

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: July 11, 2022  
Board of County Commissioners: August 9, 2022

**APPLICANT:** Lennar Homes, LLC (On Behalf of Nichols Linda Ann Testamentary Trustee)

**FILE NUMBER:** H-22-16

**REQUEST:** Rezoning from AR/(Agricultural Residential) to PDP(SF)/Planned Development Project (Single Family) with deviations

**GENERAL LOCATION:** South side of Cortez Boulevard, approximately 885' west of Frisco Road

**PARCEL KEY NUMBERS:** 837786, 837777, 837795

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from AR/(Agricultural Residential) to PDP(SF)/Planned Development Project (Single Family) with deviations to develop a single-family subdivision with 110 units (3.67 DU/AC). Lots sizes will range in width from 40' to 50', with the smaller lots being located internally within the project. The petitioner has also proposed placing larger lots (7,500 Sq. Ft.) at the end of the cul-de-sac adjacent to the Rolling Acres subdivision.

#### **Deviations Requested:**

The following deviations are requested with this application:

- Lot Width: 40' and 50' (Deviation from 60')
- Lot Size: 4,800 and 5,500 square feet (Deviation from 6,000 square feet)
- Minimum Setbacks:
  - Rear: 15' (deviation from 20')
  - Side: 5' (deviation from 10')

Additionally, the petitioner has requested a waiver of the frontage road requirement due to the project location, limited access and proposed residential use. The petitioner has proposed as an alternative to the frontage road providing interconnectivity to the west.

**SITE CHARACTERISTICS:**

**Site Size:** 30.0 acres

**Surrounding Zoning & Land Uses:** North: SR 50  
South: R-1B, AR; Undeveloped, Single Family Homes  
East: AG/CPDP; Undeveloped, Single Family Homes  
West: C-1, AR; Church, Single Family Homes

**Current Zoning:** AR/(Agricultural Residential)

**Future Land Use Map Designation:** Residential

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand, Micanopy Loamy Fine Sand, Nobleton Fine Sand, Arredondo Fine Sand

**Features/Resources:** There is a Wellhead Protection Area 1 (WHPA) located at the northwest corner of the property; the proposed use will not be affected. There are no Special Protection Areas (SPA) or archaeological/historical resources according to County data resources.

**Habitat:** The property is cleared, vacant, and shown as improved pasture according to FWC CLC (Florida Cooperative Land Cover Classification System that includes Florida Land Use Cover and Classification System). Soils and habitat are suitable for gopher tortoise (narrative states gopher tortoise are present). The petitioner is required to comply with all applicable FWC regulations and permitting.

**Comments:** A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Flood Zone:** AE

**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 Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

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

**SCHOOL DISTRICT REVIEW:**

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 Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the south side of Cortez Boulevard, and a 3-inch water main that runs along the south side of Faber Drive. There is an existing 4-inch sewer force main that runs along the south side of Cortez 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, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

**ENGINEERING REVIEW:**

The subject site is located on the south side of Cortez Boulevard, approximately 885' east of Frisco Road. The petitioner has proposed two access points for the development and a frontage road that runs parallel to Cortez Boulevard. The

County Engineer has reviewed the petitioner’s request and has the following comments:

- A Traffic Access Analysis will be required. Refer to Hernando County Facility Design Guideline IV-18. This traffic analysis is to include a queuing analysis.
- Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- A Frontage Road is required along the entire length of frontage along Cortez Boulevard per ordinance requirements.
- The petitioner shall provide a stub out for connectivity to the west.
- The roads and driveways will need to meet County standards.
- FDOT access management and drainage permitting required.
- Applicant shall contact FDOT for any right-of-way required along Cortez Boulevard.
- This property contains two areas of 1% annual chance floodplain.
- This project must also meet the storm drainage design requirements of South West Florida Water Management District and Hernando County Facility Design Guidelines.

**LAND USE REVIEW:**

**Setbacks, Lot Width and Sizes:**

The petitioner is proposing the following lot widths and sizes:

- Lot Width: 40' and 50' (Deviation from 60')
- Lot Size: 4,800 and 5,500 square feet (Deviation from 6,000 square feet)

Proposed Building Setbacks:

- Front: 25'
- Rear: 15' (Deviation from 20')
- Side: 5' (Deviation from 10')

**Buffers**

The petitioner has laid out the proposed development allowing for open space and a drainage retention pond to assist in buffering against neighboring parcels. The petitioner has proposed a 15' landscape buffer along Cortez Boulevard. A 5' landscape buffer will be utilized along the west property line and a 20' landscape buffer will be provide along the south against the existing R-1B/Residential lots). Open space and the proposed drainage pond will further provide buffering along the east property line.

