

STAFF REPORT

HEARINGS: Planning & Zoning Commission:
Board of County Commissioners:

APPLICANT: Teramore Development LLC

FILE NUMBER: H-23-08

REQUEST: Rezoning from R-1A (Residential) to PDP(NC)/Planned Development District - Neighborhood Commercial with a specified C-1 use for a comparison goods store with Deviations

GENERAL LOCATION: East side of Commercial Way between Ridge Road and Osceola Drive

PARCEL KEY NUMBERS: 86187, 86196, 86203, 86212, 85142

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for Comparison Goods Store with deviations for commercial retail use. The 4.86-acre subject site will be split into two (2) Lots with Lot 1 being Phase One with a 10,640 square foot general retail store. The proposed use for the second parcel has not been identified. As part of the proposed development the petitioner will seek to vacate the alley that bisects the project parcels. This will be handled as a separate process.

Requested Deviations

The petitioner has requested the following County Land Development Regulation (LDRs) deviations:

- Front (US Hwy 19) setback deviation from 125' to 75'
- Rear (east) setback deviation from 35' to 20'
- Deviation from the frontage road requirement as it pertains to extending the frontage road beyond the point of Phase 1 of development. The petitioner would like to reserve the balance of the frontage road as an access easement to be constructed during the development of the second lot.
- Reduction in parking requirements from 43 to 36 parking spaces

SITE CHARACTERISTICS

Site Size: 4.86 Acres

Surrounding Zoning;

Land Uses:

North:	R-1A; Undeveloped
South:	C-2, C-1; Warehouse
East:	R-1A; Single Family, Undeveloped

	West: C-2, C-3, R-3; Undeveloped
Current Zoning:	R-1A (Residential)
Future Land Use Map Designation:	Residential

ENVIRONMENTAL REVIEW

Soils: Candler Fine Sand.

Comment: Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted prior to any land disturbing activities. The petitioner is required to comply with all applicable FWC regulations and permitting. Invasive plant species if present are to be removed during the development process.

Protection Features: The property is in a City of Brooksville Wellhead Protection Area (WHPA) 1. There are no Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.

Comment: *Section 28-266(a)* of the Hernando County Code lists land uses that are prohibited within the wellhead protection area 1. The land use proposed for Lot 1 is not a prohibited use in the Wellhead Protection Area (WHPA) 1. Any other development occurring on the subject property be bound by the same land use restrictions.

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

Water Quality: This project is located within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Outstanding Florida Springs (OFS) Group, and the Weeki Wachee Priority Focus Area identified by the Florida Department of Environmental Protection (FDEP) as contributing nutrients to the Weeki Wachee Riverine System.

Comment: Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required.

Flood Zone: C; small portion in AE along the southeast corner

UTILITIES REVIEW

The Hernando County Utility Department (HCUD) have indicated they currently do not supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the west side of Commercial Way. There are existing 8-inch and 20-inch sewer gravity mains that run along the east side of Commercial Way. 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.

Comment: The following will be included as a performance condition:

- A utility capacity analysis shall be performed by the petitioner as part of the permitting process.
- The development shall connect to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW

The subject site is located on the east side of US Hwy 19 (Commercial Way), between Ridge Road and Osceola Drive. Access to the property will be from the reverse frontage road. The petitioner requests a deviation from the frontage road requirement that would allow the construction of the road in phases as the property is developed.

The petitioner proposes the construction of the reverse frontage road on Lot 1 and the establishment of a 50' easement on Lot 2 for the road to be completed as part of the development of that lot. The entire reverse frontage road would be subsequently conveyed to the County when fully constructed. The County Engineer indicates that this approach to the development of the reverse frontage road is acceptable.

The County Engineer reviewed the petitioners request and indicated the following:

- The requested deviation to the frontage road construction for Lot 1 is acceptable with deed of dedication for 50' of Right-of-Way to be completed within 30 days of Master Plan approval. Lot 2 will be required to build 50' frontage road upon development.
- Mitigation for Lot 1 must be on lot 1. When Lot 2 is developed, the mitigation area on Lot 1 can be revised to mitigate for both ponds or provide a drainage easement for mitigation.
- Flood Zone permitting and mitigation is required if development impacts the existing floodplain on Parcel Key 85142.
- Parcel configuration will require a *Vacation of Road Right-of-Way*, for the existing right-of-way that is reserved on the site (parcel key number 1490498).
- The classification for Ridge Road is a Collector Roadway and the travel lanes are to be 12' in width.
- A sidewalk is required along Ridge Road for the entire length of frontage along Ridge Road. Refer to Hernando County Facilities Design Guidelines IV-10.

