

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 31, 2022
Board of County Commissioners: November 8, 2022

APPLICANT: Suresh Gupta

FILE NUMBER: H-22-47

REQUEST: Re-establish a Master Plan on Property Zoned CPDP (Combined Planned Development Project)

GENERAL LOCATION: Northern terminus of Outer Banks Drive and west of US Highway 19

PARCEL KEY NUMBERS: 1144915, 1144924, 1631014, 1631023, 1631032

PUBLIC INQUIRY WORKSHOP: September 12, 2022

BACKGROUND:

On January 10, 2006, the Board of County Commissioners approved a Master Plan Revision on property zoned CPDP/(Combined Planned Development Project) to include a rezoning from (MF)/Multifamily and (REC)/Recreational to (SU)/Special Use, (HC)/Highway Commercial, and (SF)/Single Family to eliminate the golf course, increase the residential density, reduce setbacks, and change the external access points for 293 acres. The changes increased the number of units from 576 to 842. Since the 2006 approval, the subject site has obtained conditional plat and construction plan approvals. After allowable extensions, the construction plans expired with no further ability to extend.

On November 10, 2015, the Board of County Commissioners approved a request to re-establish the Master Plan on the 293-acre property zoned CPDP/Combined Planned Development Project (H1525). At the time, the petitioner requested preservation of residential entitlements on the property. The 2015 request also allowed the developer internal flexibility to establish village sizes, single family, and villa product types. Since the 2015 approval, no development was initiated, therefore the master plan is null/void.

Binding Letter History:

A portion of the subject property is part of Royal Highlands West, a vested project under Chapter 380 (DRI regulations), Florida Statutes. The overall Royal Highlands West (Glen Lakes) development is vested for 2,885

residential units. There are 1,902 existing platted units, leaving 983 units for development. The proposed development will utilize 842 units, leaving 141 units in the Royal Highlands West vesting. In 2005 the Department of Community Affairs, now known as the Department of Economic Opportunity, indicated no objections to the 842 units requested by the applicant.

APPLICANT'S REQUEST:

The petitioner's current request is re-establish the previously approved Master Plan on the subject site. The proposed development request is unchanged from the previously approved application H1525. The master site plan consists of 263.34 acres with a total of 842 (3.19 du/ac) vested single-family lots, recreation area/open space and wetland areas.

The current proposal does not include any code deviations from the previously submitted application (H1525); however, the calculated density has increased slightly due to a correction on the site area (263.64 acres) compared to the area utilized in previous calculations (284 acres). The project consists of:

- 101 acres of single-family lots;
- 54.91 acres of recreation/open space;
- 31.31 acres of wetlands;
- 41.74 acres of proposed lakes, ponds, and drainage retention areas; and
- 34.60 acres of overall project right-of-way.

SITE CHARACTERISTICS:

Site Size: 263.64 acres

Surrounding Zoning & Land Uses:

North: Chassahowitzka Wildlife Mgmt. Area
South: PDP(RR), (REC), (MF), Single Family
East: C-2, PDP(SF), (GHC); Commercial, Undeveloped
West: Chassahowitzka Wildlife Mgmt. Area, Single Family

Current Zoning: CPDP (Combined Planning District Project)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

**Hydrologic
Features:**

The subject property contains a Class 2 and numerous Class 3 wetlands. There are no Special Protection Areas (SPAs), according to County data resources.

Comments:

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies. All future plans shall indicate the jurisdictional line.

**Protection
Features:**

The property has no Wellhead Protection Areas (WHPA) according to County data resources.

Habitat:

Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the Candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake, Florida mouse, Florida pine snake, and gopher frog. Since there is the potential for this 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.

Comments:

A comprehensive wildlife/gopher tortoise survey shall be conducted in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

The petitioner shall provide a floral/faunal (wildlife) survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.

Archeological:

The subject property contains a historical/archeological site according to the State Master Site File. Investigations were conducted in 2005 which included ground penetrating radar to identify the potential cemetery location. Although a recognized historical site, no evidence of remains was determined.

