

# HERNANDO COUNTY ZONING AMENDMENT PETITION



## Application to Change a Zoning Classification

### Application request (check one):

Rezoning ☐ Standard ☒ PDP

Master Plan ☒ New ☐ Revised

PSFOD ☐ Communication Tower ☐ Other

**PRINT OR TYPE ALL INFORMATION**

Date: June 30, 2023

File No. W23A6 Official Date Stamp:

Received

JUL 26 2023

Planning Department  
Hernando County, Florida

**APPLICANT NAME:** Land America, LLC

Address: 101 Pugliese's Way, Suite 200

City: Delray Beach

State: Florida

Zip: 33444

Phone: 561-454-1680

Email: dbrink@puglieseco.com

**Property owner's name:** (if not the applicant) D B W Enterprises, Inc.

**REPRESENTATIVE/CONTACT NAME:** Anne Pollack

Company Name: Fletcher Fischer Pollack P.L.

Address: 433 Central Ave Suite 401

City: St. Petersburg

State: Florida

Zip: 33701

Phone: 813-898-2836

Email: apollack@ffplegal.com

**HOME OWNERS ASSOCIATION:** ☒ Yes ☐ No (if applicable provide name) Springwood Estates

Contact Name: Rick Charrette

Address: 5901 US HWY 19

City: New Port Richey

State: FL

Zip: 34652

### PROPERTY INFORMATION:

1. PARCEL(S) **KEY** NUMBER(S): 01229218

2. SECTION 14, TOWNSHIP 23, RANGE 18

3. Current zoning classification: PDP(GHC)

4. Desired zoning classification: PDP(GC)

5. Size of area covered by application: 21.3 acres

6. Highway and street boundaries: North of Spring Hill Drive, East of Spring Park Way

7. Has a public hearing been held on this property within the past twelve months? ☐ Yes ☒ No

8. Will expert witness(es) be utilized during the public hearings? ☒ Yes ☐ No (If yes, identify on an attached list.)

9. Will additional time be required during the public hearing(s) and how much? ☐ Yes ☐ No (Time needed: Unknown)

### PROPERTY OWNER AFFIDIVAT

I, D B W Enterprises, Inc., have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

☐ I am the owner of the property and am making this application OR

☒ I am the owner of the property and am authorizing (applicant): Land America, LLC

and (representative, if applicable): Anne Pollack, Fletcher Fischer Pollack P.L.

to submit an application for the described property.

Ralph K. Wetherell  
Signature of Property Owner

STATE OF FLORIDA

COUNTY OF ~~HERNANDO~~ Indian River

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of July, 2023, by Ralph K. Wetherell who is personally known to me or produced FLDL as identification.

Alexis M. Sabedra  
Signature of Notary Public



ALEXIS M. SABEDRA  
Commission # HH 346568  
Expires January 5, 2027

Effective Date: 11/8/16 Last Revision: 11/8/16

Notary Seal/Stamp

## **North of Spring Hill – Application for Rezoning to PDP and Master Plan Approval**

**Parcel Key: 1229218**

**Parcel#: R14 423 18 0000 0020 0010**

**Written Narrative**

**REV 02-20-24**

### **SUMMARY**

The subject property is an approximately 21-acre vacant parcel located adjacent to and along the north side of Spring Hill Drive in unincorporated Hernando County ("Property"). It is conveniently located near the Brooksville-Tampa Bay Regional Airport between the Suncoast Parkway (FL 589) and Broad Street (US41). This application for a Rezoning to a Planned Development Project (PDP) is being submitted with a Master Plan under the regulations of Article VIII of the County's Zoning code and is intended to be a visual depiction of the general layout of the project. The proposed PDP and all individual future site plans for the various uses within this project shall be developed in accordance with both this narrative and the attached Master Plan.

The Property is currently zoned Planned Development – General Highway Commercial (PDP-GHC) and has a Future Land Use designation of Residential. It received its zoning approval in 1994 but has not yet been developed. It is an infill parcel along Spring Hill Drive in a busy commercial and light industrial area of Hernando County. The existing zoning allows C-1 commercial uses on the Property. The rezoning requests certain additional C-2 uses to be permitted, all of which are appropriate for the area and compatible with surrounding development. These uses are detailed below in this narrative.

