

REZONING CASE H-24-17
STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION
JULY 3, 2024

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to rezone to PDP(GC) with specific C-2 use of outdoor storage with performance conditions listed in **Appendix A** of this Staff Report

PLANNING & ZONING COMMISSION
July 8, 2024

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report.

Introductory Information:

HEARINGS: Planning & Zoning Commission: July 8, 2024
Board of County Commissioners: August 25, 2024

APPLICANT: Evergreen Partners, LLC

FILE NUMBER: H-24-17

REQUEST: Reestablish a Master Plan on a Property Zoned PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses, with Deviations

GENERAL LOCATION: North side of County Line Road, approximately 340' east of Seven Hills Drive

PARCEL KEY NUMBERS: 1317685

APPLICANT’S REQUEST:

On September 14, 2021

The petitioner is requesting a rezoning from AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage to construct a mixed-use commercial center. The project is proposed to be developed in three phases as follows:

| Phase | Development Type | Development Intensity |
|--------------|-----------------------------|--|
| Phase 1 | Retail, Office, Restaurants | 30,000 square feet – no more than 3 outparcels (to be developed) |
| Phase 2 | Mini-warehouses | 110,000 square feet |
| Phase 3 | Mini-warehouses | 15,000 square feet; 48 covered RV spaces |

Miniwarehouse house height 35 with 80% coverage

SITE CHARACTERISTICS:

Site Size: 9.3 acres

**Surrounding Zoning/
Land Uses:** North: PDP(SU); PDP(MF); Suncoast Elementary;
Wellington subdivision
South: Pasco County
East: Congregate Care Facility (SE97-03)
West: PDP(GC); Medical/Office Facilities

Current Zoning: AG/Agricultural

**Future Land Use
Map Designation:** Commercial

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

**Features/
Resources:** The property does not contain, Wellhead Protection Areas (WHPAs), Special Protection Areas (SPAs), wetlands, or archaeological/historical sites according to County data resources. Floodplain is X-Shaded in 2 small locations.

Habitat: Property has previously been cleared and is vacant. It's identified as rural open according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping.

Comment: Candler Fine Sand provides habitat suitable for gopher tortoises, a listed species, and commensal species.

Flood Zone: X

Water Quality: This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Florida Friendly Landscaping™ Program and materials are designed to address and help reduce nutrient pollution.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water service is available via an existing 10-inch water main that runs along the parcel's western property line as well as the southern property line on County Line Road. Sewer service is available via an existing 8-inch sewer gravity main that runs in Quality Drive, and there is also an existing 20-inch sewer force main that runs along the parcel's southern property line on County Line Road. HCUD has no objection to the requested rezoning subject to connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW:

The proposed development was reviewed by both Pasco County and the Hernando County Department of Public Works.

Pasco County Review

Pasco County has reviewed the proposed rezoning and has the following comments:

- The Applicant is proposing mini-warehouse storage and general commercial; Pasco County Zoning in this area is predominantly C-2 and the Pasco County Future Land Use is predominantly ROR and COM – the proposed rezoning in Hernando County would be consistent with the surrounding area.
- According to the Transportation Corridor Preservation Table (Table 7-2A), County Line Road requires a 6-lane roadway with a Right-of-Way Width of 166-ft (83-ft from centerline of construction) of dedicated/preserved Right-of-Way along County Line Road.

Hernando County Review

The County Engineer has reviewed the petitioner’s request and has the following comments:

- This property contains two areas of shallow flooding <1 foot deep.
- The proposed development must provide geotechnical testing which meets Hernando County Facility Design Guideline requirements.
- This project generates over 50 PM Peak Hour Trips. A Traffic Access Analysis is required. Any improvements identified by Traffic Access Analysis, are required to be installed by developer.
- The driveways will need to meet County Commercial Driveway Standards.
- County Line Road is an Arterial Roadway; only one (1) driveway connection is permitted on County Line Road.
- A sidewalk is required along the entire width of property along County Line Road.
- Quality Drive is a Frontage Road, a sidewalk is required along the entire length of the property.

