

REZONING CASE H-24-08

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 3, 2024

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to reestablish a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses with deviations with the following performance conditions: listed in **Appendix A** of this Staff Report

PLANNING & ZONING COMMISSION July 8, 2024

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: July 8, 2024
Board of County Commissioners: August 25, 2024

APPLICANT: Eric Schoessier on behalf of AMPROP General Investments
GL, LLC

FILE NUMBER: H-24-08

REQUEST: Establish a Master Plan on Property Zoned
PDP(GC)/Planned Development Project (General
Commercial) with specific C-2 uses with deviations

**GENERAL
LOCATION:** East side of the Glen Lakes Boulevard and US Hwy 19
intersection

**PARCEL KEY
NUMBER:** 1353626, 469549

APPLICANT'S REQUEST:

On April 14, 2009, the Board of County Commissioners voted to approve a rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) on the subject 18.76 acre site. The request at the time was to develop a 2.99 acre portion of the site with a 5,200 square foot, six (6) fueling station convenience store and car wash. Since its approval, no development has occurred. According to County Land Development Regulations (LDRs), the duration of master plan is two (2) years. The failure of the applicant to initiate substantial performance within two (2) years from date of approval by the governing body deems the master plan null and void.

The petitioner is currently requesting to establish a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses in order to develop the subject site with six (6) commercial out parcels totaling 536,850 square feet of commercial. The commercial uses will include two C-2 uses for multi-story self-storage facility, of which most of the square footage will be allocated too and Tire/Auto Accessory Establishment. The overall site has some floodplain constraints which the developer has accounted for. The petitioner is requesting a front (US Hwy 19) setback from 125' to 75'.

SITE CHARACTERISTICS:

Site Size:	18.82 acre
Surrounding Zoning; Land Uses:	North: CPDP; Undeveloped South: C-2 & AG; Undeveloped, Mobile Homes East: AG & CPDP; Undeveloped West: PDP(GHC); Undeveloped, Shopping Center
Current Zoning:	PDP(GC)/Planned Development Project (General Commercial)
Future Land Use Map Designation:	Commercial

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 floral survey shall be prepared by a qualified professional at the construction plan approval stage of development. 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. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement. Invasive plant species if present are to be removed during the development process.
Protection Features:	There are no protection features (Wellhead Protection Areas (WHPAs) present on this parcel.

Hydrologic

Features: There are no hydrologic features (Special Protection Areas (SPAs), sinkholes, karst sensitive areas, or wetlands) present on this parcel.

Flood Zone: A large portion of the project is located within a designated floodplain. Any land alterations that impact the 100 year floodplain capacity and volume must be appropriately mitigated. The 100-year floodplain must be delineated and shown on all future plans and all roadways, driveways, and finished floor elevations must meet the flood drainage prevention and protection ordinance, the Facility Design Guidelines and adopted building codes.

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is a water main that runs along the west side of Commercial Way, and a sewer force main that runs along the east side of Commercial Way. HCUD has no objection to the request subject to connection to the central water and sewer systems as required per Ordinance at time of vertical construction.

ENGINEERING REVIEW:

The subject site is located on the east side of the Glen Lakes Boulevard and US Hwy 19 intersection. The petitioner proposes a single access drive to be aligned with the Glen Lakes Boulevard. The County Engineer has reviewed the request and indicated the following:

- Site contains extensive floodplain. All floodplain encroachment shall be compensated.
- Stormwater runoff shall be treated and attenuated.
- Stormwater ponds shall be located outside of floodplains.
- Stormwater ponds shall be designed to sufficient size requirements per Southwest Florida Water Management and Hernando County Facility Design Guideline requirements.
- A Frontage Road with sidewalk along one side shall be required along US Hwy 19/Commercial Way. Frontage Road shall align with the frontage road to the North.
- Traffic Access Analysis required. Refer to Hernando County Facility Design. Any improvements identified by the Traffic Analysis will be the developer's responsibility to install.
- The developer shall provide sidewalk connections/pedestrian connectivity from the buildings to the sidewalk along the frontage road and US Hwy 19/Commercial Way.

- Must obtain all permits from Hernando County, including right of way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.
- FDOT access management permit shall be required.
- FDOT drainage permit may be required.
- FDOT Access Management permit/authorization shall be required.