In order to allow sufficient flexibility to ensure a thriving shopping center meeting the needs of the community and the market, the proposed uses are not listed on the master plan under certain parcels. However, Parcels 7-10 are generally intended for uses such as business and professional office, Light Construction Service Establishments, and mini-warehouse. Parcels 1-6 along the frontage of Spring Hill Drive are proposed for primarily commercial uses. Hotel is also an option for the site. All uses are highly compatible with the mix of uses in the surrounding area. The project proposes to mitigate any potential negative impacts by providing for a transition between any residential area that surrounds the project and the Spring Hill Drive commercial to the south. It will provide extensive landscape buffers and stormwater ponds around the site that will mitigate visual, noise and lighting impacts. Further, all lighting will be focused down and inward to minimize the escape of artificial light while allowing for necessary illumination. An existing Special Use – Landscape Buffer and open space area exists along the north property line and was intended to buffer the existing residential properties to the north from the future development of the Property with non-residential uses. The frontage of any business professional/light construction service establishment development will face south, away from the residential development and, along with the self-storage use which will have more limited vehicle trips, will be located such that they transition between the heavier intensity commercial uses which will be located farthest from the residential uses, along Spring Hill Drive. This will protect the existing residential areas from encroachment of busier uses that are permitted by the zoning. No odor impacts are expected as manufacturing and other odor-causing uses are not permitted. The proposed rezoning and master planned commercial development will likewise provide for a transition of intensity of uses between the airport PDD development and the residential development to the north and northeast.

### **LAND USE CONSISTENCY AND COMPATIBILITY**

The Residential Land Use Category allows office and commercial uses subject to locational criteria and performance standards. The project is consistent with the Residential category and per the Master Plan will meet required performance standards. No land use amendments are required.

The proposed Rezoning and Master Plan are compatible with the surrounding area and will minimize impacts wholly, including to natural resources. Adjacent to the Property across Spring Hill Drive is the Airport PDD, which was created to “facilitate maximum utilization of the Brooksville-Tampa Bay Regional Airport as a center for aviation and aviation-related uses, industrial and business park uses and the development of private lands in support of an employment center.” Objective 1.05B. The proposed project will provide a transition of intensity of uses between the airport PDD development and the residential development to the north and northeast.

The Property has been designated for commercial development since the original master plan/rezoning decades ago. With an increasing population in the County, the ability to provide space for job creating uses is vital to the County’s economic development. Rather than locating these uses in locations that might promote urban sprawl, it makes sense to locate them in areas that are already zoned to allow commercial uses as well as are compatible with the existing industrialized uses of the Airport PDD.

The proposed rezoning change allows certain additional C-2 uses to be developed on the site. The list of uses allows for flexibility of the shopping center depending on needs and market demands. Parcels 7-10 are intended for uses such as business and professional office, Light Construction Service Establishments, and mini-warehouse, all of which are highly compatible with the nearby residential uses. Hotel is also an option for development with the airport so close to the site. Given the new development being constructed in the County and the influx of new residents, self-storage is in high demand. Additionally, the close proximity to the airport development provides an appropriate location for self-storage, which is an appropriate transitional use between the heavier uses near the airport and the less intense residential subdivision to the north. Development of this use will comply with all County requirements for design to minimize any impact on surrounding neighborhoods. Light Construction Service Establishments are low intensity flex/commercial uses that do not include manufacturing, and thus limit the impact on neighboring properties but are also appropriate for an area surrounded by industrial and airport uses. Parcels 1-6 along the frontage of Spring Hill Drive are proposed for primarily commercial uses, which are appropriate for a highly active corridor of economic activity comprised of commercial and industrial development as well as residential neighborhoods nearby.

The proposed uses integrate with surrounding industrial and commercial development and will provide both job creating opportunities that will support the airport and provide convenient and accessible commercial intended to serve the nearby residential uses. This is where private investment should be prioritized and commercial development should be focused, so as to limit sprawl and provide the most effective development possible.

## **PROPOSAL**

### **Proposed land uses and their specific acreage:**

The project proposes a commercial development in an area already zoned for commercial. The rezoning request is to allow certain C-2 uses in addition to the C-1 uses permitted under the current zoning.

- Parcels 1-6: (Total acreage: 394,088 +/- sq. ft.) higher intensity service and commercial/retail/hotel uses permitted in C-1 Commercial District and listed C-2 uses specifically approved herein.
- Parcels 7-10 (Total acreage: 534,625 +/- sq. ft.): business/professional office, light construction service establishment, mini-warehouse, hotel.

The 21.3-acre Property is zoned PDP-GHC and is located within a master planned development that has expired. The proposed rezoning is to PDP-GC which allows all C-1 uses and the specific C-2 uses listed below:

- Automobile and truck repair establishments excluding body shops
- Automotive specialty establishments
- Automobile service establishments
- Alcoholic beverage dispensation
- Drive-in restaurants
- Light construction service establishments
- Mini-warehouse
- Tire and automotive accessory establishments
- Veterinarian and animal clinics or hospital service establishment

All proposed automotive uses will be limited to the outparcels designated on the master plan as Parcels 1 through 6 along Spring Hill Drive.

Recognizing the extent of the list of permitted uses being proposed here, the Applicant has added a notation to the master plan which allows any of the listed uses so long as they don't exceed the total trips allowed by the submitted accepted traffic analysis. The proposed Master Plan is intended to allow flexibility of uses but at the same time addresses traffic concurrency requirements by having an overall pool of traffic trips that would not be exceeded if equivalent uses are developed. The uses listed above provide flexibility to develop a shopping center that meets the needs of the surrounding residential and commercial community while ensuring that a changing market won't inhibit the shopping center from thriving. Each individual parcel is expected to apply for and obtain its site plan approval separately.

### **Proposed intensity of commercial uses:**

- Parcels 7-10: Max FAR: .5
- Parcels 1-6: Max FAR: .5

### **Proposed square footage of development:**

- Parcels 7-10: Up to the maximum FAR allowed
- Parcels 1-6: Up to the maximum FAR allowed

**Proposed building heights of commercial uses:**

The proposed development will adhere to a maximum building height of 60-feet, but most buildings are expected to be 1-story. All buildings will meet required Residential Protection Standards of the County Code. Proposed setbacks and buffering, described further below, will ensure the buildings do not have a negative impact on surrounding uses.

The parcel is in the *Airport Area of Influence*. Only the mini-warehouse or hotel use, if developed, are expected to be taller than 1-story. At time of site plan and building permit, the Applicant will provide correspondence from the FAA confirming that the proposal is permitted and whether an aeronautical study is required, and Note 9 has been added to the master plan which reflects the location near the airport: All development for land underlying the Brooksville-Tampa Bay Regional Airport's 14CFR Part 77 surfaces, shall use the Federal Aviation Administration (FAA) Notice Criteria Tool to determine if an aeronautical study is required per Hernando County Zoning Code Article X (Hernando County Airport Zoning Ordinance.)

**Proposed deviations from the Code, citing specific code requirements and clarifying the justification of the change.**

A deviation is requested to Chapter 10, Article II, Section 10-26(d)(2), regarding the vegetative buffer around parking lots, to reduce the required buffer from 5-feet to 2.5-feet where parking lots on adjacent parcels abut each other directly.

A significant amount of buffering is being provided between the project's perimeter boundary and the surrounding uses. A 35-foot buffer is being provided along Spring Hill Drive in front of the proposed outparcels. Parcel owners adjacent to the project are adequately buffered.

Many outparcels are proposed to be divided generally at the centerline of internal driveways. Where parcel lines meet in the center of an access road, and the parking lot abuts an internal roadway/driveway, the 5-foot buffer will be provided along both sides of the access road on the edges of the parking lots.

However, where two parking lots on adjacent internal parcels abut each other, there is no need for a 10-foot total buffer. The parking lots themselves will have to meet vehicular area green space requirements and providing 2.5-feet of buffer for each lot (a total of 5-feet) is sufficient to provide landscaping without causing disruption to the design of the vehicle pathways.

Compatibility with the surrounding commercial parcels will be maintained and no negative impact on the public will be created by the approval of this deviation.

**SITE CHARACTERISTICS**

**Size in acres:** The Property is 21.3 acres and is currently vacant. The lot frontage along Spring Hill Drive is 1408 feet and the depth is 812.7 feet.

**Existing land uses and their acreage:** There are no existing uses on the Property, as the Property is vacant.

**Known activities or uses on-site:** Based on historic photos, the Property has not been developed or was minimally developed over the years. It does not appear to have been developed since at least 1982. In 1977, It appears as some of the vegetation is removed. A north and south pathway was cleared, but no erection of structures is evident. In 1982 to 2022, there are no discernable land uses.

This approval will allow this Property to finally be developed in a manner generally consistent with the original proposal and consistent with the development along Spring Hill Drive and the nearby Airport PDP.

#### **SITE PLAN DISCUSSION IN THE NARRATIVE**

##### **A description of the concept of the development plan.**

Land America, LLC is proposing a rezoning and master plan approval to allow a mini-warehouse, construction service establishment uses, and business/professional office buildings, as well as up to six (6) retail/commercial outparcels along Spring Hill Drive. A hotel is also a potential option.

##### **Proposed buffer sizes and separation width between proposed land uses.**

The northern boundary is adjacent to a tract designated in the Springwood Estates Phase 3 Plat as a private park. The property is zoned "Special Use" and provides a wide buffer between this project and the existing residential development. Along the northern boundary adjacent to the park is a 20-foot landscape buffer and a large stormwater pond. Along with the park, the residential properties to the north will be buffered by more than 250' of natural area.

Along the eastern boundary, the landscape buffer between the proposed uses and the property boundary is 20-feet. Between the eastern property boundary and the nearest residential area to the east is a separation of at least 100 feet, which encompasses a 35-foot landscape buffer designed in accordance with the residential protection standards of the Code (to be at 80% opacity at a height of 6-feet above finished grade), a stormwater retention pond, driveways and parking. Along the southern half of the eastern boundary are PDP-GHC zoned properties, designated Commercial on the future land use map and identified by the Hernando County Property Appraiser as vacant commercial. Compliance with Article VIII, Section 6 has been noted on Note 10 of the master plan.

Along the western boundary, the landscape buffer is proposed to be 20-feet, except where abutting residential uses. Adjacent to the development are PDP-GHC zoned properties, all designated Commercial on the future land use map and identified by the Hernando County Property Appraiser as vacant commercial, which provide a transition between the proposed development and the residential uses to the west. The County has requested that the development provide an access point to Copeland Way and dedicate a portion of the Property to allow Copeland Way to continue through for residents to access Spring Hill Drive. In accordance with Section 10-21(b)(9), where the project abuts residentially zoned property, we have provided a 35-foot landscape buffer, planted at 80% opacity and no buildings are located within this zone. The boundary of this residential protection zone is identified on the Master Plan.

The Property abuts Spring Hill Drive on the southern boundary. The front building setback along Spring Hill Drive is proposed to be 75-feet, and the proposed landscape buffer along Spring Hill Drive is 35-feet and will meet code for height and vegetative materials. All required sidewalks will be provided.

As described above, the applicant is requesting a deviation to Chapter 10, Article II, Section 10-26(d)(2), to reduce to 2.5-feet the required 5-foot vegetative buffer on each side of internal parking lots that abut each other and are not separated by an internal roadway.

**Perimeter Setbacks:**

- South: 75-feet
- North: 35-feet
- East Side: 25-feet
- West Side: 25-feet

**Proposed setbacks and minimum sizes for individual lots.**

The proposed setbacks for the individual lots are proposed to be:

- Front: 10-feet
- Rear: 10-feet
- Side: 10-feet

The Property will be subdivided and will abide by minimum lot size requirements. In the event an end-user wants two (2) or more outparcels, a unity of title or lot combination will be processed as appropriate to alleviate need for an amendment to this PD master plan approval.

**Impacts and improvements to infrastructure.**

The proposed development will provide a master stormwater drainage plan for the entire site. The development will be subdivided into individual lots with private roadways provided throughout. Private roadways will meet County requirements, be under unified control, and provide shared access to the various parcels through private easements.

Three (3) access points are proposed along Spring Hill Drive. An access will be provided onto Copeland Way per the request of County staff, along with the dedication of property to allow Copeland Way to be accessible for residents. A private access connection is also proposed to the east (adjacent to Parcel # R13 223 18 3235 0001 0010) and to the west (adjacent to Parcel # R14 223 18 3592 0002 0120), to allow cross-access if development of those commercially-zoned sites occurs in the future.

**Proposed uses within pods.**

As described above, the uses allowed within pods are as follows:

- Parcels 1-6: Commercial/Retail uses permitted in C-1 Commercial District and C-2 uses specifically approved herein
- Parcels 8-10 Business/Professional Office, Light Construction Service Establishment, Mini-warehouse (climate controlled self-storage), hotel

**ENVIRONMENTAL CONSIDERATIONS****Flood zone:**

The Property is located in Zone X.

**Drainage features:**

The proposed development will provide a master stormwater drainage plan for the entire site to allow for proper drainage in accordance with County and state requirements.

**Water features:**

Environmental Consulting & Technology, Inc. (ECT) conducted an environmental due diligence assessment on the Property and found no evidence of wetlands or streams on the site. Through the proposed stormwater management plan, stormwater retention pond will be added. The Environmental Due Diligence Report, dated May 2023, was submitted with the original application.

**Habitats:**

Environmental Consulting & Technology, Inc. (ECT) conducted an environmental due diligence assessment for native upland habitats and the site consists entirely of native upland habitat, comprised of Hardwood Conifer Mix (FLUCFCS 434). ECT also conducting an assessment of the listed and endangered species on the Property. During the listed species survey efforts, gopher tortoise burrows were the only evidence of listed species documented. One (1) wood stork (*Mycteria americana*) was observed flying over the site. No other listed species were observed onsite during the wildlife survey. The Environmental Due Diligence Report, dated May 2023, was submitted with the original application. Any required mitigation will be properly permitted with the appropriate jurisdiction having authority.

**IMPACTS TO PUBLIC FACILITIES****Transportation**

The development will be subdivided into individual lots with private roadways provided throughout. Three (3) access points are proposed along onto Spring Hill Drive. An Administrative Design Variance to the requirements of Hernando County Facility Design Guidelines to allow three entrances into the property has simultaneously been submitted to the Department of Public Works for review by County Engineer.

An access will also be provided onto Copeland Way per the request of County staff, along with the dedication of property to allow Copeland Way to be accessible for residents. Laura Borgesi, Traffic Engineer with Hernando County Public Works – Engineering Division, has confirmed that the County desires to maintain the approved but not constructed cross-access between the Subject Property and Copeland Way in order to have a connection to the proposed commercial outparcels. The Applicant does not feel such a cross-access is necessary to the success of the development but has identified the access point to meet the County request and will provide the dedicated property to allow the County to finish Copeland Road.

A private access connection is also proposed to the east (adjacent to Parcel # R13 223 18 3235 0001 0010) and to the west (adjacent to Parcel Key # 849791), to allow cross-access if development of those commercially-zoned sites occurs in the future.

Parking will be provided as required by Code for all uses.

As described above, the Applicant has added a notation to the master plan which allows any of the listed uses so long as they don't exceed the total trips allowed by the submitted accepted traffic analysis. The proposed Master Plan is intended to allow flexibility of uses but at the same time addresses traffic concurrency requirements by having an overall pool of traffic trips that would not be exceeded if equivalent uses are developed. The traffic analysis has been submitted to Kandi McCorkel in the Department of Public Works for review by the County Engineer.



**Water/sewer**

Hernando County Utilities is the service provider for the Property. The project will obtain water/sewer from the County, pay required connection fees, and receive applicable commitments for service. It will enter into required water/sewer agreements with the County as are necessary to ensure such facilities are adequate and available.

**Drainage**

The proposed development will provide a master stormwater drainage plan for the entire site to ensure such public facilities will be adequate and available.

**Parks**

The project is a commercial development and will not provide park space. It is adjacent to a vacant parcel designated as a private park. The proposed landscape buffer and stormwater features will provide a significant buffer between the proposed use and the park to limit any potential negative impacts.

**Recreation**

The project is solely commercial and will have no impact on recreation.

**Solid waste**

The project will provide solid waste pick up as required by the County. The project will provide dumpsters on site for the uses. Such facilities will be adequate and available.

**Schools**

The project is solely commercial and will not have an impact on schools.