

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022
Board of County Commissioners: July 12, 2022
Board of County Commissioners: September 13, 2022

APPLICANT: Todd Mooney

FILE NUMBER: H-22-13

REQUEST: Revision to a Master Plan with 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) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations

GENERAL

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

PARCEL KEY

NUMBERS: 1170618, 346717

APPLICANT'S REQUEST:

The petitioner is requesting a revision to a Master Plan with 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) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations. The subject 44.89 acre site was originally approved in 2005 for multifamily, single family (townhomes) and Office Professional with C-1 uses. The use was approved for 110 dwelling units and up to 40,000 square feet of commercial. Since it was approved no construction has occurred.

The petitioner's current request is to revise the previous master plan into two development parcels and make the following changes: increase the floor area ratio (FAR) and height of the commercial component; increase the density and height of the residential component and change the housing types to apartments. The total land area is approximately 44.89 acres of which 27.57 acres are upland and the remaining 17.32 acres are a large wetland. The development will include 20,000 square feet of retail, and a maximum of 500 units of multi-family apartments allocated across eleven (11) buildings. The project will be phased as follows:

- The northern 8.71 acres of land (Parcel A), nearest to Cortez Road/SR 50 is proposed as a mixed-use development. Parcel A will consist of two (2), four story buildings. The first floor will be utilized for retail and floors 2 through 4 will provide for multi-family "commercial apartments" (see land use for details). Structures will be limited 60'/four (4) stories, with a building footprint no larger than to 10,000 square feet. The proposed commercial square footage is 10,000 square feet per building and 114 apartment units with a minimum unit size of 600 square feet.

The petitioner is requesting the previously approved C-1 uses for Parcel A:

- comparison goods stores
 - convenience good stores with no vehicle fueling stations,
 - personal service establishments,
 - domestic and business repair establishments
 - restaurants with or without alcohol dispensation
 - antique stores,
 - alcohol beverage dispensation package and restaurants only,
 - retail food stores
 - and dry-cleaning establishments
 - veterinary clinics and/or "doggie daycare" with air-conditioned-sound attenuated runs
 - day care and pre-school
- Parcel B (18.86 AC) will be developed with two (2), four story apartment buildings and seven (7) three story apartment buildings. The project will include associated recreational uses such as a swimming pool, clubhouse, dog park, tot-lot, and splash pad. The proposed density is 369 apartment units with a minimum unit size of 600 square feet

The petitioner is requesting a height deviation from the County LDR maximum of 45' height to 60'. The petitioner has indicated that a maximum height of 60' is proposed through a 'stepped' design where the taller buildings will be in the center of the development site, setback from the existing residential uses, and closest to the proposed commercial component located in Parcel A.

SITE CHARACTERISTICS:

Site Size: 44.89 acres

Surrounding Zoning & Land Uses:

North: AG; Undeveloped
South: AG; Boy Scout Camp
East: AG; Power Line Easement, Boy Scout Camp
West: PDP(SF); Single Family

Current Zoning: PDP(SF) (MF) (OP)/Planned Development Project (Single Family, Multifamily and Office Professional)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand, Tavares Fine Sand

Habitat: Wet prairie, natural lakes and ponds, freshwater non-forested wetland, and remnants of mixed hardwood-coniferous forest 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 a large Class 1 wetland and unmapped Special Protection Areas (SPA), according to County data resources.

Comments: The property is karst sensitive and contains a submerged cavern system within the wetland area. It is an unmapped Special Protection Areas (SPA). According to the Groundwater Protection Ordinance (GPO), Special Protection Areas (SPA) are subject to a restrictions. A SPA associated with a karst feature will consist of a setback of 500-foot measured from the outer boundary of the vulnerable feature. The proposed list of C-1 uses are permitted within the 500-foot designated SPA buffer.

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.

A 50-foot wetland buffer shall be required measured from the jurisdictional wetland line. The buffer shall be planted with native vegetation to control erosion. Additionally, a conservation easement shall be required and must include the wetland, wetland buffer, and karst sensitive undeveloped uplands for key #346717. The proposed boardwalk is a permitted use.

The Class 1 wetland and associated buffer areas shall include a conservation easement 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 on the master plan and construction drawings.

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.

Protection

Features:

The property is located within a Class 2 Wellhead Protection Area (WHPA) according to County data resources.

Comments:

The proposed uses are permitted within the WHPA-2

Resources/

Features:

There no archaeological sites according to County data resources.

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. Implementation of Florida Friendly Landscaping™ principles, techniques, and materials are designed to conserve water and reduce pollutant loading to the aquifer.