LAND USE REVIEW:**Setbacks**

Proposed Building Setbacks:

Commercial Way:	75' (deviation from 125'
North:	20'
South:	20'
East:	35'

Comments: Setback reductions along US Hwy 19 are typically granted when a reverse frontage road is proposed or a waiver of the frontage road is granted. No request or waiver has been made and/or granted at this time.

The petitioner has indicated the maximum height of any proposed structure will meet the commercial requirements of 60'. Consideration should be taken as to the compatibility of any structure higher than 45' along this corridor.

Buffers

County LDRs require buffering consisting of a minimum five (5) foot landscape separation distance. The use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosure. Such screening shall be a minimum height of five (5) feet and a maximum height of eight (8) feet. The petitioner's site plan does not indicate any provisions for buffering.

Comments: The petitioner is proposing a 20' landscape buffer along US Hwy 19 and a 10' landscape buffer along the east and south property lines. A drainage retention area will be provided along the north.

Parking

County LDRs require four (4) spaces per 1,000 square feet of retail. The petitioner is also requesting a mini warehouse. Per county LDRs, required parking is 2 per 100 units and 1 per employee peak shift.

Comments: If approved the petitioner shall meet the minimum parking requirements of the County's LDRs.

Lighting

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as required by the County LDR, in order to retain all light on site and prevent any light spillage onto neighboring residential uses.

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.

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 subject site is located along and has direct access to US Hwy 19, a major arterial roadway. The request is compatible with the surrounding area and consistent with the comprehensive plan.

Land Use Compatibility

Objective 1.10B: The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

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.

Strategy 1.10B(2): Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

Comments: The petitioner has indicated the maximum height of any proposed structure will meet the commercial requirements of 60'. Consideration should be taken as to the compatibility of any structure higher than 45' along this corridor.

FINDING OF FACTS:

The reestablishment of a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses with deviations is appropriate based on the following:

1. The addition of the C-2 use (mini-warehouse and auto/tire accessory establishment) are not adverse to the public interest with appropriate performance conditions.
2. The request is compatible with the surrounding area and consistent with the Comprehensive Plan.
3. The requested setback deviation from 125' to 75' is justified should the County Engineer concede to a frontage road waiver.

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.

APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to **Error! Reference source not found.**

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. Prior to the approval of the conditional plat, the petitioner shall contact the State Department of Historic Resources to determine if compliance review will be required. Determination of this compliance by the State shall be provided to the County with the submittal of the conditional plat application.
3. Perimeter Setbacks:
 - US Hwy 19: 75' (deviation from 125')
 - North: 20'
 - South: 20'
 - East: 35'
4. Buffers:
 - US Hwy 19: 20'
 - South: 10'
 - East: 10'
 - North: 10'
5. Maximum Building Height: 45'
6. Drainage Retention Areas (DRAs) shall be located outside of the required buffers.
7. **Error! Reference source not found.**The sidewalk along US Hwy 19/Commercial Way shall be connected to the main buildings.
8. All **Error! Reference source not found.**
9. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the construction plan stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
10. Invasive plant species, if present, are to be removed during the development process.

11. A landscape plan shall be submitted for approval during the construction plans stage of development.
12. 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.
13. The petitioner shall adhere to buffer and landscaping requirements set forth in the Hernando County Code of Ordinances, Chapter 10 Community Appearance.
14. Maintenance of all landscaping shall be the responsibility of the property owner. The plants within installed planting areas shall be healthy. Dead plants shall be replaced in a timely manner that provides the plant/tree with the best chance of survival.
15. A minimum of 15% of the development site shall be landscaped.
16. A minimum of 218 trees shall be preserved or installed (15 trees per acre). At least thirty (72) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.
17. An area of at least five (5) percent of the total project area must be designated as a preserved natural vegetation and no construction activity can occur in this area. Preserved natural areas must be a minimum of 2,000 square feet.
18. All landscaping, ground cover, and tree placement requirements shall be completed prior to the issuance of the Certificate of Occupancy.
19. The Hernando County NPDES (National Pollution Discharge Elimination System) Ordinance will apply during any site clearing.
20. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties in the event that security lighting is proposed.
21. A connection to the Central Water and Sewer system shall be made at the time of vertical construction.
22. The petitioner shall provide a master 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.

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.