

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: December 12, 2022  
Board of County Commissioners: January 10, 2023

**APPLICANT:** Racetrac Petroleum, Inc.

**FILE NUMBER:** H-22-77

**REQUEST:** Master Plan Revision to Include a Rezoning on from R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations

**GENERAL LOCATION:** Northeast corner of Broad Street (US Hwy 41) and Highbury Boulevard and East of Kentucky Street

**PARCEL KEY NUMBERS:** 202514, 202596, 202603, 1640503

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### APPLICANT'S REQUEST:

On June 20, 2007, the Board of County Commissioners approved a rezoning on the subject site from C-1/(Commercial) and R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial) to construct a convenience store with 12 fueling stations (file #H-07-19). Since the approval no construction has occurred, and the master plan has expired.

The petitioner's current request is to revise the Master Plan on the subject site to develop a 3,574 square foot convenience store, 14 fueling stations (7 pumps) and a semi-truck fueling area with 7 fueling stations (4 pumps). The new request will include two additional parcels and the proposed vacation of Kentucky Street which has been submitted to the County Engineering Department for review. The petitioner is requesting for a setback deviation along Stromberg Avenue and Highbury Boulevard from 35' to 20'.

### SITE CHARACTERISTICS:

**Site Size:** 2.75 acres

**Surrounding Zoning & Land Uses:** North: R-1A; Mobile Home  
South: C1; Undeveloped

East: R-1A; Mobile Homes  
West: AG, C1; undeveloped

**Current Zoning:** PDP(GC)/Planned Development Project (General Commercial) and R-1A/(Residential)

**Future Land Use Map Designation:** Commercial

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Nobleton Fine Sand & Flemington Fine Sandy Loam

**Habitat:** The property is a vacant wooded parcel, shown as residential medium density – 2-5 dwelling units per acre according to Florida Fish and Wildlife Commission’s (FWC) CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data). It appears to be mixed hardwood and few pine. The habitat is suitable for gopher tortoises, a listed species.

**Comments:** Soils and habitat are suitable to support gopher tortoises. FWC permitting is required for burrows that cannot be avoided during clearing and/or development.

**Hydrologic Features:** There are no Wellhead Protection Areas on the subject site according to County data resources.

**Protection Features:** There are no Special Protection Area’s (SPA) on the subject site according to County data resources.

**Archaeological/Historical** There are no archaeological or historical sites according to County data resources.

**Water Quality:** This project is located within the Weeki Wachee Basin Management 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.

**Comments:** The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

**Flood Zone:** C

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is an existing 12-inch water main that stubs out north of Spring Hill Drive just west of the intersection of Broad Street and Spring Hill Drive which connects to a 12-inch water main that runs along Spring Hill Drive. There is an existing 10-inch sewer force main that runs along the west side of Broad Street under the southbound turning lane for Spring Hill Drive and continues south along Broad Street as a 12-inch line. HCUD has no objections to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

**ENGINEERING REVIEW:**

The property is located on the signalized northeast corner of Broad Street (US Hwy 41) and Highbury Boulevard/Spring Hill Drive intersection. The petitioner has proposed to improve Highbury Boulevard and Stromberg Avenue to accommodate the proposed traffic flow. The subject property has four (4) proposed access points, two from Highbury Boulevard and two from Stromberg Avenue. One of each of the access drives to each road will be utilized for vehicle traffic and the other drives will be utilized for the proposed semi-truck fueling area. No direct access to Broad Street is proposed.

As part of the request the petitioner has submitted a request to vacate Kentucky Street in order to assemble additional property for the proposed use. Kentucky Street would be relocated and reconfigured and would act as a reverse frontage road.

The County Engineer has reviewed the petitioner's request and indicated the following:

1. The developer must relocate driveway locations further east. The current locations are shown too close to US Hwy 41/Broad Street. Relocation of driveways will ensure traffic operational conflicts are not created at either location.
2. All driveway, roadways and parking layouts are required to meet Hernando County Facility Design Guidelines standards.

3. A Traffic Access Analysis is required any improvements identified in Traffic Access Analysis will be the responsibility of the developer. Possible improvements to the intersection of Highbury Boulevard at Broad Street and Stromberg Avenue at Broad Street may be required.
4. The developer shall improve Highbury Boulevard in accordance with the requirements of the Hernando County Facility Design Guidelines.
5. The proposed project is required to provide a Frontage Road. Kentucky Street has been deemed as the reverse Frontage Road for this location. The proposed development will be required to construct Kentucky Street to Frontage Road standards.
6. The petitioner must coordinate the vacation of Kentucky Street with the County Engineering Department.
7. The proposed project must provide a drainage design meeting the requirements of Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permitting requirements.

**LAND USE REVIEW:**

**Building Setbacks**

Proposed Building Setbacks:

|                           |                          |
|---------------------------|--------------------------|
| From Broad Street:        | 125'                     |
| From Stromberg Ave:       | 20' (Deviation from 35') |
| From New Kentucky Street: | 20' (Deviation from 35') |
| From Highbury Blvd:       | 20' (Deviation from 35') |

**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 any provisions for lighting of the subject property. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.

**Landscaping**

The petitioner must meet the minimum recommendations of the Florida-Friendly Landscaping™ Principles (Florida yards & Neighborhoods Program) for design techniques and principles for all required landscaping.

**Comments:** The petitioner is proposing a 10' landscape buffer along the entire boundary of the property. If approved, a 10' wide vegetative buffer with 80% opacity and a six (6) foot wall or opaque fence shall be provided on the east side of the property against residential lots. The wall or fence shall be placed along the inside of the buffer with landscape facing residential uses.

