

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 12, 2023
Board of County Commissioners: July 11, 2023

APPLICANT: Ocean Bleu Group

FILE NUMBER: H-23-11

REQUEST: Master Plan Revision to include a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations

GENERAL LOCATION: Northeast corner of Anderson Snow Rd. and County Line Rd.

PARCEL KEY NUMBERS: 196736, 196727, 196898, 196905, 378914

APPLICANT'S REQUEST

On February 8, 2022, the Board of County Commissioners approved a rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with deviations to develop a 5.32-acre portion of a 9.07-acre parcel with a convenience store, fast food restaurant and car wash (rezoning case H-21-70). The proposed development was to be phased out as follows:

- Phase 1 – a 6,119 square foot convenience store/gas station, a 2,524 square foot fast food restaurant with drive-thru, and a 4,827 square foot car wash.
- Phase 2 - Reserved for future development.

The petitioner's current request is for a master plan revision and a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with deviations to add four (4) additional parcels (key #'s 196736, 196727, 196898, and 196905) to the commercial development. The proposed four (4) parcels will add an additional 1.0 acre to the master plan and provide additional acreage for the already approved fast food restaurant and a new oil change use. This change does not impact the petitioner's schedule or phasing plan; a master plan revision will be required prior to the development of Phase 2.

Deviations Requested

The petitioner is asking for a deviation from the Residential Protection Standards for the hours of operation for the fast-food restaurants drive-thru so their proposed drive-thru may operate 24 hours a day. No other changes are requested by the applicant from the previous approval.

SITE CHARACTERISTICS

Site Size: 9.87 acres

Surrounding Zoning & Land Uses: North: AG, PDP(OP); Undeveloped
South: Pasco County
East: R-1A, PDP(MF); Undeveloped, Mobile Home
West: PDP(GC), (SF); Commercial, Single-Family

Current Zoning: AG (Agricultural)

Future Land Use Map Designation: Commercial

Flood Zone: C

ENVIRONMENTAL REVIEW

Soil Type: Masaryk Very Fine Sand

Hydrologic Features: The property does not contain any Wellhead Protection Areas (WHPA) or wetlands, according to County data resources.

Protection Features: The property does not contain any Special Protection Areas (SPA) according to County data resources.

Archaeology: The property does not contain any archaeological sites according to County data resources.

Habitat: The property has been previously cleared. It is shown as open land according to FLUCCS (Florida Land Use Cover and Classification System) data.

Comments: There is potential for listed species to be present. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted prior to any land clearing activities. The petitioner is required to comply with all applicable FWC regulations and permitting.

A comprehensive wildlife survey is required to identify listed species present prior to clearing or development activities.

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.

Flood Zone: X

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is a 16-inch water main that runs along the west side of Anderson Snow Road. There is a 20-inch sewer force main that runs along the west property line on Anderson Snow Road.

HCUD has no objection to the requested zoning, subject to a utility capacity analysis and connection to the central water and sewer system at time of vertical construction.

ENGINEERING REVIEW

The subject site is located at the southeast corner of County Line Road and Anderson Snow Road. The petitioner had previously proposed two access drives to Anderson Snow Road. An access will be provided along the south on Anderson Snow Road and the second towards the north along Anderson Snow Road which will line up with the existing driveway on the west side of Anderson Snow Road (7 Eleven). The requested revision will now include access to Countyline Road.

The County Engineer as reviewed the petitioner's request and indicated the following:

- This composite site comprises approximately 10.0 acres with an area of 1% annual-chance floodplain at the southern end of the site. Development within floodplain requires specific permitting and mitigation. Engineer's certification of "No net rise" required.
- Development must meet Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permit drainage design standards.
- This project generates over 50 PM Peak Hour Trips and a Traffic Access Analysis is required. Traffic Access Analysis to include a queuing analysis.
- Signalization Analysis at the northern driveway (Proposed Full Access) will be required as part of the Traffic Access Analysis. Refer to Hernando County Facilities Design Guidelines IV-18. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- No access to Arkays Avenue will be granted for this project.

- The driveway shown on County Line Road will need to be adjusted eastward to provide adequate spacing between the traffic signal at County Line Road and Anderson Snow Road and the proposed driveway.
- The driveway shown on County Line Road may be limited to right in /right out only.
- Previous performance conditions of Master Plan H-21-70 are still applicable and shown in the performance conditions in the Staff Recommendation section of this document.

LAND USE REVIEW

Setbacks

Minimum Perimeter Building Setbacks:
Previously approved in H-21-70

- Anderson Snow Road (west): 75'
- County Line Road (south): 75'
- Side (east property boundary adjacent to Arkays Ave.): 20'
- Rear (north and east property boundary adjacent to residential property) 35'
- Gas Canopy: 35'

Comments: Additional right-of-way may be required at the time of development for the site frontage along Anderson Snow Road for future widening. Building setbacks shall be measured from the new right-of-way line. The petitioner shall coordinate with the Department of Public Works to establish where that line may be.

