



STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 17, 2026

APPLICANT: Emerson Capital Group, LLC

FILE NUMBER: H-26-11

REQUEST: Rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial) and SF (Single-family) uses, and CPDP (Combined Planning Development Project) with OP (Office Professional) and Congregate Care Facility uses, to CPDP (Combined Planned Development Project) to include PDP(MF)/ Planned Development Project (Multifamily) and PDP(SF)/ Planned Development Project (Single Family) with deviations

GENERAL

LOCATION: West side of Emerson Road approximately 1,540' south of its intersection with Cortez Boulevard (SR 50)

PARCEL KEY

NUMBER(S): 476407

PUBLIC INQUIRY

WORKSHOP: June 30, 2026

APPLICANT REQUEST:

The petitioner is requesting a rezoning/master plan revision of the subject property from CPDP (Combined Planning Development Project) with GC (General Commercial), SF (Single-family), OP (Office Professional) and Congregate Care Facility uses, to CPDP (Combined Planned Development Project) to include PDP(MF)/ Planned Development Project (Multifamily) and PDP(SF)/ Planned Development Project (Single Family) with deviations. The petitioner has indicated a desire to revise the previous master plan and expand on the existing entitlements in order to provide more flexibility with the property. At this time the petitioner is proposing to develop the 23.8 acre site with 80 single family units, while retaining the existing vesting for the 180 multifamily units. The master plan revision would also include the elimination of the existing Office Professional and Assistant Living Facility uses. As part of the request the petitioner is requesting the following deviations:

Requested Single Family Deviations:

Rear Setback:	15' (deviation from 20')
Side Setback:	5' (deviation from 10')
Lot Size:	5,750 sq ft (deviation from 6,000 sq ft)
Lot Width:	50' (deviation from 60')
Lot Coverage (FAR):	65% (deviation from 35%)

Requested Multifamily Deviations:

Maximum Units/Building:	24 Units (deviation from 12 units)
-------------------------	------------------------------------

HISTORY

On May 6, 2025, the Board of County Commissioners voted 5-0 to adopt a resolution denying the petitioner's previous request for a rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial), SF (Single-family), OP (Office Professional) and Congregate Care Facility uses, to PDP(MF)/ Planned Development Project (Multifamily) for the development of a 215 townhome community. The previous included an additional 16.38 acres. Denial was based on the following:

1. Intensity
2. Environmental Impacts
3. School Capacity
4. Trip Generation

SITE CHARACTERISTICS

Site Size: 23.8 acres

Surrounding Zoning;

Land Uses: North: PDP(GHC), Cortez Boulevard (SR 50); Undeveloped
South: AG, AR; Moton Elementary School
East: AG; Undeveloped
West: AR, CPDP; Single Family & Undeveloped

Current Zoning: CPDP (Combined Planning Development Project) H-08-06/H-05-35

Future Land Use

Map Designation: Commercial

Comments: The petitioner has submitted an accompanying request for a small scale Comprehensive Plan Amendment (CPAM2602) from Commercial to Residential.

ENVIRONMENTAL REVIEW

Soils: Blichton Loamy Fine Sane and Flemington Fine Sandy Loam.

Protection Features: There are neither protection features (Wellhead Protection Areas (WHPA) nor Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

Comments: The petitioner shows wetlands located along the northwest corner and southeast corner of the project. The petitioner shall be required to establish a jurisdictional wetland line on the property; this line shall be included in all plans and drawings for this project. A 25' buffer shall be established adjacent to the wetlands. See land use section for specific requirements.

Habitat: The subject property is designated Mixed Hardwood-Coniferous 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: This property has the potential to have the Red-cockaded Woodpecker, the Florida Black Bear, the Swallow-tail Kite, Gopher Tortoises, and the Cooper's Hawk. Invasive plant species, if present, are to be removed during the development process.

A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as part of the conditional plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Water Quality: The proposed development is within the Chassahowitzka River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate. It is also within the Chassahowitzka Outstanding Florida Spring Group (OFS).

