

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 8, 2024
Board of County Commissioners: February 13, 2024

APPLICANT: TriCounty Development Inc

FILE NUMBER: H-23-28

REQUEST: Rezoning from CPDP (Combined Planning Development Project) to PDP(MF)/ Planned Development Project (Multi-Family)

GENERAL LOCATION: North side of County Line Rd. approximately 280 feet from Farnsworth Blvd.

PARCEL KEY NUMBERS: 378576, 837278, 1523676

BACKGROUND

The subject property was rezoned (H-20-58) on December 15, 2020, from PDP(OP)/Planned Development Project (Office Professional) to CPDP/Combined Planned Development (Multifamily), (Single Family), and (General Commercial) with deviations, in order to develop a mixed-use development on the 29.1-acre subject site. This rezoning included 77 single-family dwelling units and 88 multi-family dwelling units. The multi-family units were proposed to be configured in several 3-story buildings with commercial uses on the first floor of several of the buildings. Since this approval, no development has occurred on the site.

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of the subject property from CPDP (Combined Planning Development Project) to PDP(MF)/ Planned Development Project (Multifamily) in order to develop the subject site into a 55+ age restricted rental residential villa community. The proposed development is comprised of duplexes and the petitioner is requesting approval for 220 dwelling units, creating a density of 7.56 dwelling units per acre.

The petitioner states the entire property will be under common landscape and maintenance, just as an apartment development, and no further subdivision or creation of fee simple lots will be made. The proposed living area of these single story units is between 1,000 square feet and 1,500 square feet with garages.

Requested Deviations

The deviation requests are discussed further within the appropriate areas of this report.

- The petitioner requests that the Perimeter Setback from County Line Road be reduced from 125' to 35'.

- The petitioner requests the front setbacks (the distance between the building and the road) for the duplexes be reduced from 25' to 20'.
- The petitioner requests a deviation from requiring the amenities to be in the center of the development – there is low-ground to be used for DRAs.

SITE CHARACTERISTICS

Site Size: 29.1 acres

**Surrounding Zoning;
Land Uses:**

North: PDP(SF)/ Planned Development Project (Single Family) Wellington at Seven Hills (H-01-31); Single Family Residence

South: Pasco County

East: PDP(SF)/ Planned Development Project (Single Family) Verano Phase 1 (H-20-58), Single Family Residence

West: PDP(OP)/ Planned Development Project (Office Professional) (H-06-70).

Current Zoning: CPDP (Combined Planning Development Project) (H-20-14) with Single-family, Multi-family and General Commercial Uses.

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW

Soils: Candler Fine Sand / 0 to 5% slope

Comments: Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. The petitioner is required to comply with all applicable FWC regulations and permitting.

Protection Features: The property does not contain a Wellhead Protection Area (WHPA), mapped Special Protection Area (SPA), archaeological / historical resources, or wetlands according to County data resources.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

Habitat: The property is shown as cropland and pastureland, and low density residential (<2 dwelling units) according to FLUCCS (Florida Land Use Cover and Classification System) mapping. The

project narrative reports that there are gopher tortoises present on the site; with the presence of gopher tortoises there is the potential for other listed species to also be present.

Comments:

A comprehensive floral (vegetation) and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. The petitioner is required to comply with all applicable FWC regulations and permitting. Invasive trees and plant species, if present, shall be removed during the development process.

Water Quality:

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

Comments:

Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This shall be addressed in the Landscape Plans for the development.

Flood Zone:

X

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and indicates they have no objection to the submitted zoning change from CPDP to PDP(MF) to allow the development of a 55+ residential rental community consisting of 220 villa units, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction. The following comments were provided:

- HCUD does not currently supply water or sewer service to the subject parcels.
- There is an existing 10-inch water main that runs along the north side of County Line Road.
- There is an existing 20-inch sewer force main that runs along the north side of County Line Road.

TRANSPORTATION

The subject property is located on CR 578 (County Line Road) which serves as the boundary between Hernando County and Pasco County. The widening of this segment to a 4-lane divided road is listed in the Long-Range Transportation Plan (LRTP) 2045 in the *Unfunded Needs Tiers 4 and 5* project list. The County and the Hernando/Citrus Metropolitan Planning Organization (MPO) are working on getting funding for this project established so it may move forward.

There are no bus routes currently along County Line Road, however with the density of the project and the understanding that it will be targeted toward those aged 55 and over, staff recommends

requiring the petitioner to work with the Hernando County Transit System (TheBus) to determine an appropriate area to be used for a bus stop when the need arises.

