

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: July 11, 2022  
Board of County Commissioners: August 9, 2022  
Board of County Commissioners: October 11, 2022

**APPLICANT:** Land Builder, LLC

**FILE NUMBER:** H-22-14

**REQUEST:** Rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) with Deviations

**GENERAL LOCATION:** Southern side of Bourassa Boulevard, approximately 325' south of Hyde Street

**PARCEL KEY NUMBERS:** 539091

**PUBLIC INQUIRY WORKSHOP:** May 17, 2022

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### APPLICANT'S REQUEST:

The subject site is currently zoned AG/(Agricultural) and is located between the existing Woodland Waters subdivision and the proposed Lake Hideaway community (Pods 1A and 1B currently under permitting). The petitioner is requesting a rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) to develop a 240-unit townhome community. The petitioner is proposing to cluster the development into pods of six units or less and will incorporate architectural features to enhance the aesthetic appeal.

#### Deviations Requested:

- Internal Building Setbacks:
  - Side: 0' (Deviation from 10')
  - Rear: 15' (Deviation from 20')
- Lot Size: 1,980 square feet (deviation from 6,000 square feet)

### PUBLIC INQUIRY WORKSHOP:

The petitioner held a Public Inquiry Workshop on May 17, 2022. The following issues were identified by residents attending the workshop:

- Fencing along border between subject site and Woodland Waters;
- Buffering between the subject site and Woodland Waters;
- Irrigation impacts to the local lakes;
- Light illumination impacts on natural environment (i.e., stargazing)

Staff analysis and comments regarding these items have been incorporated where appropriate in the staff report.

**SITE CHARACTERISTICS:**

**Site Size:** 29.70 acres

**Surrounding Zoning & Land Uses:**

North: CPDP;(Lake Hideaway – currently under permitting for Phases 1A and 1B)  
South: PDP(SF); (Woodland Waters – developed subdivision)  
East: CPDP; (Lake Hideaway – currently under permitting for Phases 1A and 1B)  
West: AG; undeveloped

**Current Zoning:** AG/(Agricultural)

**Future Land Use Map Designation:** Residential and Conservation

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand, Basinger Fine Sand, and Tavares Fine Sand

**Features/ Resources:** The property has Class 1 and Class 2 wetlands according to County data resources. The property is in an area with known karst features. The wet prairie in the southwest corner of the parcel has two deeper wet depressions during periods of low water characteristic of direct connections to the aquifer. The wet prairie is within the floodplain, Conservation FLU mapping, and shown as being undeveloped on the proposed master plan.

The proposed residential multifamily use on central water and sewer is allowed if the wetland is determined to contain Special Protection Areas (SPAs). A 50-foot wetland buffer is required if the wet prairie contains a SPA based on testing or hydrologic data. At a minimum geotechnical/geophysical testing is required upland of the wetland to determine that karst features and voids

are not present where townhomes are proposed. Buffering is intended to maintain water quality to the adjacent Class 1 wetlands and lake.

A conservation easement is required over the wetland and associated floodplain. WHPAs are not present. An archaeological site on the northern boundary is within the Lake Hideaway project and addressed in the Cultural Resource Assessment (CRAS) for that project.

**Habitat:** Forested sandhill and wet prairie according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

**Flood Zone:** AE

**Water Quality:** The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers. Implementation of Florida Friendly Landscaping™ principles, techniques, and materials are designed to conserve water and reduce pollutant loading to Florida’s waters.

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.

**SCHOOL BOARD REVIEW:**

No comments were received from the Hernando County School District on this petition.

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 Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not currently available to this parcel. There are multiple 2-inch water mains to the south in Woodland Waters. There is an existing 20-inch sewer force main that runs along the east side of Commercial Way at Bourassa Boulevard.

There is a subdivision being built in the vicinity that would bring the utilities closer to this project. 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 (which is contingent upon the installation of the neighboring development's utility infrastructure).

**Comment:** If the petitioner chooses to proceed with development prior to the completion of Lake Hideaway, there are utility lines along Commercial Way (US Highway 19) that the petitioner can connect to. A utility capacity analysis to determine any improvements necessary to those utility lines shall be required prior to development.

**ENGINEERING REVIEW:**

The subject site is located on the south side of Bourassa Boulevard, east of Commercial Way (US Highway 19). The petitioner has proposed a single access from Bourassa Boulevard to the subject parcel. The County Engineer has reviewed the petitioner's request and provided the following comments:

- This project generates more than 50 PM Peak Hour Trips. A Traffic Access Analysis is required. This Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- A connection to Lazy Days Court is required.
- The roads will need to meet current County standards.
- The Driveways will need to meet current County standards.
- This property contains two areas of floodplain.
- This project must also meet the storm drainage design requirements of South West Florida Water Management District and Hernando County Facility Design Guidelines.

- The petitioner should coordinate with the Lake Hideaway developer concerning the Bourassa Boulevard access easement, subject to approval of the County Engineer.

**LAND USE REVIEW:**

**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 proposed one access to the development through an existing access easement to Bourassa Boulevard. If the master plan is approved, the petitioner shall coordinate with the Lake Hideaway development on a more appropriate access to the development from Bourassa Boulevard, subject to approval of the County Engineer. This access must be designed as a treed boulevard access into the development in accordance with the Hernando County Land Development Regulations. Additionally, as per the requirements of the County Engineer, the developer shall provide a second access point into the southern development through Lazy Days Court.