- A Traffic Access Analysis that includes a queuing analysis, is required. Refer to Hernando County Facilities Design Guidelines IV-18.
- Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
- The Turn Lane will need to meet Hernando County Standards. Refer to Hernando County Facilities Design Guidelines IV-20.
- The widening of Ridge Road will need to meet Hernando County Standards for turn lane transitions. Refer to Hernando County Facilities Design Guidelines IV-19.
- FDOT access management and FDOT drainage permits required.

Comment: The items listed above will be included as part of the performance conditions.

LAND USE REVIEW

The PDP(NC)/Planned Development Project (Neighborhood Commercial) includes all permitted uses in the C-3 zoning district and any permitted and/or special exception uses from the C-1 zoning district specifically designated in the narrative or on the master plan. The C-1 use the petitioner requests is for a "Comparison Goods Store". The comparison goods store category includes clothing, shoes, apparel, accessories, furniture, appliance, and home furnishing stores.

Building Setbacks

The building setbacks for all commercial zoning districts are:

Commercial Setbacks:

- Front (West): 175' (because it abuts US Hwy 19)
- Side (North and South): 20'
- Rear (East): 35'

The applicant is requesting a deviation in the rear (East) setback from 35' to 20'. This setback will be measured from the new property line created through the frontage road construction and dedication process. The deviation would be applied to Lot 2 in the same manor, as a deviation from the newly created rear (east) property line adjacent to the reverse frontage road. The Hernando County code states, for commercial zones or districts, the Board of County Commissioners "may reduce the required rear yard where such rear yards would be adjacent to railroad sidings if such reduction would not be detrimental to surrounding areas" (*Article IV, Section 3 (d)(3)*).

Comment: The subject parcel is not adjacent to railroad sidings; however, the petitioner has situated the reverse frontage road between the commercial use and the residential property. In doing this, the petitioner has effectively provided a 100' building setback at the rear of the property where no vertical construction will take place. For this reason, staff does not object to the deviation request.

The petitioner also requests a reduction in the front setback against US Highway 19 from 125' to 75'. The setbacks from US Highway 19 are in place to allow for the future expansion of the road, and to accommodate a frontage road. The County Engineer/Department of Public Works has no issue with this request.

Comment: Staff recommends approval of the deviation request for the front (west) property line for the setbacks to be reduced from 125' to 75'. The following will be added to the performance conditions:

Building Setbacks:

- Front (West, US Hwy 19): 75' (Deviation from 125')
- North (Side, Ridge Rd): 35'
- South (Side, Osceola Dr): 35'
- East (Rear, frontage road): 20' (Deviation from 35')
- Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

Buffers

(All buffers shall meet the requirements of Section 10-26)

The petitioner proposes a 20' landscaped buffer on the north, south and west property boundaries, and a 5' landscaped buffer on the south of the property. 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 twenty-foot-wide vegetative buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.

Planted vegetative buffers shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the vegetative buffer requirement. Vegetative buffers shall be protected from vehicle tires by appropriately placed wheel stops or an approved alternative.

A vegetative buffer is also required between a Planned Development Project land use which is non-residential and a land use, external to the PDP, which is residential. The commercial use located on such property shall be permanently screened from the adjoining and contiguous residential properties (Appendix A, Article VIII, Section 1(C)). The perimeter buffers shall remain undisturbed where there is vegetation to provide screening. When the natural vegetation is not present, the buffer shall remain natural and be supplemented with plantings to achieve 80% opacity within twelve (12) months of planting.

A 6' high opaque fence or wall is required as part of the eastern perimeter buffer to permanently screen the commercial use from the adjoining and contiguous residential properties.