ENGINEERING REVIEW

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

- This property contains an area of shallow flooding less than 1 foot deep (Zone "X-Shaded".)
- The Traffic Access Analysis for this project was approved May 14, 2021. Any improvements required by the Traffic Access Analysis will be the responsibility of the developer.
- County Line Road is classified as a Collector Roadway and a sidewalk is required for the entire length of the parcel's frontage along County Line Road.
- County Line Road is to be widened to a 4-lane roadway in the future and 40' of additional Right-of-Way will need to be dedicated to the County to facilitate the widening of County Line Road. A Deed of Dedication shall be completed within 30 days of Master Plan approval.

Requested Deviation: Appendix A, Article VIII, Section 1(B) which states "along...CR 578, front yard requirements shall be one hundred twenty-five (125) feet."

The petitioner requests a reduction in this setback changing it from 125' to 35'. The petitioner reasons that since there are no private driveways or commercial uses on the property adjacent to County Line Road, and because "there is no need for additional ROW" along County Line Road, this request is reasonable.

Comments:

The Verano Subdivision provided a deviation in the setback from County Line Road changing the setback from 125' to 40'. This 40' setback includes a 15' vegetative (planted) buffer and a 25' building setback from the property line.

The County Engineer has identified an additional 40' of right-of-way that is needed for the expansion of County Line Road to 4 lanes.

Staff recommend approval of a deviation to the code that matches the adjacent Verano Subdivision which would provide a 40' setback from the future Right-Of-Way (as determined by Engineering). This setback shall include a 15' vegetative buffer.

LAND USE REVIEW

All planned development projects shall meet the following requirements for Appendix A, VIII, Section 1. General provisions for planned development projects.

Two-Family Residential Use Minimums*(Appendix A, Article IV, Section 2 G)*

Two-family residential buildings, or duplexes, are permitted in the R-2, R-3, R-4, and R-R zoning districts in Hernando County. The development proposal states the petitioner does not want to subdivide the parcel but keep it as one lot under single ownership and rent the duplexes out. Staff have no objections to this approach if provisions are made for the future subdivision of the property.

Comments: Planning Staff recommends including a performance condition that states: If/when the property owner decides to subdivide the property, a rezoning is required to establish minimum lot sizes, setbacks, buffers, etc. to create a conforming subdivision instead of seeking variances for the properties.

Requested Deviation to the Front Setback

The petitioner requests a deviation in the front setbacks, or in this case the minimum separation distance between the internal driveway and the duplex, be reduced from 25' to 20'. (*Appendix A, Article IV, Section 2 (F)(4)(c)*). Strategy 1.10D(1) of the *Planned Development Projects and Standards* section in Chapter 1 of the Comprehensive Plan allows for flexibility in building placement [setbacks] for the following purpose: “encourage pedestrian and multi-modal interaction at the street level appropriate to the scale of the development.”

The petitioner contends the front 25' setback “would effectively reduce the size of the usable rear yard and locate units closer to the site perimeter.” The petitioner feels that a garage and a 20' driveway is sufficient space to accommodate any parking needed for the dwelling unit, that as a retirement community there will be no large families that may need additional parking, large vehicles will be uncommon. The petitioner identified the property owner/manager will be able to enforce parking regulations in instances when cars block the sidewalk or cars are parked on the street.

There have been no amenities or design features identified by the petitioner that would indicate the development will be built to “encourage pedestrian and multi-modal interaction at the street level appropriate to the scale of the development.” A reduced front yard with the standard parking in the front setback provides less room for vehicles and leads to automobiles blocking sidewalks and multi-modal movements being impeded; in essence, making it difficult to achieve purpose for which the setback reduction is allowed. There is an abundance of evidence of this occurring in existing subdivisions that have been granted a deviation in the front setbacks. Leaving the owner or manager of the property to enforce potential parking issues created by the development design is inappropriate.

A 5' reduction in the front setbacks does not significantly reduce the “usable rear yard” since there are no lot lines limiting the area in which the dwelling occupant may use. With the entire parcel under single ownership and maintenance, there will be an abundance of open space for every resident to enjoy. There is no hardship or special circumstance existing on the subject parcel, such as topography or the presence of a sink hole or wetlands, that would make a reduction in the front setbacks necessary for the property to be developed.

Comments: It is for the above reasons staff recommends a denial of the requested deviation to the front setbacks, or front yard separation between the internal driveway and the building.

