

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: February 10, 2022

File No. H-22-13 Official Date Stamp:

Received

MAR 02 2022

Planning Department
Hernando County, Florida

APPLICANT NAME: Todd Mooney

Address: 9414 Lorendale Circle

City: Spring Hill

State: FL

Zip: 34608

Phone: 813.817.8492

Email: ortizplanningsolutions@gmail.com

Property owner's name: (if not the applicant) Clever Cow LLC

REPRESENTATIVE/CONTACT NAME:

Company Name: Ortiz Planning Solutions / Patricia Ortiz AICP

Address: 2810 N Central Ave

City: Tampa

State: FL

Zip: 33602

Phone: 813.817.8492

Email: ortizplanningsolutions@gmail.com

HOME OWNERS ASSOCIATION: ☒ Yes ☐ No (if applicable provide name) High Point MHP

Contact Name: Durrelle Bryner

Address: 12207 Fairway Ave Brooksville FL City: Brooksville

State: FL

Zip:

PROPERTY INFORMATION:

1. PARCEL(S) KEY NUMBER(S): R 31 422 18 0000 0020 0010 R 31 422 18 0000 0020 0011

2. SECTION 31, TOWNSHIP 22, RANGE 18

3. Current zoning classification: CPDP (SF) and (OP) with C1 uses

4. Desired zoning classification: CPDP (SF and MF) and OP with C1 uses

5. Size of area covered by application: 44.96 acres

6. Highway and street boundaries: SR 50

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 AFFIDAVIT

I, Todd Mooney, 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

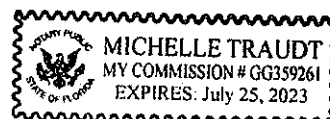
☒ I am the owner of the property and am authorizing (applicant): _____
and (representative, if applicable): Patricia Ortiz AICP/ Ortiz Planning Solutions
to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 24th day of February, 2022, by Todd Mooney who is personally known to me or produced _____ as identification.

Signature of Notary Public



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

Notary Seal/Stamp

ORTIZ PLANNING SOLUTIONS, LLC

Patricia Ortiz, AICP

OrtizPlanningSolutions@gmail.com

813.817.8492

Request: Modification of H-05-90 seeking increased density and height

Property General Location: South side of Cortez Blvd. approximately 200 feet east of Melacano Avenue

Parcel ID Numbers: R 31-422-18-0000-0020-0010 (Parcel Key 00346717) and R 31-422-0000-0020-0011 (Parcel Key 01170618)

Received

Land Area: 44.98 acres more or less

MAY 11 2022

Introduction

The parcels subject to this zoning petition are located in southwest Hernando County in the unincorporated area of Spring Hill. According to the United States Census: the Hernando County population nearly doubled between 2010 and 2020; and the population as of April 2021 was 204,000+/- persons.

The intent of this zoning petition is to revise previous Planned Development zoning approval of File Number H-05-90, approved by Hernando County BoCC in October 2005, to change the approved housing types and increase density, specifically to allow apartment homes; to increase commercial intensity and also retain right for reduced building setback as measured from Cortez Road and the western property boundary.

Previous Approval: More specifically, petition H-05-90 rezoned the subject land from AG to CPDP (SF) and (OP) with C-1 use with a reduction in building setback and divided the land into three development parcels as follows:

Table 1: 2005 H 90-05 Development Summary

Parcel and use	Land Area	Perimeter Setback/North	Perimeter Setback/South	Perimeter Setback/East	Perimeter Setback/West	Density/Intensity	Height Feet/level
Parcel A: Commercial	6.23+/- acres	75-feet	35-feet	20-feet	30-feet	15% FAR	35/2
Parcel B: Townhome	13.56 acres	20-feet	30-feet	20-feet	30-feet	Net: 8.1 du/acre Gross: 2.9 du/acre	35/3
C: Single Family	1.95+/- acres	15-feet	15-feet	25-feet	30-feet	0.975 units per acre	
Wetland	23.22+/- acres	NA	NA	NA	NA	NA	NA

Proposed Development: This petition proposes to reconfigure the land into two development parcels and make the following changes: increase the FAR and height of the commercial component; increase the density and height of the residential component; change the housing types to apartment.

