

STAFF REPORT

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

APPLICANT: Trimcor Construction of Florida, Inc

FILE NUMBER: H-22-66

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

GENERAL LOCATION: North side of Algood Road, approximately 1,500' west of Wendy Court

PARCEL KEY NUMBER: 376596

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from AG (Agricultural) to PDP(MF)/Planned Development Project (Multifamily) with deviations, to develop the 19.8-acre site with a 170-unit multifamily development (8.6 du/ac). The proposed project will include seven (7), 3-story walk-up style structures, surface parking and associated amenities. As part of the request the petitioner is requesting the following deviations:

- **Maximum Dwellings Units per Building:** 24 (deviation from 12)
- **Residential Protection Standards:** No building within 100' of a single-family residential district shall be more than 20' in height. The petitioner is proposing a 25' building setback along the north property line. A 75' reduction from the County LDR requirement.
- **Waiver from the two mains of access:** The petitioner is proposing a 4-lane boulevard entrance.

SITE CHARACTERISTICS:

Site Size: 19.8 acres

Surrounding Zoning & Land Uses:

North: PDP(MH); Mobile Home Subdivision
South: AR2; Single Family, Mobile Homes
East: PDP(GC); Nature Coast Crossing Plaza

Current Zoning: West: PDP(AG); Undeveloped
AG/(Agricultural)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Myakka Fine Sand and Candler Fine Sand

Comment: 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 as a part of construction plan approval. The petitioner is required to comply with all applicable FWC regulations and permitting.

Habitat: The property contains Xeric Hammock, Shrub and Brushland, Marshes and Mixed Wetland Hardwoods to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data)

Comment: A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional as a part of construction plan approval. The petitioner is required to comply with all applicable FWC regulations and permitting.

Invasive plant species if present are to be removed during the development process. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

**Water Quality
Review:** The proposed development is within the Weeki Wachee River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate.

Comment: 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.

Hydrologic Features:

The property contains two (2) areas designated as Class 3 Wetlands in the Comprehensive Plan. This property is in a karst sensitive area.

Comment:

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:

X

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 8-inch water main approximately 480 feet to the south on the east side of Algood Road. There is an existing 6-inch sewer force main and lift station also approximately 480 feet to the south on the east side of Algood Road.

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 north side of Algood Road, approximately 1,500' west of Wendy Court. The petitioner has proposed a 4-lane boulevard entrance as the main access and a dedicated dumpster truck access off of Algood Road.

The County Engineer reviewed the request and indicated the following:

- This property contains an area of floodplain. Development within the floodplain will require specific permitting and mitigation.
- A Traffic Access Analysis is required. The Traffic Access Analysis must include Operational Analysis for the 1st two driveways, to include the impacts of the requested building setback deviations.
- Improve Allgood Road to current County Major Local/Commercial Roadway standards to 50-feet West of the Driveway, including the 90-degree curve of Wendy Court.
- The petitioner must provide sidewalks from Wendy Court to the West side of driveway
- The parking layout is to meet Hernando County Parking Lot Standards.
- The petitioner shall coordinate the access road to dumpster area with the County Engineer due to potential locational conflicts.

LAND USE REVIEW:

Building Setbacks

Proposed Building Setbacks:

Algood Road:	25'
North:	25'
Side:	10'
Rear:	20'
Accessory Structures:	20'
Maximum Building Height:	3 Stories
Maximum Dwelling/Building:	24 (deviation from 12)

Comments: The petitioner has requested two deviations from the County LDR's - a request for 24 dwelling units per building and a setback deviation from the required 100' for structures taller than 20' in height.

The Residential Protections Standards applies to the Commercial Zoning District; therefore, the proposed 25' northern setback is appropriate. Furthermore, the Building Department indicated no concerns with the increased unit count per building.

Buffer

The petitioner has indicated the proposed multifamily project will be buffered by wetlands along the east and west property lines. A 15' landscape buffer will be provided along the north and south property line.

Comments: The petitioner must provide a 15' landscape buffer along the north and south boundaries as indicated on the master plan. Additionally, a 6' high opaque fence or wall must be provided along the northern property line within the proposed 15' buffer where the multifamily structures abut the northern mobile home subdivision. The northern buffer shall be supplement with vegetation where necessary. All other areas must meet the minimum County LDR's.

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 a 4 lane boulevard entrance for the proposed development in leu of a second point of access. The proposed access is adequate for the proposed project

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 two (2) to twenty (20) acres must designate an area of at least five (5) 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 two thousand (2,000) square feet and no more than two (2) areas shall be allowed.

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 subject property is located within the Residential land use classification on the adopted Future Land Use Map. The area is characterized primarily by commercial to the east, to the north a mobile home park, and agricultural to the west and south.

Public School Facilities Element:

Strategy 8.01C(2) Hernando County shall encourage development to locate in areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School District, provided such location of the development is consistent with the land use polices of the Hernando County Comprehensive Plan.

Future Land Use Element:**Residential Mapping Criteria:**

The Residential Category is designed to accommodate a variety of residential and support uses at varying densities and types located in areas primarily clustered in and around the Adjusted Urbanized Area and those areas that maximize the efficient use of existing and planned infrastructure.

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.

Comment: The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 170 units on 19.7 acres. The proposed density is 8.6 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

FINDINGS OF FACT:

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

- 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.
- The request for 24 units per building is justified and not adverse to the public interest.
- The proposed 4 lane boulevard entrance will provide adequate ingress/egress for the project.

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 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. 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 petitioner shall provide a 15' landscape buffer along the north and south boundaries as indicated on the master plan. Additionally, a 6' high opaque fence or wall shall be provided along the northern property line within the proposed 15' buffer where the multifamily structures abut the northern mobile home subdivision. The northern buffer shall be supplemented with vegetation where necessary. All other areas must meet the minimum County LDR's.
5. 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.
6. A Traffic Access Analysis shall be required. The Traffic Access Analysis shall also include Operational Analysis.
7. The petitioner shall improve Allgood Road to current County Major Local/Commercial Roadway standards to 50-feet West of the driveway, including the 90-degree curve of Wendy Court.

8. The petitioner shall provide sidewalks from Wendy Court to the West side of driveway.
9. The parking layout shall meet Hernando County Parking Lot Standards.
10. The petitioner shall coordinate the access road to dumpster area with the County Engineer due to potential locational conflicts.
11. 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.
12. Minimum Building Setbacks:

Algood Road:	25'
North:	25'
Side:	10'
Rear:	20'
Accessory Structures:	20'
Building Separation:	15'
Maximum Building Height:	3 Stories
Maximum Dwelling/Building:	24 (deviation from 12)
13. 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.
14. The Multifamily development shall provide a 4 lane boulevard entrance.
15. 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.

16. 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.