Duplex Standards

- Maximum Height: 35' (2 ½ stories)
- Maximum Building Area: 45% of the lot area (PDP standard for multifamily uses)

Internal Setbacks

- Front: 25' from the internal driveway,
- Side: 10', and
- Rear: 20'

Proposed Perimeter Setbacks

- North (Wellington at Seven Hills Subdivision): 25'
- South (CR 578 / County Line Road): 35' (Deviation from 125')
- East (Verano Subdivision): 15'
- West (Office Professional): 15'

Proposed Internal Setbacks

- Front: 20' from the internal driveway (Deviation from 25')
- Building Separation: 10' (no buildings shall be closer than 10 to any other building)

Proposed Minimum living space: 1,000 square feet.

Buffers

(Sections 10-21 (a)(2), 10-26)

A *vegetative buffer* is an area of land containing any combination of preserved natural vegetation or installed greenery. It may include berms, fences, or walls. Turf grass is acceptable as a "vegetative ground cover", but not as a "vegetative buffer". If a fence or wall is used, it shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting (*Section 10-26(b)*).

The vegetative buffer requirement is a minimum of forty (40) plants per area of land five (5) feet in width by one hundred (100) feet in length. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the requirement. (*Section 10-26(c)*)

A buffer shall be required between a Planned Development Project land use which is multifamily and a land use, external to the PDP, which is residential. The buffer shall consist of a minimum five (5) foot landscaped separation distance. 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.

As part of any new development authorization on a parcel of land that has a minimum two hundred (200) feet along the frontage and is two (2) acres or greater, a minimum twenty-foot

(20') wide vegetative buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.

Comments: County Line Road is recognized as a principal arterial roadway in Chapter 1 of the Comprehensive Plan. The subject property has over 1,600' in frontage along County Line Road; a 20' landscape buffer is required along County Line Road (CR 578).

According to County Code *Section 10-26(d)* A vegetative buffer is required in the following locations:

- (1) Along street right-of-way/pavements:
 - a. A vegetative buffer at least five (5) feet in width shall abut the street right-of-way/pavements for at least half of the street right-of-way frontage. If only installed planting areas are used, the vegetative buffer shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting.
 - b. No vegetative buffer over two (2) feet in height that might block any driver's view shall be permitted within the clear-sight triangle of the driveway or street/railroad intersection.
- (2) Around the perimeter of parking lots/pavements: A vegetative buffer at least five (5) feet in width shall abut the perimeter of parking lots/pavements. This applies to parking lot perimeters not adjacent to street right-of-way or buildings. If installed planting areas are used, the vegetative buffer shall include plants with a minimum height of eighteen (18) inches at time of planting. If plants are preserved they must be shrubs or trees in order to count toward the requirement. If the property abuts another commercial property that has provided a vegetative buffer, in lieu of the buffer, a five-foot-wide landscape strip consisting of one (1) tree that is three-inch minimum caliper every twenty-five (25) linear feet and four shrubs plus turf grass, ground cover or mulch shall be provided. Preserved natural vegetation may be substituted for the landscape strip with approval of the development department review staff.
- (3) Property lines. Projects adjacent to a residential district shall provide a five-foot (5') landscaped vegetative buffer. The commercial use located on such property shall be permanently screened from the adjoining and contiguous residential properties.

If a fence or wall is used as part of the buffer, it shall be dominated by greenery which shall attain fifty (50) percent opacity within twelve (12) months. The greenery shall be growing on the residential side.

If preserved natural vegetation is used as the buffer, it must meet opacity of at least eighty (80) percent to a minimum height of five (5) feet.

Supplemental planting will be required if the natural buffer does not meet the opacity requirement.

All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height.

Proposed Buffers

The petitioner has proposed the following perimeter buffers:

- North (Wellington at Seven Hills Subdivision): 15' landscaped buffer with 80% opacity
- South: (CR 578 / County Line Road): 20' landscape buffer
- East (Verano Subdivision): 15' landscape buffer
- West (Office Professional): 15' landscape buffer

Staff Recommended Buffers

Staff finds the proposed buffers acceptable with additional specifications shown below.

- North (Wellington at Seven Hills Subdivision): 15' landscaped buffer planted to achieve 50% opacity within 12 months, augmented with an 8' tall masonry wall or fence with 100% opacity. Vegetation shall be planted on the exterior of the fence. The fence shall be placed on the interior boundary of the 15' buffer.
- South (CR 578 / County Line Road): 20' landscape buffer planted to achieve 50% opacity within 12 months of planting.
- East (Verano Subdivision): 15' landscape buffer planted to achieve 50% opacity within 12 months, a 6' tall masonry wall or fence, with 100% opacity. Vegetation shall be planted on the exterior of the fence. The fence shall be placed on the interior boundary of the 15' buffer.

