

REZONING CASE H-24-21

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION APRIL 1, 2024

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners approve the petitioner's request for a Master Plan revision on property zoned PDP(MF)/Planned Development Project (Multifamily) in order to revise a Performance Condition with the following performance conditions listed in **Appendix A** of this Staff Report.

PLANNING AND ZONING COMMISSION ACTION

On May 13, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan revision on property zoned PDP(MF)/Planned Development Project (Multifamily) in order to revise a Performance Condition listed in **Appendix B** of the Staff report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: May 13, 2024
Board of County Commissioners: June 25, 2024

APPLICANT: Land Builder, LLC

FILE NUMBER: H-24-21

REQUEST: Master Plan Revision on Property Zoned PDP(MF)/Planned Development Project (Multifamily) in order to revise a Performance Condition

GENERAL

LOCATION: Southern side of Bourassa Boulevard, approximately 325' south of Hyde Street

PARCEL KEY NUMBERS: 539091

APPLICANT'S REQUEST:

On August 9, 2022, the Board of County Commissioners voted to approve a rezoning of the subject 29.7 acre parcel from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) in order to develop a 190 unit townhome community. As part of the approval a series of performance conditions were approved. The petitioner's request is to eliminate one of those conditions, with no other proposed changes to the overall project. The petitioner's request is for the following condition to be removed.

- 23. Rentals of any individual units shall be prohibited within 2 years of each individual home purchase. These restrictions shall be memorialized in the Homeowners' Association documents for the development.

SITE CHARACTERISTICS:

Site Size: 29.70 acres

Surrounding Zoning & Land Uses:

North: CPDP;(Lake Hideaway – currently under permitting for Phases 1A and 1B)
South: PDP(SF); (Woodland Waters – developed

subdivision)
East: CPDP; (Lake Hideaway – currently under
permitting for Phases 1A and 1B)
West: AG; undeveloped

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Residential and Conservation

FINDING OF FACTS:

Master Plan Revision on Property Zoned PDP(MF)/Planned Development Project (Multifamily) in order to revise a Performance Condition is appropriate based on the following revisions:

The proposed elimination of condition 23, would not affect the density, access or buffering of the development and would not be adverse to the public interest.

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’s 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.

**APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION**

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners approve the petitioner's request for a Master Plan revision on property zoned PDP(MF)/Planned Development Project (Multifamily) in order to revise a Performance Condition 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 following condition shall be stricken from the original approvals:

Rentals of any individual units shall be prohibited within 2 years of each individual home purchase. These restrictions shall be memorialized in the Homeowners' Association documents for the development.

3. All previous performance conditions (H2214) shall be in full force and effect.

**APPENDIX A
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

On May 13, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan revision on property zoned PDP(MF)/Planned Development Project (Multifamily) in order to revise a Performance Condition with the following unmodified 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 following condition shall be stricken from the original approvals:

Rentals of any individual units shall be prohibited within 2 years of each individual home purchase. These restrictions shall be memorialized in the Homeowners' Association documents for the development.
3. All previous performance conditions (H2214) shall be in full force and effect.