

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):
Rezoning [ ] Standard [x] PDP
Master Plan [x] New [ ] Revised
PSFOD [ ] Communication Tower [ ] Other
PRINT OR TYPE ALL INFORMATION

Date: 9/6/2023

File No. H-23-62
Official Date Stamp
Received
SEP 6 2023
Planning Department
Hernando County, Florida

APPLICANT NAME: Vision Development & Construction

Address: 120 Interstate North Parkway, Suite 105
City: Atlanta State: GA Zip: 30339
Phone: Email:

Property owner's name: (if not the applicant) James R. Weot and Christine J. Weot

REPRESENTATIVE/CONTACT NAME: Jessica Icerman

Company Name: Stearns Weaver Miller
Address: PO Box 3299
City: Tampa State: FL Zip: 33601-3299
Phone: (813) 223-4800 Email: jicerman@stearnsweaver.com and cwalden@stearnsweaver.com

HOME OWNERS ASSOCIATION: [ ] Yes [x] No (if applicable provide name)

Contact Name:
Address: City: State: Zip:

PROPERTY INFORMATION:

- 1. PARCEL(S) KEY NUMBER(S): 01001338
2. SECTION 26, TOWNSHIP 22, RANGE 18
3. Current zoning classification: C-2
4. Desired zoning classification: PDP (HHC)
5. Size of area covered by application: 1.456 Acres
6. Highway and street boundaries: Cortez Boulevard
7. Has a public hearing been held on this property within the past twelve months? [ ] Yes [x] No
8. Will expert witness(es) be utilized during the public hearings? [x] Yes [ ] No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? [ ] Yes [x] No (Time needed: )

PROPERTY OWNER AFFIDAVIT

I, James R. Weot and Christine J. Weot, 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
[x] I am the owner of the property and am authorizing (applicant): Vision Development & Construction and (representative, if applicable): Jessica Icerman - Stearns Weaver Miller to submit an application for the described property.

Christine J. Weot

Signature of Property Owner

CHRISTINE J. WEOT

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 6th day of September, 2023, by Christine J. Weot who is personally known to me or produced as identification.

Gary E. Schraut
Signature of Notary Public



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

Notary Seal/Stamp

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Contact Name: \_\_\_\_\_
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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2. SECTION 26, TOWNSHIP 22, RANGE 18
3. Current zoning classification: C-2
4. Desired zoning classification: PDP (HHC)
5. Size of area covered by application: 1.42 Acres / 1.456 Acres
6. Highway and street boundaries: Cortez Boulevard
7. Has a public hearing been held on this property within the past twelve months? [ ] Yes [x] No
8. Will expert witness(es) be utilized during the public hearings? [x] Yes [ ] No (If yes, identify on an attached list.)
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James R. Weot
Signature of Property Owner

STATE OF FLORIDA
COUNTY OF HERNANDO

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Gary E. Schraut
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# **REZONING APPLICATION NARRATIVE**

**\*\*\*\*\***

## **VISION DEVELOPMENT CORTEZ BOULEVARD & B.W. STEVENSON ROAD**

**Submitted by:**

**Jacob T. Cremer, Esquire  
Jessica M. Icerman, Esquire  
Cynthia D. Spidell, AICP  
Stearns Weaver Miller  
401 East Jackson Street, Suite 2100  
Tampa, Florida 33602  
(813) 222-5051**

