

REZONING/MASTER PLAN REVISION CASE H-24-17

STAFF REPORT

RECOMMENDATIONS / ACTIONS

**STAFF RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION
JULY 30, 2024**

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 12, 2024
Board of County Commissioners: August 27, 2024

APPLICANT: Evergreen Partners, LLC

FILE NUMBER: H-24-17

REQUEST: Master Plan Revision for a property zoned PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses for Mini-warehouses and Outdoor Storage, with Deviations

GENERAL LOCATION: North side of County Line Road, approximately 340' east of Seven Hills Drive

PARCEL KEY NUMBERS: 1317685

BACKGROUND

In 2021 the property was rezoned from AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage in order to construct a mixed-use commercial center. The project was proposed to be developed in three (3) phases as presented below.

Table 1: H-21-36 Land Use Allocation

Phase	Development Type	Development Intensity
Phase 1	Retail, Office, Restaurants	30,000 square feet – no more than 3 outparcels (to be developed)
Phase 2	Mini warehouses	110,000 square feet
Phase 3	Mini warehouses	15,000 square feet; 48 covered RV spaces

PETITIONER'S REQUEST

The master plan for the subject property has expired and the petitioner would like to reestablish the master plan and request new/additional deviations. The petitioner is not requesting any additional uses, nor are they asking for a change in the allowed square footage. The project has already been found to be in compliance with the Comprehensive Plan in 2021, thus there is no discussion of the Comprehensive Plan included in this report.

Current Requested Deviations:

The petitioner requests the following deviations:

1. 80' reduction in the east perimeter setback, changing it from 100' to 20'.
2. 15' reduction in the eastern perimeter buffer, changing it from 35' to 20'.
3. 30' reduction in the southern perimeter setback (County Line Road / CR 578), changing it from 75' to 45'.

SITE CHARACTERISTICS

Site Size: 9.3 acres

**Surrounding Zoning/
Land Uses:**

North: PDP(SU); PDP(MF); Suncoast Elementary;
Wellington Subdivision
South: Pasco County
East: AG; Congregate Care Facility
West: PDP(GC); Medical/Office Facilities

Current Zoning: PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses for Mini-warehouses and Outdoor Storage, with Deviations

Future Land Use

Map Designation: Commercial

ENGINEERING REVIEW

The petitioner's proposal was reviewed by both Pasco County and the Hernando County Department of Public Works during the 2021 rezoning case. No changes are being requested with this current request. All performance conditions from H-21-36 are still applicable. The petitioner requests one deviation that involves the Engineering Department: the setback from County Line Road / CR 578.

Previous Performance Condition Deviation Request:

3. 30' reduction in the southern perimeter setback (County Line Road / CR 578), changing it from 75' to 45'. (*Appendix A, Article VIII, Section 1(B)) and (H-21-36 Performance Conditions)*)

Comment: Appendix A, Article VIII, Section 1(B) states: "Along US 19, SR 50, US 41, US 98, US 301, **CR 578 (County Line Road)**, and CR 485, front yard requirements shall be one hundred twenty-five (125) feet." In the previous rezoning the petitioner requested a deviation from the front setback. At that time, the County Engineer stated that the requested

deviation could not be accommodated, however, reducing the front setback to 75' would be considered since Quality Drive is considered a reverse frontage road along this area.

The adjacent western property has a setback of 75', and the congregate care facility to the east has a setback of 125'. The staff does not support the requested 30' reduction in the southern perimeter setback changing it from 75' to 40' as it does not provide the County with enough space to widen the road.

LAND USE REVIEW:

Setbacks, Buffers and Parcel Size

The petitioner proposes 155,000 square feet of office and/or commercial uses. Due to the complexity and size of the project, it is required to meet the large retail design standards. The petitioner officially requests two deviations from these standards, for setbacks and buffers.

Previous Performance Condition Deviation Request:

The petitioner requests the following deviations:

1. Reduction along the eastern perimeter setback (against AG), changing it from the required 100' to 20'.

PDP Large Retail Commercial Standards (Appendix A, Article VIII, Section 6(A)):

- (a) Setbacks. Where any side or rear lot line adjoins (excluding roads) a residential- or agricultural-zoned property or an existing residential use, then no building shall be located within one hundred (100) feet of said lot line.

Comments: There is a hospice facility operating on the east boundary of the subject property. The property is zoned AG (Agricultural) and has a Special Exception Use Permit for a Congregate Care Facility.

2. Reduction along the eastern buffer (against AG), changing it from required 35' to 20'.

PDP Large Retail Commercial Standards (Appendix A, Article VIII, Section 6(B)):

- (b) Buffering. A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or

side property line which abuts any residential or agricultural zoned property. This buffer shall be screened through the use of landscape planting and landscape berms, and may be augmented through the use of fences or walls, existing natural vegetation, and/or a combination thereof. The County may require the use of absorptive noise barrier walls for commercial noise reduction

Comments: The petitioner has indicated providing an “intense” 20’ buffer that will provide the “same environmental and natural value as a 35’ wide buffer but with narrower width.” There is a schematic provided in the narrative to demonstrate the proposed landscaping. The mini warehouse building shown in the schematic would place the building 50’ from the property line.

