

# REZONING CASE H-24-22

## STAFF REPORT

### RECOMMENDATIONS/ACTIONS

#### **STAFF RECOMMENDATION TO PLANNING AND ZONING COMMISSION**

**July 3, 2024**

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 PDP(GHC)/ Planned Development Project (General Highway Commercial), PDP(SF)/ Planned Development Project (Single Family) and PDP(MF)/ Planned Development Project (Multifamily) to Combined Planned Development project to include General Commercial and Multifamily with deviations listed **Appendix B** of the Staff Report.

#### **PLANNING & ZONING COMMISSION**

**July 8, 2024**

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report

#### **PLANNING & ZONING COMMISSION**

**July 22, 2024**

On July 22, 2024, the Planning and Zoning Commission voted 4-1 approving the petitioners request for a rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial), PDP(SF)/ Planned Development Project (Single Family) and PDP(MF)/ Planned Development Project (Multifamily) to Combined Planned Development project to include General Commercial and Multifamily with deviations. Details listed in **Appendix C** of this Staff Report.

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**INTRODUCTORY INFORMATION**

**HEARINGS:** Planning & Zoning Commission: July 8, 2024  
Board of County Commissioners: August 27, 2024

**APPLICANT:** Cone and Graham, INC.

**FILE NUMBER:** H-24-22

**REQUEST:** Rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial), PDP(SF)/ Planned Development Project (Single Family) and PDP(MF)/ Planned Development Project (Multifamily) to Combined Planned Development project to include General Commercial and Multifamily with deviations

**GENERAL**

**LOCATION:** South side of Cortez Boulevard (SR 50), approximately 1,300' east of Mitchell Road

**PARCEL KEY**

**NUMBER(S):** 357946, 357508, 362093, 361539

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**BACKGROUND**

In 1997 the subject property was rezoned from AR (Agricultural/Residential) and AG (Agricultural) to CPDP (Combined Planning Development Project) with GHC (General Highway Commercial), SF (Single Family) and MF (Multifamily) uses. The project was never initiated, and the Master Plan expired in 1999.

The zoning for the parcel is still valid; the performance conditions established in the previous rezoning case are provided in Appendix A. The performance conditions that would still apply are:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including receiving DRC approval for the proposed use.
2. The petitioner would have to enter into an agreement with the City of Brooksville for the provision of central water and sewer for the entire project.
6. If the multifamily portion of the project is split into lots, the development shall meet the minimum development standards for the R-3 district.
7. The separation between multifamily buildings shall be a minimum of 15'.

8. The multifamily units are approved at a maximum density of 12.5 units per acre. The buildings may be a maximum of two stories.
9. The area indicated east of the MF section adjacent to Oxley Road shall be designated as open space on a revised master plan.
10. The frontage road shall be clearly identified on the plan. The frontage road must be designed to connect to SR 50. Further, construction of the frontage road must occur upon development of the project.
11. Oxley Road must be rebuilt to local road county standards from SR 50 to the southern access on Oxley Road between Tracts 10 & 11 of Erickson Unrecorded Subdivision.
12. The roadway network must meet the minimum standards of the County=s Ordinances and the Facility Design Guidelines.
13. The petitioner must receive FDOT approval for any access to SR 50.
14. The petitioner shall demonstrate legal access to Oxley Road between Tracts 10 & 11 of Erickson Unrecorded Subdivision prior to development of this site.

The recommended performance conditions, in Appendix B of this report, will contain the applicable performance conditions from the H-97-08 rezoning, with updated language, and new conditions that will apply to the current development proposal.

## **APPLICANT'S REQUEST**

The petitioner requests a rezoning of the subject property from CPDP (Combined Planning Development Project) with GHC (General Highway Commercial), SF (Single-family) and MF (Multifamily) uses to CPDP (Combined Planning Development Project) with GC (General Commercial) and MF (Multifamily) uses for the purposes of developing a 300-dwelling unit townhome community and a two (2) acre commercial area. The General Commercial zoning district allows all permitted uses in the C-1 (General Commercial) zoning district and the Multifamily zoning district allows all permitted uses in the R-3 zoning district.

The petitioner proposes four (4) and six (6) unit townhome buildings, with a fifteen (15) foot separation between buildings. The project narrative states there are three possible access points, with the primary entrance located on Cortez Boulevard (SR 50), a right-in / right-out entrance on Cortez Boulevard (SR 50) for the commercial property (not shown on the submitted master plan) and a third access point to Oxley Road at the northeastern most area of the property.