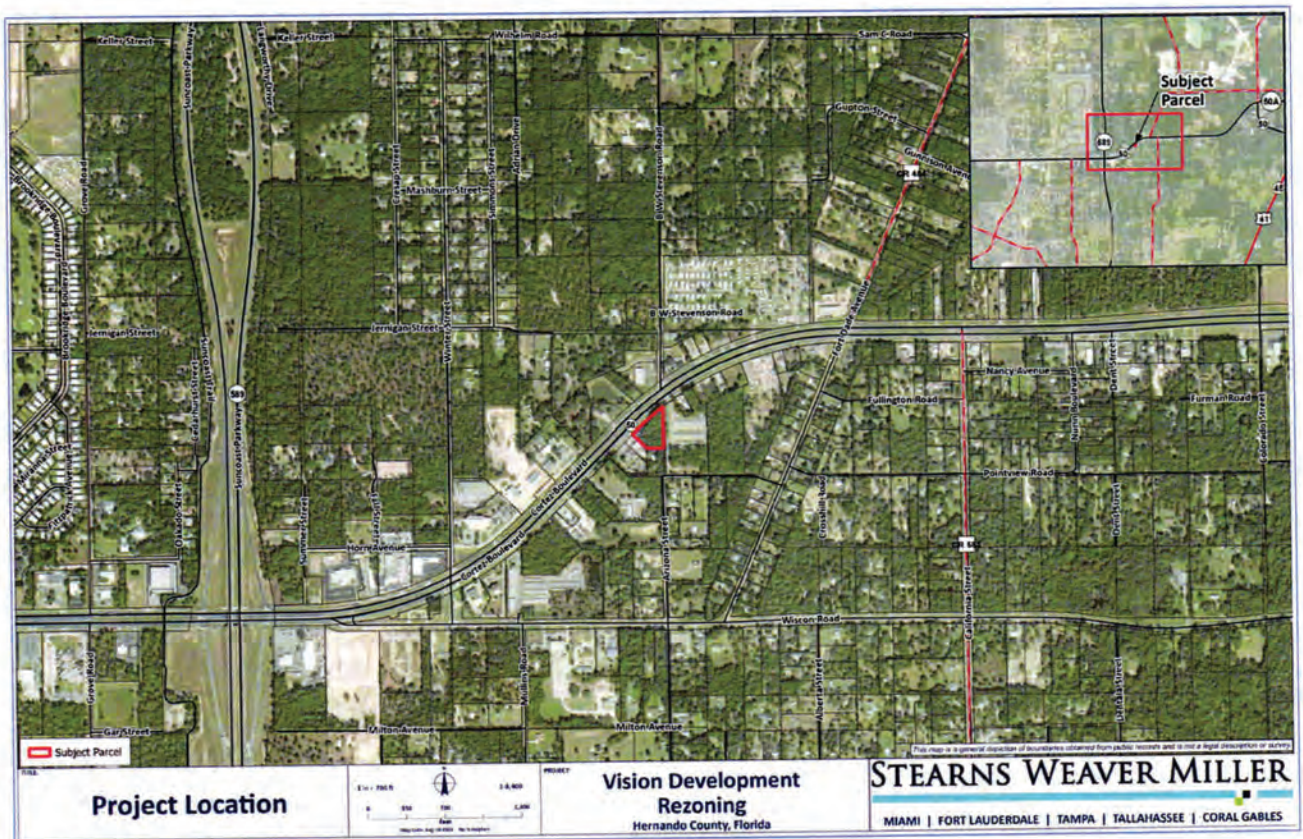
*Original Submittal: September 6, 2023*

# JUSTIFICATION REPORT REZONING FROM C2 to PDP-HHC

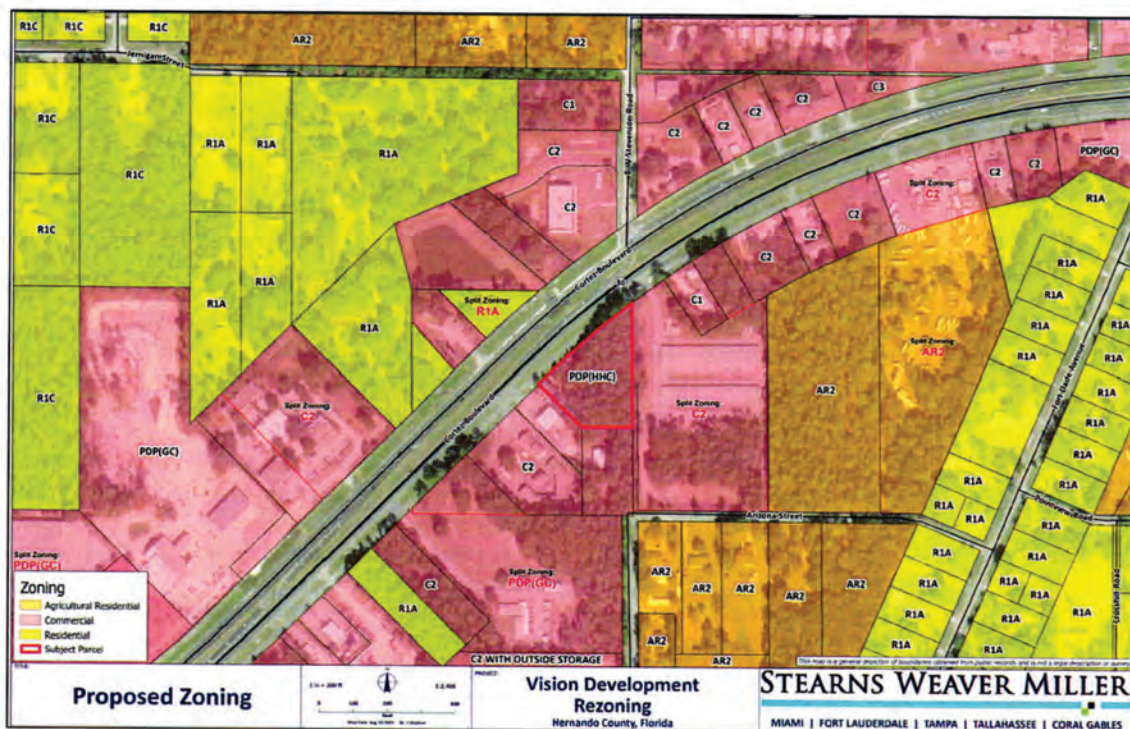
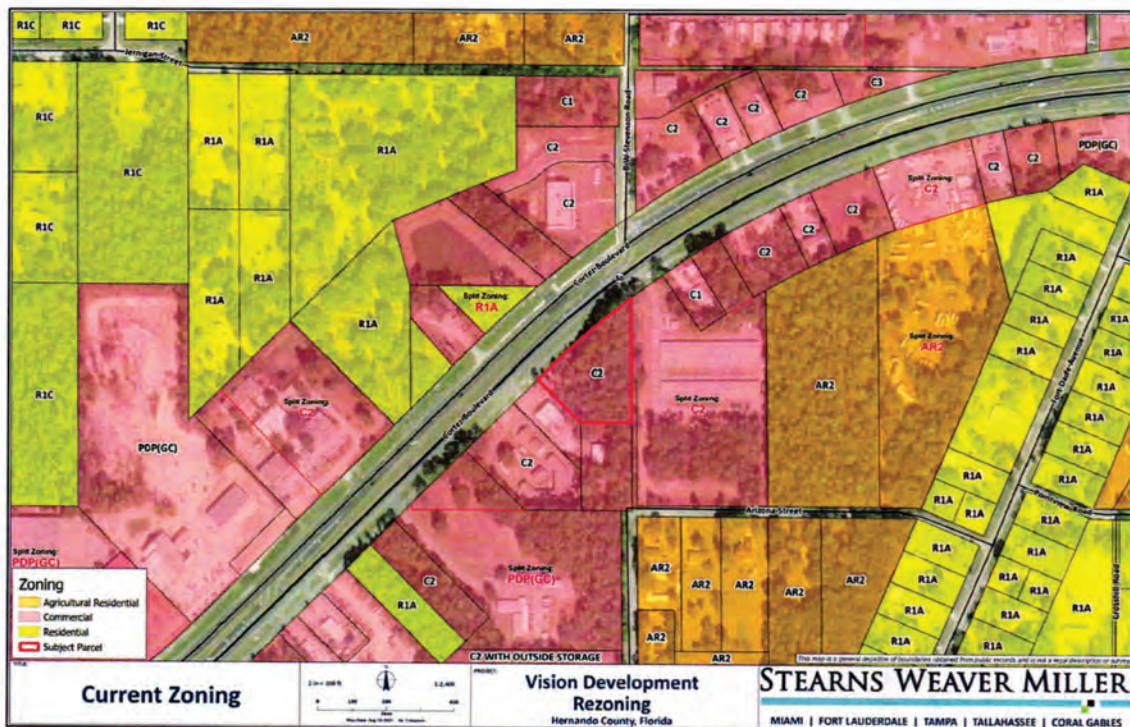
## I. Proposal

### a. Statement of Proposed Use & Acreage.

This rezoning application proposes to change the zoning from the C-2 Highway Commercial District (C-2) to Planned Development – Heavy Highway Commercial (PDP-HHC) on approximately 1.456 acres on parcel key no. 01001338 (the “Property” or “Project”) (**Exhibit A – Location Map**). The Property is located on Cortez Boulevard at BW Stevenson Road just under one (1) mile east of the Suncoast Parkway Interchange.