Comments: The petitioner is proposing two access connections to County Line Road and another to Quality Drive. If the master plan is approved, the petitioner shall be required to remove one access point along County Line Road. Additionally, at the time of development, the petitioner will coordinate with the County Engineer to determine right of way needs for

County Line Road and any additional improvements identified by the traffic study.

LAND USE REVIEW:

Setbacks, Buffers and Parcel Size:

The petitioner is proposing the following setbacks for the subject site.

- Front: 20' (Deviation from 125')
- Side: 20'
- Rear: 20' (Deviation from 35')

The petitioner is proposing a minimum outparcel lot size of 10,000 square feet.

Additionally, the petitioner is proposing a 10-foot wide landscape buffer around the entire site. No buffers within the interior proposed uses are proposed.

Comments:

There is the potential for right-of-way to be needed along County Line Road as future expansion is designed and completed. As such, the deviation to the front setback from 75' to 20' cannot be supported. If the master plan is approved, the petitioner shall be required to provide at least a 75' setback for County Line Road.

The petitioner has proposed any perimeter setbacks for the proposed development. If the master plan is approved, the lots adjacent to the project perimeter will have to meet the following setbacks:

- Side: 20'
- Rear: 35'

Additionally, the petitioner shall be required to retain or enhance existing vegetation on the site to maintain 80% opacity within the 10-foot wide landscape buffer.

Large Retail Development Standards:

The petitioner has indicated that the proposed project will consist of 155,000 square feet of office and/or commercial square footage. Due to the complexity and size of the project, it will be required to meet large retail development standards as specified below:

- Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor

area is only allowable through approval as a Planned Development Project and which otherwise satisfies these requirements and this article. This type of development may be compatible in a given commercial zoning district but because of its size, intensity, increased traffic-generation, extended hours of operation, or proximity to residential areas/districts or public schools require additional conditions as a prerequisite for approval at a requested location. The applicant shall have the burden of adequately demonstrating compliance with all of the minimum standards set forth below and otherwise contained within this article. The governing body, in their sole discretion and following public hearing and notice, shall be the final arbiter of determining whether compliance with these minimum standards has been adequately demonstrated and whether to approve, approve in part or deny a particular request hereunder.

- 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.
- 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.
- All on site advertising signs, including out parcels, shall be designed as part of a complete signage system and shall be limited to ground 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.
- The master plan shall meet the following increased setbacks and buffering requirements:
 - *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.
 - *Buffering.* A thirty-five (35) ft. 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.

- The applicant shall demonstrate that the proposed use is appropriate to the property in question, is compatible with existing and planned uses in the area and demonstrate compliance with the County Comprehensive Plan.

Large Retail Development 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 there shall be a maximum of 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 County LDRs. The petitioner must meet the minimum sign standards as required by the County LDRs.

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Minimum County Required Sign Setbacks (based on total sign surface area):

| | |
|---|------------------------|
| Up to 75 square feet in area: | 5' from property line |
| 75 square feet and up to 150 square feet in area: | 10' from property line |
| 150 square feet or greater: | 20' from property line |

Screening:

Hernando County LDRs require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.

Comments: If the proposed master plan is approved, the petitioner shall be required to screen the mini storage in accordance with the minimum requirements of the Land Development Regulations.

Parking:

County LDRs require minimum off-street parking ratios based on the type of use. If the master plan is approved, the petitioner shall be required to meet the minimum parking requirements of the Land Development Regulations.

Lighting:

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

COMPREHENSIVE PLAN REVIEW:

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.

County Line Road

Strategy 1.08B(2): The corridor segment from Mariner Boulevard to the Suncoast Parkway consists of a residential character with commercial nodes at each end (Mariner and Suncoast intersections) and a smaller commercial node at Linden Drive. This pattern should generally be continued when considering any proposed projects or requested zoning changes in the planning horizon timeframe.

