

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 4, 2024
Board of County Commissioners: December 17, 2024

APPLICANT: A.R.E. Investment Ventures, Inc

FILE NUMBER: H-24-46

REQUEST: Rezoning from R-1B(Residential) and C-1(General Commercial) to PDP(GHC)/Planned Development Project (General Highway Commercial) with a Specific Use of Alcohol Dispensation and Outdoor Entertainment with deviations

GENERAL LOCATION: West side of Broad Street, approximately 152' South of Chatfield Drive and half a mile north of Croom Road.

PARCEL KEY: 350710, 350621

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from R-1B(Residential) and C-1(General Commercial) to PDP(GHC)/Planned Development Project (General Highway Commercial) with a specific use of Alcohol Dispensation and Outdoor Entertainment. The 1.60-acre parcel is currently split zoned with 0.60 acres as R-1B(Residential) on the northside of the property and 1.00 acre C-1(General Highway Commercial) to the south side. The petitioner is proposing to rezone the entire 1.60 acre parcel to PDP(GHC)/Planned Development Project (General Highway Commercial). The existing tavern has been in existence since the 1950's and has been considered a legal non-conforming use. The petitioner is proposing to expand the current tavern with outdoor entertainments space and changing the single family home to a caretakers lodging. According to the county LDR's any nonconforming use that ceases operation for more than a year or expands the use will be considered nonconforming and required to be brought to current County standards.

- Deviations for pre-existing structures and proposed pole barn
- Deviation to Residential Protection Standard on south side from 100' to 96.80'

SITE CHARACTERISTICS:

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| Site Size: | 1.60 acres |
| Surrounding Zoning & Land Uses: | North: R1B; Residential South: City of Brooksville; Mobile homes East: City of Brooksville; West: R1B; Residential |
| Current Zoning: | R-1B (Residential) and C-1 (General Commercial) |
| Future Land Use Map Designation: | Residential |

ENVIRONMENTAL REVIEW:

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|-----------------------------|---|
| Soil Type: | Nobleton Fine Sand |
| Hydrologic Features: | The property does not contain wetlands or Wellhead Protection Areas (WHPA) according to County data resources. |
| Protection Features: | The property contains no Special Protection Area (SPA) according to County data resources. |
| Comments: | The petitioner shall meet the minimum recommendations of the Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping. |

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. This parcel is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

Comments: The petitioner shall reach out to the City of Brooksville for utilities systems at time of vertical construction.

ENGINEERING REVIEW:

The subject site is located on the west side of Broad Street, approximately 152' south of Chatfield Drive and half a mile north of Croom Road. The County Engineer has reviewed the petitioners' request and indicated the following:

- Subject site is located in Blue Sink Watershed. FEMA Flood Insurance Rate map number 12053C0184D, effective on 2/2/2012 identifies flood zone AE at elevation 79.5. Narrative submitted misidentifies the property as Zone "A" and lists a lower BFE.
- A Traffic Access Analysis may be required.
- A driveway connection permit from FDOT is needed. A FDOT Drainage permit may be required.
- The driveway connection will need to meet FDOT standards.
- A sidewalk on Broad Street (US Hwy 41) for the entire property frontage may be required by FDOT.
- A sidewalk connection will be required from the building to the sidewalk along Broad Street (US Hwy 41).
- Parking spaces (including Disabled parking spaces), drive aisles, signage and pavement markings will need to meet County Standards.

LAND USE REVIEW:

Minimum Building setbacks

Existing Tavern

Broad Street 54.33' (Deviation from 125')
Side: 20'
Rear: 123'

Proposed Pole Barn

Broad Street 54.33' (Deviation from 125')
Side: 96.8
Rear: 121'

Existing Caretakers home

Broad Street 84.05' (Deviation from 125')
Side: 59.21'
Rear: 8'

Parking

County LDRs requires 0.5 parking spaces per seat for the existing Tavern having 50 seats and 0.3 parking spaces for proposed Pole Barn Entertainment area of 50 seats.

Comments: The petitioner has advised there are 50 existing parking spaces, one (1) improved ADA Complaint parking space and proposed motorcycle pole barn for 10 motorcycle parking spaces, for a total of 61 parking spaces. If approved, the petitioner must meet the minimum parking requirements of the County's LDRs.

Landscaping:

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

Buffers

The minimum commercial buffer shall consist of a 5' landscaped separation distance. The petitioner shall be required to preserve or enhance existing vegetation to reach a minimum opacity of 80% around the entire perimeter of the development. The petitioner shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

Comments: The petitioner has indicated a 5' vegetative buffer around the property.

Lighting:

County LDRs require lighting that enhances the visual impact of the project on the community and specifically addresses lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

Comments: The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.

Special Regulations

Residential Protection Standards in all commercial or industrial PDPs shall be subject to the following unless modified by section 6. B. herein,

- (1) There shall be no speakers or other sound equipment located within 100 feet of any single family residential district property line.
- (2) There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single family residential district property line.
- (3) No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single family residential district property line.
- (4) No building within 100 feet of any single family residential district property line shall be more than 20 feet in height.
- (5) All loading bays and loading docks must be a minimum of 100' from any single family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single family residential district property line. Screening may include landscape plantings, berms, fences or walls.

- (6) Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences or walls.

Comments: The petitioner is requesting a deviation from the Residential Protection Standards 1, 2, 3, and 4 from 100 feet to 96.8 feet (3.20 feet)

COMPREHENSIVE PLAN REVIEW:

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.

FINDING OF FACTS:

A rezoning from R-1B(Residential) and C-1(General Commercial) to PDP(GHC)/Planned Development Project (General Highway Commercial) with a Specific Use of Alcohol Dispensation and Outdoor Entertainment with is compatible with the surrounding area and consistent with the Comprehensive Plan.

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's 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 RECOMMENDATION:

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 R-1B(Residential) and C-1(General Commercial) to PDP(GHC)/Planned Development Project (General Highway Commercial) with a Specific Use of Alcohol Dispensation and Outdoor Entertainment with deviations.

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 provide a minimum 5' vegetative buffer between parcels, and deviation of the County's LDRs for remaining buffers.
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. Minimum Building setbacks
 - Existing Tavern
 - Broad Street 54.33 (Deviation from 125')
 - Side: 20'
 - Rear: 123'
 - Proposed Pole Barn
 - Broad Street 55.21 (Deviation from 125')
 - Side: 98.29'
 - Rear: 121'
 - Existing Caretakers home
 - Broad Street 84.05 (Deviation from 125')
 - Side: 59.21'
 - Rear: 8'

5. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage.
6. The petitioner shall be required to do a traffic analysis is required at the time of development. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
7. The petitioner shall be required to construct the driveway connection to meet FDOT standards.
8. An FDOT driveway connection permit and drainage permit shall be required.
9. The petitioner shall be required to install a sidewalk along Broad Street (US Hwy 41) for the entire property frontage may be required by FDOT.
10. The petitioner shall install a sidewalk to connect the building to the sidewalk along Broad Street (US Hwy 41)
11. The petitioner shall provide parking spaces (including Disabled parking spaces), drive aisles, signage and pavement markings will need to meet County Standards.
12. The petitioner shall coordinate with the City of Brooksville for utilities systems at time of vertical construction.
13. 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.