**Setbacks and Lot Sizes:**

The petitioner has proposed the following perimeter setbacks for the subject development. All perimeter setbacks are inclusive of the buffers as follows:

- North: 25'
- South: 100'
- West: 25'
- East: 25'

The following internal building setbacks are proposed:

- Front: 25'
- Side: 0' (between units)/15' (between townhome clusters)
- Rear: 15'

The petitioner has proposed the following lot width and size:

- Lot Width: 22' (Deviation from 50')
- Lot Size: 1,980 square feet (Deviation from 6,000 square feet)

**Comments:** As the petitioner is proposing a townhome development, the lot size and width deviations requested are reasonable and appropriate.

**Buffers:**

The petitioner has proposed the following buffers for the subject development, according to the attached master plan:

- North: 25'
- South: 50'
- West: 10'
- East: 25'

**Comments:** All required buffers shall remain undisturbed during site development except for dead trees and exotic invasive species which shall be removed. Existing vegetation shall be retained and, if necessary, supplemented with vegetation meeting the requirements of the Florida Yards and Neighborhoods program. Opaque fencing shall not be used to meet opacity requirements. In addition to the vegetative buffer, an 8' black chain link fence shall be placed on the Land Builder side of the property to increase security and privacy for existing Woodland Waters residents.

**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 set aside 2.9 acres for the neighborhood park. This park site is bisected by the entry road into the development. If

the master plan is approved, the petitioner needs to relocate the neighborhood park to create one consolidated space easily accessible to all residents via vehicular, pedestrian and bicycle means and is not split by the roadway network serving 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 has not designated acreage dedicated for the preservation of natural vegetation on the proposed master plan. If approved, the petitioner shall designate 2 acres for the preservation of natural vegetation.

**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:**

**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.

**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.

**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.

**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.

**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(1):** Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.



**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 site is located primarily in the residential future land use classification, surrounded by existing single-family residential development to the south and a mixed use residential and commercial development to the north. The proposed townhome community is consistent with the residential future land use classification and is compatible with the surrounding development.

**FINDING OF FACTS:**

A Rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) is appropriate based on the following revisions:

- Coordination with Lake Hideaway on a more appropriate easement along Bourassa Boulevard, to be approved by the County Engineer prior to site plan approval;
- Coordination of development with Lake Hideaway to ensure water and sewer capacity is available to the development;
- Providing a connection to Lazy Days Court for better traffic distribution; and
- Providing an 8' black chain length fence along the southern boundary of the development for continuity with the buffer approved for Lake Hideaway.

With these revisions, the proposed master plan is consistent with the Comprehensive Plan and is compatible with the surrounding area.

**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. Homeowner's 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 approve the petitioner's request for a rezoning from AG/(Agricultural) to 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. The petitioner shall provide a floral and faunal survey including invasive species, prepared by a qualified environmental 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. The developer must provide geotechnical/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.
6. The geotechnical evaluation and report is required by a Florida Registered Geotechnical Professional Engineer prior to construction drawing approval. The geotechnical evaluation shall indicate whether a Special Protection Area (SPA) is present or propose alternative testing due to high water levels. Based on the outcome of the geotechnical evaluation all Land Development Regulation requirements shall be met and report recommendations, including remediation, shall be met.

7. The petitioner shall provide a 50-foot wetland buffer from the jurisdictional wetland line to the Class 1 wetland on the master plan, plats, and construction plans, unless the wetland is determined not to contain a direct aquifer connection. Additionally, the petitioner shall provide a conservation easement over wetland and the wetland buffer.
8. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.
9. 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.
10. A Traffic Access Analysis is required. This Traffic Access Analysis to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
11. The developer shall be required to connect to Lazy Days Court for better traffic disbursement and distribution.
12. This project must also meet the storm drainage design requirements of South West Florida Water Management District and Hernando County Facility Design Guidelines.
13. The developer shall coordinate with the Lake Hideaway development (H2110) on a more appropriate access easement to Bourassa Boulevard. This access easement must be approved by the County Engineer prior to site development.
14. Minimum Perimeter Setbacks:
  - North: 25'
  - South: 100'
  - West: 25'
  - East: 25'

All perimeter setbacks are inclusive of the required vegetative buffers.

15. Minimum Lot Setbacks

- Front: 25'
- Side: 0' (between units)/15' (between townhome clusters)
- Rear: 15'

16. Minimum Lot Width: 22' (Deviation from 50')

17. Minimum Lot Size: 1,980 square feet (Deviation from 6,000 square feet)

18. Minimum Buffers:

- North: 25'
- South: 50'
- West: 10'
- East: 25'

All buffers shall be separate tracts, owned and maintained by the Homeowners' Association, with natural vegetation preserved and enhanced to 80% opacity within 3 years of planting. All required buffers shall remain undisturbed during site development except for dead trees and exotic invasive species which shall be removed. Existing vegetation shall be retained and, if necessary, supplemented with vegetation meeting the requirements of the Florida Yards and Neighborhoods program. Opaque fencing shall not be used to meet opacity requirements.

In addition to the vegetative buffer, an 8' black chain link fence shall be placed on the Land Builder side of the property to increase security and privacy for existing Woodland Waters residents.

19. The petitioner shall provide the minimum neighborhood park acreage in accordance with the Hernando County Land Development Regulations and relocate the neighborhood park to create one consolidated space easily accessible to all residents via vehicular, pedestrian and bicycle means and not split by the roadway network serving the development.

20. The petitioner shall set aside the minimum natural vegetation in accordance with the Hernando County Land Development Regulations.

21. At the time of conditional plat, the petitioner shall submit a fire protection plan in accordance with the Hernando County Land Development Regulations.

22. 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.