

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 13, 2025  
Board of County Commissioners: February 25, 2025

**APPLICANT:** DRB Group-Dallas Austin

**FILE NUMBER:** H-24-63

**REQUEST:** Master Plan Revision on Property Zoned PDP(MF)/Planned Development Project (Multifamily) Townhome Community with Deviations

**GENERAL LOCATION:** North side of Cortez Boulevard (SR 50) approximately 1,600 west of Weeping Willow Street

**PARCEL KEY NUMBERS:** 1747024

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### APPLICANT'S REQUEST:

On December 9, 2014, the Board of county Commissioners approved a Master Plan revision to allow a 98 unit multifamily development and to remove the age restriction previously placed on the property. According to the County Land Development Regulations, a master plan shall initiate development within two (2) years of the governing body approval or shall be deemed expired.

The petitioner's current request is for a Master Plan revision to decrease the unit count to 76 fee-simple townhome development (11 DU/AC). The development will have a maximum height of two stories. As part of the request, the petitioner is proposing to utilize the previously approved and existing 2.12 acre park, walking trail and dry retention pond abutting the property to the north.

The petitioner is requesting two deviations from the County Land Development Regulations.

- A deviation in lot width from the required 35' to 20' and lot size to 1,800 square feet.
- A deviation from the two (2) access point requirement with a boulevard entrance as a substitute.

**SITE CHARACTERISTICS:**

<b>Site Size:</b>	6.9 acres
<b>Surrounding Zoning &amp; Land Uses:</b>	North: PDP(MF); Vacant South: PDP(GC); Auto Collision East: PDP(MF); Multifamily West: PDP(MH); Highpoint
<b>Current Zoning:</b>	PDP(MF)/Planned Development Project (Multifamily)
<b>Future Land Use Map Designation:</b>	Residential

**ENVIRONMENTAL REVIEW:**

<b>Soil Type:</b>	Candler Fine Sand
<b>Resources/ Features:</b>	The property contains a Class II Wellhead Protections Area (WHPA), according to County data resources.
<b>Habitat:</b>	Candler fine sands provides a habitat suitable for gopher tortoises. Given the presence of candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including easter indigo snake ( <i>Drymarchon corias</i> ), Florida Pine Snake ( <i>Pituophis melanoleucus</i> ), and gopher frog ( <i>Rana areolata</i> ). Since there is a potential for the listed species of special concern to be present, the site should be inspected prior to construction and a Florida Fish and Wildlife Conservation Commission Permit may be required prior to site alterations.
<b>Flood Zone:</b>	X
<b>Comments:</b>	<p>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.</p> <p>The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and</p>

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.

**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 Utility Department (HCUD) does not currently supply water or sewer service to this parcel, however, water and sewer service are available to this parcel. 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.

**ENGINEERING REVIEW:**

The subject site is located on the west side of Rolling Rock Drive. The petitioner is proposing a single boulevard entrance for the development. The County Engineer has reviewed the petitioners' request and indicated the following:

- The petitioner shall define the legal access to Rolling Rock Drive, as platted – Tract C of Vista Park, a utility & access tract owned and maintained by the Vista Park Property Owners Association.
- A Traffic Access Analysis is required. Any improvements identified by the Analysis will be the responsibility of the Developer to install.
- A deviation request for only one (1) entrance is acceptable provided it is a boulevard entrance and turnaround area is provided.
- The developer should consider adding a Transit stop at the time of construction drawings.

**LAND USE REVIEW:****Setbacks, Buffers and Lot Sizes:**

The petitioner is proposing the following perimeter setbacks:

- North: 25'
- East: 25'
- South: 35'
- West: 50'

**Proposed Internal Building Setbacks**

- Front Garage Setback: 23'
- Front Primary Setback: 20'
- Side Setback: 0' (internal) 7.5 between units
- Rear: 15'
- Side Corner Setback: 15'

**Buffers:**

- West: 25'
- South 25'

**Comments:** The petitioner has not proposed a perimeter buffer along the northern property boundary due to the proposed use as a drainage retention area and the adjacent walking trail. However, as this area is developing in a more intense mixed-use community, the petitioner should be required to provide a 20' buffer around the east, west and south property lines to ensure adequate transition of land uses. All buffers should have at least an 80% opacity with existing trees retained or enhanced to achieve the required opacity.

**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:** In leu of two (2) access points, the petitioner is proposing a boulevard entrance to rolling Rock Drive. Staff has no objections o the request.

#### **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 requesting to utilize the existing 2.12-acre park and walking trail abutting the property to the north as previously approved.

#### **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 subject site is located in the Residential Land Use designation on the County adopted Comprehensive Plan. The area is characterized by mix uses such as retail, fast food and auto collision center.

**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 1.04A(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.

**Strategy 1.04B(5):**

The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22 dwelling units per gross acre in order to provide for a diversity of housing choices. Multifamily housing should be located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

**Strategy 1.04B(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.

**FINDINGS OF FACT:**

A Master Plan Revision on Property Zoned PDP(MF)/Planned Development Project (Multi Family) with Deviations is appropriate based on the following:

The request is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding land uses subject to compliance with all 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*

*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.*

### **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 on property zoned PDP(MF)/Planned Development Project (Multifamily) 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 comprehensive wildlife survey shall be provided 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, as applicable.
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. The petitioner shall define the legal access to Rolling Rock Drive, as platted – Tract C- of Vista Park- a utility & access tract owned and maintained by the Vista Park Property Owners Association.
6. A Traffic Access Analysis is required. Any improvements identified by the Analysis will be the responsibility of the Developer to install.

7. Minimum Lot Setbacks:
  - Front: 23'
  - Side: 0' (Internal lots) 7.5 between units
  - Rear: 15' (Deviation from 20')
  - Side Corner Setbacks: 15'
8. Minimum perimeter setback: 25'
9. Buffers
  - East: 25'
  - West: 25'
  - South: 25'
10. If the parcel is to be graded simultaneously, a 6' tall, screened construction fence for buffering will be required along the northern and eastern boundary. This will allow for prevention of fugitive dust onto adjacent parcels.
11. The petitioner shall be required to provide a 6' tall fence around the perimeter. It is the intent of this division to establish regulations for the use of fences and walls in order to protect the health, safety and welfare of the citizens of Hernando County. This shall include fences for the purpose of enclosure, exclusion, property protection, privacy, security, and aesthetics.
12. 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 Concurrence 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.
13. The Developer shall provide a utility capacity analysis in accordance with the requirements of the Utility Department at the time of conditional plat review and connect to the central water and sewer systems at time of vertical construction. The developer shall be expected to participate in and contribute their proportionate share toward any off-site capacity improvements determined by the utility capacity analysis. A Utility Service Agreement may be required.
14. The petitioner shall provide a boulevard entrance in lieu of a secondary access point. The development shall also provide a turnaround area.



15. The developer shall coordinate the potential for a Transit stop with the County Engineer at the time of construction drawing review.
16. The Developer shall provide a utility capacity analysis in accordance with the requirements of the Utility Department at the time of conditional plat review and connect to the central water and sewer systems at time of vertical construction. The developer shall be expected to participate in and contribute their proportionate share toward any off-site capacity improvements determined by the utility capacity analysis. A Utility Service Agreement may be required.
17. 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.

**PLANNING AND ZONING COMMISSION ACTION**

On January 13, 2025, at their regular meeting the Planning and Zoning Commission voted 4-1 to recommend approval of a resolution to approve a Master Plan Revision on property zoned PDP(MF)/Planned Development Project (Multifamily) with deviations and the following **unmodified** 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 comprehensive wildlife survey shall be provided 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, as applicable.
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