

BOARD OF COUNTY COMMISSIONER OCTOBER 10, 2023

HEARINGS: Planning & Zoning Commission: September 11, 2023
Board of County Commissioners: October 10, 2023

APPLICANT: Todd Mooney

FILE NUMBER: H-23-29

REQUEST: Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations

GENERAL LOCATION: South side of Cortez Boulevard, approximately 700' east of Nightwalker Road

PARCEL KEY NUMBERS: 1170618, 346717

BCC ACTION:

On October 10, 2023, the Board of County Commissioners voted 3-2 to adopt a Resolution adopting the petitioner's request for a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations, 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. 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, as applicable.
3. 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.

4. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
6. The maximum building height
 - 60' (deviation from 45').
 - Building heights within 125' of the western boundary shall be limited to 45'.
7. A line delineating 500 feet measured from the outer boundary of the Special Protection Area (SPA) shall be provided on all construction drawings. No prohibited uses shall be allowed within this area.
8. A subsurface geologic assessment, floral/faunal aquatic species survey and report prepared by a qualified professional shall be used in the design and layout of the project and shall be submitted to the County at the development of each phase to ascertain that efforts have been made to avoid impacts to subsurface karst sensitive features. The evaluation shall also include a stormwater design plan to prevent runoff, provide treatment, and avoid adverse stormwater impacts to the Class 1 wetland.
9. A 25 foot wetland buffer shall be required measured from the jurisdictional wetland line. The buffer shall be planted with native non-invasive vegetation to control erosion. Wetland jurisdiction lines shall be shown on all future surveys and plats.
10. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.
11. A conservation easement shall be required and must include the wetland, wetland buffer, and karst sensitive undeveloped uplands for key #346717. Easement shall be shown on the master plan and construction drawings. The conservation easement shall be provided in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes.
12. A Traffic Access Analysis shall be required. Traffic Access Analysis shall include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
13. The frontage road requirement shall be waived.
14. A FDOT Access management and drainage permit shall be required.
15. Minimum Building Setbacks
 - North: 125'
 - East: 15'

- South: 125'
 - West: 125'
 - Wetland: 50'
16. The petitioner shall be required to provide two (2) means of access in accordance with County policy. Access from Brent Lawn Street shall be one of these required means of access.
17. Minimum Buffers:
- SR 50: 25'
 - West: 40' landscape buffer at 80% opacity for the portion directly neighboring residential homes (west) and a 25' natural vegetative buffer on the balance of the buffer as it heads south. A black chain link fence with interwoven fabric shall be installed on the project side of the buffer.
 - Wetland: 25'
18. Where stormwater runoff is directed to retention/detention areas adjacent to the direct connections to the aquifer, the developer shall use enhanced treatment methods to reduce nitrogen loading.
19. An emergency access only shall be provided to the west. Any change to the status of the emergency access shall require a revision to the master plan.
20. 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.