The total land area is approximately 44.89 acres. Approximately 27.57 acres are assumed upland and the remaining 17.32 are assumed to be wetlands. The upland will be developed with a mix of retail, and multi-family/apartment as follows:

- The northern 8.71 acres of land, nearest to Cortez Road/SR 50 is to be developed with a mix of retail, and multi-family "commercial apartment" within two buildings no greater than 60-feet

tall/four (4) stories, with a building footprint limited to 10,000 square feet per building. Retail uses will occupy the first floor; the second through fourth floors will be apartment.

- The remainder of the upland area, approximately 18.86 acres will be developed with apartment buildings of 3 and 4 stories and associated recreation uses typical of an upscale residential development and will include a dog park, tot-lot, splash pad, swimming pool and a one story clubhouse.
- Access will be from Cortez Road and extension of the frontage road via two driveways.
- The wetland jurisdictional line will be delineated on site development plans; the only intrusion into the wetland area will be a boardwalk intended for recreational proposes and similar the previous approval.

Table 2: Proposed Development Summary

Parcel and use	Land Area	Perimeter Setback/North	Perimeter Setback/South	Perimeter Setback/East	Perimeter Setback/West	Density/Intensity	Height Feet/level
A: Commercial	8.71 acres	125-feet	35-feet	20-feet	20-feet	Net: 21% Gross: 4.1%	60/4
B: Apartment	18.86	NA	35-feet	20 feet	20-feet	Net: 22 Gross: 9.5	60/4
Wetland	17.32	NA	NA	NA	NA	NA	NA

Proposed Changes to Conditions of Approval

Changes to approved conditions 6., 7., 8., 9., 10.,13.,14.,20., and 26., are proposed as follows

Condition 6.) ~~The setback for the SF development in Parcel C are as follows:~~

~~From the front lot line 25 feet~~

~~From the side lot line: 10 feet~~

~~From the rear lot line: 30 feet~~

The most southwestern portion of the upland area nearest to Hazelwood Street will be developed with a Tot-lot with splash pad and a dog park.

Condition 7.) Parcel A shall be developed with ~~two-story buildings~~ four story buildings with C-1 uses allowed on the first floor ~~in addition to office professional uses, and professional office on the second floor~~ and 114 commercial apartments on levels two through 4. The C-1 uses are limited to:

- comparison goods stores
- convenience good stores with no vehicle fueling stations,
- personal service establishments,
- domestic and business repair establishments
- restaurants with or without alcohol dispensation
- antique stores,
- alcohol beverage dispensation package and restaurants only,
- retail food stores
- and dry-cleaning establishments

- veterinary clinics and/or 'doggie daycare' with air-conditioned-sound attenuated runs
- day care and pre-school

****Informational comment** Commercial Apartment** shall meet the following definition: A dwelling unit that is located within the same commercial retail structure, service or office structure and meets the following criteria:

- a.) The entire first floor shall be devoted to non-residential uses except those entrances, stairways, elevators, and mechanical equipment serving the commercial apartments may be located on first and second floors.
- b.) Commercial apartments shall be regulated by floor space rather than units per acre. Floor space devoted to commercial apartments shall contribute to FAR calculations
- c.) Off-street parking shall be separately calculated for the non-residential component and the residential component, and the greater number of required parking spaces shall be provided
- d.) Buffer and screening for the parcel on which the commercial apartments are located, as well as for development on adjacent parcels, shall be provided as if no commercial apartments exist.

Condition 8.) The ~~townhouse~~ apartment development in Parcel B shall meet the multi-family design standards required for a PDP (MF-2)

Condition 9.) ~~The minimum lot size for the townhouse development in Parcel B shall be 1,700 square feet~~

Condition 10.) ~~There shall be a 10' landscaped separation strip between Pparcels A and B as shown on the plan~~ will be separated by greenspace as shown on the plan.