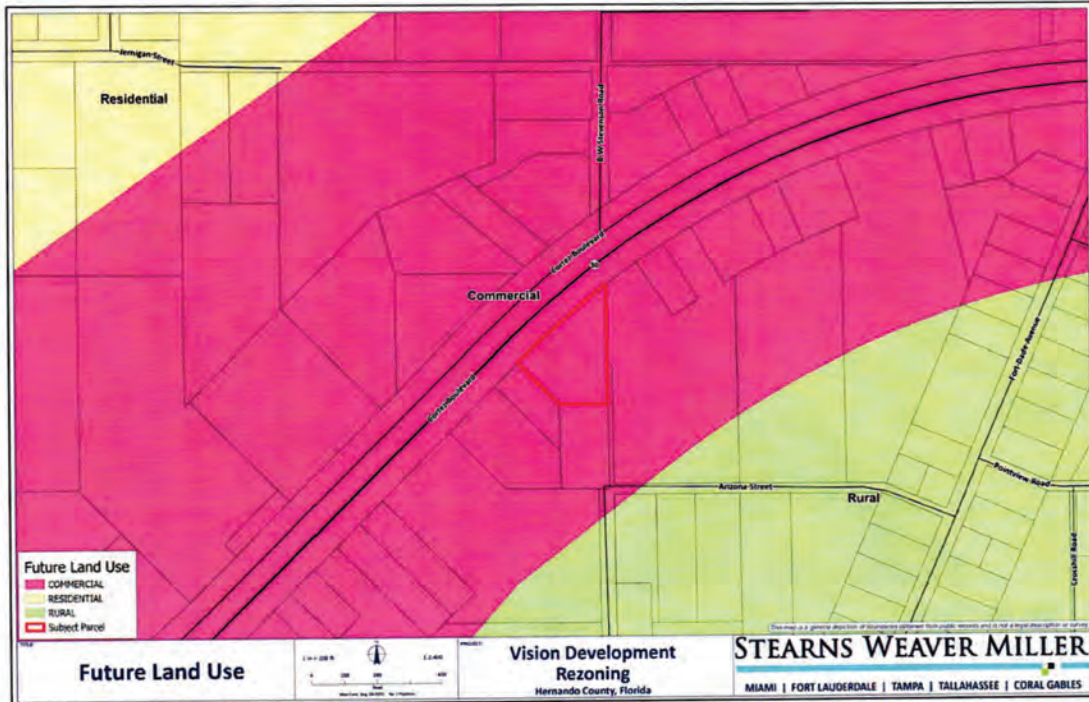


The Property is surrounded by the Commercial Zoning District with some spots of R1A on the north side of Cortez Boulevard:



b. Consistency with Comprehensive Plan.

The Future Land Use for the Property is Commercial. As the Property is along Cortez Boulevard, the surrounding land uses are all commercial.



Pursuant to the Comprehensive Plan, the proposed use is consistent with the Commercial Category. Furthermore, as the Property is surrounded by like uses, this presents an infill opportunity contemplated by Strategy 1.04A(6):

**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. Publicly owned lands along the commercial use corridors that are made available for surplus may be considered to have a Commercial designation, if the agency proceeds through the Comprehensive Plan Amendment process to amend the future land use map, in accordance with Section 163.3184, F.S.

**c. Statement of Use & Intensity.**

This rezoning proposes an automotive body shop, which per the Code, is not permitted in the current C-2 Highway Commercial District:

(2) Permitted uses in a C-2 Highway Commercial District shall be as follows:

- (a) Any use permitted in a C-1 General Commercial District
- (b) Drive-in restaurants
- (c) Automotive dealer establishments, including the principal selling of used cars
- (d) Tire and automotive accessory establishments
- (e) Automotive specialty establishments
- (f) Automotive and truck rental establishments
- (g) Automobile dealer establishments for the principal selling of new cars with service establishments including body shops
- (h) Automobile and truck repair establishments excluding body shops

***Source: Hernando County Code of Ordinances, Appendix A, Zoning, Article IV, Zoning District Regulations, Section 3, Commercial Districts, Subsection (2)(h)***

Automobile and truck repair establishments are permitted uses in the C-4 Heavy Highway Commercial District:

(4) Permitted uses in a C-4 Heavy Highway Commercial District shall be as follows:

- (a) Automobile and truck repair establishments.

***Source: Hernando County Code of Ordinances, Appendix A, Zoning, Article IV, Zoning District Regulations, Section 3, Commercial Districts, Subsection (4)(a)***

However, instead of seeking a rezoning to the C-4 District, this rezoning seeks to rezone to the Planned Development functional equivalent of such C-4 District, PDP-HHC in order to allow flexibility from the standard requirements of the County as contemplated by the Code:

#### ARTICLE VIII. - PLANNED-DEVELOPMENT PROJECT

*Purpose:*

The planned development project (PDP) is a specialized zoning district which provides a level of density and/or intensity, and a list of permitted uses. A narrative description and a master plan are part of the PDP zoning. The master plan is a visual depiction of the general layout of the project in conformance with the PDP rules with any additional performance standards or specific deviations requested. The process for approval of a PDP zoning is through the zoning amendment process as provided for in this ordinance. This master plan must be reviewed and approved by the governing body.