Comment: The required width of the residential protection buffer is 5', however staff recommends increasing this to a 10' buffer width due to the vehicular activity that will take place near the property lines because of the reverse frontage road. The installed greenery shall be planted on the residential side. The following items are included in the performance conditions:

Perimeter Buffers:

- Front (West): 20' Vegetative Buffer (landscaped)
- Side (North & South): 20' Vegetative Buffer (landscaped)
- Rear (East): 5' Vegetative Buffer (landscaped)
- Rear (between the reverse frontage road and the eastern most boundary): 10' Vegetative Buffer (landscaped) with a 6' tall opaque fence or wall. The fence shall be dominated by greenery which shall attain fifty (80) percent opacity within twelve (12) months maintained between 5' and 8' in height.
- Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

Residential Protection Standards

This property is within 100' of a residential zoning district which requires the implementation of the residential protection standards. Those standards are as follows:

- a. There shall be no speakers or other sound equipment located within 100' of any single-family residential district property line.
- b. 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.
- c. 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.
- d. No building within 100' of any single-family residential district property line shall be more than 20' in height.
- e. All loading bays and loading docks must be a minimum of 100' from any single-family 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.
- f. 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.

Comment: The residential protection standards are included in the performance conditions.

Lighting

The petitioner indicates full cutoff fixtures will be installed for the purpose of retaining all light on-site. Security lighting shall also be shielded to minimize light pollution.

Comment: All lighting for the site shall be full cutoff fixtures designed/installed to prevent light spillage onto adjacent residential properties. This item is included in the performance conditions.

Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use, or 1 space per 250 square feet of commercial building. The proposed structure is 10,640 square feet which requires 43 parking spaces. The petitioner requests a reduction in the number of required parking spaces from 43 to 36. The requested reduction would change the parking calculation to 1 parking space per 300 square feet of building area.

Comments: The County Engineer did not have any issue with this request. The following parking calculation is included in the performance conditions:

- Required parking: 1 space/300 square feet of building area.

Landscape

(Chapter 10, Article 2)

The petitioner must meet the landscape requirements put forth in the Hernando County Land Development Regulations. For commercial projects, A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. A minimum of five (5) trees per development site acre are required within parking lots of twenty-five (25) spaces or more. At least half of the trees shall be shade trees. Trees shall be reasonably distributed within the parking lot. (*Section 10-24*)

Specimen and Majestic Trees

(*Section 10-28(4)*)

If existing on the site, specimen (trees 18" DBH to 35.99" DBH) and majestic trees (trees 36" DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect.

The county administrator's designee shall review any petitions detailing the appropriate mitigating circumstances and may authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:

- a. The tree is an immediate safety hazard.

- b. The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
- c. The tree is causing property damage or may be reasonably expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property.
- e. The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this article.
- f. When the tree prevents a proposed reasonable use of the site.

A demonstrated effort shall be made, through a comprehensive tree management plan, to preserve high quality trees in accordance with the intent of Chapter 10, Article II. (*Section 10-28 (5)*)

Construction Buffer

(Section 10-21(a)(5))

All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction.

If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction before the construction bond is released.

Retention of a natural vegetative buffer is encouraged. Land disturbing activities (other than the removal of dead trees and the installation of plantings for the buffer opacity) are not allowed within the perimeter buffer. A permanent construction buffer can be used to meet all or part of the requirement for natural vegetation preservation.

Comment: The proposed project is adjacent to residential property on the east boundary therefore, a construction buffer is required along the east boundaries. Staff recommends the installation of an opaque fence and plantings at these locations due to sparse or no vegetation to provide the opacity required of the construction buffer.

COMPREHENSIVE PLAN REVIEW**Future Land Use Map**

The subject property is located within the Residential land use classification on the adopted Future Land Use Map. Neighborhood Commercial is a consistent land use in the Residential Category.

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 PDP zoning district/process permits the request for uses from a more intense category. In this case the petitioner has requested Comparison Goods Store which is a C-1 (Highway Commercial) use. The added use is compatible with the area and not adverse to the public interest.

Strategy 1.10D(2): Parking standards for all new Planned Development Projects are encouraged where appropriate to provide for capacity and arrangements appropriate to the scale of the development. Concepts such as the following may be utilized:

- a. parking behind buildings and on streets;
- b. shared parking and reduced parking quantities;

- c. flexible parking quantities and placement standards for typical building and street types;
- d. configurations for mixed use and shared parking;
- e. configurations that easily accommodate transit stops and design of park-and-ride facilities;
- f. alternative paving techniques.

Comments:

The petitioner's request for a deviation to the calculation of the required parking spaces. This request is appropriate for the PDP district and compliant with the Comprehensive Plan.