Comments: The Verano Subdivision is required to install their own 6' high 100% opaque fence within a 15' vegetative buffer. There is no existing vegetation along this property line. The petitioner shall work with staff to design this area to meet the requirements of the buffer while considering the adjacent buffer requirements, the safety of the residents, and creating as asset for these communities.

- West (Office Professional): 15' landscape buffer planted to achieve 50% opacity within 12 months, an 8' tall masonry wall or fence, with 100% opacity. Vegetation shall be planted on the exterior of the fence. The fence shall be placed on the interior boundary of the 15' buffer.

Density

The density of Wellington at Seven Hills Phases 7 and 8, which are adjacent to the northern boundary of the subject parcel, is approximately 2.6 dwelling units per acre. The building setback for Wellington for the property line shared with the subject property is 35'. There is also a 10' landscape separation strip along the property line that does not appear to have been maintained by the Wellington HOA.

The density of the Verano Subdivision, which shares the eastern property line with the subject parcel is 4.6 dwelling units per acre.

The petitioner is requesting 220 dwelling units for a 29.1-acre project area, resulting in a density of 7.56 dwelling units per acre. This is the average density for multifamily developments according to Strategy 1.04B(4) of the Comprehensive Plan. One condition for a higher density development is that it is located on an arterial roadway. This development will have access to County Line Road (CR 578) which is considered an arterial roadway by Hernando County and FDOT.

Positioned between County Line and the less dense Wellington at Seven Hills Phases 7 and 8 residential subdivisions, the subject property provides an appropriate density transition. While proposed development will not access internal roads through any other subdivision, Quality Drive will be extended through the property, creating a connection from Farnsworth Boulevard to the Verano subdivision.

Comments: The requested density is appropriate for the subject parcel.

Access

(Section 26-70)

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. If approved, individual single-family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

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 identified three access points for the development: a boulevard entrance on County Line Road, a secondary entrance from Farnsworth Blvd on the west side of the property, and a cross access to the Verano Phase 2 Subdivision on the eastern property line. The required trees roadway has not been identified. Staff recommend designating the roadway connecting Farnsworth Boulevard with the Verano Subdivision.

Construction Buffer

(Section 10-21(a)(5))

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 before the construction bond is released.

Retention of a natural vegetative buffer is encouraged, land disturbing activities (other than the removal of dead trees and the installation of plantings for the buffer opacity) are not allowed within the perimeter buffer. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation.

Comments: The proposed development is adjacent to the Wellington subdivision on the north boundary and the Verano subdivision on the east boundary. A construction buffer is required along these boundaries. Staff recommends the installation of an opaque fence and plantings at these locations due to sparse or no vegetation to provide the opacity required of the construction buffer.

Neighborhood Park

(Section 26-75)

The developer of a subdivision that includes more than fifty (50) dwelling units shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of this section. The provision of neighborhood parks in accordance with the requirements of this section may count towards the minimum open space requirements, where applicable.

The land provided and maintained for use as a neighborhood park or parks shall be developable uplands exclusive of any drainage retention areas for the subdivision and wetland or environmental areas which are not incorporated into the park design (boardwalks, nature trails, educational and other passive purposes). Natural areas which are integrated into the park design may be utilized. In addition, the property shall not be encumbered by any restrictions that prevent its use as a neighborhood park site.

The land provided for each neighborhood park shall be easily accessible to the residents of the subdivision by auto, foot, and bicycle. Where practical, all neighborhood parks shall be centrally located within the subdivision.

Comments: The petitioner has no plans to subdivide the property into individual lots. The design of the development with single story duplexes, however, reflects a "subdivision" development pattern. Staff recommends requiring a neighborhood park system that meets the regulations in *(Section 26-75)*. The acreage required for a neighborhood with 220 dwelling units is 2.7 acres (117,612 sf).

Performance Bond

At the beginning of the development process (residential and commercial) a performance bond is provided to the County. A performance bond is a lump sum of money, specific to the project, provided to Hernando County to hold until the conditions specified in this report are fulfilled according to Hernando County Development Regulations and the approved plans. If the project is abandoned or the developer is unable to fulfill the requirements of the performance conditions, the County may use the bond to complete the work that was abandoned, so as not to leave the property as a nuisance to the community until it can be sold and or taken over by another party. The bond may also be used to “fix” or repair portions of the development that the developer is unable to bring into compliance.

The role of the performance bond in the development process makes it extremely important to the community and the County. The performance bond shall not be released until the performance conditions established in this document are completed according to the approved plans and according to the Hernando County Development Regulations.