Comments: The proposed development must maintain a 15' buffer around all water bodies where fertilizers are not used to prevent contamination. The builder is required to provide information on Florida Friendly Landscaping™ techniques and proper fertilizer use to the homeowners. These materials are designed to address and help reduce nutrient pollution. These educational materials are available through the Hernando County Utilities Department (HCUD).

The implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters for this property is required. This will be addressed during the permitting phase of development.

Flood Zone: The subject property is in flood zones X and AE.

Archaeology: This property has a potential of containing archaeological sites according to previous surveys.

Comments: An archaeological survey shall be performed by a qualified professional and shall be submitted with the site development permit or conditional plat. If evidence of archaeological sites are present, the petitioner shall be required to adhere to the State regulations regarding archaeological sites and development.

SCHOOL DISTRICT REVIEW

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.

Comments: The petitioner has been coordinating with the Hernando County School District on the capacity needs at the high school level. Final capacity determinations will be determined at the time of conditional plat review.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's application and indicated the subject site is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

City of Brooksville Comments:

There is a 16" Force Main on the north side of SR 50, and a 12" potable water main on the south side of SR 50. Additionally, all subdivision and commercial sites connecting to City of Brooksville Water and/or Sewer are required to enter into a Utility Service Agreement with the City of Brooksville.

ENGINEERING REVIEW

The subject site is located on west side of Emerson Road approximately 1,540' south of its intersection with Cortez Boulevard (SR 50). The petitioner has indicated a single boulevard entrance for the project from Emerson Road. The County Engineer reviewed the petitioner's request and indicated the following:

- A Traffic Access Analysis shall be required, and all offsite improvements shall be the responsibility of the developer.
- All roadways and driveways shall meet Hernando County standards.
- Sidewalks shall be installed throughout this development.
- The petitioner shall construct a sidewalk from the entrance of the development to the edge of the right-of-way at the driveway entrance of Moton Elementary, along the west side of Emerson Road at the sole expense of the developer.
- The petitioner shall coordinate with the Engineering Department to provide a transit stop with amenities.

LAND USE REVIEW

Perimeter Setbacks and Buffers:

The petitioner has proposed the following perimeter setbacks (inclusive of buffers):

- Emerson Road: 75'
- North: 15' (adjacent to FDOT retention pond)
- South: 35'
- West: 35'

Within the perimeter setbacks, the petitioner has proposed the following perimeter buffers:

- North: 0' Adjacent to FDOT retention pond
- North: 20' Natural Vegetation (all other non FDOT)
- South: 15' Vegetative Buffer
- Emerson Road: 10' Landscape Buffer
- West: 20' Vegetative Buffer (except adjacent to wetlands/park area)

Comments: The petitioner shall maintain and/or enhance vegetation along all buffers to ensure that they are at 80% opacity within 18 months of planting.

Wetland Buffer:

The petitioner has recognized two (2) wetlands on the subject site. The petitioner shall be required to delineate the wetland jurisdictional line at the time of site development or conditional plat application submittal. A 25' buffer and building setback shall be set from the jurisdictional lines. No structures shall be permitted within this setback, and conservation easements shall be established in favor of the HOA or CDD, as applicable.

Lot Size and Setbacks:

Proposed Dimensional Standards:

Single Family

- Height: 35'
- Lot Size: 5,750 sq. ft. (deviation from 6,000 sq. ft.)
- Lot Width: 50' (deviation from 60')
- Lot Coverage (FAR): 65% (deviation from 35%)

Minimum Setbacks

- Front: 25'
- Rear: 15' (deviation from 20')
- Sides: 5' (deviation from 10')

Multifamily

- Units per building: 24 (deviation from 12)
- Height: 45'

Minimum Setbacks

- Front: 25'

Comments: The petitioner seeks to amend the subject property's entitlements to retain the existing 180 unit multifamily allocation while incorporating a single family residential use, allowing for the construction of up to 80 single family dwelling units. In conjunction with the single family request, the petitioner has formally requested multiple deviations from the established single family development standards, specifically including reductions in required setbacks. The petitioner has not provided justification to warrant these variances. Furthermore, the Board of County Commissioners has expressed explicit policy concerns regarding deviations of this nature.