Condition 13.) ~~The minimum lot size for the two (2) single family lots in Parcel C shall be approximately 1/2 acre as indicated on the plan~~

Condition 14.) ~~The SF area can be served by central water and septic; however, the remainder of the project shall be served by central water~~

Condition 20.) The petitioner shall provide pedestrian interconnection between the commercial ~~and office~~ uses Parcel A and the ~~townhouse~~ apartment development in Parcel B. The proposed walking paths or pedestrian interconnection shall connect with the frontage road.

Condition 24.) Development of the subject property must comply with the architectural renderings presented ~~at the Board of County Commissioners meeting on October 12, 2005.~~

26.) The multi-family structures shall be limited to three stories in height on the eastern and western perimeter ~~two (2) stories in height on the western half of the project~~, and a maximum of three (3) ~~of four (4) stories on the eastern half of the project~~ in the center of Parcel B and nearest to the commercial buildings of Parcel A.

Proposed density levels for the residential development (if applicable)/intensity of commercial (in square footage);

The project will be divided into two development areas, Parcel A and Parcel B.

Parcel A will encompass the northern 8.71 acres of the project area. It will be developed with a mix of retail and apartment use to be located within a maximum total of two buildings. Each building will have a building footprint of 10,000 square feet, a maximum height of 60-feet, and be limited to 4-stories: for a total building area of 40,000 square feet per building 80,000 square feet total. The overall FAR will be

4% of the total project area. Retail use will be limited to the first levels and apartment use will be limited to the second, third and fourth floors. Generally, when apartments are located above retail and/or office, the area of apartment use is regulated based on floor space rather than units per acre and contributes to the FAR, not density.

The remainder of the site will be identified as Parcel B and developed with apartment buildings arranged in a clustered development pattern with maximum building heights ranging from 45-feet/3 stories to 60-feet/4 stories. The buildings will be 'stepped' creating a gradual transition of height from the perimeter to the center of the project area. All structures, to include buildings, roads, parking areas and recreation facilities, except the boardwalk, will be separated from the wetland by appropriately sized wetland setback buffers and above the 100-year flood elevation. As proposed, the maximum number of apartment units will be 500 and the minimum living area will be 600 square feet.

Separation distances for the differing land uses within, and external to, the proposed PDP

External: The uses surrounding the subject property are as follows:

Direction	Use	Separation between buildings	Buffer/Uses in area of separation
North	Cortez Blvd	125-feet	Frontage Road and Parking
East	Electrical Substation and Easement	40-feet	10-foot-wide *buffer
South	Undeveloped Land	80-feet	Undisturbed Wetland
West	Single Family Residential	40-feet	20-foot *Buffer with fence or 10-foot *Buffer with wall

*retention is proposed in all required and proposed buffers

Internal: The project is divided into two development parcels; the wetland area is included in Parcel B:

	Use	Separation between buildings	Buffer
Parcel A	Mixed Use	Buildings in Parcel A will be separated by a minimum distance of 15-feet. Buildings in Parcel A will be separated from buildings in Parcel B by	10-foot-wide landscape buffer to include retention
Parcel B	Multi-Family	Between Parcel B and Parcel C 560 feet	Retention, Wetland Setback and Wetland

Condition of and impact on natural features

The site contains a wetland of approximately 17.32 acres which appears to be in good condition. Development will be clustered to provide the greatest degree of separation between the development proposed and the natural features. A 30-foot-wide wetland setback will be maintained between the wetland and all buildings, roads, and parking areas; the only built structure proposed to encroach into the wetland is a boardwalk.

Discussion of the impact on infrastructure, including but not limited to transportation, water, drainage, sanitary sewer, parks, recreation, solid waste and public-school facilities, along with any necessary data and analysis required to demonstrate that adequate public facilities will be available.

Transportation: The subject property will access from Cortez Road and incorporate a frontage road into the development. Interconnections will be provided between the commercial component and the residential component. Cortez Road is a minor arterial roadway operating at a Level of Service "C"; there is sufficient capacity on this roadway to support the impacts of the project.

