

## STAFF REPORT

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

**APPLICANT:** 235 Cobblestone Drive, LLC (Tom Maxwell)

**FILE NUMBER:** H-22-69

**REQUEST:** Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) with specific C-1 uses and Deviations

**GENERAL LOCATION:** Northwest corner of the intersection of County Line Road and Cobblestone Drive

**PARCEL KEY NUMBER:** 412262

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### BACKGROUND

On January 14, 2020, the Board of County Commissioners voted 5-0 to adopt Resolution 2020-4 approving the petitioner's request for a rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for a convenience store with a limit of 12 vehicle fueling stations and PDP(SU)/Planned Development Project (Special Use) for retention and open space with deviations. At the time the petitioner had proposed a convenience store with a maximum of six (6) vehicle fueling stations and automated car wash. The northernmost 1.1 acres would be designated as retention and open space.

### APPLICANT'S REQUEST

The petitioner is currently requesting a revision to the approved master plan in order to include additional C-1 uses for a Comparison Goods Store, and Domestic and Business Service Establishment. The development will consist of a Proposed convenience store with six (6) fueling stations a 15,000 square foot strip plaza of retail and offices. The previously approved car wash has been removed from the request.

The petitioner is requesting the following deviations:

- West Buffer: 15' (deviation from the previously approved 50')
- West Building Setback: 35' (deviation from the previously approved 100')

### SITE CHARACTERISTICS:

**Site Size:** 5.3 Acres

**Surrounding Zoning & Land Uses:**

North: PDP(SU); Place of Public Assembly  
 South: County Line Road  
 East: PDP(SF); Congregate Care; Assisted Living Facility  
 West: PDP(SF); Single Family Residential

**Current Zoning:**

PDP(NC)/ Planned Development Project (Neighborhood Commercial) and PDP(SU)/Planned Development Project (Special Use)

**Future Land Use Map Designation:**

Residential

**Flood Zone:**

X; AE

**ENVIRONMENTAL REVIEW:****Soil Type:**

Candler Fine Sand

**Protection Features:**

The site does not contain WHPAs or SPAs according to county data resources.

**Hydrologic Features:**

Topographic contours range from 24' (just north of County Line Road) to 54' at the northwest property line. The site is approximately 1000' from Hunters Lake. The site contains a small Class 3 wetland that coincides with floodplain (AE EL 26.3) on the south end of the property according to County data resources; Class 3 wetlands can be altered based on the County's Comprehensive Plan strategies. Wetland determination would depend on the feature meeting wetland criteria, functionality, and size.

**Habitat:**

The property is shown as Open Land and Freshwater marsh according to FLUCCS (Florida Land Use Cover and Classification System) mapping.

**Water Quality:**

The proposed project is located within the Weeki Wachee Basin Action Management Plan (BMAP), the Weeki Wachee Priority Focus Area (PFA) identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) reviewed the project and had the following comments:

- HCUD does not currently supply water or sewer service to this parcel. There is an existing 10-inch water main that runs along the north side of County Line Road and the west side of Cobblestone Drive. There is an existing 16-inch sewer force main that also runs along the north side of County Line Road.
- 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 REVIEW:**

The subject site is located on the northwest corner of the intersection of County Line Road and Cobblestone Drive. The petitioner is proposing two access point for the development. One access point to Cobblestone Drive and the second to County Line Road as a right-in/right-out. The County Engineer reviewed the project and had the following comments:

- A Traffic Access Analysis will be required. Refer to Hernando County Facility Design Guidelines Sheet IV-18.
- Traffic Access Analysis will be required to include fuel truck delivery turning movement templates.
- Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- There shall be only one access point on Cobblestone Drive, a full access point.
- The driveway access point on County Line Road shall be a right -in/right-out only.
- No access to Clearwater Drive shall be permitted.
- The Parking and Layout shall meet Hernando County Standards.
- A sidewalk along Cobblestone is required.
- The buildings will be required to connect into the sidewalk along Cobblestone Drive and County Line Road.

