
STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 11, 2024
Board of County Commissioners: April 9, 2024

APPLICANT: NVR, Inc

FILE NUMBER: H-23-83

PURPOSE: Rezoning from PDP(GC) with C-2 uses to PDP(MF)/ Planned Development Project (Multi-Family) with deviations

GENERAL LOCATION: Southwest corner of the intersection of Ponce De Leon Boulevard and Yontz Road

PARCEL KEY NUMBER: 656579, 1198643, 1056617,352013.

APPLICANT'S REQUEST:

On November 10, 2015, the Board of County Commissioner's approved a rezoning from CPDP/Combined Planned Development Project (Multifamily), (General Commercial), AG/(Agricultural), and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses in order to develop the 27.3 acre subject site with 250,000 square feet of commercial use. The master plan indicated seven (7) out-parcels with the balance of the property to contain a shopping center. Since the project's approval, no development has occurred and the master plan as since expired.

The petitioner's current request is for a rezoning from PDP(GC) with C-2 uses to PDP(MF)/Planned Development Project (Multi-Family) with deviations on the subject 27.4 acre parcel in order to develop the site with 200 townhome units (7.30 du/ac). The project will consist of 2-story (45' in maximum height) townhomes with a minimum lot width of 20', with buildings generally clustered in 4-6 unit buildings. The petitioner has indicated a recreational area will be provided. As part of the request the petitioner is requesting the following deviations:

1. Wavier of the two access point requirement for projects with more than 50 units. The petitioner has indicated a boulevard entrance will be provided.
2. Deviations from the side and rear building setbacks. Deviation from the side building setback of 10' to 0' for internal townhome setbacks and 5' sides. Furthermore, a rear setbacks reduction is requested from 20' to 15'.
3. As part of the townhome design, deviations are also requested for Lot Sise and Lot Width. The Lot Widths are proposed as 20' and Lot Sizes from the required 12,000 square feet to 2,000 square feet.

4. A request for a reduction in perimeter setback along Yontz Road has been made from the required 75' to 35'.

This rezoning petition is a companion to the Small-Scale Comprehensive Plan Amendment (CPAM2306).

SITE CHARACTERISTICS:

Site Size: 27.4 acre

Surrounding Zoning;

Land Uses: North: AG, CPDP(MF & GC); Undeveloped, Church Mobile Home
South: AG; Mobile Home
East: AG; Undeveloped
West: AG; Mobile Home

Current Zoning: PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses

Future Land Use

Map Designation: Commercial and Residential

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Micanopy Loamy Fine Sand, Lichton Loamy Fine Sand, Sparr Fine Sand, Nobleton Fine Sand and Wachula Fine Sand.

Hydrologic

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

Habitat: According to the Soil Survey of Hernando County, within the Blichton loamy fine sand, 0 to 2 percent slopes- the water table is at a depth of less than 10 inches for cumulative periods of 1 to 4 months during most years. This soil has medium potential for small commercial buildings if proper water control measures are used, and footings and foundations are increased in size and strength. Potential for roads and streets is low even if the unsuitable soil material is replaced.

The Nobleton fine sand environment includes a forest of live, laurel and water oaks, slash and longleaf pines; hickory; magnolia; and sweetgum. Understory vegetation is wax myrtle, briars, and native grasses including bluestems, pineland awn, toothachegrass, panicums, and lopsided indiagrass.

Sparr fine sands may be dominated by, oaks, hickory, magnolia, sweetgum, pineland three-awn, slash, longleaf pines, and loblolly pines. Some areas may have an understory of inkberry, waxmyrtle, scattered palmetto, and pineland three-awn.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that the parcel is within the City of Brooksville Service Area.

SCHOOL BOARD 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.

ENGINEERING REVIEW:

The subject property is located on the southwest corner of the intersection of Ponce De Leon Boulevard and Yontz Road. The petitioner has proposed a single boulevard entrance of Yontz Road and has requested a waiver of the two access point requirements due to utilizing a boulevard entrance concept. The County Engineer has reviewed the petitioners request and indicated the following:

- A Frontage Road will be required across the entire frontage of US-98 (Ponce De Leon).
- A Traffic Access Analysis will be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- Roads and driveways must meet the Hernando County Standards.
- The development will be required to provide a sidewalk along Yontz Road.
- A sidewalk will be required along US-98 (Ponce De Leon), pending FDOT recommendation.
- FDOT access management and drainage permit may be required.

