

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: September 11, 2023  
Board of County Commissioners: October 10, 2023

**APPLICANT:** 75 Cortez LLC, c/o Cardinal Point Management LLC

**FILE NUMBER:** H-23-18

**REQUEST:** Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with deviations

**GENERAL LOCATION:** North of Cortez Boulevard, approximately 2,000' west of I-75

**PARCEL KEY NUMBERS:** 372974

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### APPLICANT'S REQUEST:

On February 9, 2021, the Board of County Commissioners approved a Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with Deviations to develop 950,000 square feet of warehouse/distribution space and a convenience store with gas pumps. Since the rezoning was approved, no development has occurred on the subject site.

The petitioner's current request is for a master plan revision and a rezoning to CPDP/(Combined Planned Development Project) to reconfigure the subject site into 16 parcels with each parcel having specific uses. The project would consist of 800,000 square feet of industrial on 27.4 acres and 150,000 square feet of commercial on 15.0 acres. However, the petitioner has also proposed the option of utilizing the entire 42.4 acres of developable property for 350,000 square feet of commercial, should the industrial use not be viable. Due to the proposed intensity, the project will be considered a Large Retail Development.

### Proposed Use Allocations:

The proposed use allocations are as follows:

Lots 1-10: PDP(HC)/Planned Development Project (Highway Commercial)  
Lots 11-16: PDP(HC)/Planned Development Project (Highway Commercial) with specific C-4 uses for Light Manufacturing, Light Wholesale & Storage, Monopole towers  
PDP(CP)/Planned Development Project (Corporate Park)  
PDP(REC)/Planned Development Project (Recreation) with a Special Exception for Congregate Care.

**Deviations Requested:**

The petitioner has also requested a deviation from the required 125' SR 50 building setback, to 75' due to the proposed reverse frontage road.

**SITE CHARACTERISTICS:**

<b>Site Size:</b>	57.9 acres
<b>Surrounding Zoning:</b>	
<b>Land Uses:</b>	North: CV; Withlacoochee State Forest South: AG, PDP(HC); Undeveloped East: C2; Hotels West: AG, C1; Undeveloped
<b>Current Zoning:</b>	PDP(GC)/Planned Development Project (General Commercial)
<b>Future Land Use Map Designation:</b>	Commercial

**ENVIRONMENTAL REVIEW:**

<b>Soil Type:</b>	Candler Fine Sand
<b>Hydrologic Features:</b>	The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.
<b>Protection Features:</b>	The property contains no Wellhead Protection Areas (WHPA) according to County data resources.
<b>Flood Zone:</b>	C
<b>Habitat:</b>	Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the Candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake ( <i>Drymarchon corais</i> ), Florida mouse ( <i>Podomys floridanus</i> ), Florida pine snake ( <i>Pituophis melanoleucus mugitus</i> ), and gopher frog ( <i>Rana areolata</i> ). Since there is the potential for these listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
<b>Comment:</b>	Given the presence of the Candler Fine Sands, gopher tortoises have a low potential for occurring on the project site. A gopher tortoise burrow survey shall be conducted to determine presence or absence of the species. If present, the petitioner is required to

comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer to the subject site. There is an existing 16-inch water main that runs along the south side of Cortez Boulevard, and a 12-inch water main that crosses Cortez Boulevard at LaRose Road to the north. There is an existing 8-inch sewer force main that also runs along the south side of Cortez Boulevard. HCUD has no objection to the request, subject to a water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.

**ENGINEERING & TRANSPORTATION REVIEW:**

The site is located on the north side of Cortez Boulevard, approximately 2,000' west of the I-75 and SR 50 interchange. The petitioner has proposed two (2) main access points to SR 50.

The County Engineer has reviewed the petitioner's request and indicated the following:

1. A Frontage Road shall be required per ordinance.
2. A Traffic Access Analysis shall be required and shall include the proposed convenience store.

