

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

- Rezoning Standard PDP
 - Master Plan New Revised
 - PSFOD Communication Tower Other
- PRINT OR TYPE ALL INFORMATION**

Date: 2/19/2025

File No. _____	Official Date Stamp: _____
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APPLICANT NAME: Rivard Development, LLC

Address: 6601 Memorial Hwy, Ste. 223

City: Tampa

State: FL

Zip: 33615

Phone: 813-513-4362 Email: paul@costahomesinc.com

Property owner's name: (if not the applicant) _____

REPRESENTATIVE/CONTACT NAME: _____

Company Name: Kyle J. Benda, Esq.

Address: 270 N. Broad St.

City: Brooksville

State: FL

Zip: 34601

Phone: 352-232-5757 Email: kyle@bendalawfirm.com

HOME OWNERS ASSOCIATION: Yes No (if applicable provide name) _____

Contact Name: _____

Address: _____

City: _____

State: _____

Zip: _____

PROPERTY INFORMATION:

1. PARCEL(S) **KEY** NUMBER(S): 383374
2. SECTION 20, TOWNSHIP 23 South, RANGE 19 East
3. Current zoning classification: CPDP
4. Desired zoning classification: Reactivate Master Plan
5. Size of area covered by application: 63.7 acres
6. Highway and street boundaries: Old Oak Trail, Dog Leg Court, Rivard Boulevard, and Clearview Drive
7. Has a public hearing been held on this property within the past twelve months? Yes No
8. Will expert witness(es) be utilized during the public hearings? Yes No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? Yes No (Time needed: _____)

PROPERTY OWNER AFFIDIVAT

I, Paul Bakkalapulo, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

- I am the owner of the property and am making this application OR
- I am the owner of the property and am authorizing (applicant): Kyle J. Benda, Esq. and (representative, if applicable): Chris Glover to submit an application for the described property.

Signature of Property Owner

**STATE OF FLORIDA
COUNTY OF HERNANDO**

The foregoing instrument was acknowledged before me this 19 day of FEBRUARY, 2025, by PAUL BAKKALAPULO who is personally known to me or produced _____ as identification.

Kara Thrift
Signature of Notary Public



Effective Date: 11/8/16 Last Revision: 11/8/16

Notary Seal/Stamp

MASTER PLAN REACTIVATION NARRATIVE – H-19-09

The subject property is approximately 63.7 acres of unimproved land located at the norther terminus of Old Oak Trail, the northern terminus of Dog Leg Court, the eastern terminus of Rivard Boulevard, and the eastern terminus of Clearview Drive, also referred to as Hernando County Property Appraiser Key Number 383374. The parcel is currently zoned Combined Planned Development Project, with deviations (“CPDP”). The original Master Plan and rezoning for the property was approved on April 12, 2006 in H-05-127. The Master Plan was subsequently revised in 2019 by H-19-09 by Resolution 2019-104 on July 16, 2019.

This application seeks to reactivate the Master Plan in H-19-09 with no changes to that prior approval. Pursuant to Appendix A, Article VIII, “[t]he intensity/density is retained under the zoning approval, and the applicants seeks to reactivate the Master Plan and retain those vested rights in the property approved by H-19-09.

A copy of the original narrative, site plan, resolution of approval, and conditions are attached to this narrative.

In conclusion, the applicant seeks to develop the subject property pursuant to the previously approved Master Plan Revision, along with all vested entitlements in that approval.

RESOLUTION NUMBER 2019- 104

WHEREAS, Hernando County has adopted zoning regulations pursuant to Chapter 163 and Section 125.01(1), *Fla. Stat.*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing on July 16, 2019, to consider the requested changes in zoning on the specified parcel(s) in Hernando County, Florida, as more fully described below.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

APPLICANT: Rivard Development LLC

FILE NUMBER: H-19-09

REQUEST: Master Plan Revision on property zoned CPDP/Combined Planned Development Project, with deviations

GENERAL LOCATION: Northern terminus of Old Oak Trail, northern terminus of Dog Leg Court, eastern terminus of Rivard Boulevard, and the eastern terminus of Clearview Drive

PARCEL KEY NUMBERS: 00383374

REQUEST: Master Plan Revision on property zoned CPDP/Combined Planned Development Project, with deviations; as enumerated in the BOCC Action (which is incorporated herein by reference and made a part hereof). The representations contained in the Applicant's rezoning application are incorporated herein by reference and made a part hereof and are relied upon by the County to be true and correct. For purposes herein, it is presumed that all requisite notice and advertising requirements have been satisfied.

FINDINGS OF FACT: ALL of the facts and conditions set forth in the County's staff memoranda and presented to the BOCC in connection with the public hearing in this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's action. The BOCC finds that the testimony and record supporting approval of the request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions set forth in the BOCC Action.