A planned-development project will allow the applicant of a project the flexibility, with governing body approval, to alter the standard requirements of the county. A applicant may also be able to deviate from the following specific requirements of the planned development project regulations after due public notice has been given: perimeter setbacks, parking requirements, building coverage, buffering and street design requirement. The board shall base its decision on the requested deviation based on the impact on the public in regards to the health, safety and welfare of the public. The governing body may increase or decrease the minimum standards provided herein in order to attain compatibility, protect natural resources or meet other public purpose goals.

The planned development project shall be developed according to the approved master plan and supporting narrative and data. The master plan and narrative for a project must meet the minimum standards as provided herein.

***Source: Hernando County Code of Ordinances, Appendix A,  
Article VIII, Planned Development Project***

**d. Statement of Proposed Square Footage of Development and Building Heights of Commercial Uses**

The proposed commercial use is 16,883 square feet of Automobile & Truck Body Shop. The proposed layout and dimensional standards are located on the Master Plan (**Exhibit B**).



**e. Statement of Proposed Deviations from Code.**

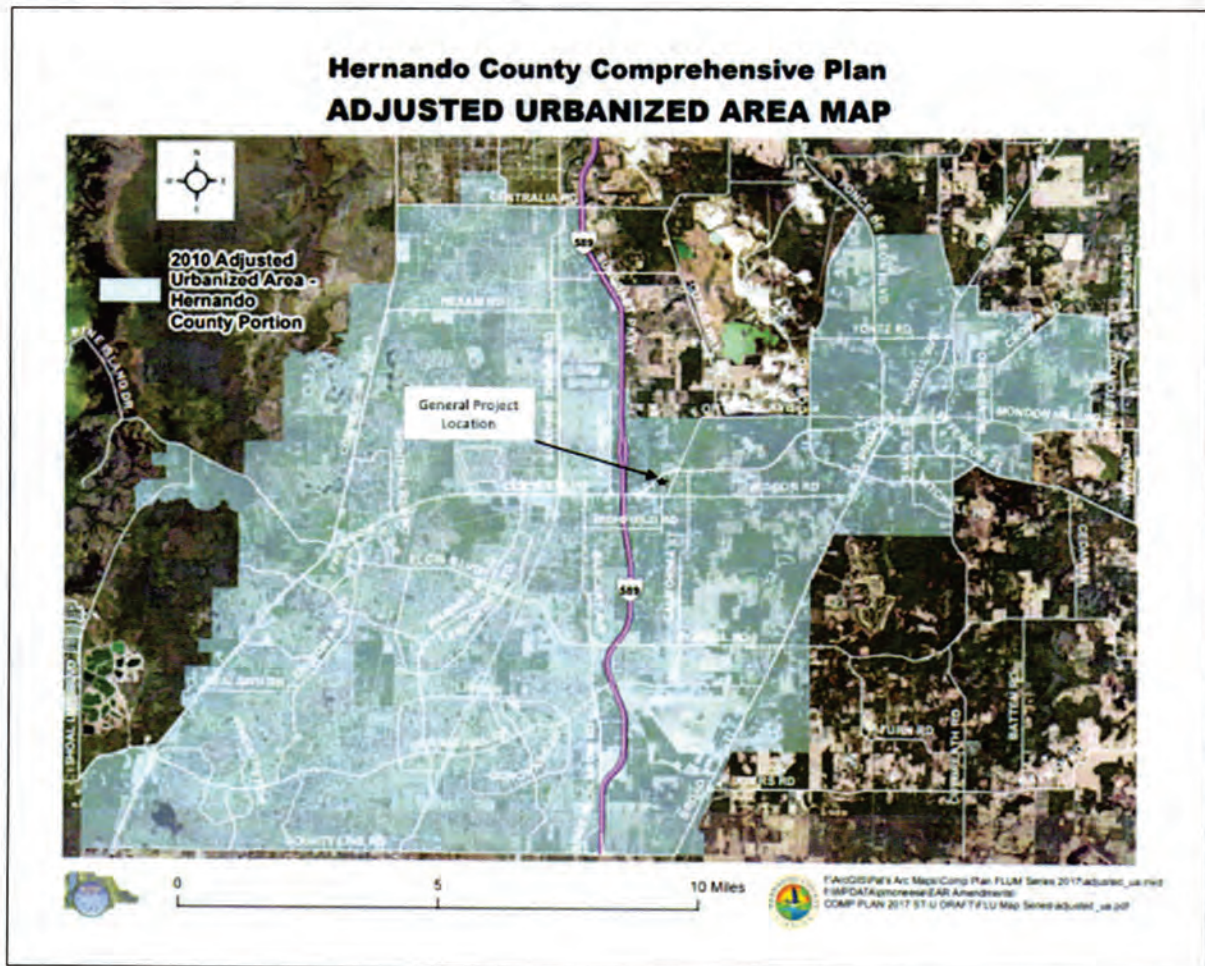
The proposed standards deviate from the Euclidian standards for the C-4 zoning district and the General Provisions for Planned Development Projects for development along arterial highways in the following ways:

