

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: November 4, 2024  
Board of County Commissioners: December 17, 2024

**APPLICANT:** NVR, Inc/ Ryan Homes

**FILE NUMBER:** H-24-48

**REQUEST:** Master Plan Revision and Rezoning of a portion of Parcel Key 00893475 from C-1(General Commercial) 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:** 893475, 837786, 837777, 837795

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### APPLICANT'S REQUEST

On August 9, 2022, the Board of County Commissioners approved a Master Plan and rezoning on the subject property from AR (Agricultural/Residential) to PDP(SF)/ Planned Development Project (Single Family) with deviations. Under Resolution 2022-152, 110 single family lots were approved subject to 20 performance conditions. These performance conditions are detailed in Appendix B of this report.

The petitioner proposes a Master Plan revision on the subject sites to develop Phase II of the subdivision by making the following modifications:

1. Relocating the secondary access to Faber Drive access
2. Increasing the overall unit count by 15 lots. Phase I dwelling unit count is 110, and Phase II dwelling unit count is 15, totaling 125 lots.
3. Rezoning a portion of Parcel Key 00893475 from C-1(General Commercial) to PDP(SF)/ Planned Development Project (Single Family).
4. Increasing the overall size of the project from 30.0 acres to 31.09 acres.

### SITE CHARACTERISTICS

**Site Size:** 31.09 acres

**Surrounding Zoning & Land Uses:**

North: Cortez Boulevard (SR 50)  
South: R-1B, AR; Undeveloped, Single Family  
East: AG, CPDP; Undeveloped, Single Family  
West: AR; Church, Single Family

**Current Zoning:** C-1(General Commercial) and PDP/SF (Planned Development Project/ Single Family)

**Future Land Use Map Designation:** Residential

**ENVIRONMENTAL REVIEW:**

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

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

**Protection Features:** 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:** 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 shall 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.

**Flood Zone:** X, AE

**SCHOOL DISTRICT REVIEW**

The applicant shall 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) currently supplies water to Parcel Key # 893475. HCUD has indicated that water and sewer service is not currently supplied to Parcel Keys 837786, 837777, or 837795. However, HCUD can provide services to Parcel Keys 837,837777, and 837795. HCUD states they have no objection to the submitted revised Master Plan to now include a portion of Parcel Key #893475 along with an increase in the number of lots from 110 to 125, subject to a utility capacity analysis to be submitted with the Conditional Plat application and connection to the central water and sewer systems at the time of vertical construction. HCUD also stipulates that the developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

**Comment:** A capacity analysis shall be performed and submitted as part of the Conditional Plat. The Conditional Plat shall include utility placement details showing the locations of all utilities for lots with a side setback of less than 10'. Phase I and Phase II both contain lots with 5' side setbacks. The project shall connect to central water and sewer at the time of vertical construction.

## ENGINEERING REVIEW

The site is located on the south side of Cortez Boulevard, approximately 885' west of Frisco Road. Under the previous rezoning case H-22-16, two (2) access points were established for the development. With this application the petitioner proposes the relocation of the access point from Sumter Drive on the southern portion of the development, to Faber Drive approximately 350' south of its intersection with Cortez Boulevard, on the west side of the development. The access point to Cortez Boulevard is required to be Boulevard entrance for the subdivision. The County Engineer reviewed the petitioner's request and provided the following comments:

- All roadways shall meet the Hernando County Standards.
- Additional visitor parking areas shall be added to the Site Plan.
- Previous performance condition #19 regarding the emergency access has amended; Phase II of construction will require a 2<sup>nd</sup> access due to the deletion of the emergency access.
- The petitioner may consider adding a Transit stop with amenities.

**Comments:** The County Engineer has approved of the relocation of the proposed access point. Planning staff supports the County Engineer's approval.

**LAND USE REVIEW**

This master plan revision includes the rezoning of a portion of the commercial parcel that is to the west between Faber Drive in Phase I. The owner of the parcel has granted an access easement for this subdivision. The owner has agreed to the partial rezoning of the property.

