

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 9, 2023
Board Of County Commissioners: February 14, 2023

APPLICANT: Proud Pelican Construction, Inc.

FILE NUMBER: H-22-81

REQUEST: Revision of Master Plan on a Property Zoned PDP(GHC)/ Planned Development Project (General Highway Commercial) to Add Two Additional Commercial Structures

GENERAL LOCATION: Northwest corner of the intersection of Cortez Blvd (SR 50), Barclay Avenue and Brookridge Central Boulevard

PARCEL KEY: 470396

APPLICANT'S REQUEST:

The petitioner is asking for a revision of their Master Plan, originally approved on January 11, 2006, to add two new buildings to the site, a 1,500 square foot expansion of the existing Transmission Shop and a 7,000 square foot one-story building which will serve as a staging and detailing area in conjunction with the existing auto-body shop to the south.

The petitioner states the parameters will be met in the construction of the proposed new buildings:

- They will be single story structures;
- They will not affect any buffers;
- They will not require any change in approved setbacks;
- No deviations will be required;
- They will comply with the landscape ordinance;
- There will be no doors on the north face of the structures;
- The north side of the building will comply with the architectural standards;
- There will be no outside speakers;
- There will be no outside machinery;
- Inside machinery will consist of hand tools; and
- There will be no outside repair work activity.

SITE CHARACTERISTICS:

Site Size: 12.30 acres

Surrounding Zoning & Land Uses:

North: PDP(MH)/Planned Development Project (Mobile Home); Homes

South: PDP(GC)/ Planned Development Project (General Commercial), Developed; and C-2, Developed

East: PDP(GHC)/Planned Development Project (General Highway Commercial); Developed

West: PDP(GC)/ Planned Development Project (General Commercial), developed; and PDP(SU)/Planned Development Project (Special Use), Drainage Retention Area.

Current Zoning: PDP(GHC)/ Planned Development Project (General Highway Commercial) (H-05-121)

Future Land Use Map Designation: Commercial

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand/0-5% Slopes.

Comment: The property is fully developed, and gopher tortoises are not known to be present on the site.

Protection Features: There are no Protection Features (Wellhead Protection Areas (WHPA) and Special Protection Areas (Special Protected Areas (SPAs)) on this site according to county data.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

Habitat: The property has been designated Fully developed site identified as commercial and services according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

Water Quality Review: The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group.

Comment: 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.

Flood Zone: X with small portions of AE on the north portion of the property.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has reviewed the petitioner's request and provided the following comments:

- HCUD currently provides water and sewer service to this parcel.
- HCUD has no objection to the requested revised master plan to allow two additional commercial buildings on site (transmission shop and autobody shop).

ENGINEERING REVIEW:

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

- This site contains areas of 1% annual chance floodplain, revised by development.
- The proposed development does not increase the impervious area on site.
- The petitioner shall provide a corner clip and Temporary Construction Easement at the northwest corner of Cortez Blvd. and Brookridge Central Blvd. The details of this corner clip & Temporary construction easement shall be worked out with the County Engineer during the construction drawings stage of permitting.
- The petitioner shall confirm the existence of the easement of the portion of Tundra Drive and DRA maintenance located on subject parcel.
- The driveway and parking layout may be required to be brought up to County standards with signage and appropriate markings. The County Engineer shall make this determination.

LAND USE REVIEW:**Previous Performance measures Established**

Previous performance conditions for this property have been established in zoning cases H-95-18, and H-05-121. Planning staff feels that some of these items are out of date and proposes to update these conditions and remove items that are no longer applicable to the subject site. The following shows the previously approved conditions and provides an explanation as to why staff believes they should be kept as is, updated or deleted.

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, including receiving DRC approval for the proposed use.

The developer must comply with all other PDP regulations.

- **UPDATED:** This is a standard condition in all PDPs. Staff proposes the replacement of this statement with the statement that is currently used in all new proposed PDPs.