Internal Building Setbacks:
Previously approved in H-21-70

- Between lots: 0'
- Side (east along Arkays): 20'
- Rear (north and east adjacent to residential zoning): 35'

Buffers

The petitioner has proposed a 10' landscape buffer along the perimeter of Phase 1, except for the area where the drainage retention area (DRA) is located. In the

previous rezoning case (H-21-70) the applicant was given permission to leave the buffer between the DRA and the residential property un-landscaped. It is the staff's opinion that the removal of the landscape buffer requirement between the DRA and the residential property should be reconsidered. There will be 20 vacuum spaces associated with the car wash. The vacuums will be running continuously during the car wash's hours of operation. Without any vegetation or fencing to dampen the noise, the sound could disturb the residential property adjacent to the DRA.

Perimeter Buffers

- Southern and Western Perimeter of Phase 1: 10' landscape buffer
- Eastern and Northern Perimeters adjacent to residential zoning: 10' undisturbed natural vegetated/planted buffer with 80% opacity. Plantings for this buffer shall be chosen specifically for their noise reduction qualities.

Internal Landscape Buffers

Previously approved in H-21-70

- Internal Landscape Buffer: 0'

Lighting

The petitioner has not indicated any lighting provisions for the proposed uses. If approved, the petitioner will be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels. Security lighting shall be shielded from the neighboring residential use to the north.

Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use and 0.5 parking spaces per seat for fast-food restaurants.

Comment: 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.

Residential Protection Standards:

According to Hernando County LDRs, the following residential protection standards apply:

- Commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall not 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.

Comments: The petitioner is asking for a deviation from the Residential Protection Standards for the drive-thru hours of operation for the fast-food restaurants. Currently, drive-thru speaker systems are not permitted to operate between the hours of 12 midnight and 7 a.m. The applicant is requesting a deviation to be able to operate the drive-thru 24 hours a day, 7 days a week.

Staff are hesitant to recommend approval of this request since the BOCC have previously established the hours of operation for a drive-thru within 100' of residential property should be limited to 7:00 a.m. to 12 p.m.

If the BOCC approves this deviation request, staff recommends it be upon the condition that an enhanced buffer, designed with sound attenuation in mind, is installed along the east and north property boundary lines to dampen noise and light from the proposed uses.

- No building within 100' of any single-family residential district property line shall be more than 20' in height.
- All loading bays and loading docks must be a minimum of 100' from any 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.

Comment: There are residentially zoned parcels to the east of the proposed project. Loading/unloading areas, drive-up windows and ordering boxes must be directed away from the residentially zoned parcels and meet the minimum Residential Protection Standard distance.

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 residential to the east and commercial uses to the north and west east.

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.

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

Comments: The subject site is near subdivided single-family lots to the east. Appropriate buffering should be required along the eastern property line to screen noise and light from the proposed uses.

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 Master Plan Revision and a Rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations is appropriate based on the following conclusion:

1. 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.
2. Though the car wash vacuums will be over 100' from the residentially zoned property, with no vegetation between the vacuums and the residences to dampen the noise, the residential use will be impacted. A buffer is needed to preserve the tranquility of the existing residences.
3. The BOCC has determined drive-thrus within 100' of a residential zone may not operate between the hours of 12 midnight and 7 a.m. If a deviation from the Residential Protection Standards is granted to allow the drive-thru to operate 24 hours a day an enhanced buffer planted with sound attenuation in mind, to counter the noise and activity that will occur in during operating hours, should be required.

4. With these staff recommendations in place, the proposed use is compatible with the area and not adverse to the public interest.

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 Master Plan revision to include a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) 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. Environmental
 - A. The petitioner shall provide a floral and faunal (wildlife) survey, prepared by a qualified professional, and submitted to the County prior to any land clearing activities. Copies of any required permits shall be provided prior to site alteration or construction.
 - B. The petitioner is required to comply with all applicable FWC regulations and permitting.
 - C. If needed, a Gopher Tortoise Relocation permit shall be sought prior to any geotechnical activities taking place on the property.
 - D. 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.

- E. The applicant shall submit a geotechnical report and drainage design plan, both prepared by a qualified professional, which meets Hernando County Facility Design Guidelines. As this is a performance condition required by the BOCC, this requirement cannot be waived.

3. Land Clearing and Development

- A. All onsite lighting must provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use to the north.
- B. Specimen (18" DBH to 36" DBH) and Majestic (36" DBH and above) shall not be removed from the property without formal permission from the County Planning and Zoning Division.
- C. The proposed DRA and any development in Phase 2 shall be planned around the presence of protected trees to the greatest extent possible. The site plan for the southeastern portion of this property may also need to be adjusted to accommodate protected trees.
- D. This development is subject to the Residential Protection Standards in Appendix A, Article VIII, Section 6 A of the Hernando County Land Development Regulations (LDRs).
- E. The petitioner shall meet the minimum parking requirements of the County LDRs.
- F. Signage shall be designed as part of a complete development system. The location(s) and design shall be reviewed and approved as part of the overall site plan. The predominant sign material shall include architectural or split faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.
- G. Phase 2 (north undeveloped area) shall require an amendment to the master plan prior to development.