Flood Zone:

A and C

Comments:

Portions of the subject site are located within the 100-year floodplain. For areas within the floodplain, all finished floor

elevations shall be constructed above the 100-year flood elevation.

Potential risk of wildfire –The proposed layout shows potential structures directly adjacent to conservation lands maintained with prescribed fire.

The petitioner has indicated, as required by the County's Comprehensive plan, the site includes a 30-foot setback and fire buffer along these site boundaries. The developer will provide their residents with Florida-Friendly Landscaping™ Program materials, Firewise practices of the Community Wildfire Protection Plan and encourage the use of the principles, techniques, and landscaping recommendations. Additionally, the petitioner acknowledged the need to coordinate with the Florida Forest Service to become a Firewise Community and seek to educate residents in Firewise principles with the long-term goal of reducing wildfire risk.

Water Quality:

This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Providing materials on Florida friendly landscaping techniques and proper fertilizer use is another way to educate property owners.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the west side of Commercial Way. There are existing 10-inch and 20-inch sewer force mains that run along the east side of Commercial Way. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

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 & TRANSPORTATION REVIEW:

The site is located at the northern terminus of Outer Banks Drive and west of US Highway 19. The project proposes access points to Happy Days Drive and a full access to US Highway 19. The basic road alignment and density of the project will remain unchanged.

The County engineer has reviewed the request and indicated the following:

- This property contains approximately 19.0 areas of 1% annual chance floodplain. Development within the floodplain requires specific permitting and mitigation.
- Properties along Commercial Way/US Hwy 19 are required to install a frontage road, per Ordinance Chapter 24, Article I, Section 24-2. A Frontage Road is required for the entire property frontage of Commercial Way/ US Hwy 19.
- The project will require FDOT access management and drainage permits.
- A Traffic Access Analysis will be required. A methodology has been submitted and is under review.

LAND USE REVIEW:

The petitioner seeks no changes to the previously approved lot sizes and setbacks. Previously approved setbacks and lot sizes are as follows:

Building Setbacks

Minimum Single Family Lot Sizes: 65'x125'

Minimum Villa Lot Sizes: 40'x105' (4,200 sq. ft.)

Minimum Internal Setbacks:

- Front: 20'
- Side: 5'
- Rear: 15'

Minimum Residential Perimeter Setbacks

- US Hwy 19: 75'
- All Others: 20'

Buffers

Minimum Proposed Buffer:

- US Hwy 19: 75'
- North: 30'
- West: 30'
- All Other: 20'

Comments: The petitioner has requested that the buffers along all boundaries of the development may be part of a lot or may be part of a separate tract.

If the master plan is approved, these buffers shall be required to be a separate tract, owned and maintained by the HOA.

Access:

To establish minimum access requirements to single-family and multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access for subdivisions. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units. If approved, individual single family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

Additionally, Hernando County Land Development Regulations require that new single-family and multifamily developments with more than 50 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width.

Comments: The petitioner has identified two access points for the proposed development. One access point to Happy Days Drive and another to US Hwy 19.

The petitioner has not shown a treed boulevard roadway access into the development. If the master plan is approved, the petitioner shall provide a treed boulevard entrance of their main entrance to the development.

Neighborhood Park:

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50

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

Comments: The petitioner has not identified locations for neighborhood parks but has defined a specific acreage for recreation (54.91 acres). If the master plan is approved, the petitioner shall be required to set aside 3.0 acres as dedicated park space. Due to the size and scale of the development, this park site should be split into three (3) separate pods, at a minimum of 1.0 acre per each pod, located throughout the development.

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. 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.

Comments: The petitioner shall set aside 18.45 acres for the preservation of natural vegetation within the development.

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

COMPREHENSIVE PLAN REVIEW:

Future Land Use Element

Future Land Use Map

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

Residential Category

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

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.