**LAND USE REVIEW:**

**Proposed Land Uses**

The petitioner has requested the following additional C-1 uses:

- Comparison Goods Stores: sell clothing, shoes, apparel accessories, furniture appliances, home furnishings. Retail pet stores qualify as “comparison goods” as well.
- Domestic and Business Service Establishments: duplicating, mailing and stenographic services, blueprinting and photocopying services, window cleaning, floor waxing, office cleaning and janitorial services, disinfecting and exterminating services, ambulance services and catering services.

### Proposed Setbacks and Building Height

The petitioner is proposing the following building setbacks:

- County Line Road: 125' (Previously Approved)
- Clearwater Drive: 35' (Previously Approved)
- Cobblestone Drive: 35' (Previously Approved)
- West Boundary Line: 35' (A reduction from the 100' previously approved)
- Building Height: 35'

### Residential Protection Standards

According to Hernando County LDRs, the following residential protection standards apply when a commercially zoned property is adjacent to residentially zoned properties:

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

**Comments:** The petitioner is not proposing speakers or other sound equipment.

- 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.

**Comments:** The building designated with the retail uses is on the west side of the property is shown as 35' from adjacent residential property. The proposed convenience store may not be located any closer than 100' from the residential district across Cobblestone Drive.

- 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 petitioner is not proposing any loading bays or docks on the subject site.

- 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:** Air conditioning or operational equipment is not required to be shown Master Plans. Mechanical/operational equipment including HVAC located at ground level shall be set back at least 100' from any property line external to the project boundary or any residential area and shall be visually shielded through enhanced screening. Mechanical/ operational equipment not located at ground level shall be located on the roof and shall be visually shielded with a parapet wall.

## Buffer

County LDR's require sufficient buffering be provided in accordance with the Community Appearance Ordinance. A vegetative buffer at least five (5) feet in width shall abut the perimeter of parking lots/pavements. This applies to parking lot perimeters not adjacent to street right-of-way or buildings. As part of any new development authorization on a parcel of land that has a minimum two hundred (200) feet along the frontage and is two (2) acres or greater, a minimum 20' wide vegetative buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.

The petitioner proposes the following buffers:

- North: 20' (Undisturbed Natural Vegetative Buffer)
- Western: 15' (Landscape buffer with an 8' high opaque fence)

**Comments:** If approved, the petitioner shall provide a 20' undisturbed natural vegetative buffer along the north, a 15' landscape buffer with an 8' high opaque fence along the west, 20' along County Line Road and the remaining must meet the minimum County LDR's.

## Parking

County LDRs require minimum off-street parking ratios based on the type of use and/or overall square footage.

**Comments:** The petitioner proposes a maximum of 15,000 square feet of building area. County Land Development Regulations (LRDs) require 4 spaces/1,000 square feet of building. The required parking for the proposed use is 60 parking spaces. The petitioner has 60 parking spaces shown on the proposed Master Plan.

## 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 residential uses.

## COMPREHENSIVE PLAN REVIEW:

### Future Land Use Mapping Criteria

#### Commercial Category 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:** While the subject site is not located within an area designated as Commercial on the Future Land Use Map, it is considered to have a commercial designation due to the size and scope of the proposed use. The intended use on the site is a convenience store with vehicle pumping stations and a small retail plaza. The proposed use is consistent with the Neighborhood Commercial criteria in the Future Land Use Element.

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**FUTURE LAND USE ELEMENT****Neighborhood Commercial**

Strategy 1.04G(9): Neighborhood Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and limited function. Neighborhood commercial areas serve limited local, traditional, or historic markets such as local restaurants and coffee shops, local convenience retail, local gas stations, or similar uses, and generally do not exceed 5 acres in size.