**LAND USE REVIEW:****Large Retail Development Standards**

The LDR's require certain retail development standards for all projects in excess of 25,000 square feet. The large retail standards will ensure a cohesive and harmonious development. The standards include, but are not limited to, architectural style, parking design, internal pedestrian circulation, and buffering. The project will be required to meet the Large Retail development standards of Article III of Appendix A (zoning).

The County's LDRs provide that development greater than 65,000 square feet in size require approval as a Planned Development Project. Because of the intensity of development, the County may require additional conditions to ensure appropriateness at a particular location. The following items are those the County must address under the Large Retail Development requirements:

- (1) Mechanical/operational equipment including HVAC located at ground level shall be set back at least one hundred (100) feet from any property line external to the development site and shall be visually shielded through enhanced screening or shall be located on the roof and shall be visually shielded with a parapet wall. All mechanical/operational equipment shall be sound attenuated as necessary to comply with the county's noise ordinance.

- (2) Hours of operation shall be provided, and may be limited by the governing body, as necessary, to ensure compatibility with surrounding land uses. For facilities that propose to operate 24 hours a day, manned parking lot security may be required by the county between the hours of 10:00 PM and Sunrise.
- (3) Where the proposed commercial development consists of multiple buildings (excluding out parcels), then loading areas and loading docks should be situated between said buildings in a manner which allows the buildings to act as screens. All loading areas/docks shall be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- (4) All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.
- (5) All on site advertising signs, including out parcels, shall be designed as part of a complete signage system. and shall be limited to mound mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code.
- (6) The master plan shall meet the following increased setbacks and buffering requirements:
  - (a) Setbacks Where any side or rear lot line adjoins (excluding roads) a residential- or agricultural-zoned property or an existing residential use, then no building shall be located within one hundred (100) feet of said lot line.
  - (b) Buffering A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer shall be screened through the use of landscape planting and landscape berms and may be augmented through the use of fences or walls, existing natural vegetation, and/or a combination thereof. The County may require the use of absorptive noise barrier walls for commercial noise reduction.

- (7) The site design shall provide that pedestrian circulation is coordinated on-site and between adjacent properties providing for pedestrian circulation between complementary uses.
- (8) All internal walkways shall comply with Florida Accessibility Code design standards. Additionally, all internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, scored concrete or stamped asphalt to the extent not inconsistent with said standards.
- (9) Transit facilities, including but limited to bus stops, pull out lanes, transit related signage, shelters and bicycle racks for transit users, shall be provided as determined by the County to accommodate transit service.

The County Design Standards for large retail projects provide guidelines for creating safer, efficient, pedestrian-friendly projects with human scale orientation, while discouraging large, nondescript buildings and “unfriendly” pedestrian design, limited landscaping, and vast non-shaded parking lots. The petitioner will be required to submit detailed elevation plans and/or renderings at the time of permitting illustrating the proposed facade and site design in order to assure the proposed structure is architecturally appealing and meets County design requirements.

**Building Setbacks**

Proposed Minimum Required Building Setbacks:

Front (Cortez Blvd/SR 50):	75' (Deviation from 125')
Side:	50'
Rear:	50'
Building Height:	45'

**Lighting**

The petitioner has not indicated any lighting provisions. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage.

**Buffer**

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural.

Large Retail Developments of over 25,000 square feet shall be required a buffer along the full length of all streets serving a large retail development. The buffer shall be a minimum of thirty-five (35) feet in width and comprised of retained natural vegetation or planted with native plant species.

**Comments:** The petitioner has indicated a 35' buffer along Cortez Blvd/SR 50.

**Signage**

County LDRs require that any commercially zoned parcel(s) with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess

of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area. For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential – Maximum fifty (50) square feet of sign area.

Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to subsection (1) herein.

**Comments:** If approved, all signs shall be designed as an integral part of the development and predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. Signs should also be limited to ground mounted monument type signs.

### **Landscape**

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.

