

APPLICANT: Teramore Development LLC

FILE NUMBER: H-23-08

REQUEST: Rezoning from R-1A (Residential) to PDP(NC)/Planned Development District - Neighborhood Commercial with a specified C-1 use for a comparison goods store with Deviations

GENERAL LOCATION: East side of Commercial Way between Ridge Road and Osceola Drive

PARCEL KEY NUMBERS: 86187, 86196, 86203, 86212, 85142

BCC ACTION:

At their September 12, 2023, meeting, the Board of County Commissioners voted 4-0 to recommend the Board of County Commissioners continue the petitioner's request for a rezoning to the October 10, 2023, Board of County Commissioner hearing.

BCC ACTION:

At their October 10, 2023, meeting the Board of County Commissioners voted 5-0 to adopt Ordinance 2023-208, approving the petitioner's request for a rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for Comparison Goods Store 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. Planning
 - A. Permitted Uses:
 - i. All permitted uses in the C-3 zoning district.
 - ii. Comparison Goods Store (Requested C-1 land use)
 - B. Building Setbacks:
 - Front (West, US Hwy 19): 75' (Deviation from 125')
 - North (Side, Ridge Rd): 35'
 - South (Side, Osceola Dr): 35'
 - East (Rear, frontage road): 20' (Deviation from 35')
 - Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)
 - C. Perimeter Buffers:
 - Front (West): 20' Vegetative Buffer (landscaped)
 - Side (North & South): 20' Vegetative Buffer (landscaped)

- Rear (East): 5' Vegetative Buffer (landscaped)
- Rear (between the reverse frontage road and the eastern most boundary): 10' Vegetative Buffer (landscaped) with a 6' tall opaque fence or wall. The fence shall be dominated by greenery which shall attain fifty (80) percent opacity within twelve (12) months maintained between 5' and 8' in height. This buffer shall be planted with native vegetation in accordance with the Florida Friendly principles.
- Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

3. Engineering

- A. Geotechnical testing is required to verify variables used in the drainage design. Geotesting may not occur until after the Gopher tortoise relocation has occurred to prevent the destruction of burrows and animals.
- B. Required parking shall be calculated at 1 space/300 square feet of building area.
- C. A deed of dedication for the 50' of Right-of-Way on Lot 2, to be completed within 30 days of Master Plan approval or final replat of the subject parcels.
- D. The reverse frontage road shall be constructed as part of the development of each parcel.
- E. Stormwater mitigation for Lot 1 must be on lot 1. When Lot 2 is developed, the mitigation area on Lot 1 can be revised to mitigate for both ponds or provide a drainage easement for mitigation.
- F. Flood Zone permitting and mitigation is required if development impacts the existing floodplain on Parcel Key 85142.
- G. Parcel configuration will require a *Vacation of Road Right-of-Way*, for the existing right-of-way that is reserved on the site (parcel key number 1490498).
- H. A sidewalk is required along Ridge Road for the entire length of frontage along Ridge Road. Refer to Hernando County Facilities Design Guidelines IV-10. The petitioner shall be permitted to apply for a design variance to install a sidewalk along the south side of the road and pay into the sidewalk fund for the north side of the road.
- I. A Traffic Access Analysis that includes a queuing analysis, is required. Refer to Hernando County Facilities Design Guidelines IV-18.
- J. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- K. The Turn Lane shall meet the Hernando County Standards. Refer to Hernando County Facilities Design Guidelines IV-20.
- L. The widening of Ridge Road shall meet the Hernando County Standards for turn lane transitions. Refer to Hernando County Facilities Design Guidelines IV-19.
- M. FDOT access management and FDOT drainage permits required.

4. Environmental

A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted with the first permitting applications. The petitioner is required to comply with all applicable FWC regulations and permitting.

- A. 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.
 - B. This property is in a Wellhead Protection Area (WHPA) 1, and subject to *Section 28-266(a)* of the Hernando County Code which lists land uses that are prohibited within the wellhead protection area 1.
 - C. If existing on the site, specimen (trees 18" DBH to 35.99" DBH) and majestic trees (trees 36" DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect. The County Administrator or his designee may grant permission to remove specimen and/or majestic trees in accordance with Chapter 10 of the Land Development Regulations.
5. All lighting for the site shall be full cutoff fixtures designed/installed to prevent light spillage onto adjacent residential properties.
6. Signage along US Hwy 19 shall be limited to a monument sign and shall be complementary to the architecture of the primary structure.
7. Utilities:
- A. A utility capacity analysis shall be performed by the petitioner as part of the permitting process.
 - B. The development shall connect to the central water and sewer systems at time of vertical construction, ~~or an alternative utility provision system approved by the Hernando County Utilities Director.~~
8. A construction buffer, including the installation of a 6' opaque fence, meeting the requirements of Section 10-21 shall be installed before land disturbing activities take place on the property.
9. Residential Protection Standards shall be adhered to (*Appendix A, Article 7, Section 6*):
- A. There shall be no speakers or other sound equipment located within 100' of any single-family residential district property line.
 - B. There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100' of any single-family residential district property line.
 - C. 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.

- D. No building within 100' of any single-family residential district property line shall be more than 20' in height.
- E. 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.
- F. 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.
- G. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.