Comments: The subject property is in the Commercial future land use category and within the existing commercial node at Mariner Boulevard and County Line Road. The proposed uses are consistent with this category and the strategies for the County Line Road corridor between Mariner Boulevard and the Suncoast Parkway.

FINDINGS OF FACT:

A rezoning from AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage, with deviations is appropriate based on the following conclusion:

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 performance conditions.
2. The proposed use is compatible with the area and not adverse to the public interest.

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. 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 AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage, with deviations, and 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 to include a gopher tortoise 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 petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. 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.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
6. All driveways to the subject development shall meet County Commercial Driveway Standards.
7. County Line Road is an Arterial Roadway; the petitioner shall be limited to one access point along County Line Road, and all outparcels shall be interconnected by cross-access easements, recorded at the time of subdivision plat approval.
8. A sidewalk shall be constructed along the entire width of property along County Line Road.
9. Quality Drive is a Frontage Road; the petitioner shall construct a sidewalk along the entire width of the property.

10. The developer shall connect to the central water and sewer systems at time of vertical construction.
11. The petitioner shall coordinate with the County Engineer during site design to determine the rights-of-way needs and reservation requirements for County Line Road.
12. The only C-2 uses permitted shall be mini-warehouses and outdoor storage for boats/recreational vehicles.
13. Minimum Setbacks and Maximum Height:
 - Front: 75' (Deviation from 125')
 - Side: 20'
 - Rear: 20' (Deviation from 35')
 - Maximum Height: 35 feet
14. Perimeter Setbacks:
 - Side: 20'
 - Rear: 35'
15. The petitioner shall be required to screen the mini-warehouse and outdoor storage in accordance with the minimum requirements of the Land Development Regulations.
16. The petitioner shall provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential parcels.
17. The petitioner shall be required to meet the requirements for large retail development, in accordance with Appendix A, Article III, Section III and Article VIII, Section 6 of the Land Development Regulations.
18. The petitioner shall be required provide a 10-foot wide landscape buffer along the entire perimeter of the property. Existing vegetation shall be retained and/or enhanced to achieve a minimum of 80% opacity.
19. The petitioner shall coordinate with Pasco County at the time of site plan approval to identify appropriate driveway access along County Line Road.
20. The petitioner shall provide a revised 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.

P&Z RECOMMENDATION:

On August 9, 2021, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage, with deviations, and 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 to include a gopher tortoise 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 petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
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8. A sidewalk shall be constructed along the entire width of property along County Line Road.

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16. The petitioner shall provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential parcels.
17. The petitioner shall be required to meet the requirements for large retail development, in accordance with Appendix A, Article III, Section III and Article VIII, Section 6 of the Land Development Regulations.
18. The petitioner shall be required provide a 10-foot wide landscape buffer along the entire perimeter of the property. Existing vegetation shall be retained and/or enhanced to achieve a minimum of 80% opacity.
19. The petitioner shall coordinate with Pasco County at the time of site plan approval to identify appropriate driveway access along County Line Road.
20. The petitioner shall provide a revised 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.

BCC ACTION:

On September 14, 2021, the Board of County Commissioners voted 5-0 to adopt Resolution 2021-157 approving the petitioner's request for a rezoning from AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage, with deviations, and 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 to include a gopher tortoise 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.
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16. The petitioner shall provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential parcels.
17. The petitioner shall be required to meet the requirements for large retail development, in accordance with Appendix A, Article III, Section III and Article VIII, Section 6 of the Land Development Regulations.
18. The petitioner shall be required provide a 10-foot wide landscape buffer along the entire perimeter of the property. Existing vegetation shall be retained and/or enhanced to achieve a minimum of 80% opacity.
19. The petitioner shall coordinate with Pasco County at the time of site plan approval to identify appropriate driveway access along County Line Road.
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APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION

APPENDIX A –STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission postpone the petitioners request to a future hearing, in order to provide staff additional time to coordinate application details.

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.