<b>LDC Section</b>	<b>Description</b>	<b>LDC Requirement</b>	<b>Proposed Amount</b>	<b>Requested Deviation</b>
LDC App. A, Art. II, Sec. 3, Commercial Districts, D. Dimension and Area Regulations, (1)(a)	Minimum front yard requirement along S.R. 50	125 feet	39 feet	(86) feet
LDC App. A, Art. VIII, Planned Development Project, Sec. 1, General Provisions for planned development projects, B. Perimeter Setback	Minimum front yard requirement along S.R. 50	125 feet	39 feet	(86) feet
LDC App. A, Art. II, Sec. 3, Commercial Districts, D. Dimension and Area Regulations, (3)	Minimum rear yard requirement	35 feet	30 feet	(5) feet
LDC App. A, Art. VIII, Planned Development Project, Sec. 1, General Provisions for planned development projects, B. Perimeter Setback	Minimum rear yard requirement	35 feet	30 feet	(5) feet

The Property is completely surrounded by like uses and therefore, the reductions to the perimeter setbacks would not pose any undue impacts on the public in regards to health, safety and welfare:



Also supporting the proposed use with dimensional deviations is the Property's location in the County's adopted Adjusted Urbanized Area Map:



The project also requires a deviation from Section 24-2 of the Code of Ordinances, which requires: *Developers of properties adjacent to the major arterial highway grid must provide at the developer's expense a frontage road from property line to property line parallel to the arterial highway upon demonstration of need and demand by the county.*

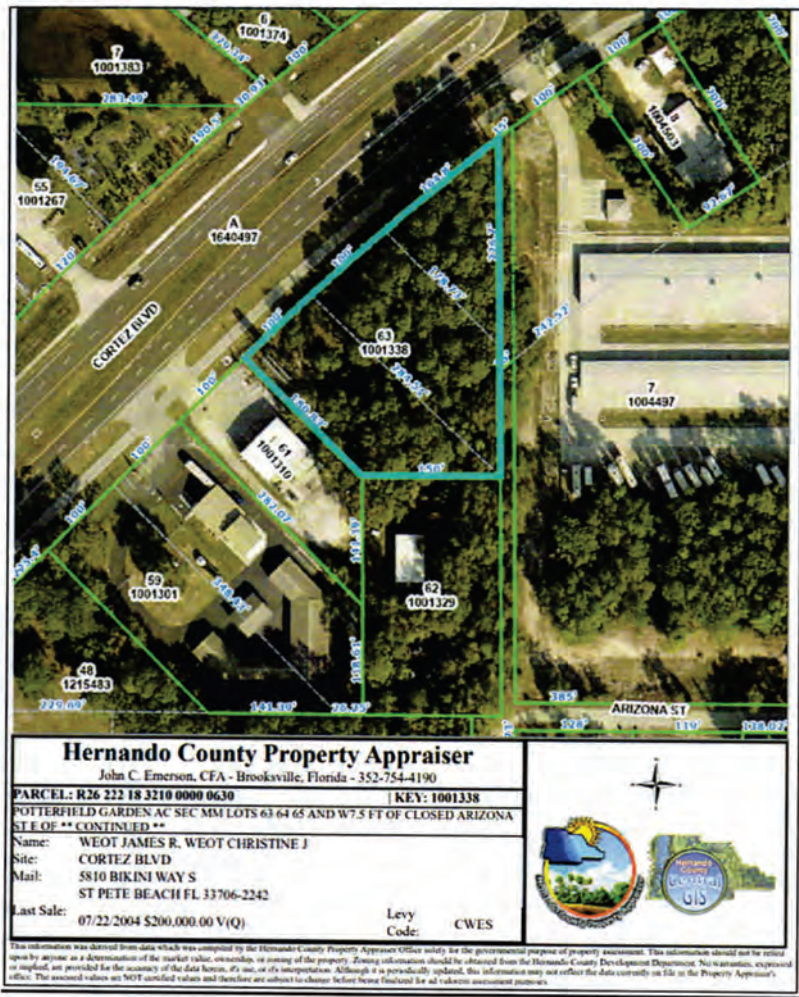
The Property's size and orientation does not allow for a typical section of a County frontage road, which requires 50 feet of right-of-way. However, the Applicant is seeking to comply with the spirit of the Code by including a 24-foot wide drive aisle (which is consistent with County standards), a limerock base and stabilized subgrade that meets County standards, standard curbs, and a six-foot clear zone (again, all consistent with County standards). A sidewalk is provided along the building frontage and a multi-use trail is within the existing right-of-way along Cortez Blvd. The Applicant is willing to supply a cross access easement to the neighboring properties to effectively create and contribute to a frontage road segment.