Strategy 1.04G(10): Neighborhood Commercial areas are guided by the following land use criteria:

- a. may be located in Residential or Rural Categories;
- b. have a maximum total size of five (5) acres overall;
- c. are not located in environmentally sensitive areas or the Conservation Category unless associated with a resource-oriented tourism use;
- d. are located on collector or arterial roads except as part of a mixed use project;
- e. will not result in degradation of roadway levels of service;
- f. are designed to serve the convenience and personal service needs of nearby residents where such services are not otherwise reasonably available, and are proximate to the population areas supported;
- g. will not compromise the integrity of residential or rural areas;
- h. may be located internal to a mixed-use project.

**Comments:** The proposed project is in a Residential land use category. The area designated as neighborhood commercial is 4.24 acres, less than the 5-acre maximum. The project is not located in an environmentally sensitive area or within a conservation land use category. The proposed project will not result in a degradation of the roadway level of service.

The proposed use will serve the convenience and personal service needs of the nearby residents and is proximate to a significant residential population surrounding it. As the proposed use is located at the intersection of two major roads, the use will not compromise the integrity of the surrounding residential uses.

### **FINDINGS OF FACT:**

Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) with specific C-1 uses and Deviations is appropriate with the following revisions:

1. The petitioner's request for a setback deviation from the previously approved setbacks along the western property line is justified due to the removal of the car wash.
2. With these revisions, the proposed master plan is consistent with the Comprehensive Plan and is compatible with the surrounding 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 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 Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) with specific C-1 uses and 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. Minimum Building Setbacks:
  - From County Line Road: 125'
  - From Clearwater Drive: 35'
  - From Cobblestone Drive: 35'
  - From West Boundary Line: 35'
  - Between Buildings 15'
3. Maximum Building Height:
  - Within 100' of the eastern and western property lines: 20'
  - All other areas: 65'
4. The petitioner shall provide a 20' undisturbed natural vegetative buffer along the north, a 15' landscape buffer with an 8' high opaque fence along the west, 20' along County Line Road and the remaining must meet the minimum County LDR's.
5. The petitioner shall conduct a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction.
6. Signage shall be limited to ground mounted monument type signs where the bottom edge of the sign is no greater than ten (10) feet above grade.
7. A Traffic Access Analysis shall be required and shall include fuel truck delivery turning movement templates. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install. The Traffic Access Analysis shall be provided to the County as part of the construction plan application.
8. There shall be one access point on Cobblestone Drive, aligned with Davenport Lane, and one access point on County Line Road (right-in/right-out).
9. The access point on County Line Road shall have a raised concrete island (porkchop) installed with appropriate signs and markings.
10. A sidewalk shall be provided along Cobblestone Drive.
11. All buildings shall be required to connect into the sidewalk along Cobblestone Drive and County Line Road.
12. A Floodplain mitigation plan is required for any fill in floodplain. The petitioner is required to ensure that existing offsite inflows are accommodated, and existing peak offsite flood elevations are maintained.
13. Mechanical/operational equipment including HVAC located at ground level shall be set back at least one hundred (100) feet from any property line external to the project boundary or any residential area and shall be visually

- shielded through enhanced screening or shall be located on the roof and shall be visually shielded with a parapet wall.
14. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring parcels.
  15. The petitioner shall meet the minimum recommendations of the Florida-Friendly Landscaping™ Principles (Florida yards & Neighborhoods Program) for design techniques and principles for all required landscaping.
  16. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as a part of the initial permit application before any development activity occurs on this site. The petitioner is required to comply with all applicable FWC regulations and permitting.
  17. Invasive plant species if present are to be removed during the development process.
  18. The applicant has stated that there are no wetlands on the property. The data backing up this stance shall be produced by a qualified professional and submitted with the Conditional Plat application.
  19. The Residential Protection Standards shall apply to this project:
    - 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.
    - 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' of any single-family *residential* district property line.
    - No building within 100' of any single-family residential district property line shall be more than 20' in height.
    - 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.
  15. 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.