The previous performance conditions state: "Oxley Road must be rebuilt to local road county standards from SR 50 to the southern access on Oxley Road between Tracts 10 & 11 of Erickson Unrecorded Subdivision." This required access point is not shown on the master plan or mentioned in the narrative.

**Requested Deviations:**

The Hernando County Land Use Regulations state that the governing body may increase or decrease the minimum standards provided [in the code] in order to attain compatibility, protect natural resources, or meet other public purpose goals. The board shall base its decision on the requested deviations based on the impact on the public in regard to the health, safety and welfare or the public. The requested deviations are:

1. A 75' reduction in the northern perimeter setback for the commercial portion of the property, changing this setback from 125' to 75'. (*Appendix A, Article VIII, Section 1(B)*)
2. A waiver from the frontage road requirement. (Performance Condition 10 from H-97-08; Chapter 24, Article 1, Section 24.2 (C))
3. A 2.5' reduction in the side yard setbacks, changing this setback from 10' to 7.5', and effectively creating a 15' building separation. (*Appendix A, Article VIII, Section 1(B)*)
4. A 5' reduction to the rear yard setbacks, changing them from 20' to 15'. (*Appendix A, Article VIII, Section 1(B)*).
5. A 2,500 square foot reduction in the minimum lot size for a building with 4 units, changing it from 4,500 square feet to 2,000 square feet. (*Appendix A, Article IV, Section 2 (G)(4)(a)*).
6. A 2,000 square foot reduction in the minimum lot size for multifamily buildings with 6 units, changing it from 4,000 square feet to 2,000 square feet. (*Appendix A, Article IV, Section 2 (G)(4)(a)*).

**SITE CHARACTERISTICS**

**Site Size:** 54.7 acres

**Surrounding Zoning;**

**Land Uses:**

North:	I-1 (Light Industrial) & R-1A (Single Family Residential); Industrial Building, and undeveloped.
South:	AG (Agricultural), AR (Agricultural/Residential); Single Family Homes.
East:	AR (Agricultural/Residential) & CPDP (Combined Planning Development Project) with GC and SF uses; Single Family Homes, undeveloped.
West:	R-1A & R-1C (Residential); Undeveloped.

**Current Zoning:** CPDP (Combined Planning Development Project) with General Highway Commercial, Single-family, and Multifamily uses.

**Future Land Use  
Map Designation:** Residential

## ENVIRONMENTAL REVIEW

**Soils:** Blichton Loamy Fine Sand/2-5% Slopes, Micanopy Loamy Fine Sand / 2% to 5% Slopes, Flemington Fine Sane Loamy 0-2 % slopes.

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

**Protection Features:** The County does not currently have access to the Well Head Protection Area (WHPA) Geographic Information Systems data or the Special Protection Areas (Special Protected Areas (SPAs) data.

**Comments:** The petitioner is not requesting any uses that are prohibited within the Wellhead Protection Area (WHPA). It is the responsibility of the property owner to hire qualified and licensed consultants to determine the presence of a Wellhead Protection Area (WHPA) or a Special Protection Area (SPA) on the site, if requested by the County.

**Hydrologic Features:** There are palustrine and riverine wetlands on the property.

**Comments:** Wetlands and the 20' wetland buffer shall be delineated on all plats and plans throughout the development process. The developer shall work with the Southwest Florida Water Management District (SWFWMD) to obtain all applicable permits.

**Habitat:** The subject property is designated *Mixed Hardwood-Coniferous* according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

**Comment:** Invasive plant species if present are to be removed during the development process.

**Water Quality:** The proposed development is within the Chassahowitzka – Homosassa River Basin Management Action Plan (BMAP), the

Weeki Wachee Spring Priority Focus Area (PFA) and the Weeki Wachee Outstanding Florida Springsheds (OFS).

**Comment:**

Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This will be addressed during the permitting phase of development.

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.

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

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. Providing information on Florida friendly landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality. These materials are designed to address and help reduce nutrient pollution.

**Flood Zone:**

There are areas of the property with X flood zone and areas with AE flood zone.

## UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following comment: This property is located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

## ENGINEERING REVIEW

The petitioner requests a deviation from the requirement to install a frontage road for the project:

### Requested Front Setback and Frontage Road Deviations

1. A 75' reduction in the northern perimeter setback for the commercial portion of the property, changing this setback from 125' to 75'. (*Appendix A, Article VIII, Section 1(B)*)

2. A waiver from the frontage road requirement. (Performance Condition 10 from H-97-08; Chapter 24, Article 1, Section 24.2 (C))

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

- A Traffic Access Analysis along with a Queuing Analysis is required. Please refer to the Hernando County Facility Designs Guideline IV-18 & the Manual on Uniform Traffic Control Devices.
- Driveway(s), Parking & Layout shall meet County Standards.
- Oxley Road shall be brought up to Major Local or Collector Road standard from the project access point on Oxley to S.R. 50/Cortez Blvd.
- The Frontage Road although required by Ordinance, is not practical given the property's location to wetland and railroad track, additionally the project is mostly residential.

**Comments:** The County Engineer supports the deviation request for a waiver from the frontage road requirements. Subsequently, the support of the frontage road deviation is also support for the front setback deviation request for the commercial area of the project.

## LAND USE REVIEW

The Planned Development Project allows the applicant of a project the flexibility, with governing body approval, to alter the standard requirements of the county. An applicant may also be able to deviate from the following specific requirements of the planned development project regulations after due public notice has been given: perimeter setbacks, parking requirements, building coverage, buffering and street design requirement. The board shall base its decision on the requested deviation based on the impact on the public in regards to the health, safety and welfare of the public. The governing body may increase or decrease the minimum standards provided herein in order to attain compatibility, protect natural resources or meet other public purpose goals.

The subject property is located on the south side of Cortez Boulevard (SR 50), between the train tracks and Oakley Road. The train tracks provide a 100' separation distance from the residential property to the west. Both land uses in this project are required to be screened from the adjacent property by a wall, fence or other approved structure with appropriate vegetation installed on the exterior of this screen to provide a visual buffer for the adjacent properties.

### Perimeter Setbacks

These setbacks will apply to both the perimeter of the residential and commercial areas of the property:

- North (Cortez Boulevard (SR 50)):75' for the Commercial area; 125' for the Residential
- South:35'
- East:35'
- West (adjacent to the Railroad Tracks):25'

### **Perimeter Buffers**

The petitioner proposes the following perimeter buffers:

- North (Cortez Boulevard (SR 50)):20' landscaped buffer (except where adjacent to wetland)
- South:25' vegetated buffer 80% opacity
- East:25' vegetated buffer 80% opacity where adjacent to rural residential
  - 0' adjacent to Oxley Road
- West (adjacent to the Railroad Tracks):10' natural vegetative buffer

### **Multifamily Use**

The petitioner requests up to 300 townhome dwelling units. Three hundred dwelling units on 54.7 acres provides a density of 5.5 dwelling units per acre. This requested density replaces the previously established density for the townhomes portion of the property of 12.5.

The request to develop the site with townhomes and commercial is reasonable appropriate for property adjacent to a major road with commercial land uses in close proximity. The requested density is also appropriate for this location.

#### Lot Size Deviation

5. A 2,500 square foot reduction in the minimum lot size for a building with 4 units, changing it from its previous approval of 4,500 square feet to 2,000 square feet. (*Appendix A, Article IV, Section 2 (G)(4)(a)*).
6. A 2,000 square foot reduction in the minimum lot size for multifamily buildings with 6 units, changing it from its previous approval of 4,000 square feet to 2,000 square feet. (*Appendix A, Article IV, Section 2 (G)(4)(a)*).

The proposed lots are 20'x100' (2,000 square feet) on the interior and 31.5'x100' (3,150 square feet) on the ends. With the 15' rear yard setback deviation, the interior dwelling units would be 1,200 square feet and the exterior units would be 1,440 square feet. While staff is wary of the request to reduce the minimum lot size by 50% or more, establishing a minimum dwelling unit size that fills the entire building envelope would alleviate concerns of the units being undersized.

**Comments:** Staff supports the requested deviation to the minimum lot size with the establishment of a minimum living area of 1,200 square feet. The



maximum building coverage for the residential acreage will still be 45%, which is approximately 13.5 acres.

#### Rear and Side Yard Setback Deviation

3. A 2.5' reduction in the side yard setbacks, changing this setback from 10' to 7.5', and effectively creating a 15' building separation. (*Appendix A, Article VIII, Section 1(B)*)
4. A 5' reduction to the rear yard setbacks, changing them from 20' to 15'. (*Appendix A, Article VIII, Section 1(B)*).

**Comments:** Staff supports the requested reduction in the side yard setback based on the Board of County Commissioners stated desire to have side setbacks no smaller than 7.5'. Staff also supports the reduction to the rear yard setback to 15'.

