

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 11, 2022
Board of County Commissioners: August 9, 2022

APPLICANT: Scott & Sons Properties, LLC

FILE NUMBER: H-22-32

REQUEST: Rezoning from C-2/(Highway Commercial) and AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Outdoor Storage with Deviations

GENERAL LOCATION: West side of Ponce De Leon Boulevard, approximately 450' north of Denny Drive

PARCEL KEY NUMBERS: 351470

APPLICANT'S REQUEST:

The petitioner is seeking a rezoning from C-2/(Highway Commercial) and AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2 use for Outdoor Storage with deviations. The petitioner has proposed developing a small commercial subdivision consisting of eight (8) commercial lots varying from 0.67 acres to 1.36 acres. Each lot is designed to have a frontage of 140' except for Lot 1. Lot 1 is proposed to be smaller to sell it to the landowner to the south. The request for outdoor storage will allow flexibility for proposed lots and provide an opportunity for an RV, Boat and Car storage facility.

Deviations Requested:

As part of the request the petitioner is requesting the following deviations:

1. The petitioner is requesting a deviation from the required 25' buffer along US Hwy 98 to a 10' buffer. Buffer is proposed between the future pavement and the right-of-way of US Hwy 98.
2. Deviation from the required front setback of 125' to 75'.
3. Deviation from internal setbacks from 20' to 10'

SITE CHARACTERISTICS:

Site Size:	8.9 acres
Surrounding Zoning & Land Uses:	North: Vacant Agricultural South: Existing heavy commercial uses East: City zoning; existing commercial uses West: Mining; currently vacant
Current Zoning:	C-2 and AG
Future Land Use Map Designation:	Commercial

ENVIRONMENTAL REVIEW:

Soil Type:	Blichton Loamy Fine Sand; Nobleton Fine Sand; Flemington Fine Sandy Loam
Features/ Resources:	The property does not contain Wellhead Protection Areas (WHPA), Special Protection Areas (SPA) or archaeological resources. Topographic contour lines show a conveyance off-site along the western property boundary according to County data resources. Mapping shows a Class 1 Wetland on the northwest corner of the property.
Comments:	The petitioner shall delineate and show the jurisdictional wetland line on future plans if wetlands are present. A large ditch conveying historical runoff exists along the entire western boundary. This ditch conveys a large volume of runoff from the north to south direction and is part of the Peck Sink drainage study. This ditch is off-site and will not be disturbed by the development of this site; however, the petitioner has proposed a 20' easement along the west line of the project for storm water capture and conveyance. Development runoff will grade towards that easement where it will be intercepted and conveyed southerly to the proposed retention area.
Habitat:	Property is predominantly forested, mixed hardwood – coniferous 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).

Comment: A comprehensive wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

Flood Zone: X

UTILITIES REVIEW:

This property is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

CITY OF BROOKSVILLE REVIEW:

No comments received from the City of Brooksville.

ENGINEERING REVIEW:

The property is located on the west side of Ponce De Leon Boulevard, approximately 450' north of Denny Drive. The petitioner has proposed a 50' cross access easement adjacent to the west right-of-way of US Hwy 98, allowing all of the proposed lots to share the existing drive connections to US Hwy 98.

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

- Ponce De Leon (US Hwy 98) is an Arterial Roadway. Driveways are limited on this type of roadways. This development should utilize limited driveways and/or have a shared driveway.
- A Traffic Access Analysis may be required depending on the type of use. If required, any improvements identified will be the responsibility of the developer.
- The Traffic Access Analysis is required to include a queuing analysis and shall be inclusive of previous lot development(s).
- Turn Lanes may be required for this project.
- FDOT access management and drainage permit required.

- The petitioner must provide 30-feet of right-of-way for future widening of US Hwy 98 (4 lane undivided) roadway as shown on the adopted 2045 LRTP.
- This site is contacted by the adjacent floodplain associated with a stream system. Development must comply with Hernando County Facility Design Guideline and Southwest Florida Water Management District Environmental Resource Permitting Design Requirements.

LAND USE REVIEW:

Setbacks:

Proposed Minimum Building Setbacks:

Front: 75' (Deviation from 125')

Side: 20'

Rear: 35' (setback comprised of 15' to the proposed western easement plus the proposed 20' easement.)

Internal Lot Setback:

Side: 10' (Deviation from 20')

Rear: 15' against 20' western drainage easement

Comments: The petitioner has proposed a cross access easement to meet the interconnection requirement of the US Hwy 98 frontage road requirement and has requested a front setback deviation. The County Engineer has determined the proposed cross access easement will meet the intent of the frontage road interconnectivity requirement; therefore, the proposed 75' front building setback is justified.

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.

Comments: All lots utilizing outdoor storage shall be required to screen the outdoor storage areas with a 6' high opaque fence.

Buffers

The Hernando County Land Development Regulations require that the buffer shall consist of a minimum five-foot 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.

The petitioner has proposed the following buffers for the subject development:

South: Minimum County LDR requirements
North: 5' buffer with 6' high fence
West: Area is non-buildable due to natural features. A 20' western easement with 6' high fence is proposed on the project side. Drainage Retention will also be fenced.
East: 10' landscape buffer (deviation from 20') between US Hwy 98 and the proposed 50' cross access easement

Comments: The petitioner has requested a deviation from the required 20' buffer against US Hwy 98. Due to the configuration of the projects lots, the proposed 10' US Hwy 98 buffer is appropriate.