Subdivision Landscaping Requirements

(Section 10-28)

Clearing the Land

(Section 10-28 (2))

A land clearing plan shall be submitted to the county administrator or designee for approval. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of high-water use shall also be shown. The land clearing permit for the new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans.

Reestablishing Ground Cover

(Section 10-28 (3))

Ground cover is required at all times for pervious surfaces except during construction. Gardens shall be excluded from this ground cover requirement (*Section 10-19 Definitions*).

After construction of the infrastructure (roads, utilities, water, sewer) is complete, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turf grass is used as groundcover, varieties with excellent drought-tolerance are required. For purposes of this article, excellence in drought-tolerance shall be determined by use of resource information deemed reliable by the development department, with emphasis on information generated by the University of Florida Institute of Food and Agricultural Sciences (IFAS).

Natural Vegetation

(Section 10-28 (2))

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: The required Natural Vegetation for this project is 2.04 acres (88,732 sf) (7% of 29.1 acres)

Specimen and Majestic Trees

(Section 10-28(4))

If existing on the site, specimen (trees 18" DBH to 35.99" DBH) and majestic trees (trees 36" DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect.

The county administrator's designee shall review any petitions detailing the appropriate mitigating circumstances and **may** authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:

- a. The tree is an immediate safety hazard.
- b. The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
- c. The tree is causing property damage or may be reasonably expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property.
- e. The tree is weakened by age, storm, fire, or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this article.
- f. When the tree prevents a proposed reasonable use of the site.

A demonstrated effort shall be made, through a *comprehensive tree management* plan, to preserve high quality trees in accordance with the intent of Chapter 10, Article II. (Section 10-28 (5))

Comprehensive Tree Management Plan

A *comprehensive tree management plan* is not defined in the Hernando County Code. Based on other requirements and definitions in the code, staff concludes the following items shall be included in the Comprehensive Tree Management Plan:

1. Tree location survey including all Regulated Trees¹: A readable, scale drawing or accurate sketch that provides, at a minimum, the following information (Section 10-19 Definitions):
 - a. A unique identifying number
 - b. The approximate location of the trees,

¹ Regulated tree: In a tree preservation context, a tree with a DBH of three (3) inches or greater but less than eighteen (18) inches. (Section 10-19 Definitions)

- c. Identifying species,
 - d. Size measured by DBH, and
 - e. Whether a tree is to remain or is proposed for removal.
2. For Protected Trees² (Specimen and Majestic), in addition to the information listed above, the following is required:
- a. Condition of the tree,
 - b. Recommendations about future maintenance to help the tree thrive,
 - c. Appropriate mitigating circumstances that require the removal of the tree from the property (acceptable circumstances are listed above and in Section 10-28 (4)).

Tree Requirements

(Section 10-28 (5))

Regardless of development site acreage, the total number of trees existing on the development site up to a maximum of fifteen (15) shall be either preserved or planted. If less than four (4) trees exist at the time of development, a minimum of four (4) trees shall be preserved or planted. Planted trees must be shade trees and a minimum two-inch caliper.

Landscape Design Plan

(Section 10-25)

New development requires the submittal of a landscape plan. This plan shall include all dimensions, and plan information required by the site plan review process, including but not limited to:

1. Designation of plant materials lists by common and botanical (scientific) name, including applicable cultivar's name, and location of plant material to be installed or preserved in accordance with this section.
2. Use or zoning classification of adjacent properties,
3. A tabulation of all information necessary for evaluation of the plan, including gross acreage, area in square feet of impervious surfaces, area in square feet of green space, list of trees left native for credit to include diameters, buffer requirements to include plant types, water use plan, and mulch to a minimum depth of two (2) inches shall be printed on the plan and on the Hernando County Commercial Landscape Plan form.
4. The plan will show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. The installed planting areas, buildings, drainage facilities, parking/pavement areas, storage areas, or impervious surfaces existing or proposed for the development site shall also be displayed. Finally, the landscape design plan shall include the following items:

² Protected tree: A tree that is required to be preserved. (Section 10-19 Definitions)

- a. Soil characteristics.
- b. Plant installations. Installed plant materials shall conform to the Standards for Florida Grade No. 1-or-better as given in Grades and Standards for Nursery Plants (GSNP), State of Florida, Department of Agriculture and Consumer Services.
 - i. Installed plants shall be grouped in planning areas according to water-use-zones and irrigated separately according to high, moderate, or low water usage. If turf grass is used, it shall be irrigated separately from other landscaping.
 - ii. Installed plants shall be appropriately spaced according to the growth needs of the species. Except for this priority or as otherwise indicated, no two (2) plants (excluding trees and turf grass) shall be more than thirty (30) inches apart on-center.
 - iii. No more than fifty (50) percent of the landscaping shall be turf grass unless varieties with excellent drought-tolerance are used.
 - iv. Mulches are required and shall be at least two (2) inches in depth.
 - v. Synthetic lawns or synthetic plants are not acceptable.
- c. Water use zones and irrigation.

