

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):
Rezoning [] Standard [X] PDP
Master Plan [X] New [] Revised
PSFOD [] Communication Tower [] Other
PRINT OR TYPE ALL INFORMATION

Date: 01/30/2023

File No. H-23-108 Official Date Stamp:
Received
JAN 31 2023
Planning Department
Hernando County, Florida

APPLICANT NAME: Teramore Development, LLC

Address: 165 Big Star Drive
City: Thomasville State: GA Zip: 31757
Phone: 229-516-4289 Email: cwest@teramore.net
Property owner's name: (if not the applicant) Balasa V. Lakshmi Prasad and Vasantha Prasad

REPRESENTATIVE/CONTACT NAME: Jennifer C. Rey, Esq.

Company Name: The Hogan Law Firm LLC
Address: PO Box 485 / 20 S. Broad Street
City: Brooksville State: FL Zip: 34605
Phone: 352-799-8423 Email: jrey@hoganlawfirm.com

HOME OWNERS ASSOCIATION: [] Yes [X] No (if applicable provide name)

Contact Name:
Address: City: State: Zip:

PROPERTY INFORMATION:

- 1. PARCEL(S) KEY NUMBER(S): 86187, 86196, 86203, 86212, 85142
2. SECTION, TOWNSHIP, RANGE
3. Current zoning classification: Residential - R1A
4. Desired zoning classification: PDP (NC)
5. Size of area covered by application: 4.9 +/- acres
6. Highway and street boundaries: US Highway 19 and Ridge Road / Osceola Drive
7. Has a public hearing been held on this property within the past twelve months? [] Yes [X] No
8. Will expert witness(es) be utilized during the public hearings? [X] Yes [] No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? [] Yes [X] No (Time needed:)

PROPERTY OWNER AFFIDIVAT

I, Balasa V. Lakshmi Prasad, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

- [] I am the owner of the property and am making this application OR
[X] I am the owner of the property and am authorizing (applicant): Teramore Development, LLC
and (representative, if applicable): Jennifer C. Rey, Esq.
to submit an application for the described property.

Signature of Property Owner (Balasa V. Lakshmi Prasad and Vasantha Prasad)

STATE OF FLORIDA
COUNTY OF HERNANDO PASCO

The foregoing instrument was acknowledged before me this 7 day of Feb, 2023, by Balasa V. Lakshmi Prasad who is personally known to me or produced Driver License as identification.

Signature of Notary Public



VAIBHAVI C. PATEL
Notary Public
State of Florida
Comm# HH351481
Expires 1/19/2027

Notary Seal/Stamp

Effective Date: 11/8/16 Last Revision: 11/8/16

THE HOGAN LAW FIRM®

We mean businessSM

June 14, 2023

Received

JUN 26 2023

Planning Department
Hernando County, Florida

Ms. Michelle Miller
Planning Administrator
Planning Department
Hernando County Board of County Commissioners
1653 Blaise Drive
Brooksville, Florida 34601

RE: Amended Request RE: H-23-089; Hernando County Rezoning Application

Dear Ms. Miller:

We are in receipt of Staff Feedback in correspondence dated May 1, 2023, and have completed a meeting with County staff as of May 16, 2023. Enclosed is an amendment to the current application under consideration. In support of the amended request, the following are being submitted:

1. A revised supplemental narrative has been included to address the amendments to the master plan and the requested deviations include setback deviations to the east and west, landscape buffer deviation to the east, parking rate reduction, and modifications to frontage road requirements.
2. An amended Exhibit A – Amended Master Plan which provides two lots and a reverse frontage road.
3. It should be noted that upon approval of the application and amended master plan, the applicant will seek to re-plot the existing plat as applied to the subject parcel to vacate the existing 20' alley, and to provide for the plat of Lot 1 and Lot 2 as set forth in the Amended Master Plan.

