

## STAFF REPORT

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

**APPLICANT:** Doherty Holdings Twenty Seventh, LLC

**FILE NUMBER:** H-23-44

**REQUEST:** Master Plan Revision and a Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations

**GENERAL LOCATION:** Southeast side of Commercial Way, approximately 560' from its intersection with Northcliffe Boulevard, extending to Northcliffe Boulevard, approximately 250' from its intersection with Commercial Way

**PARCEL KEY NUMBERS:** 703983

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### APPLICANT'S REQUEST:

On May 10, 2022, the Board of County Commissioners voted to establish a Master Plan and rezone a portion of the property from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with deviations, for a commercial and multifamily mixed-use development. The petitioner's proposal at the time included the following:

- A 360-unit multifamily (10.26 du/ac) complex, with three-story structures; garages, swimming pool, a 5,000 square foot clubhouse and beach volleyball court.
- 7.87 acres of commercial, divided into two separate tracts.
  - One 4.4-acre tract will be located in front of the proposed multifamily development with a proposed overall square footage of 28,118 square feet
  - The remaining 3.47 acres to the north (key# 703983) designated for future development.

The petitioners current request is for a rezoning of the previously designated commercial area from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) in

order to develop 29 multifamily units (4.48 du/ac). The proposed units will be single and two story structures. The development will be standalone phase from the previously approved project and will provide its own clubhouse and amenities.

**SITE CHARACTERISTICS:**

**Site Size:** 6.47 acres

**Surrounding Zoning & Land Uses:**

North: PDP(GC); Commercial  
South: PDP(SU); Century Lake  
East: PDP(SU); Century Lake  
West: PDP(SU); Century Lake

**Current Zoning:** PDP(GHC)/Planned Development Project (General Highway Commercial)

**Future Land Use Map Designation:** Commercial

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand, Myakka Fine Sand, Paola Fine Sand, Basinger Fine Sand/Depressional, water

**Habitat:** Vacant, forested and identified as urban open land, sandhill, marshes, 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).

**Comments:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Hydrologic Features:** The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

**Comments:** The project borders Century Lake and associated wetlands (Class 2 and 3 wetlands as classified by the Comprehensive Plan).

**Protection**

**Features:** The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.

**Resources/**

**Features:** There are two (2) archaeological sites adjacent to the project according to County data resources.

**Comments:** The petitioner must contact Florida Division of Historical Resources to determine if a cultural resource assessment is required.

**Water Quality:**

This project is located within the Weeki Wachee Priority Focus Area identified by the Florida Department of Environmental Protection (FDEP) as contributing nutrients to the Weeki Wachee Riverine System. Providing information on Florida Friendly Landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality.

**Comments:** 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.

Invasive plant species if present are to be removed during the development process.

Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.

**Flood Zone:** C and AE

**SCHOOL BOARD REVIEW:**

No comments were received from the Hernando County School District on the subject application.

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) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 20-inch water main that runs along the east side of Commercial Way. There is an existing 10-inch sewer force main that runs along the west side of Commercial Way, along with an existing 10-inch sewer gravity main. The 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 & TRANSPORTATION REVIEW:**

The subject site is located on the east side of Commercial Way (US Hwy 19), approximately 800' south of Northcliffe Boulevard. The petitioner is proposing a right-in/right-out access to US Hwy 19.

The County Engineer reviewed the request and indicated the following:

- A Frontage Road is required along the entire Frontage of Commercial Way (US-19), per Ordinance. Applicant must install upon County request of need and demand at developers’ expense.
- Driveway and Parking Layout will need to meet Hernando County standards.
- FDOT Access Management and Drainage permit may be required.
- Future revisions will require a revised Traffic Access Analysis.
- An internal circulation plan will be required, as the site plan indicates a potential boardwalk.

**LAND USE REVIEW:**

**Setbacks**

Minimum Building Setbacks:

US Hwy 19:	125'
Side:	10'
Rear:	20'
Jurisdictional Line	35'
Building Separation:	30'

Maximum Building Height: 3 Stories

**Buffer**

The petitioner has indicated the proposed multifamily will be buffered by Century Lake on a majority of the development perimeter. If approved, the remaining portion of the development must meet the minimum County LDR's.

**Landscape**

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.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial and single-family homes to the east of Century Lake. The subject property is located within the Commercial land use classification on the adopted Future Land Use Map.

**Future Land Use Element:**

**Objective 1.04G:** The Commercial Category allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 but also includes limited industrial, recreational and institutional uses. Residential and mixed uses may be allowed subject to locational criteria and performance standards.

**Comments:** The project is located along US Hwy 19 and in a commercial corridor. Multifamily is allowed in the Commercial category when part of a mixed use development. The proposed density is appropriate based on Strategy 1.04B(5) locational criteria. Any approval should include appropriate performance conditions.

**Multi-Family Housing**

**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(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.

**Comments:** The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 29 units on 6.47 acres. The proposed density is 4.48 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

**FINDINGS OF FACT:**

The request for a Master Plan revision and a rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) 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 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 RECOMMENDATIONS:**

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 PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily), 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. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. 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.
4. The development shall meet the minimum buffer requirements of the County LDR's.
5. Minimum Building Setbacks:

US Hwy 19:	125'
Side:	10'
Rear:	20'
Jurisdictional Line	35'
Building Separation:	30'
Maximum Building Height:	3 Stories
6. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project.
7. 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.

8. The petitioner shall contact Florida Division of Historical Resources to determine if a cultural resource assessment is required prior to permitting.
9. 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.
10. A Frontage Road is required along the entire Frontage of Commercial Way (US-19), per Ordinance. Applicant must install upon County request of need and demand at developers' expense.
11. Driveway and Parking Layout will need to meet Hernando County standards.
12. FDOT Access Management and Drainage permit may be required.
13. Future revisions shall require a revised Traffic Access Analysis.
14. An internal circulation plan shall be required, as the site plan indicates a potential boardwalk.
15. The petitioner shall provide a master plan in compliance with all of 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.