For all required landscaped areas irrigation shall be used to establish and maintain optimal growth of plant material. The irrigation system shall be designed to correlate to the water use plant zones established in the landscape design. On projects larger than two (2) acres, only shallow wells, open surface water bodies or reclaimed water shall be used as the source of irrigation water. Please refer to *Section 10-25 B (3)* of the Hernando County Code for further guidance on water use zones and irrigation.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map: Residential Category

Objective 1.04 B: 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.

Future Land Use Map: Multi-Family Housing

Strategy 1.04 B (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 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.

Comments: The petitioner is requesting 220 Dwelling Units for 29.1 acres, which equals a density of eight (7.56) Dwelling Units per acre. The requested density is consistent with Strategy 1.04 B (4).

The subject parcel is located on the only east/west corridor in the County. County Line Road separates Hernando County from Pasco County. This road is on course to becoming a 6-lane divided roadway. A multi-family development on this parcel is appropriate for the surrounding area.

Strategy 1.04 B (7): All multi-family developments shall be located such that the integrity of nearby established single family neighborhoods is preserved:

Comments: The subject property is adjacent to two single-family residential subdivisions. The project will have direct access to an arterial roadway (County Line Road) a local road, Farnsworth Blvd, and cross access to the Verano subdivision east of the property.

Planned Development Projects and Standards

Objective 1.10 D: Design criteria for Planned Development Projects (PDP) shall address as applicable building placement and height, parking, multi-modal circulation, drainage, landscaping, architectural standards, public space amenities, and energy efficiency. *The PDP process allows flexibility in standards for projects that provide environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits, or features that promote quality community design and land use compatibility.*

Comments: The petitioner has not provided any indication that the requested setback deviations accomplish any of the objectives listed above. The center of the property being a topographical low point, is an appropriate reason to relocate the Community Amenities to a less centralized location. The petitioner's request to locate the community amenities at the entrance of the development is reasonable.

Strategy 1.10 D (1): Flexibility in building placement (setbacks) and height standards (maximum height) may be allowed appropriate to the development context for new Planned Development Projects in to encourage pedestrian and multi-modal interaction at the street level appropriate to the scale of the development. Concepts such as the following may be utilized:

- a. building relationship to the enhancement of multi-modal objectives such as traffic calming or pedestrian movement.
- b. building placement that is integral to the street front.
- c. increased building height and intensity.

- d. building placement that hides parking.

Comments: The petitioner has not provided any indication that the development includes any of the concepts listed above, nor have they included any other appropriate design/planning concepts that would show the goal of the deviation request is to accommodate pedestrian or multi-modal interaction.

FINDING OF FACTS

1. Duplexes are an allowable use in Hernando County.
2. The petitioner's request is consistent with the Future Land Use for the parcel (Residential).
3. The subject property is appropriate for development as a multi-family residential neighborhood with a density of 7.56 dwelling units per acre.
4. The placement of the neighborhood amenities on the external boundary of the development adjacent to County Line Road, instead of being centrally located within the development, is appropriate considering the topography of the subject property.
5. The petitioners request for a deviation from the front setbacks (separation between the internal driveway and the building) is not consistent with the requirements of the Comprehensive Plan or the Planned Development Project requirements.
6. The petitioner's request for a deviation in the setback from County Line Road does not provide the Department of Public Works with enough room to accommodate the expansion of County Line Road as identified in the LRTP 2045.
7. Though the petitioner is not proposing to subdivide the property, the pattern of development is reflective of a traditional subdivision and, as such, the requirements for a Neighborhood Park apply.