The odd triangle shape of the Property is driving this deviation request. At this time, there are no frontage roadways along the south side of Cortez Blvd., specifically there is no frontage road on either property to the east or west of the subject site.

All of the above deviations are required to make this project a reality. This rezoning is being sought to specifically allow for a Gerber Collision & Glass auto body shop. Gerber Collision & Glass typically employs 14-18 employees and the salaries range from \$80,000-\$200,000 annually, with a few technicians making closer to \$300,000 annually. This project would bring significant economic opportunity to Hernando County residents.

## II. Site Characteristics

- a. Site Size: The Property is 1.456 acres. (Exhibit C)
- b. Existing Land uses and their specific acreage: N/A. The lot is currently vacant.
- c. Known activities or uses on-site: There are no known uses on the site.



**III. Environmental Considerations.**

Environmental considerations such as flood zone, drainage features, and water features have been noted on the Master Plan confirming that there are no proposed encroachments into the floodplain. The applicant will comply with all applicable environmental permitting regulations. Furthermore, the County's standard environmental Planned Development conditions approval shall apply:

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 is required to comply with all applicable FWC regulations and permitting.

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, as applicable.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. Jurisdictional wetland lines if any shall be shown on the conditional plats.
6. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
7. Invasive plant species must be removed, including wetland areas, during the development process and controlled through the approved Association documents during the subdivision process for long-term maintenance and control.

#### **Site Plan Discussion.**

- a. **Description of the concept of the development plan.**  
As can be seen on the attached Master Plan (**Exhibit B**), the site has been designed for a 16,883 square foot structure with nine (9) bays and thirty-eight (38) parking spots.
- b. **Proposed buffer sizes and separation widths between proposed land uses.**  
The Property is completely surrounded by like uses and therefore, the Special Regulations for Residential Protection Standards in all commercial PDPs listed in Appendix A, Zoning, Article VIII, Planned Development, Section 6, do not apply.
- c. **Proposed perimeter setbacks.**  
The master plan contains the various dimensions proposed for the Project.
- d. **Proposed use.**  
This rezoning proposes PDP-HHC to allow for an automobile and truck repair body shop.

#### **IV. Public Facilities Impact Analysis.**

- a. **Water & Wastewater Analysis.** The following charts outline the potential impacts on water and wastewater based on a 16,500 square foot building assuming 10 gallons per day/100 square feet and Wastewater at 90% of water use:

<b>Potable Water</b>	
Daily Flow	1,650 gallons per day
Maximum Daily Flow (Daily x 2.0)	3,300 gallons per day
Peak Flow (Daily x 4.0)	4.6 gallons per minute
<b>Wastewater</b>	
Daily Flow	1,485 gallons per day
Maximum Daily Flow (Daily x 2.0)	2,970 gallons per day
Peak Flow (Daily x 4.0)	4.6 gallons per minute
<b>Fire</b>	
Fire Flow	1,000 gallons per minute
Fire plus Peak	1,004.6 gallons per minute

- b. **Schools.** School concurrency does not apply to commercial development.
- c. **Parks.** The requirement to provide parks is not applicable to commercial uses.

V. **Water and Sewer Services.**

As part of the zoning and permitting process, the applicant will work with the County and enter into applicable water and sewer agreements. It is also acknowledged that the developer must request water and sewer service from the County.

VI. **Senior, Age-Restricted or Affordable Housing.**

N/A. None of these items are proposed.

