

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022
Board of County Commissioners: July 12, 2022

APPLICANT: Hillpointe, LLC – Nick Everly

FILE NUMBER: H-22-27

REQUEST: Establish a Master Plan on Property Zoned PDP(MF)/Planned Development Project (Multifamily) and Property Zoned PDP(SU)/Planned Development Project (Special Use) with Deviations

GENERAL LOCATION: Western terminus of Astaire Lane

PARCEL KEY NUMBERS: 1708511, 1708487, 1492673

APPLICANT'S REQUEST:

On February 7, 1995, the Board of County Commissioner voted 5-0 to approve a request to rezone approximately 60.0 acres to Combined Planned Development to include Multifamily. The approval included the 25.2 acres under consideration in this master plan request.

The petitioner's current request is to Establish a Master Plan on a 25.2-acre portion of the previously approved subject site to develop a 3-story multifamily development with 348 (15.3 DU/AC) two-bedroom units. The development will provide three 12-unit buildings, thirteen 24-unit buildings, garages, and a clubhouse with pool and fitness center. The petitioner has indicated the proposed project does not include dedicated senior, age-restricted, affordable housing or workforce housing.

The petitioner is requesting a deviation from the second access point requirement due to the following:

The proposed Astaire Lane extension to the eastern boundary of the project site is the only proposed ingress and egress point. The project location and surrounding parcel configuration result in a lack of reasonable ingress and egress points. Abutting parcels to the north, south, and southeast are undeveloped parcels owned by unaffiliated parties and have limited access to the roadway network. No known roadway projects are planned or programmed for the subject property to provide access.

SITE CHARACTERISTICS:

Site Size: 25.2 acres

**Surrounding Zoning;
Land Uses:** North: PDP(MF); Undeveloped
South: CPDP; Undeveloped
East: PDP(SF); Silverthorn
West: PDP(SF); Pristine Place

Current Zoning: PDP(MF)/Planned Development Project (Multifamily)
**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Habitat: Vacant, forested sandhill according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with Fish and Wildlife data) mapping with an intermittent pond in FLUCCS . Soils and cover are suitable for gopher tortoise.

Comments: Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

Hydrologic Features: The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

Protection Features: The property is located within a Wellhead Protection Area 2 (WHPA) according to County data resources.

Comments: The WHPA-2 designation will not affect the proposed use

**Resources/
Features:** There are no archaeological sites according to County data resources.

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

The developer must provide geotechnical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including any proposed drainage retention areas (DRA) within the project required to test for karst features or voids.

Geotechnical subsurface testing and reporting in accordance with the County’s Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.

Flood Zone: C

SCHOOL BOARD REVIEW:

No comments were received from the Hernando County School District on the subject application.

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

UTILITIES REVIEW:

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 16-inch water main that runs along the north side of Astaire Lane and continues south along the east side of Barclay Boulevard. There is an existing 8-inch sewer force main that exits the lift station located at the southeast corner of Astaire Lane and heads south along the east side of Barclay Boulevard. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction (sewer connection dependent on the completion of the Barclay Boulevard force main extension currently under way).

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the western terminus of Astaire Lane. The petitioner has indicated the project will be served by an extension of Astaire Lane and will not create additional access points to the surrounding arterial street network. At time of design, a traffic analysis will be completed to determine the need for any further roadway improvements.

The County Engineer reviewed the request and indicated the following:

- This project will be required to provide a Traffic Access Analysis and a queue stacking study.
- Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- Driveways and parking areas will have to meet County Standards.
- The proposed roadway extension will be required to meet County standards.
- These properties are located outside the 1% annual chance storm floodplain.
- Development must meet SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permit) and Hernando County Facility Design Guidelines drainage design requirements.

LAND USE REVIEW:

Building Setbacks

Minimum Building Setbacks:

Astaire Lane:	35'
Front:	25'
Side:	10'
Rear:	20'
Garages:	5'
Building Separation:	15'
Maximum Building Height:	3 Stories

Buffer

The petitioner has indicated the proposed multifamily will be buffered by drainage retention ponds and a 5' perimeter buffer. Additionally, ten (10) bay garage units will be placed along the west property line against Pristine Place.

Comments: If approved, the petitioner must provide a 6' high opaque fence or wall along the western property line. Buffer must include 8' trees (at planting) along the western boundary where the proposed garage units are not providing visual buffering.

Access

To establish minimum access requirements to multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. 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.

Comments: The petitioner is requesting a waiver of the two (2) means of access policy due to the projects location and surrounding parcel configuration resulting in a lack of reasonable ingress and egress points. Abutting parcels to the north, south, and southeast are undeveloped parcels owned by unaffiliated parties and have limited access to the roadway network. No known roadway projects are planned or programmed for the subject property to provide access. In leu of a second point of access, the petitioner is proposing a boulevard entrance to the project.

Additionally, the development to the north (H2186) has proposed to vacate the County-owned right-of-way (Jayrod Trail) along the subject property’s northern border, as it was not contemplated as access for H2186.

Landscape

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by single-family homes parcels to the west, multifamily to the north and east and undeveloped commercial to the south. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

Public School Facilities Element:

Strategy 8.01C(2) Hernando County shall encourage development to locate in areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School District, provided such location of the development is consistent with the land use polices of the Hernando County Comprehensive Plan.

Future Land Use Element:

Residential Mapping Criteria:

The Residential Category is designed to accommodate a variety of residential and support uses at varying densities and types located in areas primarily clustered in and around the Adjusted Urbanized Area and those areas that maximize the efficient use of existing and planned infrastructure.

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

Multi-Family Housing

Strategy 1.04B(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 in order 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.

Strategy 1.04B(5): High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high-density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

Comment: The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 348 units on 22.5 acres. The proposed density is 15.3 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

FINDINGS OF FACT:

The request to Establish a Master Plan on Property Zoned PDP(MF)/Planned Development Project (Multifamily) and Property Zoned PDP(SU)/Planned Development Project (Special Use) with Deviations based on the following:

- The 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.
- The petitioner has provided significant justification for the wavier from to the two points of access policy.

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 Concurrence. 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner’s request to Establish a Master Plan on Property Zoned PDP(MF)/Planned Development Project (Multifamily) and Property Zoned PDP(SU)/Planned Development Project (Special Use) with Deviations and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

2. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. The multifamily development shall provide a 6' high opaque fence or wall along the western property line. Buffer must include 8' trees (at planting) along the western boundary where the proposed garage units are not providing visual buffering. All other areas must meet the minimum County LDR's.
5. The developer must provide geotechnical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including any proposed drainage retention areas (DRA) within the project required to test for karst features or voids.
6. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.
7. A Traffic Access Analysis Que Stacking study will be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
8. Minimum Building Setbacks:

Astaire Lane:	35'
Front:	25'
Side:	10'
Rear:	20'
Garages:	5'
Building Separation:	15'
Maximum Building Height:	3 Stories
9. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District and the County.

10. The Multi-Family development shall provide a boulevard entrance.
11. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
12. The proposed roadway extension will be required to meet County standards.
13. The petitioner shall provide a master plan in compliance with all of 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.