LAND USE REVIEW:

Setbacks and Building Separations:

Proposed Perimeter Setback:

- US Hwy 98: 125'
- Yontz Road: 35' (deviation from 75')
- South: 35'
- West: 35'

Proposed Internal Building setbacks:

- Front: 25'
- Side: 5' and 0' for internal townhome setbacks (deviation from 10')
- Rear: 15' (deviation from 20')

Proposed Maximum Building Height:

- 45' (Two-Story)

Buffer:

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. 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.

Comments: The petitioner is proposing the following buffers:

- North: 15' Landscape Buffer
- South: 20' Landscape Buffer with Fence
- East: Large Drainage Retention Area
- West: Large Drainage Retention Area

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 is proposing a waiver of the second means of access for the proposed project due to the main access being constructed as a boulevard entrance. Staff does not object to the request. The petitioner will be required to provide a treed roadway per County LDR's.

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 is proposing recreational amenities for the project. If approved, the petitioner shall also insure appropriate pedestrian access to the amenities.

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. If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation.

Comments: The proposed project will require 1.9 acres of 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.

COMPREHENSIVE PLAN REVIEW

The subject site is located within the Residential and Commercial Land Use designation on the County's Adopted Comprehensive Plan and has a corresponding Comprehensive Plan Amendment (CPAM2306). The area is primarily characterized by undeveloped, rural and residential uses.

Future Land Use Element

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.

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.

Comments: The petitioner has indicated the proposed development will have a maximum of 200 units on 24.7 acres. The proposed density of 7.3 du/ac is considered average density per the Comprehensive Plan Strategies and is compatible with existing uses.

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.

Comments: The proposed development provides access to a collector road, is located in proximity to designated commercial area corridor and to a community college.

Strategy 1.04B(6): Multi-family development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed use development.

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.

Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

Comments: Single Family is consistent with the associated Small-Scale Comprehensive Plan Amendment (CPAM2306).

FINDING OF FACTS

A rezoning from PDP(GC)/Planned Development Project (General Commercial) with C-2 uses to PDP(MF)/Planned Development Project (Multi-Family) with deviations is appropriate based on the following:

1. The proposed deviations are justified based on the product type being proposed and were analyzed based on the specifics of the proposed project. Deviations are specific to the project request and do not constitute a Hernando County Code Ordinance standard.
2. The request is consistent with the Comprehensive Plan Strategies for the location of a multifamily development.
3. The request is compatible with surrounding development and designation of the surrounding area with appropriate performance conditions.

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. Homeowners 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 the Board of County Commissioners adopt a resolution approving the petitioner's

request for a Master Plan revision and a Rezoning from CPDP/Combined Planned Development Project to PDP(MF)/Planned Development Project (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.
2. The petitioner shall provide a comprehensive floral/faunal (wildlife) survey prepared by a qualified professional to identify any listed species present prior to any clearing or development occurring on the property. Furthermore, copies of any required FWC permits shall be provided prior to clearing or development.
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. Retention of large native trees and stands should be maintained to the extent possible.
4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department. (Condition dependent on lot ownership and how the site will be developed.)
5. The petitioner shall contact the State Division of Historical Resources, Compliance and Review section, to determine if there are any State survey requirements for any archaeological features near the subject property.
6. The petitioner shall provide the minimum required natural vegetation in accordance with the Hernando County Land Development Regulations.
7. The petitioner shall coordinate with the City of Brooksville Utility Department's (CBUD).
8. A formal application for School Concurrency Analysis shall be submitted to the School District no less than thirty (30) days prior to submission for approval of a site plan, conditional plat, or functional equivalent. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as a condition of any such approval, a Capacity Improvement Agreement or a Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.

9. A Frontage Road shall be required across the entire frontage of US-98 (Ponce De Leon).
10. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
11. The development will be required to provide a sidewalk along Yontz Road.
12. A sidewalk will be required along US-98 (Ponce De Leon), pending FDOT recommendation.
13. FDOT access management and drainage permit may be required.
14. The development shall be permitted a single boulevard entrance of Yontz Road.
15. Minimum Perimeter Buffer:
 - North: 15' Landscape Buffer
 - South: 20' Landscape Buffer with Fence
 - East: Large Drainage Retention Area
 - West: Large Drainage Retention Area
16. Minimum Perimeter Setback:
 - US Hwy 98: 125'
 - Yontz Road: 35' (deviation from 75')
 - South: 35'
 - West: 35'
17. Minimum Internal Building setbacks:
 - Front: 25'
 - Side: 5' and 0' for internal townhome setbacks (deviation from 10')
 - Rear: 15' (deviation from 20')
18. Maximum Building Height:
 - 45' (Two-Story)
19. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days upon rendition of the resolution and the BOCC performance conditions. Failure to submit the revised plan will result in no further development permits being issued until submitted by the applicant.