Based on the information, data and analysis submitted with this correspondence, the requested rezoning designation is consistent with the comprehensive plan, is compatible with the adjacent and surrounding properties, and otherwise meets the requirements of the Hernando County Land Development Code. Therefore, we respectfully request approval of the rezoning request from Residential to PDP(NC) with a specified C-1 use for a comparison goods store with approval of the requested deviations.

If you should have any questions regarding the information contained herein, please feel free to contact me.

Sincerely,

/s/ Jennifer C. Rey

Jennifer C. Rey, Esq.

cc: Teramore Development, LLC

Amended Rezoning Application Narrative

June 12, 2023

REQUESTED ACTION:

The applicant requests approval to rezone the subject property, a 4.86 +/- acre parcel, from Residential (R1A) to Planned Development District – Neighborhood Commercial / PDP (NC) with a specified C-1 use for a comparison goods store with the following deviations: (a) a 75’ setback on the west of the subject property, (b) a 20’ setback to the east of the subject property, (c) a parking rate reduction, and (d) a 50’ right-of-way for a reverse frontage road across the entire parcel with construction of only that portion of the reverse frontage road on Lot 1. A proposed master plan is attached hereto and incorporated herein as *Exhibit A*.

OWNER/APPLICANT INFORMATION:

Property Owner(s) of Record: Balasa V. Lakshmi Prasad and Vasantha Prasad
28582 Picana Lane
Wesley Chapel, FL 33543

Proof of Ownership: The following deeds of record are referenced for establishing proof of ownership: Warranty Deed at OR Book 482 Page 0803, Warranty Deed at OR 554 Page 1373, and Warranty Deed at OR Book 481, Page 823. *See Composite Exhibit B.*

Applicant: Teramore Development, LLC
165 Big Star Drive
Thomasville, GA 31757

SITE LOCATION:

Parcel Key No. / Parcel No.: 86187 / R25-222-17-2460-00W0-0010
86196 / R25-222-17-2460-00W0-0020
86203 / R25-222-17-2460-00W0-0030
86212 / R25-222-17-2460-00W0-0050
85142 / R25-222-17-2460-00K0-0120

Subdivision Plat: Highland Lakes Plat, recorded at Plat Book 5 Page 42. *See Exhibit C.*

Property Address: TBD Ridge Rd and Commercial Way, Weeki Wachee, Hernando County, Florida, 34613

General Location: The southeast corner of the intersection of U.S. Highway 19/Commercial Way and Ridge Road, along the east side of Commercial Way south to Osceola Drive.

Legal Description: A survey and full legal description of the property is attached hereto and incorporated herein as *Exhibit D*.

Lots 1 through 10 of Block W and Lot 12 of Block K, Highland Lakes, according to the plat thereof as recorded in Plat Book 5, Page 42 of the Public Records of Hernando County, Florida less that portion described in that certain order of taking recorded in Official Records Book 300, Page 568, of the Public Records of Hernando County, Florida.

Together with that certain alley lying adjacent to and between lots 1 through 10 of Block W and Lot 12 of Block K, Highland Lakes, according to that plat thereof as recorded in Plat Book 5, Page 42 of the Public Records of Hernando County, Florida.

Said parcel being more particularly described as and surveyed as follows:

Beginning at the northeast corner of Lot 12, Block K, Highland Lakes, according to the plat thereof as recorded in Plat Book 5, Page 42, of the Public Records of Hernando County, Florida; thence along the easterly line of said Lot 12, S 05°01'26" E, 581.76 feet to the southeast corner of said Lot 12; thence along the southerly line of said Lot 12, S 68°28'45" W, 59.98 feet to a point of the northerly right-of-way line of Osceola Drive; thence along the northerly right-of-way line of Osceola Drive, N 60°02'57" W, 311.80 feet; then S87°30'35" W, 157.58 feet to a point on the easterly right-of-way line of U.S. Highway 19 per O.R. Book 300, Page 568 of the Public Records of said Hernando County, Florida; thence along the easterly right-of-way line of said U.S. Highway 19, N 12°13'40" E, 351.12 feet; thence S 77°30'03" E, 25.09 feet; thence N 12°41'31" E, 161.72 feet to the southerly right-of-way line of Ridge Road; thence along the southerly right-of-way line of said Ridge Road, S 81°48' 52" E, 301.10 feet to the point of beginning.