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Fla. Stat.* Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions set forth in the BOCC Action.

ACTION:

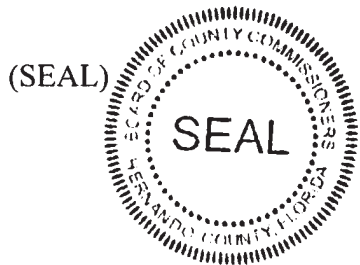
After notice and public hearing, based upon the record in this matter and **ALL** of the findings of fact and conclusions of law above, the BOCC hereby **APPROVES** the request for a Master Plan Revision on property zoned CPDP/Combined Planned Development Project, with deviations; with deviations; as set forth in the BOCC Action which is incorporated herein by reference and made a part hereof. Any requests, uses, variances or exceptions that were requested in connection with this application but not specifically approved herein are hereby deemed DENIED.

ADOPTED IN REGULAR SESSION THE 16th DAY OF JULY 2019.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Susan Breen, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: [Signature]
Jeff Holcomb
Chairman



Approved as to Form and
Legal Sufficiency

By: [Signature]

BOCC ACTION:

On July 16, 2019, the Board of County Commissioners voted 4-0 to adopt Resolution 2019-104, approving the petitioner's request to revise a Master Plan on property zoned CPDP/Combined Planned Development Project, with deviations, and 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. A preliminary floral and fauna (plant and wildlife) survey shall be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Fish and Wildlife Conservation Commission (FWC) regulations.
3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles.
4. At the time of preliminary plat, the developer will be required to update the Master Drainage Plan for the development, including providing any joint use documents with properties outside the current phase. Locations for any proposed drainage facilities should also be provided.
5. All lots, excluding the rear setback area, and roads shall be elevated at or above the regulatory 100-year flood elevation in accordance with the requirements of the Squirrel Prairie basin study and the adopted regulatory floodplain maps. All future development plans shall show the regulatory floodplain consistent with these documents.
6. The petitioner shall ensure that the post-development volumes and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100-year storm event.
7. The petitioner shall design storage structures to the 100-year storm event.
8. A traffic analysis is required at the time of conditional plat, to include a traffic signal warrant study. The developer will be responsible for the cost of the traffic signal if warranted, the amount of which will be escrowed prior to final plat approval.
9. The petitioner shall provide a stub-out to the south.
10. The roads within the subdivision shall be private.

11. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.
12. The developer shall provide new property owners with written program materials and owners shall be encouraged to utilize the Florida-Friendly Landscaping™ program best management practices.
13. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. If approved, the petitioner must provide a minimum of natural vegetation. The required natural vegetation may be included as part of the required open space.
14. The property 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. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
16. The total number of units is limited to 240.
17. The minimum lot sizes are 7,700 ft² and 5,500 ft².
18. There shall be an appropriate transition of lot sizes from the existing Trails of Rivard Phase 1 to the currently proposed Phase 2, with Lot sizes along Rivard Boulevard to the golf-court crossing, along Old Oak Trail, Brassey Drive, Dog Leg Court; and Clearview Drive to its intersection with Pine Lake Drive shall be a minimum of 7,700 ft². This lot size applies to homes constructed on either side of each of these roadways. Lot sizes along Pine Lake Drive and Wind Tree Court shall be a minimum of 5,500 ft².
19. Minimum Building Setbacks are as Follows:
 - a. 5,500 ft² Lots:
 - Front: 25'
 - Side: 5' (Reduction from 10')
 - Rear: 15'

- b. 7,700 ft² Lots:
Front: 25'
Side: 7.5' (Reduction from 10')
Rear: 15'
- 20. Minimum Perimeter Setback shall be 25'. No buildings shall be located within this setback.
- 21. There shall be a twenty-foot (20') natural vegetated buffer along the south and east boundaries where the proposed development is adjacent to existing subdivisions.
- 22. 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.



Mailing Address
 PO Box 795
 Aripeka, FL 34679

Received

Street Address:
 12529 Spring Hill Drive
 Spring Hill, FL 34609

FEB 13 2019

Phone: 352-683-9566
 Fax: 352-683-9567

Planning Department
 Hernando County, Florida

NARRATIVE
TRAILS AT RIVARD

MASTER PLAN REVISION AND MODIFICATION TO LOT SIZE

- Architecture
- Building Engineering
- Civil Engineering
- Land Planning
- Structural Engineering
- Surveying
- Transportation

Location: The Property is located on the east side of US Highway 41, approximately 1 ½ miles north of Ayers Road. The Property is identified by the Hernando County Property Appraiser as the following parcel, (key #383374). The combined site is 63.90 Acres more or less, a sketch and description of the parcel has been provided for clarity.