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.

Flood Zone:

C and AE (associated with wetland)

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 are existing 20-inch and 14-inch water mains that run along the south side of Cortez Boulevard on the north property line of this project. There is an existing 6-inch sewer force main approximately 0.7 miles to the west on the north side of Cortez Boulevard, and an existing 6-inch sewer force main approximately 1.2 miles to the east on the south side of Cortez Boulevard. 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 south side of Cortez Boulevard, approximately 700' east of Nightwalker Road. The petitioner is proposing a frontage road connection to the west (Brent Lawn Street). Access to the project will be via two access drives off the frontage road. Each access will align with the existing east and west turn lanes along SR 50. No access to Lynnhaven Road and/or to Hazelwood Road is proposed.

The County Engineer reviewed the request and indicated the following:

- This project generates more than 50 PM Peak Hour Trips. A Traffic Access Analysis is required. Traffic Access Analysis must include a queuing analysis. Refer to Hernando County Facility Design Guideline IV-18.
- Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- A Frontage Road for the entire frontage along Cortez Boulevard will be required.
- The driveways, parking and layout must meet minimum County standards.
- Connections to Lynnhaven Road and/or to Hazelwood Road could be utilized for the project.

- This site contains two areas of 1% annual chance floodplain and an area designated as a storm flow path (See flood map extract, 168-Clever Cow).
- FDOT Access management and drainage permitting required.
- This project must also meet the storm drainage design requirements of Southwest Florida Water Management District and Hernando County Facility Design Guidelines.

LAND USE REVIEW:

The petitioner has proposed a new product titled “Commercial Apartment”. The petitioner has indicated Commercial Apartment shall meet the following definition: A dwelling unit that is located within the same commercial retail structure, service or office structure.

Building Setbacks

Parcel A Proposed Setbacks:

North:	125'
East:	20'
South:	35'
West:	20'

Parcel B Proposed Setbacks:

North:	Minimum 15' Building Separation
East:	20'
South:	35'
West:	20'

Building Height

The maximum building height is forty-five (45) feet and/or three (3) stories. No building shall exceed three (3) stories, or forty-five (45) feet in the R-3 district unless one foot shall be added to the required front and side yards for each foot of building height over forty-five (45) feet in addition to the general yard requirements for the zoning district.

Comments: The petitioner has indicated that the configuration of the land prevents additional front and side yard setbacks. A maximum height of 60' is proposed through a 'stepped' design where the taller buildings will be in the center of the development site, setback from residential uses, and closest to the commercial component located in Parcel A.

Buffers

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural.

The minimum commercial buffer shall consist of a five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

Proposed Buffers:

SR 50:	Minimum County required buffers
East:	10' landscape buffer
South:	Existing wetland
West:	20' landscape buffer with fence or 10' landscape buffer with wall
Wetland:	50'

Comments: The western boundary of the property as existing single family homes. If approved, a minimum 20' landscape buffer with a 6' high fence or wall must be provided along the western boundary where the proposed project directly abuts single family homes. Buffer shall include trees 8' in height at planting to ensure visual screening is available upon project completion. the petitioner must meet the minimum buffer requirements of the County's LDRs.

Open Space

The LDRs have design standards required for PDP(MF)/Planned Development Project (Multifamily). The design standards require a minimum 15% of the gross area be provided as open space. If approved, the petitioner must provide the required open space as required by the County's LDRs.

Natural Vegetation

Projects greater than twenty (20) acres shall designate an area of at least seven (7) percent 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.

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.

Signage

County LDRs require that any commercially zoned parcel(s) with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess

of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area. For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential, the maximum is fifty (50) square feet of sign area.

Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to subsection (1) herein.

Comments: If approved, all signs for the proposed commercial shall be designed as an integral part of the development and predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. Signs should also be limited to ground mounted monument type signs.

Access

To establish minimum access requirements to multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. 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.

Comments: The petitioner is proposing two access points to the frontage road. If approved, the petitioner shall be required to provide two (2) means of access in accordance with County policy.

Lighting:

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

Comments: The petitioner has not indicated lighting for the proposed us. If approved, all lighting should be full cut off fixtures in order to prevent any light spillage into neighboring parcels.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by commercial and single-family homes. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

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.

Comment: The petitioner is proposing a mixed use development which includes “Commercial Apartment” as described herein. The concept allows for the first floor of the Parcel A to be utilized for up to 20,000 square feet of office professional and/or commercial use. The request is consistent with Objective 1.04B.

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.

