

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: October 31, 2022  
Board of County Commissioners: November 8, 2022

**APPLICANT:** Spring Lake Square, LLC

**FILE NUMBER:** H-22-38

**REQUEST:** Rezoning from PDP(GC)/Planned Development Project (General Commercial) and C-1 (General Commercial) to CPDP (Combined Planned Development Project) to include General Commercial and Multifamily Uses with Deviations

**GENERAL LOCATION:** Adjacent to the gas station at the southwest corner of Spring Lake Highway and SR 50 (Cortez Boulevard) with frontage on both roadways

**PARCEL KEY NUMBERS:** 1133767, 1137825

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(GC)/Planned Development Project (General Commercial) and C-1 (General Commercial) to CPDP (Combined Planning Development Project) to include General Commercial and Multifamily Uses with Deviations. The petitioner has indicated developing the 12.6-acre site with a mixed-use development. The development will consist of a total of 14,286 square feet (plaza, fast-food restaurant) along Cortez Boulevard, three (3) commercial outparcels along Spring Lake Highway totaling 9,000 square feet and a 50-unit villa subdivision with onsite amenities.

#### **Requested Deviation:**

The petitioner is requesting a building setback reduction along Cortez Boulevard from the required 125' to 75'. The petitioner has indicated that a reverse frontage road will be provided instead.

### SITE CHARACTERISTICS:

**Site Size:** 12.6 acres

**Surrounding Zoning & Land Uses:**

North: CPDP; Undeveloped  
South: AG; Single Family  
East: C-1; Retail, Restaurant

**Current Zoning:** West: AG; Undeveloped  
PDP(GC)/Planned Development Project (General Commercial) and C-1 (General Commercial)

**Future Land Use Map Designation:** Commercial

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Sparr Fine Sand, Candler Fine Sand, and Floridana Variant Loamy Fine Sand.

***Comments:*** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection Features:** There are no Wellhead Protection Areas (WHPA) present on the subject parcel according to County data

**Hydrological Features:** There is Class 1 Wetland on the west side of the development encroaching on the property at the north and south corners.

***Comments:*** The master plan shows drainage retention pond next to the existing wetland. Comp Plan Strategy 10.03B(8) requires A vegetated buffer averaging a minimum of 25' and no narrower than 15' feet in width adjacent to the wetland line shall be maintained by development adjacent to Class I wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. The wetland jurisdictional line and 25' buffer must be shown on all future plans.

**Habitat:** Mixed Hardwood Coniferous on a majority of the property and a small portion of Grazed Wetlands on the southwest corner of parcel Key 1133767

***Comments:*** A comprehensive floral survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner is required to comply with all

applicable FWC regulations and permitting. Invasive plant species if present are to be removed during the development process.

**Water Quality Review:**

The proposed development is within the Chassahowitzka River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate.

**Comments:**

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

**Flood Zone:** AE & X

**SCHOOL BOARD REVIEW:**

No comments were received from the Hernando County School District on the subject application.

The applicant must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.

**UTILITIES REVIEW:**

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 12-inch water main that runs along the north side of Cortez Boulevard, an existing 16-inch water main at southeast corner of Cortez Boulevard and Spring Lake Highway,

and an existing 1-1/4-inch water main that runs along the west side of Spring Lake Highway. There is an existing 4-inch sewer force main approximately 240 feet to the north of parcel 1137825 on Spring Lake Highway. HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located adjacent to the gas station at the southwest corner of Spring Lake Highway and SR 50 (Cortez Boulevard) with frontage on both roadways. The petitioner has indicated access for the commercial and the villas will be gain via a reverse frontage road which will extend from Spring Lake Highway, behind the existing gas station, and continue west, northwest, to Cortez Boulevard. Due to the reverse frontage road design the petitioner is requesting a reduction on the Cortez Boulevard setbacks.

The County Engineer reviewed the request and indicated the following:

- The proposed project contains floodplain areas. The master plan must show floodplain areas on the site. Development within the floodplain requires specific permitting and mitigation.
- This property abuts along Cortez Boulevard, a Frontage Road is required along the entire width of the frontage along Cortez Boulevard
- A Traffic Access Analysis is required. The Traffic Access Analysis will be required to contain que analysis.
- Fast food establishments shall demonstrate adequate queuing and storage onsite, furthermore, a Traffic Access Analysis with que analysis shall be require.
- The driveway and parking layout will need to meet County standards.
- A sidewalk from the buildings to Cortez Boulevard will be required.
- The proposed outparcels will not be permitted individual driveways onto Spring Lake Highway (arterial road). The petitioner will need to provide cross connectivity between the parcels

**LAND USE REVIEW:**

**Building Setbacks**

Proposed Commercial Building Setbacks (Cortez Blvd):

- Cortez Blvd: 75' (reduced from 125')
- Side: 20'
- Rear: 35'
- Reverse Frontage Road: 20'

Proposed Commercial Building Setbacks (Spring Lake Highway)

- Spring Lake Highway: 75'
- Reverse Frontage Road: 35'
- Side: 20'
- Rear: 35'

Proposed Villa Setbacks:

- Reverse Frontage Road: 35'
- Side: 20'
- Rear: 35'

**Parking**

County LDRs require a minimum of 4 parking spaces per 1,000 square feet of commercial and 3.5 parking spaces per 1,000 square feet of Office Professional uses.