#### **Commercial Use**

The petitioner requests a two (2) acre portion of the project be designated as General Commercial. In the Planned Development Project district, General Commercial references the permitted C-1 uses. The commercial portion of the property shall be developed according to the regulations contained in the C-1 zoning district.

The residential protection standards established in *Appendix A, Article VIII, Section 6 (A)* shall apply to the commercial portion of the development; those standards are as follows:

1. There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
2. There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.
3. No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
4. No building within 100 feet of any single-family residential district property line shall be more than 20 feet in height.
5. All loading bays and loading docks must be a minimum of 100' from any single-family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single-family residential district property line. Screening may include landscape plantings, berms, fences or walls.

6. Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences or walls.

## COMPREHENSIVE PLAN REVIEW

### Future Land Use Map, Residential Category

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.

**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.

**Comments:** The subject property is located on Cortez Boulevard (SR 50) in the South Brooksville area. This location is within a mile of downtown Brooksville. The development of this property with the proposed density is appropriate and does not contribute to urban sprawl.

**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.

**Comments:** The proposed density for the project is 5.5 which is below what Comprehensive Plan states is the average density for multifamily housing. The requested density is consistent with the comprehensive plan.

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

- a. multi-family development may serve as a density transition located on the periphery of single-family neighborhoods and connecting to higher intensity uses;
- b. multi-family developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single-family neighborhoods.

**Comments:** The proposed development will serve as a transition in density from the agricultural and agricultural residential land uses south of the property. This development is not accessing any roadways through established neighborhoods.

## FINDING OF FACTS

1. The proposed General Commercial and Multifamily Residential uses are appropriate for the property.
2. The request for 300 dwelling units, creating a density of 5.5 is reasonable and within the density established in the Comprehensive Plan Strategy 1.04B(4).
3. Staff does not object to any of the deviations being requested.

## 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 the 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.*

*The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein*

## **APPENDIX A**

### **Previous Approved Zoning for the Subject property**

**HISTORIC BCC ACTION FOR H-97-08**

The Board of County Commissioner's voted 5-0 to adopt Resolution # 97-44 approving the petitioner's request to rezone from AG (Agricultural) and AR (Agricultural/Residential) to CPDP/Combined planned Development Project (GHC)(MF) & (SF) with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including receiving DRC approval for the proposed use.
2. The petitioner would have to enter into an agreement with the City of Brooksville for the provision of central water and sewer for the entire project.
3. The single-family dwelling units on the 0.5 acre lots may utilize septic tanks with central water service.
4. The minimum setbacks for the single-family homes shall be as follows:
  - front:25'
  - side:10'
  - rear:20'

Setbacks along project lines must meet standards for the residential PDP.

5. The minimum lot size for the single-family areas is .5 acre.
6. If the multifamily portion of the project is split into lots, then development shall meet the minimum development standards for the R-3 district.
7. If the multifamily portion of the project is developed as one lot, that the following minimum setbacks shall apply:
  - From the frontage road: 25'
  - From the Railroad:35'
  - Adjacent to the Single Family:35'

The separation between multifamily buildings shall be a minimum of 15'.

8. The multifamily units are approved at a maximum density of 12.5 units per acre. The buildings may be a maximum of two stories.
9. The area indicated east of the MF section adjacent to Oxley Road shall be designated as open space on a revised master plan.

10. The frontage road shall be clearly identified on the plan. The frontage road must be designed to connect to SR 50. Further, construction of the frontage road must occur upon development of the project.
11. Oxley Road must be rebuilt to local road county standards from SR 50 to the southern access on Oxley Road between Tracts 10 & 11 of Erickson Unrecorded Subdivision.
12. The roadway network must meet the minimum standards of the County's Ordinances and the Facility Design Guidelines.
13. The petitioner must receive FDOT approval for any access to SR 50.
14. The petitioner shall demonstrate legal access to Oxley Road between Tracts 10 & 11 of Erickson Unrecorded Subdivision prior to development of this site.
15. All lots in the single-family section must have a minimum 50' of road frontage except for those lots which front on the turnarounds of permanent dead end streets shall be permitted to front on such turnarounds for a minimum distance of thirty (30) feet.
16. Cul-de-sac lengths as shown are approved.
17. The petitioner must provide pedestrian access from the SF portion of the project through the MF portion to the Commercial on SR 50.
18. A revised plan shall be provided to the County within 60 days of BCC approval incorporating all of the zoning stipulations or the zoning will become null and void.

