

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 14, 2022
Board of County Commissioners: December 13, 2022

APPLICANT: Downtown Development Partners, LLC

FILE NUMBER: H-22-28

REQUEST: Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial)

GENERAL LOCATION: Northeast side of Breakwater Boulevard, approximately 400' west of the intersection with Commercial Way

PARCEL KEY NUMBERS: 175045, 176669, 545360, 1486831, 113850, 1113903

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial) to develop the combined 5.4 acres for retail, office and restaurant uses. The petitioner has proposed a single story 52,737 square foot plaza and a 4,000 square foot restaurant. No deviations are requested.

SITE CHARACTERISTICS:

Site Size: 5.4 acres

Surrounding Zoning & Land Uses:
North: PDP(SU), (SF); Open Space, Single Family
South: PDP(GHC); Gas Station
East: PDP(GHC); Dollar Tree
West: PDP(SU), (SF); Clubhouse, Single Family

Current Zoning: PDP(SF)/Planned Development Project (Single Family)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

- Soil Type:** Candler Fine Sand
- Comments:** 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. The petitioner is required to comply with all applicable FWC regulations and permitting
- Protection Features:** There are no Wellhead Protection Areas (WHPA) on the subject properties
- Habitat:** Urban Open Forested
- Comments:** Invasive plant species if present are to be removed during the development process
- Water Quality:** This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System
- Comments:** 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 buffers, as applicable
- Flood Zone:** AE and X

UTILITIES REVIEW:

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 8-inch water main that runs along the west side of the frontage road to the east of these parcels, and an 8-inch water main that runs along the south side of Breakwater Boulevard. There is an existing 10-inch sewer gravity main that runs in the frontage road to the east of these parcels, and an 8-inch sewer gravity main that runs in Breakwater Boulevard. 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 northeast side of Breakwater Boulevard, approximately 400' west of the intersection with Commercial Way. The petitioner has proposed two access point for the proposed project. An access drive will be provided along Breakwater Boulevard and another to the existing frontage road.

The County Engineer reviewed the request and indicated the following:

- The project will require a Traffic Access Analysis and a Que Stacking study. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- Driveways and Parking areas will have to meet County Standards.
- Roadways will be required to meet County Standards.
- This site contains several 1% annual chance floodplain areas. See attached map extract. Development within a floodplain requires specific permitting and mitigation. Development must meet SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permit) and Hernando County Facility Design Guidelines drainage design requirements.

LAND USE REVIEW:

Building Setbacks

Minimum Commercial Building Setbacks:

- Frontage Road: 35'
- Breakwater Blvd: 35'
- Side: 20'
- Rear: 35'

Parking

County LDRs require a minimum of 4 parking spaces per 1,000 square feet of commercial and 3.5 parking spaces per 1,000 square feet of Office Professional uses.

Comments: The petitioner has proposed 228 parking spaces for the proposed development. If approved, the petitioner must meet the minimum requirements of the County LDR's for parking for all commercial uses.

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 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 either be between five and eight feet in height, or an evergreen hedge with a minimum height of five feet at the time of planting.

Comments: The petitioner has located the required drainage retention area along the north portion of the development, adjacent to the existing single family development. Additionally, an existing open space tract exist between the proposed project and the existing residential. The petitioner has indicated all other buffer requirements will meet the minimum County LDRs.

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 lighting for the proposed use. If approved, all lighting should be full cut off fixtures to prevent any light spillage into neighboring parcels.

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 subject property is located within the Commercial land use classification on the adopted Future Land Use Map. The area is characterized by commercial uses to the south and east and single-family homes to the north.

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

Comments: The subject property is in a Commercial land use designation according to the Future Land Use Map. The proposed use is consistent with the Hernando County Comprehensive Plan related to commercial development.

FINDINGS OF FACT:

A rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial) is appropriate based on the following conclusions:

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 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 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 PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial), 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. The petitioner shall 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, as applicable.
3. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels
6. A Traffic Access Analysis shall be required. Traffic Access Analysis shall include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
7. Minimum Commercial Building Setbacks:
 - Frontage Road: 35'
 - Breakwater Boulevard: 35'
 - Side: 20'
 - Rear: 35'
8. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
9. The drainage retention area shall be located in general conformance with the master plan in order to provide a buffer between the commercial use and the single family to the north. All other buffers shall meet the minimum commercial buffer requirements of the County LDRs.

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.