## **COMPREHENSIVE PLAN REVIEW:**

The subject site is located adjacent to the SR 50/I-75 commercial node and considered an extension of the Commercial node as designated on the County's adopted Comprehensive Plan. The petitioner's request for a distribution and logistics center is an allowable use in the existing node.

### **Future Land Use Element**

**Strategy 1.04A(6):** The Commercial Category provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties.

**Comments:** The subject site is located along the SR 50 corridor and part of commercial node at the SR 50 and I-75 intersection.

### **Commercial Category**

**Objective 1.04G:** The Commercial Category allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 but also includes limited industrial, recreational and institutional uses. Residential and mixed uses may be allowed subject to locational criteria and performance standards.

**Strategy 1.04G(1):** Commercial development as envisioned on the Future Land Use Map is intended primarily for locations at major intersections and along major corridors where service to local and regional markets are enhanced by transportation patterns. New commercial zoning is directed to these mapped areas. Commercial areas that are not mapped but are allowed under this Future Land Use Category include neighborhood commercial and specialty commercial uses as described in this Plan, commercial approved as part of mixed use developments, commercial designated by planned development districts, the infill development of existing commercial areas, commercial areas extending from designated commercial nodes, and pre-existing commercially developed and designated areas. Frontage roads and cross-access between commercial uses is required where needed in accordance with the provisions of this Plan and adopted land development regulations.

**Specialty Commercial Strategy**

**1.04G(11):** Specialty Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and specialized function. The County will provide for land use regulations that recognize and encourage specialty commercial uses important to the traditional economic base, including Agricultural Commercial, Marine Commercial and Heavy Commercial uses.

**Strategy 1.04G(14):** Heavy Commercial uses may be established to accommodate those uses that have potential impacts too significant for a standard commercial district and shall meet the following criteria:

- a. not to be located proximate to residential housing;
- b. be accessible to arterial or major collector roadways without requiring the use of residential roads;
- c. provide for adequate buffers, screening and transition;
- d. minimize negative impacts to adjoining properties.
- e. minimize the visual impacts of outdoor storage

**Comments:** The subject property is considered an extension of commercial node at the SR 50 and I-75 intersection. The area is characterized by commercial (east and south), agricultural (west) and conservation (north) uses. There are two (2) hotels to the east and the Withlacoochee State Forest is to the north which also is utilized

as the Croom ATV Park. The request is consistent with the Hernando County Comprehensive Plan Mapping Criteria.

**Land Use Compatibility**

**Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

**Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

**Comments:** The proposed use is compatible subject to compliance with all recommended performance conditions.

**Planned Development Projects and Standards**

**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.

**Transportation Element**

**Objective 5.01B:** Maintain and expand a system of frontage roads and cross-access easements parallel to County arterial and collector roads. The frontage road network is designed to enable the creation of shared drives, shared easements, and alternative routes. Frontage road configuration is intended to optimize corridor and roadway network function, maintain capacity on the functionally classified network, and provide aesthetic, safe and convenient access to multiple properties and business sites.

**Strategy 5.01B(1):** The frontage road network protects the function and levels of service of major arterial corridors through the planning horizon by controlling access, reducing traffic volumes and providing additional capacity.

**Strategy 5.01B(2):** The provision of frontage roads shall be required as a condition of development adjacent to the arterial network by requiring new development to comply with the County's Frontage Road Ordinance and adopted Facilities Design Guidelines.



**Strategy 5.01B(3):** The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

**Strategy 5.01B(4):** The County should encourage land use patterns that optimize the function of frontage roads and similar access management strategies through:

- a. clustering of development to enhance the establishment of viable frontage road links;
- b. application of site-specific standards and techniques at Centers and Corridors outlined in the Future Land Use Element of this Plan.

**Comments:** The petitioner has requested a reverse frontage road. The County Engineer has reviewed the petitioners request and indicated SR 50 is a Major Arterial Road requiring a frontage road network. The proposed project will be required to provide a frontage road per the requirements of the Facility Design Guidelines upon development. If the master plan is approved, the petitioner shall be required to redesign the master plan to provide for the required frontage road in accordance with these guidelines.