Comment: The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 500 units on 25.56 acres. The proposed density is 19.56 du/acre. The proposed project

location is suitable for multifamily with appropriate performance conditions.

Road Network – Frontage Roads

Objective 5.01B: Maintain and expand a system of frontage roads and cross-access easements parallel to County arterial and collector roads. The frontage road network is designed to enable the creation of shared drives, shared easements, and alternative routes. Frontage road configuration is intended to optimize corridor and roadway network function, maintain capacity on the functionally classified network, and provide aesthetic, safe and convenient access to multiple properties and business sites.

Strategy 5.01B(3): The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

Comments: The petitioner shall be required to provide a frontage road as shown on the master plan in order to provide interconnectivity and cross-connection between outparcels and access to the signalized intersection on SR 50 and Nightwalker Road.

Caves

Strategy 10.02B(7): Land development processes in areas above cave systems will include requirements for a subsurface geologic assessment of the project and a floral/faunal survey to identify the presence of protected species, by qualified professionals, with recommendations regarding the need for mitigation and protection measures. **Strategy 10.02B(8):** In areas above cave systems, development approvals will not be issued until scientific information is provided to assure the subsurface karst geologic features and floral/faunal species will not be adversely impacted. A naturally vegetated surface setback with incentives that encourage flexible design shall be formulated to conserve karst systems underlying the property. Subsurface geologic features and their karst connections shall be studied and reviewed by appropriate state agencies with their recommendations and findings used to develop and manage the property. Protection shall be afforded new species.

Strategy 10.02B(8): In areas above cave systems, development approvals will not be issued until scientific information is provided to assure the subsurface karst geologic features and floral/faunal species will not

be adversely impacted. A naturally vegetated surface setback with incentives that encourage flexible design shall be formulated to conserve karst systems underlying the property. Subsurface geologic features and their karst connections shall be studied and reviewed by appropriate state agencies with their recommendations and findings used to develop and manage the property. Protection shall be afforded new species.

Comments:

The property is karst sensitive and contains a submerged cavern system within the northern portion of wetland area closest to the proposed development. The area is an unmapped Special Protection Area (SPA) which will require a conservation easement for the wetland and karst sensitive area.

FINDINGS OF FACT:

Revision to a Master Plan with 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) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations is appropriate based on the following conclusions:

The request 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 to Revision to a Master Plan with 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) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations, 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. 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. The project shall meet the minimum sign standards as required by the County LDRs. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, shall be designed as part of a complete signage system, and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in the Hernando County Code of Ordinances.
6. All lighting shall be full cut off fixtures in order to prevent any light spillage into neighboring parcels
7. A setback of 500-foot measured from the outer boundary of the Special Protection Area (SPA) shall be provided. The proposed list of C-1 uses are permitted within the 500-foot designated SPA setback.

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 50-foot wetland buffer shall be required measured from the jurisdictional wetland line. The buffer shall be planted with native vegetation to control erosion.
10. 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.
11. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.
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. A Frontage Road for the entire frontage along Cortez Boulevard shall be required.
14. A FDOT Access management and drainage permit shall be required.
15. Minimum Building Setbacks
 - Parcel A:**

North:	125'
East:	20'
South:	35'
West:	20'
Maximum Height:	60'
 - Parcel B:**

North:	Minimum 15' Building Separation
East:	20'
South:	35'
West:	20'
Maximum Height	60'

16. The petitioner shall be required to provide two (2) means of access in accordance with County policy.
17. Minimum Buffers:
 - SR 50: Minimum County required buffers
 - East: 10' landscape buffer
 - South: Existing wetland
 - West: 20' landscape with a 6' high fence or wall
 - Wetland: 30'

A minimum 20' landscape buffer with a 6' high fence or wall shall be provided along the western boundary where the proposed project directly abuts single family homes. Buffer shall include trees 8' in height at planting to ensure visual screening is available upon project completion.

18. C-1/(General Commercial) uses shall be limited to the following:
 - comparison goods stores
 - convenience good stores with no vehicle fueling stations,
 - personal service establishments,
 - domestic and business repair establishments
 - restaurants with or without alcohol dispensation
 - antique stores,
 - alcohol beverage dispensation package and restaurants only,
 - retail food stores
 - and dry-cleaning establishments
 - veterinary clinics and/or "doggie daycare" with air-conditioned-sound attenuated runs
 - day care and pre-school
19. Commercial shall be limited to 20,000 square feet and the first floors of Parcel A.
20. A Cross Access Agreement shall be provided between all parcels/uses.
21. 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.
22. 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.