**Setbacks, Lot Width and Sizes**

The petitioner is proposing the same lot dimensions as approved in Phase I. The lot widths and sizes are as follows:

- Lot Width: 40' and 50' (Previously approved deviation from 60')
- Lot Size: 4,400<sup>1</sup> and 5,500 square feet (Previously approved deviation from 6,000 square feet)

**Proposed Building Setbacks**

The petitioner requests the same building setbacks for Phase 2 that were granted to Phase I. The approved setbacks are as follows:

- Front: 25'
- Rear: 15' (Previously approved deviation from 20')
- Side (internal): 5' (Previously approved deviation from 10')
- Faber Drive: 25'

**Buffers**

The petitioner requests the same building setbacks for Phase 2 that were granted to Phase I. The approved setbacks are as follows:

- Cortez Blvd: 15' Landscape Buffer (Previously approved)
- West: 5' Landscape Buffer (Previously approved)
- South: 20' Landscape Buffer (Previously approved)
- Faber Drive: 15'

**Neighborhood Park**

The park approved in Phase I is 3.43 acres. The Land Development regulations require 1.75 acres dedicated to neighborhood parks. The petitioner has provided acreage above and beyond what is required by the County. The petitioner is still required to ensure that the park is accessible through vehicular, pedestrian and bicycle means.

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<sup>1</sup> Scrivener's Error: The lot sizes approved for Phase 1 contained a scrivener's error. The desired lot dimensions were 40'x110', which makes the square footage of the lots 4,400 square feet and not 4,800 square feet

**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:** The natural vegetation will be calculated using the acreage of both Phases; 7% of 31.09 = 2.18 acres.

**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 will submit a fire protection plan for Phase II at the time of Conditional Plat in accordance with Hernando County Land Development Regulations (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. Residential Category**

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.

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.

**FINDINGS OF FACT**

The request for a Master Plan revision and rezoning from C-1(General Commercial) to PDP(SF)/Planned Development Project Single Family with deviations is appropriate based on the following conclusions:

1. The proposed revision is consistent with the approved Phase I of this development.
2. The density created by the additional lots is 4.02 which is not a significant increase from the previously approved density of 3.82.
3. The relocation of the secondary access point is appropriate to remove potential traffic from an existing neighborhood.

**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 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.*

#### **STAFF RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend approval of the petitioner's request for rezoning from C-1(General Commercial) to PDP/SF (Planned Development Project/Single Family) with deviations and the following performance conditions:

1. The petitioner shall 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. **Maximum number of dwelling units: 125**
3. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
4. 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.
5. 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.
6. 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.
7. The petitioner shall 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.

8. A Traffic Access Analysis **shall be performed and submitted to the engineering department for approval.** 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.
9. FDOT access management and drainage permitting shall be required.
10. This project shall meet the storm drainage design requirements of Southwest Florida Water Management District (SWFWMD) and Hernando County Facility Design Guidelines.
11. Minimum Lot Widths: 40' and 50' (Previously approved deviation from 60')
12. Minimum Lot Sizes: ~~4,800~~ **4,400\*\*** and 5,500 square feet (Previously approved deviation from 6,000 square feet)  
\*\*correction of a scrivener's error from H-22-16 that will apply to all phases of the development.
13. Minimum Building Setbacks:
  - Front: 25'
  - Rear: 15' (Previously approved deviation from 20')
  - Side: 5' (Previously approved deviation from 10')
  - **Faber Drive: 25'**
14. Landscape Buffers:
  - Cortez Blvd: 15' (Previously approved)
  - West: 5' (Previously approved)
  - South: 20' (Previously approved)
  - **Faber Drive: 15'**
15. 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.
16. 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.
17. The petitioner shall submit a fire protection plan with the conditional plat **application** in accordance with Hernando County LDRs.
18. The developer shall provide a utility capacity analysis **with the Conditional Plat application** 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'.



19. The petitioner shall be required to provide a treed boulevard entrance from Cortez Boulevard. Additionally, ~~a stub out to the west must be provided.~~ **a secondary access to Faber Drive is also required.**
20. 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 A**

**H-22-21 Performance Conditions Approved by the  
Board of County Commissioners on August 9, 2022**

**BOCC Previously Approved Performance Conditions for H-22-16**

On August 9, 2022, the Board of County Commissioners voted 4-0 to adopt Resolution 2022-152, approving the petitioner's request for rezoning from AR (Agricultural/Residential) to PDP(SF)/Planned Development Project (Single Family) with deviations and the following modified 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 Southwest Florida Water Management District (SWFWMD) 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)
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13. Landscape Buffers:
  - Cortez Blvd: 15'
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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 developer shall provide an emergency access connection to Faber Drive. This access connection shall be designed to meet all full access requirements as identified in the Hernando County Facility Design Guidelines and may be converted to a full access connection based on need, demand and public benefit as approved by the Board of County Commissioners through an amendment to this master plan. This language shall be included on the master plan and all development plans for the site. Faber Drive shall remain fully barricaded either by natural and/or supplemental barriers on the side of the road external to the development until construction is completed for the associated phase. As each stage of development is approved, it shall include the construction access plan for the site as approved by the Department of Public Works.
- ~~19.~~ 20. 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.