Current Zoning: The Property is currently zoned CPDP (SF) we are proposing to revise the previously approved single family residential lot sizes 5500 SF and 7700 SF to 4800 SF and 6000. The current zoning, surrounding zonings and approved density is consistent with this revision of change in lot size and density.

Surrounding Zoning\ Land use:

North: AG	Residential
South: AG	Residential
East: AG	Residential

West: CPDP (SF) (REC) Partially Developed residential and Golf Course.

Future Land use: Residential and Golf Course with public use park area 10.22 acres based on the density and land area exceeds the Hernando County requirement.

Proposed Zoning: This application is to renew the previously expired master plan and the proposed lot sizes planned for this phase, consistent with the previously approved master plan revision H-90-26 May 8, 1990 and H-05-127 on April 12, 2006. The owner is requesting the approval of 299 lots in this phase. The proposed revisions are also consistent with the 2040 Future land use for residential in this area and the comprehensive plan dated November 15, 2018 HC Ordinance #ORD-2018-16.



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Utilities: There are adequate water and sewer facilities in this the area to serve the project. Water and sewer services shall be provided by Hernando County Utilities. Rivard has been previously master planned for sewer and water service, the existing systems in place have the required compacity for the lots proposed in this revision.

Soils: The on-site soils types are Flemington fine sands, blichton loamy fine sands, Nobelton fine sands, Kendrick Fine sands and Micanopy loamy fine sands. The vegetative cover on the subject property is predominantly comprising of hardwood coniferous forest with small areas of improved pasture.

Flood Zone: The property is located in flood zone C, Panel No: 12053C0331D, Dated February 2, 2012. There are several areas that are indicated as flood prone as identified by the Squirrel Prairie Study. The lot design shall use the golf courses and open spaces as previously master planned to accommodate drainage. The parcels and conveyance were master planned and constructed with the earlier phases, minor revisions and additions for internal infrastructure were incorporated.

Drainage: The engineer has reviewed the Squirrel Prairie Flood plain study and has designed around the low flood plain areas. The proposed development plans will address the Squirrel Prairie study and the engineer may provide proposed revisions to the study as reviewed and modeled by the engineer. Rivard Phase 1 was permitted for master drainage with the golf course, phase 2 will also be planned and permitted for master drainage.

Open Space Area:

10.22 acres +/- Neighborhood Park, Neighborhood Park per sec. 26-75 Hernando Code Of Ordinances: One acre for the first fifty lots and one-one hundredth of and acre for each additional lot (dwelling Unit).

63.09 acres 0.05 (5%) * 63.9 = 3.19 acres required as calculated per ordinance 2008-02

- Architecture
- Building Engineering
- Civil Engineering
- Land Planning
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Perimeter Setbacks: 25'

Internal Setbacks:

- Architecture
- Building Engineering
- Civil Engineering
- Land Planning
- Structural Engineering
- Surveying
- Transportation

4,800 SF lots

Front – 25'

Side – 5'

Rear – 15'

6,000 SF lots

Front – 25'

Side – 7.5'

Rear – 15'

Buffers: The project area will incorporate natural existing buffers previously approved and the design includes for 10.22 acres of open space inclusive to the project which exceeds Hernando County's requirement for neighborhood park requirements.

Previously approved Density:

Units Proposed: 240

Acres: 63.90

3.75 Units per acre

Proposed Density:

Units Proposed: 325

Acres: 63.90

5.09 Units per acre



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Access: The project shall have access via existing private roads in the Rivard Subdivision. Access is limited to the main front entrance due to the single access point from US Highway 41 and single permitted CSX access.

Solid Waste:

As with every development the County is concerned with the potential of waste generation and this has been evaluated for this proposed portion of the development based on current data available which indicates that approximately 4.75 pounds of waste is generated per day per unit. A unit consists of approximately 2.46 persons. Therefore, based on the total of single family units for this proposed master plan three hundred twenty five 325 approximately 1,534 pounds of waste will be generated per day upon build out of the development. Ref, US Census

Traffic and Roadway:

The project shall be accessed using the collector roadway, US Highway 41 via Rivard Blvd east to the parcel. The internal roadway network is proposed to have a right of way of 50 feet with 20 feet asphalt roadways. The roadway layout is loop with cul de sacs to provide for safe turn around at roadway terminations. The roadway network shall be privately maintained by the homeowners associations.

Schools:

The development is proposed to be three hundred twenty five (325) single family home sites. As indicated an average residential unit has 2.46 persons, with 14.9% of the persons within those households of school age, it could be reasonably estimated that 119 school aged children shall reside within the proposed development at build out. Ref, US Census.

- Architecture
- Building Engineering
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