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.

Parking:

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use. The petitioner has not indicated parking spaces at this time.

Comments: The petitioner shall meet the minimum parking requirements of the County LDRs.

Landscaping

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:

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.

U.S. Highway 98 North
Objective 1.08D:

U.S. Highway 98 north of Brooksville is recognized as an existing arterial that could potentially experience significant land use development within the planning horizon, primarily associated with existing Planned Development Districts and the potential for future transitions in existing mining areas.

Strategy 1.08D(1):

Planning for U.S. Highway 98 North (and Cobb Road) should provide for the maintenance of transportation efficiency and functional integrity as a truck route by limiting the expansion of commercial development and new Commercial Future Land Use Categories. Long-term planning shall accommodate the future function of Cobb Road as the alternative designation of U.S. Highway 98.

Comments:

The proposed development would not be a significant generator of traffic and is consistent with the heavy commercial uses located along this stretch of US Hwy 98.

Strategy 10.03B(1):

The County shall require the identification and delineation of wetlands on plans for development pursuant to the standards of the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and the Army Corps of Engineers.

Strategy 10.03B(2):

Hernando County shall only allow the alteration of Class I Wetlands consistent with the requirements of state and federal regulatory agencies. Alteration includes but is not limited to filling, draining, excavating or interruption of flow into or out of the wetland. Class I Wetlands meet at least one of the following criteria:

- a. Wetlands contiguous to or hydrologically connected with any natural surface water body

including, but not limited to rivers, creeks, lakes and tidal waters;

- b. Any wetland having a hydrological connection to the Floridan aquifer;
- c. Any wetland within or hydrologically connected to a lake littoral zone;
- d. Any contiguous extent of wetlands of forty (40) acres or more;
- e. Wetlands that serve as known nesting, resting or feeding areas of federal or state listed species.

Strategy 10.03B(3): Projects having an overriding public benefit may encroach into Class I wetlands where there is no viable alternative provided that projects are designed to minimize disruption, provide continued wetland viability, and provide appropriate mitigation. Projects having an overriding public benefit include public roadways needed to serve the larger community and public utilities projects needed to serve the larger community or that are necessary to the health and safety of the community.

Comments: The proposed use does not provide an overriding public benefit; therefore, no alterations of any Class I wetlands shall be allowed as a result of this rezoning. Prior to development, the petitioner shall delineate the wetland on the subject site, in accordance with regulatory agency requirement.

Strategy 10.03B(8): A vegetated buffer averaging a minimum of twenty-five (25) feet in width and no narrower than fifteen (15) feet in width shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation.

Comments: If a Class I wetland is determined/delineated, the petitioner shall be required to provide a 25-foot wetland buffer in accordance with the Hernando County Land Development Regulations.

FINDINGS OF FACT:

A rezoning from C-2/(Highway Commercial) and AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Outdoor Storage with Deviations, is appropriate based on the following conclusion:

1. The petitioners requested US Hwy 98 buffer, front setback and internal setback deviations are justified with appropriate performance conditions and are not adverse to the public interest.
2. As part of the rezoning request the petitioner requested a waiver of the frontage road requirement. The County Engineer has indicated an interior access drive is a suitable alternative to the frontage road.
3. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

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. 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 adopt a Resolution approving the petitioner's request for a rezoning from C-2/(Highway Commercial) and AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Outdoor Storage with Deviations, and 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. A comprehensive wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
 3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
 4. The petitioner shall be required to provide a jurisdictional wetland line on future plans if wetlands are present. Should any wetlands qualify as a Class I wetland the wetlands shall be preserved (not altered) and a minimum 25-foot buffer shall be retained around the wetland(s).
 5. The petitioner shall contact the City of Brooksville to connect to water and sewer.
 6. The required frontage road is waived for the subject property; the County Engineer has reviewed and has approved the requested waiver.
 7. A FDOT (Florida Department of Transportation) driveway access permit or modification permit is required for the existing driveway access.
 8. The petitioner shall provide 30-feet of right-of-way for the future widening of US Hwy 98 (4 lane undivided) roadway as shown on the adopted 2045 LRTP.
 9. The driveway/driveways, parking and layout must meet the Land Development Regulations and Facility Design Guidelines.
 10. This site contains small areas of floodplain along the west property line and in the southeast corner. Specific floodplain construction permitting is required if these areas if developed.
 11. Minimum Building Setbacks:
 - Front: 75' (Deviation from 125')
 - Side: 20'
 - Rear: 35'
- Internal Lot Setback:
- Side: 10' (Deviation from 20')

Rear: 15' against 20' western drainage easement

12. Buffers:

South: Minimum County LDR requirements

North: 5' buffer with 6' high fence

West: 20' western easement with 6' high fence on the project side.

Drainage Retention shall also be fenced.

East: 10' landscape buffer between US Hwy 98 and the proposed 50' cross access easement

13. Security lighting shall be shielded from the neighboring properties in accordance with the requirements of the land development regulations.

14. 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.