SITE CHARACTERISTICS:

Property Size/Size of Area to Be Rezoned: 4.86 +/- acres

Property Square Footage: 211,856 square feet

Current Future Land Use Designation: Residential

Current Zoning: Residential (R1A)

Current Use: Vacant

Surrounding Future Land Use Designation:

North	Residential
East	Residential
South	Residential
West	Residential

Surrounding Zoning:

North	Residential
East	Residential
South	Commercial
West	Residential

Surrounding Uses:

North	Vacant
East	Residential/Vacant
South	Mini Storage
West	US 19 / Golf Course / Vacant

See *Exhibit E* and *Exhibit F* for adjacent parcel land use and zoning map depictions.

Utilities: The Hernando County Utilities Department does not currently supply water or sewer service to this parcel. The project site has no reasonably available access to public water or sewer service, so a domestic well and on-site septic system will be installed.

ENVIRONMENTAL CHARACTERISTICS:

Flood Zone: A small portion of the southeast corner of the property falls within the AE Flood Zone. All other portions of the property fall within the X Flood Zone.

Hydrologic/Water Features: The subject property is in the Tooke Lake Watershed. There is a natural pond to the southeast of the property with flood elevation 24.4’.

Drainage/Storm Water Features: At its northern property line, the subject site is between 50’ and 51’ elevation, with a gradual reduction in elevation to 29’ in elevation at its southern center property line. The natural drainage flow is to the southeast corner of the property where the elevation is between 17’ and 19’. The master plan provides for on-site storm water retention and infiltration pond. See *Exhibits A and G*.

Habitat: There are protected trees and gopher tortoises apparent on the subject site; a detailed protected species report will be conducted and any required permitting through the Florida Fish and Wildlife Conservation Commission will be obtained.

Conditions and Impacts on Natural Features: The master plan uses the entire parcel, but contemplates a site plan with two (2) lots; and maximizes the natural elevation changes of the property to account for storm water drainage; and protected tree or animal species, if any, will be removed or relocated as permitted or required.

PROJECT DESCRIPTION:

Site Plan: The proposed master plan contemplates a split of the parcel into two (2) lots – Lot 1 on which the current proposed development will occur, and Lot 2 which contain drainage and stormwater retention areas, and a right-of-way for a reverse frontage road across Lot 2 should it be developed. The entire reverse frontage road will be dedicated to the County, however, only that portion of the reverse frontage road on Lot 1 is to be constructed at this time.

Building Description: The proposed use of the subject property includes the construction of a 10,640 square foot, one-story commercial retail building.

Building Setbacks: The master plan provides for the following setbacks:

	Requirement	Master Plan
North	35'	35'
East*	35'	20'
South	0'	25'
West*	125'	75'

* requested deviation

Landscape/Buffering: The master plan provides for the following buffers:

	Requirement	Master Plan
North	20'	20'
East*	5'	5'
South	5'	5'
West	20'	20'

* requested deviation

Lighting: Parking lot light poles and wall pack lights are proposed with cut-off fixtures to control glare and spillover up to property line. Detailed lighting features will be address during the site planning approval process.

Parking: The master plan provides for thirty-six (36) parking spaces; a ratio of 1 per 300 square feet. This is a requested deviation.

Transportation/Access: To the west of the property lies U.S. Highway 19/Commercial Way, a four-lane divided highway. To the north of the property lies Ridge Road, a 2-lane undivided local road. To the south of the property lies Osceola Drive, a 2-lane undivided local road. All three of these roads are situated within the Urbanized Area (*see Exhibit H*); however, none are identified as areas in which frontage road needs are prioritized as set forth in the Hernando County 2040 Roadway Plan Map (*see Exhibit I*) Access to the subject property shall be from the north via Ridge Road with a single-entrance drive to be constructed. The project contemplates the addition of a right turn lane from U.S. Highway 19/Commercial Highway on to Ridge Road, and a grant of right-of-way for the widening of Ridge Road to 36 feet to add a left turn lane on to U.S. Highway 19/Commercial Highway with an installed median. The amended master plan provides for a 50' right-of-way for a reverse frontage road along the east of the subject property. Only that portion of the reverse frontage road on Lot 1 will be constructed, and subsequently conveyed to the County. The remainder of the right-of-way on Lot 2 will be reserved, but not constructed unless further development occurs on Lot 2.