Comments: The master site plan consists of 263.64 acres with a total of 842 (3.19 du/ac) vested single-family lots, a recreation area/open space, and wetland areas. The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

FINDING OF FACTS:

The re-establishment of a Master Plan on property zoned CPDP/Combined Planned Development Project is appropriate as stipulated below:

The proposed request for development within the Residential land use classification is consistent with the County's adopted Comprehensive Plan and is 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 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 re-establishment of a Master Plan on property zoned CPDP/Combined Planned Development Project 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. All previous conditions (H-05-54) shall remain in full force and effect.
3. The property 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 board, and the County.
4. The applicant may be required to update the Traffic Access Analysis as determined by the County Engineer and shall submit a traffic impact analysis in conjunction with each request for a Certificate of Concurrency.
5. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
6. Approved wetland jurisdictional lines shall be shown on all conditional plats and constructions plans.
7. All designated conservation and wetland areas shall include a conservation easement at the time of platting.
8. All buffers are all to be separate tracts, owned and maintained by the Homeowners' Association, with natural vegetation preserved and enhanced to 80% opacity within 3 years of planting.
9. The applicant shall provide neighborhood parks in accordance with the requirements of Section 26-75 of Article III, Chapter 26 of the Hernando County Code of Ordinances.

10. The petitioner shall provide a master 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.

P&Z RECOMMENDATION:

On October 31, 2022, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to re-establish the Master Plan on property zoned CPDP/Combined Planned Development Project with 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. All previous conditions (H-05-54) shall remain in full force and effect.
3. The property 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 board, and the County.
4. The applicant may be required to update the Traffic Access Analysis as determined by the County Engineer and shall submit a traffic impact analysis in conjunction with each request for a Certificate of Concurrency.
5. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
6. Approved wetland jurisdictional lines shall be shown on all conditional plats and constructions plans.
7. All designated conservation and wetland areas shall include a conservation easement at the time of platting.
8. All buffers are all to be separate tracts, owned and maintained by the Homeowners' Association, with natural vegetation preserved and enhanced to 80% opacity within 3 years of planting.
9. The applicant shall provide neighborhood parks in accordance with the requirements of Section 26-75 of Article III, Chapter 26 of the Hernando County Code of Ordinances.

10. The minimum lot size is approved at 40x105 as approved on November 10, 2015.
11. The petitioner shall be required to construct a frontage road on the property's entire frontage along US 19 in accordance with the Hernando County Code of Ordinance, Chapter 24, Article I, Section 24-2.
12. The petitioner shall coordinate with the Glen Lakes Homeowners' Association on safety and security of new and existing residents of both communities, with security measures to be agreed upon.
- ~~40.~~ 13. The petitioner shall provide a master 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.

BCC ACTION:

On November 8, 2022, the Board of County Commissioners voted 4-0 to adopt Resolution 2022-211 approving the petitioner's request to re-establish the Master Plan on property zoned CPDP/Combined Planned Development Project with 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. All previous conditions (H-05-54) shall remain in full force and effect.
3. The property 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 board, and the County.
4. The applicant may be required to update the Traffic Access Analysis as determined by the County Engineer and shall submit a traffic impact analysis in conjunction with each request for a Certificate of Concurrency.
5. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
6. Approved wetland jurisdictional lines shall be shown on all conditional plats and constructions plans.
7. All designated conservation and wetland areas shall include a conservation easement at the time of platting.
8. All buffers are all to be separate tracts, owned and maintained by the Homeowners' Association, with natural vegetation preserved and enhanced to 80% opacity within 3 years of planting.
9. The applicant shall provide neighborhood parks in accordance with the requirements of Section 26-75 of Article III, Chapter 26 of the Hernando County Code of Ordinances.

10. The minimum lot size is approved at 40x105 as approved on November 10, 2015.
11. The petitioner shall be required to construct a frontage road from the southern property line to Bourassa Boulevard and dedicate the right of way for the future construction of a frontage road from Bourassa Boulevard to the northern property line on the property's entire frontage along US 19 in accordance with the Hernando County Facility Design Guidelines and Code of Ordinance, Chapter 24, Article I, Section 24-2. Any changes to the master plan as a result of this frontage road can be reviewed and approved by the Planning Administrator.
12. The petitioner shall coordinate with the Glen Lakes Homeowners' Association on safety and security of new and existing residents of both communities, with security measures to be agreed upon.
13. The petitioner shall provide a master 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.