Single Family Dimensional Recommendations:

- Lot Size: 6,000 sq. ft. (denial of the 5,750 sq. ft.)
- Side Setback: 10' (denial of the 5')

It should also be noted that the operational, infrastructure, and compatibility impacts generated by a 180 unit multifamily development are distinctly different from those of an 80 lot single family subdivision. The master plan submitted for review depicts exclusively the 80 single family lots; consequently, staff's technical review and impact analysis were limited solely to that configuration; therefore, staff would have concerns utilizing this request as the "right" to develop the multifamily in the future without specific review of the multifamily. As such, staff recommends the following:

Multifamily Recommendations:

- The Multifamily use, if selected as the alternative from the currently requested single family, shall require a master plan revision.

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.

Comments: The petitioner has identified a single boulevard entrance from Emerson Road. The Board of County Commissioners has considered boulevard entrances as an alternative/waiver of the two (2) means of access when the property presents natural constraints and when the proposed amount of dwelling does not excessively exceed the 50 unit threshold.

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 project 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. The approximate location and acreage of the neighborhood park system shall be identified within the project master plan.

Comments: If the master plan is approved, the petitioner shall be required to set aside 1.30 acres for a neighborhood park. The park should be located in such a way that it is easily accessible to all residents within 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.

Comments: 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. The natural vegetation of 1.66 acres (72,571 sq. ft.) shall be designated during the conditional plat phase of development.

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

The subject site is currently located in a Commercial Land Use designation on the adopted Comprehensive Plan; however, there is a companion Small Scale Comprehensive Plan Amendment (CPAM2602) requesting a Land Use designation change from Commercial to Residential.

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.

Strategy 1.04B(1): Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the

proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Single-Family Housing

Strategy 1.04B(3): The Residential Category will include zoning for single-family housing, generally averaging a density of 2.5 dwelling units per gross acre to 6.0 dwelling units per gross acre comprised of varying lot sizes and dwelling unit types such as senior housing, villa housing, single family detached housing, and zero lot line housing.

Comments: The proposed single family project will generate 3.36 dwelling units per acre. The proposed density is consistent with the Strategy's of the Comprehensive Plan.

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(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.

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.

Comments: The master plan submitted for review exclusively depicts an 80 single family lot project; consequently, staff's technical review and impact analysis were limited solely to that configuration; therefore, staff recommends if the multifamily is selected as the alternative that a master plan revision be required to provide an analysis on the 180 units.

Land Use Compatibility

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.

Comments: The proposed use, with the appropriate performance conditions, is compatible with the surrounding development patterns (Residential, Institutional and Agricultural) and consistent with the Strategies outlined in the Comprehensive Plan.

Planned Development Project Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

Strategy 1.10C(2): Delineation of the allowable density and/or intensity of development shall be contingent upon the ability to provide the adopted level of service of public services and facilities concurrent with project development as outlined in the adopted land development regulations.

Objective 1.10D: Design criteria for Planned Development Projects (PDP) shall address as applicable building placement and height, parking, multi-modal circulation, drainage, landscaping, architectural standards, public space amenities, and energy efficiency. The PDP process allows flexibility in standards for projects that provide environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits, or features that promote quality community design and land use compatibility.

Strategy 1.10D(4): Public space and amenity standards appropriate to the development context and consistent with the scale of development may be required where appropriate for new Planned Development Projects. Concepts such as the following may be utilized: a. wide sidewalks, courtyards, gardens or greens that enhance the walkability and expanded useful open space of the site; b. public space integrated with the drainage network, using low impact development (LID) standards where practical; c. public space integrated with multi-modal movement, resting and staging area amenities, such as transit stops and business fronting sidewalks; d. site amenities that encourage the use of outdoor public space using vegetation, furniture, architectural features, appropriate lighting and mobile vendor accommodation where appropriate.

Comments: The petitioner seeks to incorporate a single family residential use, allowing for the construction of up to 80 single family dwelling units. In conjunction with the single family request, the petitioner has formally requested multiple deviations from the established single family development standards, specifically including reductions in required setbacks. The petitioner has not provided justification to warrant these variances. Furthermore, the Board of County Commissioners has previously expressed explicit policy concerns regarding deviations of this nature.

