



Board of County Commissioners

AGENDA ITEM

Meeting: 10/10/2023
Department: Planning
Prepared By: Robin A Reinhart
Initiator: Michelle Miller
Michelle Miller
DOC ID: 12840
Legal Request Number: LR-2023-543
Bid/Contract Number:

TITLE

Rezoning Petition Submitted by Todd Mooney on Behalf of Clever Cow, LLC (H2329)

10-10-23
Approved
3-2

BRIEF OVERVIEW

Request:

Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with deviations.

General Location:

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

P&Z Action:

On September 11, 2023, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with deviations and modified performance conditions.

Hearing Detail:

The following members were present at the September 11, 2023, Planning and Zoning Commission meeting: Chairman Jonathan McDonald; Vice Chairman W. Steve Hickey; Kathryn Birren, Nicholas Holmes and Mike Fulford. Vice Chairman Hickey was the discerning vote.

FINANCIAL IMPACT

A matter of policy. No financial impact.

LEGAL NOTE

The Board has the authority to make the requested rezoning decision pursuant to Chapters 125 and 163 Florida Statutes. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A (Zoning Code), Article VI. The Applicable Criteria for a PDP are found in Appendix A (Zoning Code), Article VIII. The Zoning District Amendment must be consistent with the Comprehensive Plan.

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt a resolution approving the petitioner's request to Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with Deviations and modified performance conditions. It is further recommended that the Board authorize the Chairman's signature on the attached, associated resolution.

REVIEW PROCESS

Omar DePablo	Approved	09/22/2023	3:54 PM
Michelle Miller	Approved	09/25/2023	10:40 AM
Toni Brady	Approved	09/27/2023	2:05 PM
Pamela Hare	Approved	09/27/2023	4:54 PM
Kyle Benda	Approved	09/27/2023	10:48 PM
Heidi Kurppe	Approved	10/03/2023	9:28 AM
Jeffrey Rogers	Approved	10/04/2023	9:05 AM
Colleen Conko	Approved	10/04/2023	9:14 AM

P&Z RECOMMENDATION:

On September 11, 2023, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations, with the following modified 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. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
6. The maximum building height
 - 60' (deviation from 45').
 - Building heights within 200' 125' of the western boundary shall be limited to 45'.
7. A line delineating setback of 500-foot feet measured from the outer boundary of the Special Protection Area (SPA) shall be provided on all construction drawings. No prohibited uses shall be allowed within this area.
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 25 50-foot wetland buffer shall be required measured from the jurisdictional wetland line. The buffer shall be planted with native non-invasive vegetation to control erosion. Wetland jurisdiction lines shall be shown on all future surveys and plats.
10. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.
11. 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.
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. The frontage road requirement shall be waived.
14. A FDOT Access management and drainage permit shall be required.
15. Minimum Building Setbacks
 - North: 125'
 - East: 15'
 - South: 125'
 - West: 125'
 - Wetland: 50'
16. The petitioner shall be required to provide two (2) means of access in accordance with County policy. Access from Brent Lawn Street shall be one of these required means of access.
17. Minimum Buffers:
 - SR 50: 25'
 - West: 40' landscape buffer at 80% opacity for the portion directly neighboring residential homes (west) and a 25' natural vegetative buffer on the balance of the buffer as it heads south. A black chain link fence with interwoven fabric shall be installed on the project side of the buffer.
 - Wetland: 25'
18. 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.

19. The petitioner shall provide a master plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.



REUSE OF DOCUMENT
THIS DOCUMENT CONTAINS THE DESIGN AND CONSTRUCTION OF THE PROJECT AND IS NOT TO BE REUSED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT.

Table with columns for DATE, REVISED BY, and DESCRIPTION. Includes a revision history table.

LEGEND

- MULTIFAMILY AREA
- LEASING OFFICE & CLUBHOUSE
- VEGETATIVE BUFFER 80% OPACITY
- UPLAND BUFFER
- DRAINAGE AREA
- ACCESS / PARKING
- WETLANDS
- FLOOD ZONE
- RECREATIONAL WALK AREA
- NATURAL LANDSCAPED BUFFER

SITE DATA

Owner/Applicant:
Clever Cow LLC
8414 Lorraine Circle
Spring Hill, FL 34606

Parcel Key No.: 1170818 & 346717

Section/Township/Range: 31/22/18

Current Zoning: CPDP (SF) and (OP) with C1 uses

Proposed Zoning: PDP (MF)

Area = +/- 44.96 acres

Maximum No. of Units: 350

General notes:
1. This is a planning document and is not to be considered a final design or construction plan. Final design and construction shall be determined by the local government and shall meet the requirements of Hernando County and any agencies having jurisdiction related to this project.
2. Drainage retention area(s) are conceptually located, the actual size and location will be determined with final engineering design.