FINDING OF FACTS

- 1. The requested zoning and land uses in the PDP(NC) district are appropriate for the site.
- 2. The proposed reverse frontage road fulfills the County's frontage road requirements.
- 3. The requested deviations to the front (west) and rear (east) setbacks are reasonable.
- 4. The petitioner's request to construct the frontage road in two phases being constructed concurrently with the development of the parcels is acceptable to DPW.
- 5. The property abuts US Highway 19, which is a major north - south corridor for Hernando County. The development of commercial properties along this road is appropriate.

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 rezoning R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for Comparison Goods Store with 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. Planning
 - A. Permitted Uses:
 - i. All permitted uses in the C-3 zoning district.
 - ii. Comparison Goods Store (Requested C-1 land use)
 - B. Building Setbacks:
 - Front (West, US Hwy 19): 75' (Deviation from 125')
 - North (Side, Ridge Rd): 35'
 - South (Side, Osceola Dr): 35'
 - East (Rear, frontage road): 20' (Deviation from 35')
 - Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)
 - C. Perimeter Buffers:
 - Front (West): 20' Vegetative Buffer (landscaped)
 - Side (North & South): 20' Vegetative Buffer (landscaped)
 - Rear (East): 5' Vegetative Buffer (landscaped)
 - Rear (between the reverse frontage road and the eastern most boundary): 10' Vegetative Buffer (landscaped) with a 6' tall opaque fence or wall. The fence shall be dominated by greenery which shall attain fifty (80) percent opacity within twelve (12) months maintained between 5' and 8' in height.
 - Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)
3. Engineering:
 - A. Geotechnical testing is required to verify variables used in the drainage design. Geotesting may not occur until after the Gopher tortoise relocation has occurred to prevent the destruction of burrows and animals.
 - B. Required parking shall be calculated at 1 space/300 square feet of building area.
 - C. A deed of dedication for the 50' of Right-of-Way on Lot 2, to be completed within 30 days of Master Plan approval.

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- D. The reverse frontage road shall be constructed as part of the development of each parcel.
 - E. Stormwater mitigation for Lot 1 must be on lot 1. When Lot 2 is developed, the mitigation area on Lot 1 can be revised to mitigate for both ponds or provide a drainage easement for mitigation.
 - F. Flood Zone permitting and mitigation is required if development impacts the existing floodplain on Parcel Key 85142.
 - G. Parcel configuration will require a *Vacation of Road Right-of-Way*, for the existing right-of-way that is reserved on the site (parcel key number 1490498).
 - H. A sidewalk is required along Ridge Road for the entire length of frontage along Ridge Road. Refer to Hernando County Facilities Design Guidelines IV-10.
 - I. A Traffic Access Analysis that includes a queuing analysis, is required. Refer to Hernando County Facilities Design Guidelines IV-18.
 - J. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
 - K. The Turn Lane shall meet the Hernando County Standards. Refer to Hernando County Facilities Design Guidelines IV-20.
 - L. The widening of Ridge Road shall meet the Hernando County Standards for turn lane transitions. Refer to Hernando County Facilities Design Guidelines IV-19.
 - M. FDOT access management and FDOT drainage permits required.
4. Environmental:
- A. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted with the first permitting applications. The petitioner is required to comply with all applicable FWC regulations and permitting.
 - B. 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.
 - C. This property is in a Wellhead Protection Area (WHPA) 1, and subject to *Section 28-266(a)* of the Hernando County Code which lists land uses that are prohibited within the wellhead protection area 1.
 - D. If existing on the site, specimen (trees 18" DBH to 35.99" DBH) and majestic trees (trees 36" DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect.
5. All lighting for the site shall be full cutoff fixtures designed/installed to prevent light spillage onto adjacent residential properties.

6. Signage along US Hwy 19 shall be limited to a monument sign and shall be complementary to the architecture of the primary structure.
7. Utilities:
 - A. A utility capacity analysis shall be performed by the petitioner as part of the permitting process.
 - B. The development shall connect to the central water and sewer systems at time of vertical construction.
8. A construction buffer, including the installation of a 6' opaque fence, meeting the requirements of Section 10-21 shall be installed before land disturbing activities take place on the property.
9. Residential Protection Standards shall be adhered to (*Appendix A, Article 7, Section 6*):
 - A. There shall be no speakers or other sound equipment located within 100' of any single-family residential district property line.
 - B. 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.
 - C. 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.
 - D. No building within 100' of any single-family residential district property line shall be more than 20' in height.
 - E. All loading bays and loading docks must be a minimum of 100' from any single-family 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.
 - F. 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.
10. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.