**Exhibit List**

- Exhibit A – Location Map
- Exhibit B – Master Plan
- Exhibit C – Legal Description

EXHIBIT A





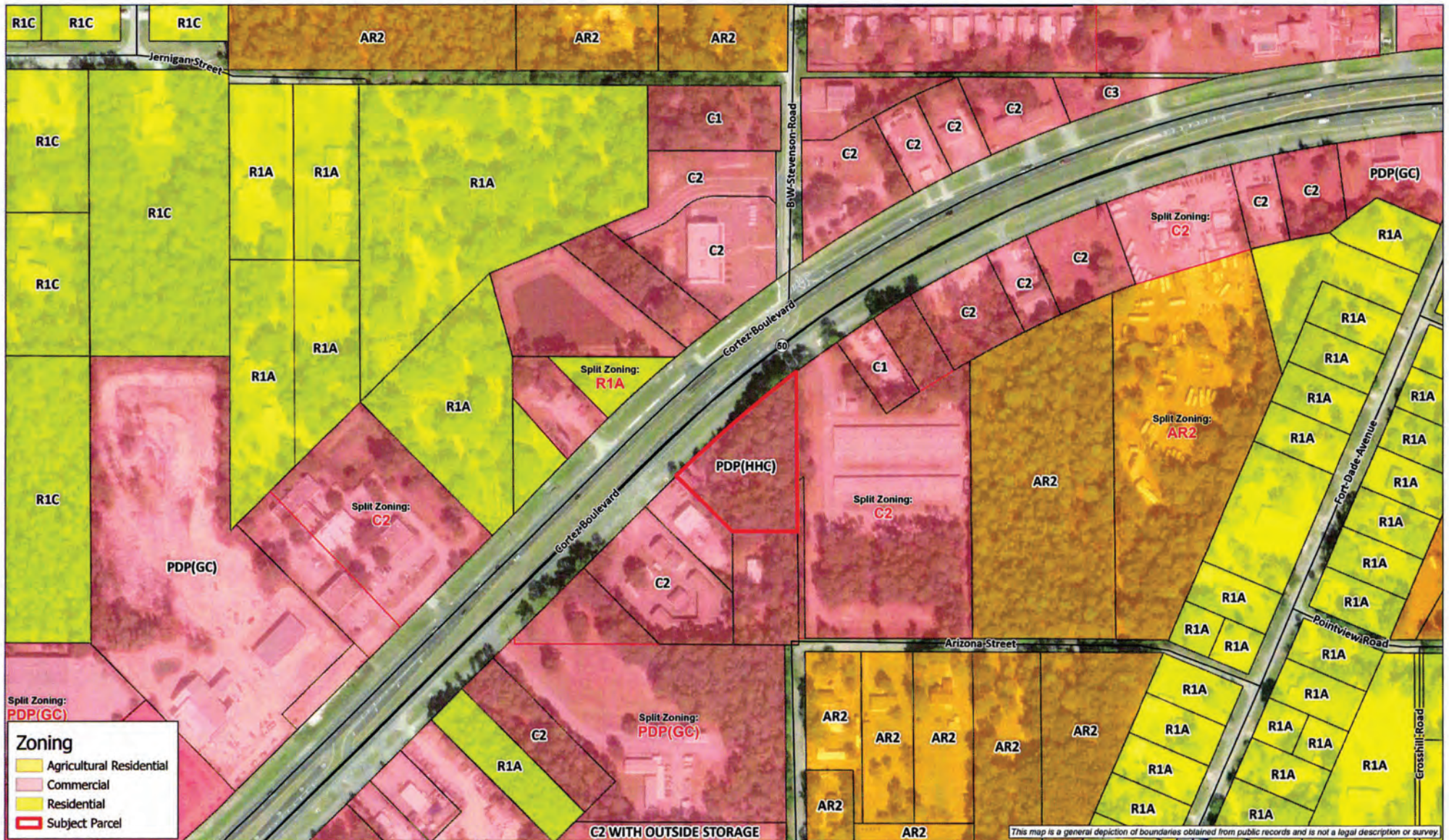
TITLE: **Project Location**



PROJECT: **Vision Development  
Rezoning**  
Hernando County, Florida

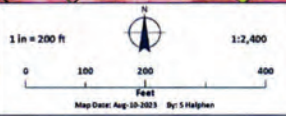
**STEARNS WEAVER MILLER**  
MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES

EXHIBIT B



This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

TITLE:  
**Proposed Zoning**



PROJECT:  
**Vision Development  
Rezoning**  
Hernando County, Florida

**STEARNS WEAVER MILLER**  
MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES