

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 11, 2024
Board of County Commissioners: April 9, 2024

APPLICANT: Clear Point, LLC

FILE NUMBER: H-23-64

PURPOSE: Establish a Master Plan on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) with a rezoning to include a specific C-1 use for a Convenience Goods Store

GENERAL LOCATION: Northeast corner of Osowaw Boulevard and Shoal Line Boulevard

PARCEL KEY NUMBER: 1353190

APPLICANTS REQUEST:

On December 8, 2009, the Board of County Commissioners approved a rezoning (H0922) of the subject site from R-1A/(Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for a Convenience Goods Store in order to provide additional fuel stations (proposed 4 (four) vehicle fueling stations). The Board approved the use, however prohibited the use of fuel pumps due to environmental sensitivities. Additionally, on October 10, 2010, the property owner requested a revision to the master plan in order to modify a condition prohibiting access to Osowaw Boulevard. After Board review, access to Osowaw Boulevard was "limited to a right-in only in accordance with the requirements of the County Engineer". Since the County's approvals, no development occurred on the subject site. According to County LDRs, master plans become null and void if no development is initiated within two (2) years of approval.

The petitioners current request is to reestablish the previously approved master plan on the subject 1.66 acre site and request that four (4) fueling stations be reconsidered. The petitioner has indicated developing the site with an elevated 7,500 square foot convenience store/general store. The proposed aesthetics would resemble a country store and keep with the seaside theme.

Additionally, the petitioner is requesting to develop two (2) fuel islands with two pumps each, creating eight (8) fueling stations. The petitioner's justification for fuel is due to the proximity of fuel for the Hernando Beach residences. The closest fueling station to the boat ramp is currently being remodeled and is often congested when open. The nearest fueling station to the north is at Shoal Line and Erin Road

approximately 3.7 miles from the boat ramp and on US Hwy 19 approximately 4.7 miles away from the boat ramp.

SITE CHARACTERISTICS:

- Site Size:** 1.66 acres

- Surrounding Zoning;
Land Uses:** North: CV; Undeveloped
South: R1-A& AG; Undeveloped
East: CV; Undeveloped
West: R1-A; Undeveloped

- Current Zoning:** PDP(NC)/Planned Development Project (Neighborhood Commercial)

- Future Land Use
Map Designation:** Conservation

- Flood Zone:** AE; The site is also located within a Coastal High Hazard area.

ENVIRONMENTAL REVIEW:

- Soil Type:** Wabasso Fine sands and Aripeka-okeelanta-lauderhill Association

- Comment:** A portion of the property is within the Aripeka-Okeelanta-Lauderhill soil series which is associated with hydric condition and could be classified as a wetland. Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations

- Protection
Features:** The subject property does not contain Well Head Protection Areas (WHPA) or Special Protection Area (SPA), according to County data resources.

- Hydrologic
Features:** The subject property does not contain wetlands according to County data resources. However, the soil type is associated with hydric conditions.

- Habitat:** The natural vegetation consists of slash pine, longleaf pine, a few scattered blackjack oak, turkey oak, and post oak with waxmyrtle, St. Johnswort, maidencane, pineland threeawn, cypress, other water tolerant plants.

Other: A comprehensive wildlife survey should be conducted. Any listed species may require a Florida Fish and Wildlife Conservation Commission (FWC) permit prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. There is an existing 12-inch water main that runs along the north side of Osowaw Boulevard, turns northwest along the parcel's southern border, crosses Shoal Line Boulevard to then run north along the west side of the road. There is an existing 10-inch sewer force main approximately 6,300 feet to the north on the east side of Shoal Line Boulevard, and an existing force main approximately 5,900 feet to the west on the north side of Osowaw Boulevard. HCUD has no objection to the request, subject to connection to the central water system at time of vertical construction. If sewer service is desired, a capacity analysis would be required.

ENGINEERING & TRANSPORTATION REVIEW:

The petitioner has indicated that access will be from two (2) access points; a full access to Shoal Line Boulevard and a right-in/right-out along Osowaw. The County Engineer has reviewed the request and indicated the following:

- Traffic Access Analysis is required, with queuing analysis and a merge and weave analysis for traffic on Osowaw Boulevard. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- Osowaw Boulevard and Shoal Line Boulevard are classified as Collector Roadways, sidewalks are required along the frontage of both roadways.
- A sidewalk must be constructed from the building to the future sidewalk along Shoal Line Boulevard and Osowaw Boulevard.
- Right-of-Way is required at the intersection of Osowaw Blvd. and Shoal Line Boulevard, amount will depend upon results of boundary survey.
- Driveway connections will need to meet Hernando County Standards.
- Parking spaces and parking layout will need to meet County standards.
- Dept. of Public Works Engineering has concerns of the sites internal capabilities for vehicle stacking and storage. Petitioner shall coordinate with the Engineering Department during development to ensure proper site circulation.

LAND USE REVIEW:

The Neighborhood Commercial district has a maximum of two (2) vehicle fueling stations. However, the request for a PDP(NC)/Planned Development Project (Neighborhood Commercial) allows any permitted and special exception use from the C-3 zoning district, and any use from the C-1 district designated on the master plan. Due to the location and proposed use of the neighborhood market, the petitioner is requesting four (4) vehicle fueling stations to accommodate the needs of the surrounding area.

Setbacks

Previously Approved Building Setbacks:

Oswaw Blvd:	50'
Shoal Line Blvd:	50'
North:	35'
East:	20'

Buffers

County LDRs require buffering consisting of a minimum five (5) foot landscape separation distance. The use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosure. Such screening shall be a minimum height of five (5) feet and a maximum height of eight (8) feet. The petitioner's site plan does not indicate any provisions for buffering.

Comments: If approved, the petitioner must provide the minimum buffering required by the County's LDRs

Parking

County LDRs require four (4) spaces per 1,000 square feet of retail. The petitioner is requesting a 7,500 square foot general store. The proposed use would require a minimum of 30 parking spaces. The petitioner is proposing 36 parking spaces of which 4 will be allocated for boat/trailer parking for customers.

Lighting

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as required by the County LDR, in order to retain all light on site and prevent any light spillage onto neighboring residential uses.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Conservation Land Use classification on the adopted Future Land Use Map. The Conservation Land Use Mapping Criteria allows for limited resource-oriented recreational activities. Furthermore, within the Coastal Zone, privately-owned uplands having direct access to the County roadway

network may be considered to have a Residential Future Land Use Category designation for purposes of allowable uses only, subject to the densities assigned in the Coastal Management Element.

Residential Category

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.

Comments: The petitioner’s request is located within an unmapped upland within the conservation designation and is located in direct access to a County roadway network. The Residential Land Use Category allows the petitioner to request neighborhood commercial for the subject site.

Neighborhood Commercial

Strategy 1.04G(9): Neighborhood Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and limited function. Neighborhood commercial areas serve limited local, traditional, or historic markets such as local restaurants and coffee shops, local convenience retail, local gas stations, or similar uses, and generally do not exceed 5 acres in size.

Strategy 1.04G(10): Neighborhood Commercial areas are guided by the following land use criteria: a. may be located in Residential or Rural Categories; b. have a maximum total size of five (5) acres overall; c. are not located in environmentally sensitive areas or the Conservation Category unless associated with a resource oriented

tourism use; d. are located on collector or arterial roads except as part of a mixed use project;

Comments: The subject site would serve the neighboring communities of Hernando Beach and Aripeka.

Strategy 1.04A(12): All development within the Coastal Zone shall conform to the land use standards outlined in the Coastal Management Element of this Plan.

Comments: This property is entirely within the AE Flood Zone and a Coastal High Hazard area. In addition, it appears from review of the soil maps and topography the subject site has environmental sensitivities that should be considered when reviewing petroleum fuels on the subject site.

FINDINGS OF FACT:

The request to Establish a Master Plan on property zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) is appropriate; however, the additional request for a rezoning to include a specific C-1 use for a Convenience Goods Store in order to add additional Fueling Stations is inappropriate based on the following conclusions:

1. The petitioner’s request for fueling stations on the subject site is inconsistent with the adopted comprehensive plan strategies pertaining to development within the Coastal High Hazard area. The subject site’s location is in a predominately rural area and is predominately surrounded by Conservation.
2. The request to reestablish the PDP(NC)/Planned Development Project (Neighborhood Commercial) is consistent with the County’s adopted Comprehensive Plan as it refers to development in privately held uplands subject to compliance with all performance conditions.

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 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to Establish a Master Plan on property zoned PDP(NC)/Planned Development Project (Neighborhood Commercial), but deny the request to include a specific C-1 use for Convenience Goods with Fuel Pumps 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. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. Architecture shall utilize Florida Vernacular Old General Store characteristics as depicted by the application material submitted by the applicant.
4. All onsite lighting shall provide for full cutoff fixtures and retain all light on-site to prevent any light spillover to surrounding properties. Lighting shall be reduced by 50% during nonoperating hours.
5. The 100-year floodplain must be delineated and shown on all site plans and all roadways, driveways, and finished floor elevations must meet the Facility Design Guidelines and adopted building codes.
6. Fueling stations shall not be permitted, including the bulk sale or dispensation of LP gas with the exception of pre-filled tank exchange.
7. The subject site shall be designed to provide clear sight windows and sight triangles at all points of external access and the intersection of Shoal Line Boulevard and Osowaw Boulevard.
8. Traffic Access Analysis is required, with queuing analysis and a merge and weave analysis for traffic on Osowaw Boulevard. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.

9. Osowaw Boulevard and Shoal Line Boulevard are classified as Collector Roadways; sidewalks are required along the frontage of both roadways.
10. A sidewalk shall be constructed from the building to the future sidewalk along Shoal Line Boulevard and Osowaw Boulevard.
11. Right-of-Way is required at the intersection of Osowaw Blvd. and Shoal Line Boulevard, amount will depend upon results of boundary survey.
12. Driveway connections will need to meet Hernando County Standards.
13. Parking spaces and parking layout will need to meet County standards.
14. Minimum Building Setbacks:

North:	35'
East:	20'
Shoal Line Blvd:	50'
Osowaw Blvd:	50'
15. The petitioner shall coordinate with the Florida Fish and Wildlife Conservation Commission for the use of bear-proof trash containers.
16. The development shall be required to connect to the central water system at time of vertical construction. If sewer service is desired, a capacity analysis shall be required.
17. 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.