- ~~2. The applicant shall deed the northern most fifteen (15) feet of the subject property to the County. The applicant shall enter into an agreement with the County to provide for the maintenance of the required buffer.~~

- **REMOVED:** This is a single event condition and has been satisfied

- ~~3. The applicant must provide, at no expense to the County, a frontage road built to County standards along the northern portion of the property, running east to west. The applicant shall enter into an agreement with the County to provide for construction of a frontage road upon demonstration of need and demand by the County.~~

- **REMOVED:** This is a single event condition and has been satisfied

4. The minimum setbacks for the buildings on the property shall be as follows:

- **UPDATED:** The rear setback should be updated and measured from the rear property line. The required frontage road has been built and property lines adjusted. A 50' rear setback, measured from the rear property line, would be approximately 125' from the subdivision boundaries to the north.
- Front: 75'
- Rear: 50' 100' ~~(the rear setback is to be measured from the property line of the Brookridge Subdivision)~~
- Side: 50'

- ~~5. The applicant shall provide a vegetative buffer along the north property line, of five to eight feet in height and which shall reach sufficient opacity at the time business commences. This buffer shall be located within the 25' required landscape separation strip, on the north side of the required frontage road.~~
 - REMOVED: This is a single event condition and has been satisfied.
6. Lighting of the site shall be directed toward the interior of the project.
 - KEPT: This condition requires ongoing compliance and should remain.
7. External loud speakers shall not be utilized on the site.
 - KEPT: This condition requires ongoing compliance and should remain.
- ~~8. The petitioner will be required to submit detailed drainage plans for the subject property prior to DRG approval.~~
 - REMOVED: This is a single event condition and has been satisfied.
- ~~9. The petitioner must receive a Class I Subdivision approval prior to the issuance of any building permits.~~
 - REMOVED: This is a single event condition and has been satisfied
10. If the petitioner wishes to operate a paint and body shop on this 2.5 acre site, the paint and body shop shall be allowed only one garage door exit on the northern wall. If the petitioner wishes to operate a service department on this 2.5 acre site, the service department shall be allowed only one garage door exit on the northern wall. The applicant shall build a fence to the north of the door equal in width and height to the garage door opening.
 - KEPT: This in an ongoing condition that requires continued compliance.
- ~~11. The petitioner shall relocate the buffer along the western line of the existing property to the westernmost portion of the property line of the added property.~~
 - REMOVED: This is a single event condition and has been satisfied

COMPREHENSIVE PLAN REVIEW:

The subject site is already developed. It is located within the Commercial land use classification; the request for master plan revision remains consistent with the Goals, Objectives and Strategies for this classification.

FINDING OF FACTS:

The petitioner's request is reasonable and will conform to the Hernando County Land Development Regulations.

- The land uses on this site include an autobody shop, a transmission shop, a service center, a showroom, and services related to Recreational Vehicle sales.
- There are no active code complaints registered for this location.
- The expansion of an existing use is appropriate.
- The petitioner has a history of complying with the previously approved performance conditions.
- The proposed location of the new buildings is already paved; the petitioner would not be reducing the impermeable surface area.

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 RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners approve the petitioner's request for a Master Plan Revision with the following updated performance conditions, consolidated for administrative purposes:

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 minimum setbacks for the buildings on the property shall be as follows:
 - Front: 75'
 - Rear: 50'
 - Side: 50'
3. Lighting of the site shall be directed toward the interior of the project.
4. External loud speakers shall not be utilized on the site.
5. If the petitioner wishes to operate a paint and body shop on this 2.5-acre site, the paint and body shop shall be allowed only one garage door exit on the northern wall. If the petitioner wishes to operate a service department on this 2.5-acre site, the service department shall be allowed only one garage door exit on the northern wall. The applicant shall build a fence to the north of the door equal in width and height to the garage door opening.
6. The petitioner shall provide a corner clip and Temporary Construction Easement at the northwest corner of Cortez Blvd. and Brookridge Central Blvd. The details of this corner clip & Temporary construction easement shall be worked out with the County Engineer during the construction drawings stage of permitting.
7. Driveway and parking layout may be required (by the County Engineer) to be brought up to County standards with signage and appropriate markings.
8. The petitioner shall provide a revised plan in compliance with all 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.