REZONING REQUEST:

Requested Zoning: The applicant seeks approval of a rezoning from R1A Residential District to a PDP (NC) / Planned Development Project – Neighborhood Commercial for specific C-1 uses with deviations for: (a) a 75' setback on the west of the subject property, (b) a 20' setback, from the right-of-way, to the east of the subject property, (c) a reduced landscape buffer to the east of the subject property, (d) a parking rate reduction, and (e) a 50' right-of-way for a reverse frontage road across the entire parcel with construction, and conveyance, of only that portion of the reverse frontage road on Lot 1. A proposed master plan is attached hereto and incorporated herein as *Exhibit A*.

Compliance with Rezoning Requirements / Analysis in Support of Request:

Pursuant to Objective 1.04(B) of the Hernando County Comprehensive Plan (HCCP), certain commercial uses may be allowed within the Residential land use category subject to the locational criteria and performance standards of the comprehensive plan. Strategy 1.04(B)(1), of the HCCP, provides that,

*“Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include **neighborhood commercial**, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.”* (emphasis added)

This rezoning request is for a PDP (NC) which is a permitted zoning within the Residential land use category as outlined above.

Article IV Zoning District Regulations, Section 1. Establishment of Zoning Districts, A. Zoning District Designations, paragraph (23) of the Hernando County Land Development Code establishes the Planned Development Project District as follows:

The planned development project (PDP) is a specialized zoning district which provides a level of density and/or intensity, and a list of permitted uses. A narrative description and a master plan are part of the PDP zoning. The master plan is a visual depiction of the general layout of the project in conformance with the PDP rules with any additional performance standards or specific deviations requested. The process for approval of a PDP zoning is through the zoning amendment process as provided for in this ordinance. This master plan must be reviewed and approved by the governing body. The list of permitted PDP districts are contained in Section 5 of this article and the requirements related to PDP districts are contained in article VIII of this Code.

The PDP (NC) zoning district is established pursuant to Article IV Zoning District Regulations, Section 5. Planned Development Districts, paragraph A(10) of the Hernando County Land Development Code. Pursuant to Article VIII Planned Development Project, Section 5 Permitted Uses, the following are permitted uses within a PDP (NC) Zoning District:

“[a]ll permitted uses in the C-3 zoning district. Any special exception uses allowed in the C-3 zoning district which have been specifically designated or specified in the narrative or on the master plan. Any permitted and special exception uses from the C-1 zoning district specifically designated in the narrative or on the master plan.”

PDP (NC) is a permitted zoning designation within a Residential Land Use classification, and the PDP (NC) allows for a specified C-1 use. This application seeks PDP (NC) with a specified use of C-1(a) for a comparison goods stores. A master plan is included with this narrative as *Exhibit A*. The rezoning request is consistent with the current land use designation, is compatible with the surrounding property, and is consistent with the permitted uses for a PDP(NC) zoning district.

Requested Deviations:

The applicant seeks four deviations from requirements including a (a) a 75’ setback on the west of the subject property, (b) a 20’ setback, from the right-of-way, to the east of the subject property, (c) a parking rate reduction, and (d) a 50’ right-of-way for a reverse frontage road across the entire parcel with construction, and conveyance, of only that portion of the reverse frontage road on Lot 1.

