

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: October 9, 2023  
Board of County Commissioners: November 14, 2023

**APPLICANT:** Raysor Ventures, LLC

**FILE NUMBER:** H-23-36

**REQUEST:** Rezoning from AG (Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 (Heavy Highway Commercial) use and CV (Conservation) with Outdoor Storage

**GENERAL LOCATION:** South side of Osowaw Boulevard, approximately 1,165' east of Buccaneer Boulevard

**PARCEL KEY NUMBER:** 1695419

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from AG (Agricultural) to PDP(HC)/ Planned Development Project (Highway Commercial) with a specific C-4 (Heavy Highway Commercial) use and CV (Conservation) with Outdoor Storage in order to develop a 30,000 square foot automotive collision center on a 4.6-acre portion of the subject site. The petitioner has indicated that although the site is 13.6 acres, 9.0 acres of the overall site are wetlands and will be designated conservation. The development will preserve on-site wetlands with no impacts proposed.

The subject site is in the Residential Future Land Use Designation and has a companion application for a Comprehensive Plan Amendment (CPAM2302)

### SITE CHARACTERISTICS:

**Total Site Size:** 13.6 acres

**Surrounding Zoning:**

North:	CV; SWFWMD
South:	PDP(GC), (SU); Walmart Shopping Center
East:	PDP(GC) (AG); Walmart Shopping Center, County Utilities
West:	PDP(GHC), (MH); Mobile Home Park, Church

**Current Zoning:** AG (Agricultural)

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C; An area of Flood Zone “AE, (30.0)” is located on the site.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Tavares Fine Sand, Myakka Fine Sand

**Comments:** A faunal (wildlife) survey shall be prepared by a qualified professional at the time of conditional plat. The petitioner is required to comply with all applicable FWC regulations and permitting.

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

**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.

**Protection  
Features:** There are no protection features (Wellhead Protection Areas (WHPAs) present on this parcel.

**Hydrologic  
Features:** There is a Class 3 wetland along the northeast portion of the site; however, there are no Special Protection Areas (SPAs) present on this parcel.

**Comments:** Drainage should be designed to prevent runoff from going into the wetlands.

**UTILITIES REVIEW**

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 runs along the north side of Osowaw Boulevard. There is an existing 10-inch sewer force main that runs along the north side of Osowaw Boulevard, and an existing 4-inch sewer force main that runs on the south side of Osowaw Boulevard approximately 270 feet to the west of the parcel. 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 property is located on the south side of Osowaw Boulevard, approximately 1,165' east of Buccaneer Boulevard. The petitioner proposes a single access to Osowaw Boulevard. The County Engineer has reviewed the request and indicated the following:

- This site is adjacent to the “Nature Coast Commons” project and across the discharge path of the outfall from that project. The discharge flow path must be addressed in any development of the site. Development was after the detailed watershed study.
- A Traffic Access Analysis is required and should include queuing analysis. Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
- Development of the site will require a sidewalk to be constructed along Osowaw Boulevard for the entire length of the parcel.

**LAND USE REVIEW:**

**Proposed Setbacks:**

Front: 35'  
Side: 20'  
Rear: 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.

**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 5' 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 have a minimum height of five (5)

[feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

**Comments:** The petitioner is proposing a 15' buffer along the perimeter of the property. If approved, the petitioner shall provide the buffer as indicated and meet the minimum buffer/landscape commercial requirements for the remainder of the commercial development.

**Screening:**

Hernando County LDRS require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet. In this instance, the primary use is storage, and the entire site must be fenced.

**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.

**COMPREHENSIVE PLAN REVIEW:**

The petitioner has filed a companion Small-Scale Comprehensive Plan Amendment to change the Future Land Use from Residential to Commercial on the subject site.

**Future Land Use Map**

**Strategy 1.04A(6):** The Commercial Category provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties.

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

**Comments:** The request for a Comprehensive Plan Amendment on the subject site is consistent with the Commercial future land use strategies. The subject site is located adjacent to a major intersection and a commercial node.

**Commercial Nodes**

**Strategy 1.04G(2):** Commercial development as mapped by the Future Land Use Map is intended to create and identify functional nodes that conveniently serve the supporting population without compromising the integrity of residential areas. Commercial nodes:

- a. are located at the intersections of roads having collector status or greater;
- b. recognize concentrations of existing commercial development;

- c. are generally less than 100 acres in size within the Adjusted Urbanized Area of the County;
- d. are generally less than 60 acres in size outside of or on the fringe of the Adjusted Urbanized Area of the County;
- e. may be located in Centers or Corridors pursuant to the related strategies.

**Comments:** The subject site is currently in the residential land use classification; however, it is located in a mixed use area currently under transition. The proposed small-scale Comprehensive Plan Amendment is consistent with the Strategy to locate new commercial development in a node.

**Land Use Compatibility**

**Strategy 1.10B(1):** Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.

**Comments:** The proposed use is compatible with the surrounding development trends. The development of an automotive collision center with outdoor storage is appropriate subject to appropriate performance conditions.

**FINDINGS OF FACT:**

A rezoning from AG (Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 (Heavy Highway Commercial) use and CV (Conservation) with Outdoor Storage appropriate based on the following:

1. The request is consistent with the Comprehensive Plan Strategies for the location of commercial development.
2. The request is compatible with surrounding development and designation of the surrounding area as Residential on the Future Land Use Map.
3. The companion small-scale Comprehensive Plan Amendment (CPAM2302) requesting a change in the future land use from residential to commercial is consistent with the Comprehensive Plan.

**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. Homeowners 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 AG (Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 (Heavy Highway Commercial) use and CV (Conservation) with Outdoor Storage 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 Setbacks:
  - Front: 35'
  - Side: 20'
  - Rear: 35'
3. The petitioner shall provide a 15' buffer along the perimeter of the property and meet the minimum buffer/landscape commercial requirements for the remainder of the commercial development.
5. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels.
6. Security lighting shall be shielded from the neighboring residential use to the south.
7. The discharge flow path for the proposed development shall be addressed with the County Engineer at time of development.

8. A Traffic Access Analysis is required and should include queuing analysis. Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
9. A sidewalk shall be required along Osowaw Boulevard for the entire length of the parcel.
10. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
11. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.
12. Areas designated as wetlands and/or floodplain shall be zoned CV (Conservation) and delignated on all future plans.
13. A faunal (wildlife) survey shall be prepared by a qualified professional at the time of conditional plat.
14. 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.

**P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 (Heavy Highway Commercial) use and CV (Conservation) with Outdoor Storage 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 Setbacks:
  - Front: 35'
  - Side: 23'
  - Rear: 35'
3. The petitioner shall provide a 15' buffer along the perimeter of the property and meet the minimum buffer/landscape commercial requirements for the remainder of the commercial development.
5. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels.
6. Security lighting shall be shielded from the neighboring residential use to the south.
7. The discharge flow path for the proposed development shall be addressed with the County Engineer at time of development.
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