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 rezoning from CPDP

(Combined Planning Development Project) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations and the following performance conditions:

1. The petitioner shall obtain all permits from Hernando County and other applicable agencies, meet all applicable land development regulations for either construction or use of the property, and complete all applicable development review processes.
2. All performance conditions established herein shall be completed according to the approved plans prior to the release of the performance bond.
3. Maximum number of Dwelling Units Allowed: 220
4. Planning
 - A. Allowed Uses in this PDP: Two-family residential homes / Duplexes, Community Amenities.
 - B. Minimum living area: 1,000 square feet
 - C. Duplex Setbacks
 - i. Front (access road): 25'
 - ii. Building Separation: 15' (this would equal a 7.5' setback for each duplex)
 - D. Perimeter Setbacks
 - i. North (adjacent to Wellington): 25'
 - ii. South (along County Line Road): 125'
 - iii. East (adjacent to Verano): 15'
 - iv. West (adjacent to commercially zoned property): 10'
 - E. The petitioner may locate the community amenities building at the entrance of the development.
 - F. 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. (*Section 26-75*).
Required Neighborhood Park for 220 DU: 2.7 acres.
 - G. The petitioner shall provide a treed roadway which extends the length of the development, per *Section 10-21(a)3*, that spans the length or width of the subdivision, whichever dimension is greater, and includes a vegetative buffer at least 10' in width on either side of the road.
 - H. Residential PDPs with multifamily uses shall not exceed more than 45% building area coverage for the residential acreage. (*Article VIII, Section 1D*)
 - I. The petitioner shall work with TheBus to determine an appropriate location to be reserved for a future transit stop.
5. Environmental
 - A. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. This survey shall include

existing plant communities present on the site, identification of invasive vegetation (as designated by IFAS or the USDA).

- B. The petitioner is required to comply with all applicable FWC regulations and permitting.
- C. 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.
- D. The Petitioner shall meet all requirements included in *Article VIII, Section 2, H.1*. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. For The required natural vegetation may be included as part of the required open space.

Required Natural Vegetation: 2.04 acres.

6. Buffers

Buffers may not include any stormwater management facilities or drainage retention areas. Vegetative buffers are comprised of a minimum of forty (40) plants per area of land five (5) feet in width by one hundred (100) feet in length³. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the requirement (*Section 10-26(c)*).

Perimeter buffers shall remain undisturbed, except for the removal of invasive species or dead trees, and the installation supplemental plantings to reach the required opacity. All buffer types, except natural vegetation, must be maintained to a maximum of eight (8) feet in height. All landscaping, buffer and groundcover requirements shall be completed before the performance bond is released.

A. Perimeter Buffers

- North (Wellington at Seven Hills Subdivision)
15' landscaped buffer planted to achieve 50% opacity within 12 months, augmented with an 8' tall masonry wall or fence with 100% opacity. Vegetation shall be planted on the exterior of the fence and maintained to a maximum of 8' tall. The fence shall be placed on the interior boundary of the 15' buffer.
- South: (CR 578 / County Line Road)
20' landscape buffer planted to achieve 50% opacity within 12 months of planting. Vegetation shall be maintained to a maximum of 8' tall.
- East (Verano Subdivision)
15' landscape buffer planted to achieve 50% opacity within 12 months, an 6' tall masonry wall or fence, with 100% opacity. Vegetation shall be planted on the exterior of the fence and maintained to a maximum of 8' tall. The

³ 40 plants per 500 square feet of buffer.

fence shall be placed on the interior boundary of the 15' buffer. The petitioner shall work with staff to design this area to meet the requirements of the buffer while considering the adjacent buffer requirements, the safety of the residents, and creating as asset for these communities.

- West (Office Professional)

15' landscape buffer planted to achieve 50% opacity within 12 months, augmented with an 8' tall masonry wall or fence with 100% opacity. Vegetation shall be planted on the exterior of the fence and maintained to a maximum of 8' tall. The fence shall be placed on the interior boundary of the 15' buffer.

- B. Parking lot Buffers:
- A vegetative buffer at least five feet (5') in width shall be installed around the perimeter of any parking lot within the development, including the neighborhood amenities. This buffer shall include plants with a minimum height of eighteen (18) inches at time of planting.
- C. If a fence or wall is used as part of the buffer, it shall be visually dominated by greenery and attain fifty (50) percent opacity/coverage within twelve (12) months of planting (*Section 10-26(b)*). The greenery shall be installed on the external side of the fence that faces adjacent parcels.
- D. Invasive plant species, if present, are to be removed during the development process.
7. Landscaping:
- A. A **Landscape Design Plan** meeting all requirements of *Section 10-25* of the Hernando County Code shall be prepared by a qualified professional and submitted as a part of the conditional plat application. Existing plant communities, including any vegetation listed as invasive by the county, shall be listed on the landscape design plan (*Section 10-22 j*).
- B. A **Land Clearing Plan** meeting all the requirements of *Section 10-28* of the Hernando County Code shall be prepared by a qualified professional and submitted for approval with the conditional plat application. The plan shall show the proposed natural vegetation areas to be preserved and the proposed areas to be cleared. Installed planting areas of high-water use shall also be shown. The land clearing permit for the new subdivision authorizes clearing of street right-of-way, drainage areas, utility areas, and individual lots as approved on subdivision construction plans. (*Section 10-28 (2)*)
- C. A **Comprehensive Tree Management Plan** containing the following items shall be submitted with the Conditional Plat:

- i. Tree location survey, performed by a qualified professional that includes all Regulated Trees⁴: A readable, scale drawing or accurate sketch that provides, at a minimum, the following information (*Section 10-19 Definitions*):
 - a. A unique identifying number
 - b. The approximate location of the trees,
 - c. Identifying species,
 - d. Size measured by DBH, and
 - e. Whether a tree is to remain or is proposed for removal.
 - ii. For Protected Trees⁵ (Specimen and Majestic), in addition to the information listed above, the following is required:
 - a. Condition of the tree,
 - b. Recommendations about future maintenance to help the tree thrive,
 - c. Appropriate mitigating circumstances that require the removal of the tree from the property (acceptable circumstances are listed above and in Section 10-28 (4)).
 - D. Unless otherwise approved by the county administrator or designee, specimen and majestic trees shall be preserved. Upon county staff compliance review and approval of a petition detailing the appropriate mitigating circumstances, a specimen tree may be removed when it prevents a proposed reasonable permitted use of the site. The appropriate mitigating circumstances may be found in *Section 10-23a(3)*.
 - E. Regardless of development site acreage, the total number of trees existing on the development site up to a maximum of fifteen (15) shall be either preserved or planted. If less than four (4) trees exist at the time of development, a minimum of four (4) trees shall be preserved or planted. Planted trees must be shade trees and a minimum two-inch caliper.
8. Development
- A. A **Construction Buffer** shall be installed along the North and East perimeters of the development. It shall be a natural vegetative buffer a minimum of fifteen (15) 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

⁴ Regulated tree: In a tree preservation context, a tree with a DBH of three (3) inches or greater but less than eighteen (18) inches. (*Section 10-19 Definitions*)

⁵ Protected tree: A tree that is required to be preserved. (*Section 10-19 Definitions*)

buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation. *(based on Chapter 10, Article II, Section 10-21(a)5 with the buffer width updated to reflect the width of the required undisturbed buffer).*

- B. **Reestablishing Ground Cover:** Within 30 days of completion of the infrastructure approved by the land clearing permit, vegetative ground cover shall be reestablished for all disturbed areas to reduce dust clouds, storm water runoff, and soil erosion. If turf grass is used, varieties with excellent drought-tolerance are required.
 - C. The petitioner shall remove any **barbed wire and/or electric fencing** from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP (Special Use) on plats.
9. Engineering
- A. The petitioner shall designate the Quality Drive extension as the treed roadway required for new development.
 - B. County Line Road is classified as a Collector Roadway and a sidewalk is required for the entire length of the parcel's frontage along County Line Road.
 - C. The petitioner shall work with the County Engineer to establish the Right-of-Way to be dedicated to the County. A *Deed of Dedication* will be required to be completed within 30 days of Master Plan approval.
 - D. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines is required for all Drainage Retention Areas (DRA) within the proposed project. This requirement may be waived by the County Engineer upon determination of necessity.
 - E. Any improvements required by the Traffic Access Analysis (which was approved May 14, 2021), will be the responsibility of the developer.
 - F. Sidewalks (*Section 26-52*)
 - i. Sidewalks shall be constructed on all internal, and adjoining, streets in conjunction with all new subdivisions.
 - ii. Sidewalks shall be constructed in conjunction with the installation of all required subdivision improvements along common areas and adjoining streets. Sidewalks shall be constructed as a condition of site development for the length of the site frontage along all streets for individual lots within the subdivision.
 - iii. All sidewalks shall be designed and constructed in accordance with the requirements of the Florida Accessibility Code and Hernando County Facilities Design Guidelines.
10. Utilities: A utility capacity analysis, and connection to the central water and sewer systems shall be performed at time of vertical construction.

11. If/when the property owner decides to subdivide the property, a rezoning is required to establish minimum lot sizes, setbacks, buffers, etc. to create a conforming subdivision.
12. Fire protection plan. For all residential PDPs with lots which have lot widths of less than sixty (60) feet at the building line, a fire protection plan must be submitted upon the filing of a conditional plat.
13. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
14. The petitioner shall provide a revised plan in compliance with all 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.