4. Utilities

The developer shall provide a utility capacity analysis at the time of development and connect to water and sewer at the time of vertical construction.

5. Traffic and Vehicular Access:

- A. A Traffic Access Analysis and Traffic Queuing Analysis, prepared by a qualified professional, submitted during the appropriate stage of development. Installation of any improvements identified by these analyses shall be the responsibility of the developer.
- B. The Traffic Access Analysis shall demonstrate that the driveway on Anderson Snow Road closest to County Line Road will not interfere with the traffic signal.
- C. A Signalization Analysis, prepared by a qualified professional, shall be performed as part of the Traffic Access Analysis, and submitted with the construction plans for the northern driveway (Proposed Full Access).
- D. A cross access easement or agreement between the commercial parcels shall be provided at the time of subdivision plat approval.
- E. No access to Arkays Avenue shall be granted for the project.
- F. The driveway shown on County Line Road shall be adjusted eastward to provide adequate space between the traffic signal at County Line Road and Anderson Snow Road.
- G. The driveway shown on County Line Road shall be limited to right-in /right out only.
- H. Additional right-of-way may be required at the time of development for the site frontage along Anderson Snow Road and County Line Road for the intersection as determined by the County Engineer. Building setbacks shall be measured from the future ROW line.

6. Buffers

A. Perimeter Buffers

- Southern and Western Perimeter of Phase 1: 10' landscape buffer
- Eastern and Northern Perimeters adjacent to residential zoning: 10' undisturbed natural vegetated /planted buffer with 80% opacity. Plantings for this buffer shall be chosen specifically for their noise reduction qualities. This buffer shall

also include a minimum 6' tall opaque fence.

B. Internal Buffers

- Internal Landscape Buffer: 0'
- Service areas, which include areas designated for loading and unloading of goods, and refuse collection, shall be buffered from rights-of-way and residentially zoned areas. Buffering shall consist of construction of a wall between the service area and abutting land use. All other applicable LDRs must be met in addition to this requirement.

7. Setbacks

A. Minimum Perimeter Setbacks:

- Anderson Snow Road (west): 75'
- County Line Road (south): 75'
- Side (east property boundary adjacent to Arkansas Ave.): 20'
- Rear (north and east property boundary adjacent to residential property) 35'
- Gas Canopy: 35'

B. Internal Building Setbacks:

- Between lots: 0'
- Side (east along Arkays): 20'
- Rear (north and east adjacent to residential zoning): 35'

8. The petitioner shall be required to submit and receive approval for a Master Plan Revision prior to the development of Phase 2 as indicated in this application.
9. The petitioner shall provide a revised 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.

P&Z RECOMMENDATION:

On June 12, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan revision to include a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations, and the following unmodified 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. Environmental
 - A. The petitioner shall provide a floral and faunal (wildlife) survey, prepared by a qualified professional, and submitted to the County prior to any land clearing activities. Copies of any required permits shall be provided prior to site alteration or construction.
 - B. The petitioner is required to comply with all applicable FWC regulations and permitting.
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 - D. 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.
 - E. The applicant shall submit a geotechnical report and drainage design plan, both prepared by a qualified professional, which meets Hernando County Facility Design Guidelines. As this is a performance condition required by the BOCC, this requirement cannot be waived.
3. Land Clearing and Development
 - A. All onsite lighting must provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use to the north.

- B. Specimen (18" DBH to 36" DBH) and Majestic (36" DBH and above) shall not be removed from the property without formal permission from the County Planning and Zoning Division.
- C. The proposed DRA and any development in Phase 2 shall be planned around the presence of protected trees to the greatest extent possible. The site plan for the southeastern portion of this property may also need to be adjusted to accommodate protected trees.
- D. This development is subject to the Residential Protection Standards in Appendix A, Article VIII, Section 6 A of the Hernando County Land Development Regulations (LDRs).
- E. The petitioner shall meet the minimum parking requirements of the County LDRs.
- F. Signage shall be designed as part of a complete development system. The location(s) and design shall be reviewed and approved as part of the overall site plan. The predominant sign material shall include architectural or split faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.
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- A. A Traffic Access Analysis and Traffic Queuing Analysis, prepared by a qualified professional, submitted during the appropriate stage of development. Installation of any improvements identified by these analyses shall be the responsibility of the developer.
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6. Buffers

C. Perimeter Buffers

- Southern and Western Perimeter of Phase 1: 10' landscape buffer
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D. Internal Buffers

- Internal Landscape Buffer: 0'
- Service areas, which include areas designated for loading and unloading of goods, and refuse collection, shall be buffered from rights-of-way and residentially zoned areas. Buffering shall consist of construction of a wall between the service area and abutting land use. All other applicable LDRs must be met in addition to this requirement.

7. Setbacks

C. Minimum Perimeter Setbacks:

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- Rear (north and east property boundary adjacent to residential property) 35'
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D. Internal Building Setbacks:

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