FINDINGS OF FACT

The petitioner's request for a rezoning from CPDP (Combined Planning Development Project) with GC (General Commercial), SF (Single-family), OP (Office Professional) and Congregate Care Facility uses, to CPDP (Combined Planned Development Project to include PDP(MF)/Planned Development Project (Multifamily) and PDP(SF)/Planned Development Project (Single Family) with deviations is appropriate based on the following:

1. The request is companion to a small scale comprehensive plan amendment from Commercial to Residential. Should the Comprehensive Plan amendment be approved, the proposed residential use would be consistent with the strategies of the Comprehensive Plan.
2. The request for an 80 unit single family subdivision is compatible with the surrounding area subject to appropriate performance conditions and evaluation of the requested deviations.

Single Family Dimensional Recommendations:

- Lot Size: 6,000 sq. ft. (denial of the 5,750 sq. ft.)
- Side Setback: 10' (denial of the 5')

3. If multifamily is selected as the alternative use, then a master plan revision should be required in order to provide a proper analysis on the 180 units.

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 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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

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 on property zoned CPDP (Combined Planning Development Project) with GC (General Commercial), SF (Single family), OP (Office Professional) and Congregate Care Facility uses, to CPDP (Combined

Planned Development Project to include PDP(MF)/ Planned Development Project (Multifamily) and PDP(SF)/ Planned Development Project (Single Family) with deviations, and the following performance conditions:

1. The petitioner shall 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 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 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 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.
5. The petitioner shall coordinate with the City of Brooksville to validate the availability of utilities capacity. All subdivision and commercial sites connecting to City of Brooksville Water and/or Sewer are required to enter into a Utility Service Agreement with the City of Brooksville.
6. A Traffic Access Analysis shall be required, and all offsite improvements shall be the responsibility of the developer.
7. All roadways and driveways shall meet Hernando County standards.
8. Sidewalks shall be installed throughout this development.
9. The petitioner shall construct a sidewalk from the entrance of the development to the edge of the right-of-way at the driveway entrance of Moton Elementary, along the west side of Emerson Road at the sole expense of the developer.
10. The petitioner shall coordinate with the Engineering Department to provide a transit stop with amenities.
11. The development shall be limited to a total of 80 single family units.

-
12. If the 180 unit multifamily entitlement is selected, a master plan revision shall be required.
13. The development shall be required to follow the Class A subdivision requirements as identified in Chapter 26 of the Land Development Regulations.
14. Minimum Perimeter Setbacks (inclusive of buffers):
- Emerson Road: 75'
 - North: 15' (adjacent to FDOT retention pond)
 - South: 35'
 - West: 35'
- Minimum Perimeter Buffers:
- North: 0' Adjacent to FDOT retention pond
 - North: 20' Natural Vegetation (all other non FDOT)
 - South: 15' Vegetative Buffer
 - Emerson Road: 10' Landscape Buffer
 - West: 20' Vegetative Buffer (except adjacent to wetlands/park area)
15. Single Family Dimensional Standards:
- Height: 35'
 - Lot Size: 6,000 sq. ft.
 - Lot Width: 50' (deviation from 60')
 - Lot Coverage (FAR): 65% (deviation from 35%)
- Minimum Setbacks
- Front: 25'
 - Rear: 15' (deviation from 20')
 - Sides: 10'
16. The petitioner shall be required to delineate the wetland jurisdictional line at the time of site development or conditional plat application submittal. A 25' buffer and building setback shall be set from the jurisdictional lines. No structures shall be permitted within this setback, and conservation easements shall be established in favor of the HOA or CDD, as applicable.
17. A boulevard entrance shall be permitted as an alternative to two (2) means of access.
18. The petitioner shall be required to set aside 1.30 acres for a neighborhood park, with the location identified at conditional plat.
19. The petitioner shall 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. The natural vegetation of 1.66 acres shall be designated during the conditional plat phase of development.

20. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with the Hernando County Land Development Regulations.
21. The petitioner shall provide a Master Plan in compliance with all the performance conditions within 30 calendar days of receipt of the final Board of County Commissioners approval resolution and conditions from the Development Services staff. Failure to submit the revised plan will result in no further development permits being issued.