Reduced Setback from 125’ to 75’ to the West; and from 35’ to 20’ to the East

Article VIII, Section 1 (B) sets forth the requirements for perimeter setbacks. The standard setbacks for a PDP (NC) are 20 feet side setbacks, and 35 feet rear setbacks. However, for parcels located along U.S. Highway 19/Commercial Way, front setbacks shall be 125 feet. The master

plan for this request provides for the required setback on the north, east and south of the property. A deviation from the requirement of 125' setback from the western property is requested. The master plan provides for a 75' setback from western property line along U.S. Highway 19/Commercial Way. Since the master plan provides for a 50' reverse frontage road along the east of the subject property, a deviation of the building setback to 20' to the east is being requested. The setback deviations are necessary due to the inclusion of the reverse frontage road and the planned location of the storm water and drainage facilities which are designed to maximize the natural contours of the property.

Reduced Landscape Buffer from 30' to 5'

In light of the 50' reverse frontage road and providing for a 20' building setback from the east property line, a reduced landscape buffer of 5' is requested to the east and south.

Parking Space Reduction from 1 / 250 sf to 1 / 300 sf

Article VIII, Section 1(H) of the Hernando County Land Development Code provides as follows with respect to parking standards:

“All required parking shall meet the requirements of the land development regulations. The developer may suggest alternative design standards for parking areas to the county engineer and may suggest reduced parking standards to the planning department, submit data supporting the alternative design, and request approval of the alternative design and reduced parking standards by the governing body.”

The master plan provides an alternative design standard for this request which includes thirty (36) parking spaces based on a ratio of 1 / 300 s.f. The applicant seeks approval of the deviation from the parking space requirement of 1 / 250 s.f.

Waiver of Frontage Road Requirement

Section 24-2(c) of the Hernando County Code provides that,

“Developers of properties adjacent to the major arterial highway grid must provide at the developer's expense a frontage road from property line to property line parallel to the arterial highway upon demonstration of need and demand by the county.”

The applicant seeks a deviation from the frontage road requirement. The amended master plan provides for a 50' reverse frontage road across Lot 1 and Lot 2. That portion of the frontage road along Lot 1 will be constructed, and subsequently conveyed to the County. That portion of the frontage road along Lot 2 will be reserved as an easement for a future reverse frontage road to be dedicated upon the development of Phase 2. There is neither a demonstrated need nor demand for such a frontage road based on the location of the subject property. The subject property is conveniently served by several network of local roads; and the subject property is not located on

a transportation facility where a frontage road has been established as a priority need as identified on the Hernando County 2040 Roadway Plan Map. The subject property is located along an arterial highway and is situated between two local roads with direct access to that arterial highway. Nonetheless, the amended master plan provides a 50' reverse frontage road to address potential future use of subject property. The amended master plan contemplates a single development on the entire subject property, therefore, there will be no need for cross access within the subject property. However, the amended master plan provides a reverse frontage road across Lot 1 that will be constructed, and subsequently conveyed to the County, with a dedicated easement for the reverse frontage road across Lot 2 in anticipation of potential future need and demand. See *Exhibit A, I, K, and L*.

It should be noted that any frontage road requirement must meet the legal standard as set forth in *Hernando County v. Budget Inns of Florida, Inc.* 555 So. 2d 1319 (Florida 5th DCA). *Budget Inns* sets forth the notion that a proposed action of a developer will either forthwith or in the **demonstrably immediate future** so burden an abutting road, through increased traffic or otherwise, as to require its accelerated improvement. A frontage road requirement for this project does not meet the rational nexus test established under *Budget Inns* given the available capacity of U.S. Highway 19/Commercial Way, the availability of not less than two local roads to the subject property, the use of the entire property for a single development, and the fact the County itself has not identified this location as one in which a frontage road need exists through 2040, or as a location within any priority for road projects as set forth in the 2045 Long Range Master Transportation Plan.

Conclusion:

The criteria for application and the established master plan demonstrates compliance with all requirements of the Land Development Code for the requested rezoning from Residential to PDP (NC). Therefore, we respectfully request Hernando County grant approval of the requested rezoning from Residential to PDP(NC) with a specified C-1 use for a comparison goods store and with the four requested deviations from setback (east and west), landscape buffer, parking and frontage road requirements.