**Residential Protection Standards**

1. There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.

**Comments:** The proposed location of the store will meet or exceed the 100' requirement.

2. There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.

**Comments:** The petitioner has indicated that the convenience store will sell packaged beer and wine products. The proposed location of the store will meet or exceed the 100' requirement.

3. 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.

4. No building within 100 feet of any single-family district residential district property line shall be more than 20 feet in height.

**Comments:** The convenience store location will meet or exceed the 100' requirement.

5. All loading bays and loading docks must be a minimum of 100' from any 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.

**Comments:** The convenience store location will meet or exceed the 100' requirement.

6. 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.

**Comments:** The petitioner must meet the minimum commercial standards for air conditionings and/or other operational equipment.

### **COMPREHENSIVE PLAN REVIEW:**

The subject site is located within the Commercial and Residential land use designation on the adopted Future Land Use Map. The area is characterized by developed and undeveloped commercial uses to the west and south, and developed and undeveloped residential uses to the north and east.

**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.

**Strategy 1.04G(3):** When reviewing requests to designate new commercial areas or zonings apart from nodes depicted on the Future Land Use

Map, the County will be guided by the commercial node strategies provided herein and the need to provide for a range of commercial uses.

**Strategy 1.04G(4):** Development in commercial nodes shall provide for extension of the County's frontage road network on arterial roadways in accordance with adopted land development regulations. Proposed commercial development may only extend outward from a commercial node where there is a frontage road or cross-access connected to the proposed development in order to encourage compact commercial development and maintain the function of adjacent roadways, especially arterials and collectors. Commercial development shall provide for multi-modal interconnection between commercial activities and adjacent residential areas.

**Strategy 1.04G(5):** Commercial development in nodes may be required to utilize unified plans in accordance with adopted land development regulations for services and amenities including, but not limited to, drainage, landscaping, access management, multi-modal site circulation, and signage.

**Mapping Criteria:** The Commercial Category includes commercial corridors along U.S. 19 and S.R. 50 and designated commercial nodes at intersections of arterial and/or collector roads intended primarily for commercial development with a wide variety of uses.

**Map Interpretation Guidance:**

Areas considered to have a Commercial Category designation but not shown on the Future Land Use Map 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.

**Comments:** The commercial node's eastern boundary ends at the existing right-of-way of Kentucky Street. The petitioner has proposed vacating Kentucky Street and has acquired an additional two parcels further east and which fall within the Residential Land Use Designation. County policy permits the extension of a

Commercial Node when part of a unified development; furthermore, the additional parcels will be utilized for the relocation of Kentucky Street, allowing Kentucky Road to once again be the definitive boundary for the node.

**FINDINGS OF FACT:**

Master Plan Revision to Include a Rezoning on from R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations is appropriate based on the following conclusions:

1. The petitioner shall coordinate driveway entrances and the vacation of the existing Kentucky Street with the County Engineer to ensure safe lines of sight and traffic circulation.
2. Proposed setbacks are not adverse to public interest and are justified based on the proposed master plan.
3. 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.

**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 Concurrence. 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 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 Master Plan Revision to Include a Rezoning on from R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations and with the following performance conditions:



1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The setbacks are approved as follows:

|                       |                          |
|-----------------------|--------------------------|
| From Broad Street:    | 125'                     |
| From New Kentucky St: | 20'(deviation from 35')  |
| From Stromberg Ave:   | 20' (deviation from 35') |
| From Highbury Blvd:   | 20'(deviation from 35')  |
3. A 10' wide vegetative buffer shall be provided along the perimeter of the property. Along the east (Kentucky Street), the buffer will be enhanced to achieve 80% opacity and a six (6) foot wall or opaque fence shall be provided. The wall or fence shall be placed along the inside of the buffer with landscape facing residential uses.
4. The developer shall perform a utility capacity analysis in accordance with HCUD specifications and connect to the central water and sewer systems at time of vertical construction.
5. The developer shall provide an avigation easement.
6. A Traffic Access Analysis is required, and any improvements identified in Traffic Access Analysis will be the responsibility of the developer. Improvements to the intersection of Highbury Boulevard at Broad Street and Stromberg Avenue at Broad Street may be required by the County Engineer.
7. A comprehensive listed species survey shall be prepared by a qualified professional to identify any listed species present on the property prior to any development activities. The petitioner is required to comply with all applicable FWC regulations and provide copies of any required permits.
8. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
9. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring parcels.
10. The proposed project shall meet the requirements of the Hernando County Facility Design Guidelines and land development regulations for site development to include parking, and layout and commercial driveways.

11. The proposed use shall comply with Hernando County Facility Design Guideline and SWFWMD stormwater requirements.
12. The developer shall relocate driveway locations further east of US Hwy 41 (Broad Street) to ensure traffic operational conflicts are not created at either location.
13. The developer shall improve Highbury Boulevard in accordance with the requirements of the Hernando County Facility Design Guidelines.
14. The proposed project is required to provide a Frontage Road. Kentucky Street has been deemed as the reverse Frontage Road for this location. The proposed development shall construct Kentucky Street to Frontage Road standards in accordance with the requirements of the County Engineer and the Facility Design Guidelines.
15. The petitioner shall coordinate the vacation of Kentucky Street with the County Engineering Department.
16. The petitioner shall meet the residential protection standards for commercial districts as required by the land development regulations
17. The petitioner shall provide a revised 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.