requesting a wavier of the frontage road

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

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

**LAND USE REVIEW:**

**Commercial Setbacks**

Proposed Commercial Building Setbacks:

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

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

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

The petitioner is proposing the following lot widths and sizes:

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

Proposed Residential Building Setbacks:

Front: 20' (previously approved)  
Side: 5.5 (deviation from the previously approved 7.5')  
Rear: 15' (previously approved)

**Buffers:**

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

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

**Access:**

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

Additionally, Hernando County Land Development Regulations require that new single-family and multifamily developments with more than 50 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width.

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

**Neighborhood Park:**

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements. The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres.

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

**Natural Vegetation:**

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

**Comments:** If approved, the petitioner must provide a minimum of seven (7) percent natural vegetation. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width.

**Fire Protection Plan:**

Hernando County LDRs require that a fire protection plan be completed for residential developments with lot sizes less than 60' in width.

**Comments:** If approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

**COMPREHENSIVE PLAN REVIEW:**

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

**Future Land Use Map**

**Strategy 1.04A(3):** The ***Residential Category*** accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

**Residential Category**

**Objective 1.04B:** The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

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

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

**Single-Family Housing**

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

**Land Use Compatibility**

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



**Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

**Strategy 1.10B(3):** Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

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

**Wetlands**

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

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

**FINDINGS OF FACT:**

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

1. The following requested deviations are justified with appropriate performance conditions:
  - Minimum Lot Width: 40'
  - Minimum Side Setback: 5' (deviation from 7.5')

2. The subject site has extensive environmental features. Appropriate performance conditions should be in place to mitigate potential impacts to the features (SPA, Wetland, Lake).
3. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

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

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the conditional plat stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted, including all proposed drainage retention areas within the project to test for subsurface karst features.
6. The Special Protection Area (SPA) shall be delineated by a Florida Registered Geotechnical Engineer through a geotechnical/geophysical assessment and shall be incorporated into a revised master plan (before the submission of the conditional plat) as open space. The delineation shall include the extent of the subsurface karst feature(s).
7. A conservation easement shall be provided for the Special Protection Area (SPA) at time of final plat. Specific land uses are prohibited within 500' of a SPA, therefore, a 500' prohibited use buffer around the sinkhole shall be shown on any future plats and construction drawings.
8. Wetlands shall be delineated on all future plats and plans.
9. A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. The wetland buffers should be planted with native vegetation to control erosion.
10. The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.
11. A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands and the Lake. There should be a minimum 25' average upland buffer between the drainage system and the lake's wetland line. Said buffer shall be indicated on all plans for this development and final plat.

12. A conservation easement shall be provided for Tooke Lake, wetlands and Special Protection Area.
13. Natural vegetation is to be retained in the non-wetland buffers and enhanced with trees and vegetation to meet 80% opacity requirement.
14. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
15. This project generates over 50 PM Peak Hour trips. A Traffic Access Analysis is required. The analysis must include a queuing analysis.
16. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.
17. The subject site shall install a frontage road for the entire property frontage of Commercial Way/ US Hwy 19, per Ordinance Chapter 24, Article I, Section 24-2. A Frontage Road is required the
18. Minimum Lot Widths: 40' (deviation from 50')
19. Minimum Residential Building Setbacks:
  - Front: 20'
  - Rear: 15'
  - Side: 5' (deviation from 7.5')
20. Minimum Commercial Building Setbacks:
  - US Hwy 19: 125'
  - Bourassa Blvd: 35'
  - Side: 20'
  - Rear: 35'
21. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.

22. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
23. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
24. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
25. The petitioner shall be required to provide a treed boulevard entrance from Commercial Way/US Hwy 19.
26. The petitioner shall submit a GIS Shapefile showing the final SPA, wetlands, and buffer delineations at the conditional plat phase of project development.
27. The petitioner shall be required to conduct and/or supply a State reviewed and approved Cultural Resource Assessment Survey (CRAS) performed by a qualified professional in accordance with the guidelines published by the Florida Bureau of Archaeological Research, prior to the conditional plat phase of development.
28. The petitioner shall provide a revised plan in compliance with all the performance conditions within 60 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

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

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the conditional plat stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
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5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted, including all proposed drainage retention areas within the project to test for subsurface karst features.
6. The Special Protection Area (SPA) shall be delineated by a Florida Registered Geotechnical Engineer through a geotechnical/geophysical assessment and shall be incorporated into a revised master plan (before the submission of the conditional plat) as open space. The delineation shall include the extent of the subsurface karst feature(s).
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- a SPA, therefore, a 500' prohibited use buffer around the sinkhole shall be shown on any future plats and construction drawings.
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  13. Natural vegetation is to be retained in the non-wetland buffers and enhanced with trees and vegetation to meet 80% opacity requirement.
  14. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
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21. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.
22. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
23. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
24. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
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