- This proposal is consistent with Goal 5.03 Transpiration Levels of Standard, Objective 5.03 A. Level of Service standards for roadways shall be adopted as part of this Plan; Strategy 5.03 A (1): which discusses roadway level of service methodology and requires a level of service standard "C" for state roads.
- Goal 5.01 Transportation and Future Land Use; Objective 5.0 A: Strategy 5.01 A (1), which discusses frontage roads.

Drainage: The site drains from northeast to southwest, the location of retention pond is consistent with good planning practice and prevents run off from directly entering the onsite wetland. All roadways, driveways, and finished floor elevations will be above the 100-year base flood elevation.

Sanitary Sewer: Consistent with Objective 6.01 D and Strategy 6.01 D (5) The project will connect to centralized sewer. Assuming a Sewer Level of Service of 200 gallons per day per residential unit, the residential component of this development will generate 100,000 gallons of sewer per day.

Potable Water: Consistent with Objective 6.01 B: and Strategy 6.01 B (2) The project will be served by central water Assuming a Potable Water Level of Service of 215 gallons per day, the residential component will demand 107,500 gallons of potable water per day.

Parks: The Hernando County level of service for parks is 2 acres of parks containing active recreation facilities per 1000 residents at peak population and at least 2 additional acres of parks containing passive recreation and open space per resident. This project is anticipated to house 1,000 residents and demand 2 acres of active recreation and 2 acres of passive recreation. Consistent with Strategy 7.01 B the site will contain a significant recreation area to include a pool and clubhouse and walking trails along the wetland; as well as a dog park, tot lot and splash pad. These private recreational amenities will support the recreation needs of the intended population and minimize the impacts of this development on the existing supply of parks.

Solid Waste: The 500-unit multifamily apartment complex is anticipated to accommodate 2 persons per unit or 1000 people. The anticipated level of service for solid waste is 4.5 pounds per person per day. The anticipated, daily refuse generation is assumed to be 4,500 pounds per day. The developer will incorporate a long-term plan to provide for the solid waste needs of the development.

Discussion on any improvements proposed to the infrastructure to maintain and demonstrate adequate public facilities;

An infrastructure analysis will be used prior to the issuance of any development orders, to demonstrate that adequate public facilities are available and can be provided.

Proposed uses within all the pods.

Pod/Parcel A: a retail, and multi-family/apartment

Pod/Parcel B: multi-family/apartment with recreation area

Existing land uses on the site and the adjacent site.

Currently, the site is used for pasture with minimal structures, however it was approved for a mix of retail, office, and residential uses in 2005. Considering the urbanizing development pattern of the area

and the anticipated population growth over the next 10–20-year horizon, an increase of intensity and density as proposed is reasonable and appropriate.

The subject property is located on the south side of SR 50/Cortez Blvd., which functions as a linear commercial corridor. A mix of higher and lower intensity commercial uses exist along both sides of this road. Service and frontage roads are used to promote connectivity. The parcels to the north of the subject property are owned by Oak Hill Land LLC, and comprise approximately 60 acres with significant road frontage along Cortez Blvd. While currently undeveloped these properties are zoned CPDP and have commercial entitlement.

To the northeast the developed land includes Oak Hill Senior Living Facility, Oak Hill Hospital, strip commercial and HighPoint mobile home park, a densely populated platted park. To the east, on the south side of Cortez Road there is a cluster of medical office and restaurant. To the west, immediately abutting the site is a platted and developed neighborhood of medium density. Along the north side of Cortez, west of the site the uses are commercial in nature with medium/high density residential set behind. A library and a fire station are within 1 mile of the site.

Abutting the site to the east and south are 4 parcels of land owned by the Boy Scouts of America and the Gulf Ridge Council of Boy Scouts which encompass more than 1,000 acres of land. This unique holding is used for recreation and camping and acts as a natural preserve and aquifer recharge; it promotes a natural feeling within the surrounding urban area.