**APPENDIX B**

**STAFF RECOMMENDATION TO THE  
PLANNING AND ZONING COMMISSION**

**STAFF RECOMMENDATION TO PLANNING AND ZONING**

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 PDP(GHC)/ Planned Development Project (General Highway Commercial), PDP(SF)/ Planned Development Project (Single Family) and PDP(MF)/ Planned Development Project (Multifamily) to Combined Planned Development project to include General Commercial and Multifamily with deviations with 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.

**B. Planning**

- Allowed Uses in this PDP:
  - I. Multifamily Townhome Buildings
  - II. Associated multifamily accessory uses
  - III. C-1 Commercial Uses
- Maximum number of Dwelling Units Allowed: 300
- Minimum Living Area: 1,200 square feet
- Maximum number of dwelling units per building: 6
- Maximum Lot Coverage: Multifamily Building Coverage: 45% of the residential acreage (30 acres\*45%=13.5 acres)
- Minimum Townhome Lot Size: 2,000 square feet
- Maximum Building Height: 35' / 2-stories
- The petitioner shall coordinate with TheBus and the County Engineer to provide a designated area for a transit stop in or near the residential and/or the commercial uses in the development and install a transit stop if there is a demonstrated need as determined by TheBus.
- Setbacks
  - I. Internal Townhome Cluster Building Setbacks (inclusive of the vegetated buffer)
    - Road Separation Distance: 35'
    - Building Separation Distance: 15'



- II. Commercial Portion Setbacks
  - Road Separation Distance: 35'
  - Building Separation Distance: 20'
  - Residential Separation: 35'
  
- III. Perimeter Setbacks:
  - North (Cortez Boulevard / SR 50): 125' for residential  
75' for Commercial
  - South: 35'
  - East: 35'
  - West (Adjacent to the Railroad tracks): 25'

### 3. Buffers and Permanent Screening:

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

- A. 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 (*Appendix A, Article VIII, Section 1(C)*). Permanent screening meeting these regulations shall be installed between the residential and commercial areas of this project.
  
- B. Perimeter Buffers
  - North (Cortez Boulevard / SR 50): 20' landscaped buffer, except where adjacent to wetlands
  - South: 25' vegetated buffer 80% opacity
  - East: 25' vegetated buffer 80% opacity
  - West (Adjacent to the Railroad tracks): 10' vegetated buffer.

\*Buffer fencing – the required greenery shall be installed on the side of the fence or wall that faces the adjacent property.

- C. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
  
- D. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees (without the use of large machinery that would level the buffer). Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.

### 4. Environmental:

- A. Jurisdictional wetland lines shall be established and shown on all plans submitted for this project. A buffer around the wetlands, with an average of 20', with no portion of the buffer being less than 15' wide, shall be shown all plans submitted for this project.

B. Required Neighborhood Park: 3.4 acres

- 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 required neighborhood park system may consist of single or multiple neighborhood park sites, but in no event shall the required site be less than one (1) acre in size.
- 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.

C. Required Open Space: 8.2 acres (357,410 square feet)

The petitioner shall preserve the minimum seven percent (15%) 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.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*) Minimum open space required for multifamily developments containing twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must be maintained in open space. A minimum of fifty (50) percent of the required open space shall be in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

D. Required Natural Vegetation: 3.83 acres (166,791 square feet)

*Article II, Section 10-28 (2)*. Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

- E. Invasive plant species if present are to be removed during the development process.
- F. 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.

**5. Engineering:**

- A. A Traffic Access Analysis along with a Queuing Analysis is required. Please refer to the Hernando County Facility Designs Guideline IV-18 & the Manual on Uniform Traffic Control Devices.
- B. Driveway(s), Parking & Layout shall meet County Standards.
- C. Oxley Road shall be brought up to Major Local or Collector Road standard from the project access point on Oxley to S.R. 50/Cortez Blvd.
- D. The Frontage Road although required by Ordinance, is not practical given the property's location to wetland and railroad track, additionally the project is mostly residential. This requirement shall be waived.

6. Utilities: This property is located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

7. Schools: 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.

Without Conditional Plat or the functional equivalent in place, the School Districts finding of school capacity expires within 1 year of issuance.

- 8. 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. Prior to the issuance of an approved set of construction plans or the functional equivalent, 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.

10. 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.