Maximum height is proposed at 35’. If approved, the eastern buffer shall be installed in conformance with the master plan and provided schematics in order to provide adequate buffering against the Assisted Living Facility.

Large Retail Development Standards

The petitioner has indicated that the proposed project will consist of 155,000 square feet of office and/or commercial square footage. Due to the complexity and size of the project, it will be required to meet large retail development standards as specified below:

- Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor area is only allowable through approval as a Planned Development Project and which otherwise satisfies these requirements and this article. This type of development may be compatible in a given commercial zoning district but because of its size, intensity, increased traffic-generation, extended hours of operation, or proximity to residential areas/districts or public schools require additional conditions as a prerequisite for approval at a requested location.

The applicant shall have the burden of adequately demonstrating compliance with all minimum standards set forth below and otherwise contained within this article. The governing body, in their sole discretion and following public hearing and notice, shall be the final arbiter of determining whether compliance with these minimum standards has been adequately demonstrated and whether to approve, approve in part or deny a particular request hereunder.

- **Mechanical/operational equipment including HVAC located at ground level** shall be set back at least one hundred (100) feet from any property line external to the development site and shall be visually shielded through enhanced screening or shall be located on the roof and **shall be visually shielded with a parapet wall**. All mechanical/operational equipment shall be sound attenuated as necessary to comply with the county's noise ordinance.
- Where the proposed commercial development consists of multiple buildings (excluding out parcels), then loading areas and loading docks should be situated between said buildings in a manner which allows the buildings to act as screens. All loading areas/docks shall be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- All on site advertising signs, including out parcels, shall be designed as part of a complete signage system and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code.
- The master plan shall meet the following increased setbacks and buffering requirements:
 - Setbacks. Where any side or rear lot line adjoins (excluding roads) a residential- or agricultural-zoned property or an existing residential use, then no building shall be located within one hundred (100) feet of said lot line.
 - Buffering. A thirty-five (35) ft. wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer shall be screened through the use of landscape planting and landscape berms and may be augmented through the use of fences or walls, existing natural vegetation, and/or a combination thereof. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- The applicant shall demonstrate that the proposed use is appropriate to the property in question, is compatible with existing and planned uses in the area and demonstrate compliance with the County Comprehensive Plan.

FINDINGS OF FACT

1. The petitioner has vested rights for the development of the property under H-21-36, and reestablishing the expired master plan for this property is appropriate.
2. Staff will support the reduction of the eastern buffer from the required 35' to 20' in accordance with the submitted master plan and buffer schematic.
3. Staff does not support the setback deviation request from 100' to 20'.
4. Staff does not support the deviation request for a 30' reduction along the southern property line (County Line Road / CR 578), changing it from 75' to 45'.

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's 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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

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 Master Plan Revision for a property zoned PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses for Mini-warehouses and 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. The petitioner shall provide a wildlife survey to include a gopher tortoise survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. A Traffic analysis is required at the time of development. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
6. All driveways to the subject development shall meet County Commercial Driveway Standards.
7. County Line Road is an Arterial Roadway; the petitioner shall be limited to one access point along County Line Road, and all outparcels shall be interconnected by cross-access easements, recorded at the time of subdivision plat approval. Additionally, the petitioner shall be allowed one access point along Quality Drive.
8. A sidewalk shall be constructed along the entire width of property along County Line Road.
9. Quality Drive is a Frontage Road; the petitioner shall construct a sidewalk along the entire width of the property.
10. The developer shall connect to the central water and sewer systems at time of vertical construction.
11. The petitioner shall coordinate with the County Engineer during site design to determine the rights-of-way needs and reservation requirements for County Line Road.

12. The only C-2 uses shall be limited to mini-warehouses and outdoor storage for boats/recreational vehicles.
13. Minimum Setbacks and Maximum Height:
 - North (Quality Drive): 20' (Deviation from 35')
 - South (County Line Road / CR 578): 75' (Deviation from 125')
 - East Side: 100'
 - West Side: 20'
 - Maximum Height: 35'
14. Perimeter Buffer:
 - North (Quality Drive): 10'
 - South: 10'
 - East: 20'
 - West: 20'
15. The petitioner shall be required to screen the mini-warehouse and outdoor storage in accordance with the minimum requirements of the Land Development Regulations.
16. The petitioner shall provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential parcels.
17. The petitioner shall be required to meet the requirements for large retail development, in accordance with Appendix A, Article III, Section III and Article VIII, Section 6 of the Land Development Regulations.
18. The petitioner shall coordinate with Pasco County at the time of site plan approval to identify appropriate driveway access along County Line Road.
19. 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.