Table 1: Description of Adjacent Land Uses

Northwest Zone: PDP SF FLU: Residential Use: Platted Subdivision: Spring Hill Units22 Description: Medium density residential	North Zone: Split AG and CPDP FLU: Use: Undeveloped Description: Undeveloped land approved for commercial uses	Northeast Zone: PDP OP FLU: Uses: Hospital, medical office and High Density Residential Description: Oak Hill Medical Complex and HighPoint MHP
West Zone: FLU: Use: Description:	**Subject Site** Zone: CPDP with C1 Use FLU: Residential Use: Pasture	East Zone: AG FLU: Use: Utility Description: Radio Tower
Southwest Zone: AG FLU: Use: Campground Description: Campground owned by Boy Scouts	South Zone: AG FLU: Use: Campground Description: Campground owned by Boy Scouts	Southeast Zone: AG FLU: Use: Campground Description: Campground owned by Boy Scouts

Concept of the development plan, including project phasing if applicable.

This proposal seeks three development pods:

Parcel A is 8.71 acres in size and comprised entirely of upland acreage. As proposed, it will be developed with a mix of retail and residential uses contained within two, four story buildings, parking, and an extension of the existing SR 50 Frontage Road. The maximum building height proposed within this parcel is 60-feet, and consistent with the C-1 development standards. The maximum building footprint area is 10,000 square feet per building and the maximum number of stories is 4. As proposed, the first floor of building will be used for retail; and floors two through four will be multifamily/apartment. Generally, when apartments are located above retail and/or office, the area of apartment use is regulated by floor space rather than units per acre and contributes to the overall building coverage and FAR, not overall

density. A maximum total of 57 apartments are proposed and the smallest unit will be a minimum of 600 square feet in size.

Parcel	Acres/Square Feet	Proposed Uses	Minimum Building Separation	Minimum Lot Width	Maximum Building Area	Maximum Residential Units	Maximum Height	Maximum FAR (net/gross)
A	8.71 acres/ 379,407.6 sq ft	Retail, Office, and Apartment	25-feet	NA	80,000 (40,000 per building)	114	60-feet	21% net 4.1% gross

Parcel B

Parcel B contains 18.86 acres of upland and 17.32 acres of wetland for a total land area of 36.18 acres. It is within the Residential land use category which allows up to 22 dwelling units per acre. A clustered development approach is proposed, which will concentrate development in the upland area, preserve the integrity of the wetland, and allow an innovative approach to achieving density.

The maximum overall total unit count is 427; 313 will be contained within the nine buildings to be located on Parcel B as illustrated on the site plan. As proposed, a “stepped” design approach will be utilized where the buildings on the western perimeter of the project and nearest to existing residential uses will be 45-feet/ 3 stories while the interior buildings nearest to the commercial development in Parcel A will be 60-feet/ 4-stories.

Parcel	Acres/Square Feet	Proposed Uses	Minimum Building Separation	Minimum Lot Width	Maximum Height	Maximum Residential Units	Maximum Density
B	38.63 acres total 15.39 Upland 23.34Wetland	Apartment	15	NA	60-feet	369	22 units per acre

Identification, and justification of, any proposed deviations from the design standards.

Deviation from Height for Parcel B/residential component: The maximum allowed height in the PD MF-2 zone is as outlined in the R-4 zone. The R-4 zone establishes a maximum height of 45-feet unless one foot of additional front and side yard is added. In this instance the configuration of the land prevents additional front and side yard setback. A maximum height of 60 feet is proposed through a ‘stepped’ design where the taller buildings will be in the center of the development site, most distant from adjacent residential uses, and closest to the commercial component located in Parcel A.

The hardship in meeting the height requirement is the shape and configuration of the lot. The lot is pie shaped, and narrows from the north to south; additionally, much of the land is designated wetland. While the wetland provides a natural element to the development and will be preserved, it prevents maximum utilization of the land. To overcome these challenges, the developer is proposing a clustered development with a ‘stepped’ design, where the buildings will be constructed on upland acreage, outside the wetland setback buffer and the 100-year base flood elevation. Only those buildings most distant from existing residential uses are proposed for the height increase. This ‘stepped’ design will enhance compatibility and allow reasonable use of the land.