**APPENDIX B**  
**PLANNING AND ZONING COMMISSION**  
**ACTION**

**APPENDIX B –PLANNING & ZONING COMMISSION ACTION:**

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

**APPENDIX C**  
**PLANNING AND ZONING COMMISSION**  
**ACTION**

**APPENDIX C –PLANNING & ZONING COMMISSION ACTION:**

On July 22, 2022, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial), PDP(SF)/ Planned Development Project (Single Family) and PDP(MF)/ Planned Development Project (Multifamily) to Combined Planned Development project to include General Commercial and Multifamily with deviations with 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.

A. Planning

- Allowed Uses in this PDP:
  - I. Multifamily Townhome Buildings
  - II. Associated multifamily accessory uses
  - III. C-1 Commercial Uses
- Maximum number of Dwelling Units Allowed: 300
- Minimum Living Area: 1,200 square feet
- Maximum number of dwelling units per building: 6
- Maximum Lot Coverage: Multifamily Building Coverage: 45% of the residential acreage (30 acres\*45%=13.5 acres)
- Minimum Townhome Lot Size: 2,000 square feet
- Maximum Building Height: 35' / 2-stories
- The petitioner shall coordinate with TheBus and the County Engineer to provide a designated area for a transit stop in or near the residential and/or the commercial uses in the development and install a transit stop if there is a demonstrated need as determined by TheBus.
- Setbacks
  - II. Internal Townhome Cluster Building Setbacks (inclusive of the vegetated buffer)
    - Road Separation Distance: 35'
    - Building Separation Distance: 15'



- III. Commercial Portion Setbacks
  - Road Separation Distance: 35'
  - Building Separation Distance: 20'
  - Residential Separation: 35'
  
- IV. Perimeter Setbacks:
  - North (Cortez Boulevard / SR 50): 125' for residential  
75' for Commercial
  - South: 35'
  - East: 35'
  - West (Adjacent to the Railroad tracks): 25'

## 2. Buffers and Permanent Screening:

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

- A. 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 (*Appendix A, Article VIII, Section 1(C)*). Permanent screening meeting these regulations shall be installed between the residential and commercial areas of this project.
  
- B. Perimeter Buffers
  - North (Cortez Boulevard / SR 50): 20' landscaped buffer, except where adjacent to wetlands
  - South: 25' vegetated buffer 80% opacity
  - East: 25' vegetated buffer 80% opacity
  - West (Adjacent to the Railroad tracks): 10' vegetated buffer.

\*Buffer fencing – the required greenery shall be installed on the side of the fence or wall that faces the adjacent property.
  
- C. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
  
- D. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees (without the use of large machinery that would level the buffer). Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.

## 3. Environmental:

- A. Jurisdictional wetland lines shall be established and shown on all plans submitted for this project. A buffer around the wetlands, with an average of 20', with no portion of the buffer being less than 15' wide, shall be shown all plans submitted for this project.

B. Required Neighborhood Park: 3.4 acres

- 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 required neighborhood park system may consist of single or multiple neighborhood park sites, but in no event shall the required site be less than one (1) acre in size.
- 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.

C. Required Open Space: 8.2 acres (357,410 square feet)

The petitioner shall preserve the minimum seven percent (15%) 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.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*) Minimum open space required for multifamily developments containing twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must be maintained in open space. A minimum of fifty (50) percent of the required open space shall be in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

E. Required Natural Vegetation: 3.83 acres (166,791 square feet)

*Article II, Section 10-28 (2).* Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

- G. Invasive plant species if present are to be removed during the development process.
- H. 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.

**8. Engineering:**

- A. A Traffic Access Analysis along with a Queuing Analysis is required. Please refer to the Hernando County Facility Designs Guideline IV-18 & the Manual on Uniform Traffic Control Devices.
- B. Driveway(s), Parking & Layout shall meet County Standards.
- C. Oxley Road shall be brought up to Major Local or Collector Road standard from the project access point on Oxley to S.R. 50/Cortez Blvd.
- D. The Frontage Road although required by Ordinance, is not practical given the property's location to wetland and railroad track, additionally the project is mostly residential. This requirement shall be waived.

9. **Utilities:** This property is located within the City of Brooksville Utility Department's (CBUD) first right to serve district; contact CBUD for any utility related comments.

10. **Schools:** 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.

Without Conditional Plat or the functional equivalent in place, the School Districts finding of school capacity expires within 1 year of issuance.

11. 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.

12. Prior to the issuance of an approved set of construction plans or the functional equivalent, 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.

13. 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.