

## STAFF REPORT

Planning & Zoning Commission: December 12, 2005

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**APPLICANT:** Manuel LLC **FILE NUMBER:** P-05-38(C)

**PURPOSE:** Conditional Plat approval for Eagle Point

### GENERAL

**LOCATION:** North side of Eagle Next Drive, approximately ¼ mile west of Maplewood Drive

### LEGAL

**DESCRIPTION:** A portion of Section 12, Township 23 South, Range 16 East, Hernando County, FL

**ZONING:** AG and R1B

**FILE STATUS:** All requirements have been completed.

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**LETTERS:** FOR: 0 AGAINST: 4

The applicant is requesting conditional plat approval for Eagle Point. This development consists of 11 single family lots on 20.2 acres located north side of Eagle Next Drive, approximately ¼ mile west of Maplewood Drive.

The road within the project is private. The proposed access into this project is just north of the intersection of Eagle Nest Drive and Minnow Creek Drive. This location is approximately 350' west from the previously proposed entrance location under conditional plat file P-05-28C.

The proposed development will utilize central water and sewer systems.

The parcel to be subdivided is a combination of uplands, and wetlands. Development conditions have been crafted to ensure development will be done in conformity with applicable local, state, and federal standards. The final plat will show sovereign lands; the wetland jurisdictional line; and the 25' naturally vegetated upland buffer area. The construction drawings, final plat and homeowner documents shall contain language clearly identifying what structures and activities are allowed within the jurisdictional wetlands and 25' naturally vegetated upland buffer.

County data resources indicate strategic habitat areas and listed species in close proximity to the subject property. A wildlife survey of the property shall be conducted focusing on protected species such as osprey, bald eagle and Scott's seaside sparrow among others.

The subject property contains Class 1 wetlands as defined by the County's Comprehensive Plan. No removal, encroachment or alteration of these wetlands is allowable. Only water-dependent structures (boardwalks, docks, rip-rap and a community boat ramp) which are permitted by state and federal agencies will be allowed within the wetland. No vertical seawalls, individual lot boat ramps or fill will be allowed within the wetland. A 25' naturally vegetated upland buffer shall be provided landward of the jurisdictional wetland line. This 25' buffer is to remain undisturbed with the exception of access improvements to any permitted water-dependent structures. Vegetative upland buffers are a component of stormwater management and treatment.

Infrastructure improvements will require the applicant to obtain an Environmental Resource Permit (ERP) with SWFWMD. The jurisdictional wetland line and 25' upland buffer must be delineated and approved by SWFWMD and the mean high water line delineating sovereign submerged state land must be determined and accepted by DEP before construction plan approval.

Lot locations are determined by the location of the sovereign line. This line has been located on the plat but has not been verified by governmental agencies; therefore, if the line shifts, it will be necessary to adjust lot lines to ensure the lots will continue to contain the square footage required by the zoning district.

The conditional plat has been reviewed by the various County agencies. The plat with performance conditions will be consistent with County development regulations with conditions.

**STAFF RECOMMENDATION:**

The Planning Staff recommends the Planning and Zoning Commission approve the conditional plat of Eagle Point with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. A 25' naturally vegetated upland buffer shall be provided landward of the jurisdictional wetland line. The only disturbance allowed within this buffer is access improvements to any permitted water-dependent structures.
4. No vertical seawalls, individual lot boat ramps or fill will be allowed within the Class 1 wetland. A single common boat ramp may be allowed within Tract B (water access/open space) if permitted by the appropriate state agency.
5. The applicant shall show the wetland jurisdictional line, verified mean high water line, and the 25' naturally vegetated buffer on the construction drawings and final plat. The

construction drawings, final plat and homeowners documents shall contain language clearly identifying what structures and activities are allowed within the jurisdictional wetlands and 25' naturally vegetated upland buffer.

6. A wildlife survey of the property shall be conducted focusing on protected species. The applicant shall adhere to all federal and state wildlife regulations.
7. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

**P&Z ACTION:**

The Planning and Zoning Commission voted 4-1 to approve the conditional plat of Eagle Point subject to the following modified conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. A 25' naturally vegetated upland buffer shall be provided landward of the jurisdictional wetland line. The only disturbance allowed within this buffer is access improvements to any permitted water-dependent structures.
4. No vertical seawalls, individual lot boat ramps or fill will be allowed within the Class 1 wetland. A single common boat ramp may be allowed within Tract B (water access/open space) if permitted by the appropriate state agency.
5. The applicant shall show the wetland jurisdictional line, verified mean high water line, and the 25' naturally vegetated buffer on the construction drawings and final plat. The construction drawings, final plat and homeowners documents shall contain language clearly identifying what structures and activities are allowed within the jurisdictional wetlands and 25' naturally vegetated upland buffer.
6. A wildlife survey of the property shall be conducted focusing on protected species. The applicant shall adhere to all federal and state wildlife regulations.
7. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff

approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

8. The applicant shall participate in the necessary upgrading of the County's water and sewer systems to insure provision of water and sewer.