**Comments:** If approved, the petitioner must meet the minimum requirements of the County LDR's for parking on all commercial parcels.

**Buffers**

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.

The minimum commercial buffer shall consist of a five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall either be between five and eight feet in height, or an evergreen hedge with a minimum height of five feet at the time of planting.

**Comments:** The petitioner proposes a 20' landscape buffer along Cortez Boulevard. The villas will be screened by a 6' high fence

along the perimeter. The remainder of the project would meet the minimum requirements of the County LDR's.

If approved, a 20' landscape buffer shall be provided along Cortez Boulevard and the three (3) commercial outparcels along Spring Lake Highway. A 6' high fence shall be provided along the perimeter of the 15' landscape buffer shall be provided for that portion of the villas that fronts the reverse frontage road.

**Open Space**

The LDRs have design standards required for PDP(MF)/Planned Development Project (Multifamily). The design standards require a minimum 15% of the gross area be provided as open space. If approved, the petitioner must provide the required open space as required by the County's LDRs.

**Natural Vegetation**

Projects two (2) to twenty (20) acres must designate an area of at least five (5) percent of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) areas shall be allowed.

**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.

**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.

**Comments:** The petitioner has not indicated lighting for the proposed use. If approved, all lighting should be full cut off fixtures in order to prevent any light spillage into neighboring parcels.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial, single-family homes and undeveloped parcels. The subject property is located within the Commercial land use classification on the adopted Future Land Use Map.

**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 are required where needed in accordance with the provisions of this Plan and adopted land development regulations.

**Comments:** The subject property is in a Commercial land use designation according to the Future Land Use Map. The proposed use is consistent with the Hernando County Comprehensive Plan related to commercial development.

**Multi-Family Housing**

**Strategy 1.04B(5):** High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high-density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;

- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

**Strategy 1.04B(6):** Multifamily development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed-use development.

**Comments:** The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 50 units on 12.6 acres. The proposed project location is suitable for multifamily with appropriate performance conditions.

**Road Network – Frontage Roads**

**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(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.

**Comments:** The petitioner shall be required to provide a frontage road as shown on the master plan to provide interconnectivity and cross-connection between outparcels and access to the signalized intersection on SR 50 and Spring Lake Highway.



**Wetlands**

**Strategy 10.03B(8):** A vegetated buffer averaging a minimum of 25' feet and no narrower than 15' feet in width adjacent to the wetland line shall be maintained by development adjacent to Class I wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. The wetland jurisdictional line and 25' buffer must be shown on all future plans.

**Comments:** The petitioner shall be required to set the wetland line and provide the appropriate wetland buffer on all plans and drawings. There is a portion of the southwest corner of the property that may require wetland buffering that is not shown on the master plan.

**FINDINGS OF FACT:**

A rezoning from PDP(GC)/Planned Development Project (General Commercial) and C-1 (General Commercial) to CPDP/Combined Planned Development Project to include General Commercial and Multifamily Uses 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 performance conditions.
2. The requested building setback reduction along Cortez Boulevard is permitted due to the proposed reverse frontage road.

**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 for a rezoning from PDP(GC)/Planned Development Project (General Commercial) and C-1 (General Commercial) to CPDP/Combined Planned Development Project to include General Commercial and Multifamily Uses 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 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.
3. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District and the County.
4. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
5. All lighting shall be full cut off fixtures in order to prevent any light spillage into neighboring parcels
6. A vegetated buffer averaging a minimum of 25' and no narrower than 15' in width adjacent to the wetland line shall be maintained by development adjacent to the Class I wetland. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. The wetland jurisdictional line and 25' buffer must be shown on all future plans and drawings.
7. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.

8. A Traffic Access Analysis shall be required. Traffic Access Analysis shall include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
9. A reverse frontage road shall be required.
10. Fast food establishments shall demonstrate adequate queuing and storage onsite, furthermore, a Traffic Access Analysis with que analysis shall be required.
11. A sidewalk from the buildings to Cortez Boulevard will be required.
12. The outparcels will not be permitted individual driveways onto Spring Lake Highway (arterial road). The petitioner shall provide cross connectivity between the parcels.
13. Minimum Building Setbacks
  - Minimum Commercial Building Setbacks (Cortez Blvd):
    - Cortez Blvd: 75'
    - Side: 20'
    - Rear: 35'
    - Reverse Frontage Road: 20'
  - Minimum Commercial Building Setbacks (Spring Lake Highway)
    - Spring Lake Highway: 75'
    - Reverse Frontage Road: 35'
    - Side: 20'
    - Rear: 35'
  - Minimum Villa Setbacks:
    - Reverse Frontage Road: 35'
    - Side: 20'
    - Rear: 35'
14. A Cross Access Agreement shall be provided between all parcels/uses.
15. A 20' landscape buffer shall be provided along Cortez Boulevard and the three (3) commercial outparcels along Spring Lake Highway. A 6' high fence shall be provided along the perimeter of the villas and a 15' landscape buffer shall be provided for that portion of the villas that fronts the reverse frontage road.
16. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted at the construction plans stage of development. Invasive plant species if present are to be removed during

the development process. The petitioner is required to comply with all applicable FWC regulations and permitting.

17. 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.