**FINDING OF FACT:**

A Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with deviations is appropriate based on the following conclusions:

1. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all recommended performance conditions.
2. The requested deviation to reduce the setback along SR 50 is not supported due to the requirement for the frontage road in accordance with the Facility Design Guidelines.
3. The request for the Special Exception Use for Congregate Care is not supported at this time due to the lack of information provided by the applicant for that use. If the petitioner seeks to utilize this use, a master plan revision must be submitted to provide details on the size, scale and location of that use on the site.

**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 Concurrency. 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. Homeowners 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 a Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with deviations with the following 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 provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles.
4. The developer shall provide a minimum of two (2) access points for the proposed warehouse/distribution center.
5. Minimum Building Setbacks:

Front (Cortez Blvd/SR 50):	125'
Side:	50'
Rear:	50'
6. There shall be a minimum landscape buffer of 50' along Cortez Blvd/SR 50.
7. A frontage road shall be required per the Facility Design Guidelines upon development. If the master plan is approved, the petitioner shall revise the master plan to provide for this frontage road to be approved by the County Engineer.
8. A Traffic Access Analysis (TAA) pursuant to the Hernando County Facility Design Guidelines is required at the time of development for review and approval by the County Engineer.
9. A water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.

10. A Cross Access Agreement shall be provided between the proposed gas station and distribution center and neighboring parcels.
11. The petitioner shall provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring parcels.
12. A Master Plan Revision shall be required prior to the development of any Congregate Care Facility on the site.
13. The petitioner shall be required to comply with all Large Retail Development Standards.
14. The petitioner shall provide a revised 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.

**P&Z RECOMMENDATION:**

On September 11, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving a Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with 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 provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles.
4. The developer shall provide a minimum of two (2) access points for the proposed warehouse/distribution center.
5. Minimum Building Setbacks:

Front (Cortez Blvd/SR 50):	425' 75'
Side:	50'
Rear:	50' 10'
<u>Side Setbacks:</u>	<u>10'</u>
6. There shall be a minimum landscape buffer of 50' along Cortez Blvd/SR 50.
7. ~~A frontage road shall be required per the Facility Design Guidelines upon development. If the master plan is approved, the petitioner shall revise the master plan to provide for this frontage road to be approved by the County Engineer. The petitioner shall be required to construct the frontage road as reflected on the approved master plan.~~
8. A Traffic Access Analysis (TAA) pursuant to the Hernando County Facility Design Guidelines is required at the time of development for review and approval by the County Engineer.
9. A water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.
10. ~~A Cross Access Agreement shall be provided between the proposed gas station and distribution center and neighboring parcels.~~

- 10.44. The petitioner shall provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring parcels.
- 11.42. A Master Plan Revision shall be required prior to the development of any Congregate Care Facility on the site.
- 12.43. The petitioner shall be required to comply with all Large Retail Development Standards.
- 13.44. The petitioner shall provide a revised 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.

**BCC ACTION:**

On October 10, 2023, the Board of County Commissioners voted 5-0 adopt a Resolution approving a Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with deviations with the following unmodified 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 provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping™ principles.
4. The developer shall provide a minimum of two (2) access points for the proposed warehouse/distribution center.
5. Minimum Building Setbacks:

Front (Cortez Blvd/SR 50):	75'
Side:	50'
Rear:	10'
Side Setbacks:	10'
6. There shall be a minimum landscape buffer of 50' along Cortez Blvd/SR 50.
7. The petitioner shall be required to construct the frontage road as reflected on the approved master plan.
8. A Traffic Access Analysis (TAA) pursuant to the Hernando County Facility Design Guidelines is required at the time of development for review and approval by the County Engineer.
9. A water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.
10. The petitioner shall provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring parcels.
11. A Master Plan Revision shall be required prior to the development of any Congregate Care Facility on the site.
12. The petitioner shall be required to comply with all Large Retail Development Standards.

13. The petitioner shall provide a revised 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.