**Access:**

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 not proposed a treed boulevard entrance from Cortez Boulevard. If the master plan is approved, the petitioner shall be required to provide a treed boulevard entrance from Cortez Boulevard. Additionally, a stub-out to the west must be provided.

**Neighborhood Park:**

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements. The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single-family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

**Comments:** The petitioner has proposed 6.0 acres of neighborhood park. If the master plan is approved, the petitioner shall ensure that the park is accessible through vehicular, pedestrian and bicycle means.

**Natural Vegetation:**

Projects greater than twenty (20) acres shall designate an area of at least seven percent (7%) 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:** If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width.

**Fire Protection Plan:**

Hernando County LDRs require that a fire protection plan be completed for residential developments with lot sizes less than 60' in width.

**Comments:** If approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial and single-family homes. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

**Future Land Use Map**

**Strategy 1.04A(3):** The **Residential Category** accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

**Residential Category**

**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.

**Strategy 1.04B(1):** Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include

neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

**Strategy 1.04B(2):** Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

**Single-Family Housing**

**Strategy 1.04B(3):** The Residential Category will include zoning for single-family housing, generally averaging a density of 2.5 dwelling units per gross acre to 6.0 dwelling units per gross acre comprised of varying lot sizes and dwelling unit types such as senior housing, villa housing, single family detached housing, and zero lot line housing.

**Land Use Compatibility**

**Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

**Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

**Strategy 1.10B(3):** Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

**Comments:** The subject property is within the Residential Future Land Use Classification. Additionally, the proposed use is consistent with the surrounding residential uses.

**Transportation Element**

**Frontage Roads**

**Objective 5.01B:** Maintain and expand a system of frontage roads and

cross-access easements parallel to County arterial and collector roads. The frontage road network is designed to enable the creation of shared drives, shared easements, and alternative routes. Frontage road configuration is intended to optimize corridor and roadway network function, maintain capacity on the functionally classified network, and provide aesthetic, safe and convenient access to multiple properties and business sites.

**Strategy 5.01B(3):** The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

**Comments:** Cortez Boulevard is a frontage road corridor. In lieu of the construction of a frontage road, the petitioner has proposed an east/west access road through the proposed project with a stub out to the west for future connection. The County Engineer has reviewed this proposal and deemed this an appropriate connection.

**FINDINGS OF FACT:**

The request for rezoning from AR/(Agricultural Residential) to PDP(SF)/Planned Development Project (Single Family) with deviations is appropriate based on the following conclusions:

1. The proposed use is consistent with the County’s adopted Comprehensive Plan and compatible with the surrounding area.
2. The petitioner’s requested lot width, lot size and setback deviations are justified and are not adverse to the public interest.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of 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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend approval of the petitioner's request for rezoning from AR/(Agricultural Residential) to PDP(SF)/Planned Development Project (Single Family) 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 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 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.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted, including all proposed drainage retention areas within the project to test for subsurface karst features.
6. 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.

7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer. This Traffic Access Analysis shall also include a queuing analysis for the development.
8. FDOT access management and drainage permitting shall be required.
9. This project must meet the storm drainage design requirements of South West Florida Water Management District and Hernando County Facility Design Guidelines.
10. Minimum Lot Widths: 40' and 50' (Deviation from 60')
11. Minimum Lot Sizes: 4,800 and 5,500 square feet (Deviation from 6,000 square feet)
12. Minimum Building Setbacks:
  - Front: 25'
  - Rear: 15' (Deviation from 20')
  - Side: 5' (Deviation from 10')
13. Landscape Buffers:
  - Cortez Blvd: 15'
  - West: 5'
  - South: 20'
14. 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.
15. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
16. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
17. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction.

Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

18. The petitioner shall be required to provide a treed boulevard entrance from Cortez Boulevard. Additionally, a stub-out to the west must be provided.
19. 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.