

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 8, 2022
Board of County Commissioners: September 13, 2022

APPLICANT: Oronzo Triggioano

FILE NUMBER: H-22-36

REQUEST: Rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use

GENERAL LOCATION: West side of US Hwy 41, approximately 1,800' north of Southern Hills Boulevard

PARCEL KEY NUMBERS: 201454

APPLICANT'S REQUEST:

On September 13, 2006, the Board of County Commissioners approved a rezoning of the subject site from AG/(Agriculture) to PDP(OP)/Planned Development Project (Office Professional). Since the approval, no development has occurred on the site. The petitioner's current request is for a rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2 use for Light Construction Service Establishment to develop ten (10) 1,200 square foot units on the 1.9-acre site. The petitioner has proposed that along with C-1 uses, the Light Construction Service Establishment will allow for trade uses such as plumbers, electricians, irrigation, etc. No deviations are being requested as part of the application.

SITE CHARACTERISTICS:

Site Size: 1.9 acres

Surrounding Zoning & Land Uses: North: AG; Church
South: PDP(HC); Undeveloped
East: C-3; Mobile Home Park
West: PDP(SF); Undeveloped

Current Zoning: PDP(OP)/Planned Development Project (Office Professional)

**Future Land Use
Map Designation:** Commercial

ENVIRONMENTAL REVIEW:

Soil Type: Nobleton Fine Sand

Habitat: Forested mixed hardwood-coniferous and low density residential 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).

Comments: The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.

Archaeological Features: The property does not contain any archaeological areas, according to County data resources.

Hydrologic Features: The property does not contain mapped wetlands, according to County data resources.

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

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

Flood Zone: C

UTILITIES REVIEW:

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. Water and sewer services are not available to this parcel. HCUD has no objection to the request subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

The subject site is located on the west side of US Hwy 41, approximately 1,800' north of Southern Hills Boulevard. The petitioner has proposed stub-outs to the north and south for future frontage road connections and a single access to US Hwy 41.

The County Engineer reviewed the request and indicated the following:

- This site is outside the 1% annual chance floodplain, but it does have a stormwater conveyance crossing the westerly end of the site. Provisions for this flow should be made in any commercial development of this
- The property located along Broad Street; a Frontage Road is required along the entire width of the frontage along Broad Street per Ordinance requirements and will be required upon development.
- Due to there being no specific uses assigned to the development at this time, a Traffic Access Analysis may be required depending on the final Land Uses.
- The Driveway and Parking Layout are required to meet County standards.
- A sidewalk from the buildings to Broad Street is required.
- Broad Street is classed as an Arterial Roadway; a sidewalk along the entire frontage of Broad Street is required.

LAND USE REVIEW:

Setbacks

Proposed Building Setbacks:

US Hwy 41:	125'
West:	35'
North:	20'
South:	20'
Against Residential:	35'

Buffers

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 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.

Comments: The petitioner has indicated meeting the minimum requirements of the County LDRs.

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.

Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use and 1.5 parking spaces per employee for construction services.

Comments: The petitioner is proposing 25 parking spaces for the proposed use. If approved the petitioner must meet the minimum requirements of the County LDR's.

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:

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 with residential to the northeast.

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.

Road Network – Frontage Roads

Objective 5.01B: Maintain and expand a system of frontage roads and cross-access easements parallel to County arterial and collector roads. The frontage road network is designed to enable the creation of shared drives, shared easements, and alternative routes. Frontage road configuration is intended to optimize corridor and roadway network function, maintain capacity on the functionally classified network, and provide aesthetic, safe and convenient access to multiple properties and business sites.

Strategy 5.01B(3): The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

Comments: The petitioner has made provisions for the required frontage road.

FINDINGS OF FACT:

A rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use is appropriate based on the following:

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 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 from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use 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. All onsite lighting must provide for 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 parcels.
3. A Traffic Access Analysis may be required depending on the final Land Uses.

4. Frontage Road is required along the entire width of the frontage along Broad Street per Ordinance requirements and will be required upon development.
5. A sidewalk from the buildings to Broad Street shall be required. Additionally, a sidewalk along the entire frontage of Broad Street shall be required.
6. No outdoor storage shall be permitted.
7. C-2 uses shall be limited to Light Construction Service Establishment.
8. Minimum Building Setbacks:

US Hwy 41:	125'
West:	35'
North:	20'
South:	20'
Against Residential:	35'
9. The petitioner shall coordinate with the Health Department on an appropriate Onsite Sewage Treatment and Disposal System.
10. 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.
11. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any construction for the project occurring on the property. Copies of any required permits shall be provided prior to site alteration or construction.
12. 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.
13. 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.