

REZONING CASE H-24-28

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION JUNE 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 for a Rezoning from AG (Agricultural) to PSFOD/Public Service Facility Overlay District for a Fire Station with the performance conditions listed in Appendix A of this Staff Report.

PLANNING AND ZONING COMMISSION ACTION JUNE 10, 2024

It is recommended the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AG (Agricultural) to PSFOD/Public Service Facility Overlay District for a Fire Station with the performance conditions listed in **Appendix B** of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: June 10, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: Hernando County Board of County Commissioners

FILE NUMBER: H-24-28

REQUEST: Rezoning from C-1 (General Commercial) to PSFOD/Public Service Facility Overlay District for a Fire Station

GENERAL LOCATION: Southeastern corner of Atlanta Avenue and Commercial Way; southwestern corner of the intersection of Atlanta Avenue and Richmond Street

PARCEL KEY NUMBER(S): 78409

APPLICANT’S REQUEST

The petitioner requests a rezoning of the subject property to apply the PSFOD/Public Service Facility Overlay District for the construction of a Fire Station. The underlying AG zone will remain, and the PSFOD/Public Service Facility Overlay District will serve as the guidance for development of the parcel.

SITE CHARACTERISTICS

Site Size: 5.8 acres

Surrounding Zoning; Land Uses:

North: PDP(SF)/ Planned Development Project (Single Family); the Winding Oaks subdivision currently under construction.

South: R-1A (Residential) & C-2 (Highway Commercial); Undeveloped

East: R-1A (Residential); Undeveloped & Single Family Residence

West: Commercial Way (US 19), C-2 (Highway Commercial) and R-1A (Residential); Mini-warehouse storage and undeveloped.

Current Zoning: C-1 (General Commercial)

**Future Land Use
Map Designation:** Commercial

ENVIRONMENTAL REVIEW

Protection Features: The County does not currently have access to the Well Head Protection Area (WHPA) Geographic Information Systems data or the Special Protection Areas (Special Protected Areas (SPAs) data.

Comment: The petitioner is not requesting any uses that are prohibited within the Wellhead Protection Area (WHPA). It is the responsibility of the property owner to hire qualified and licensed consultants to determine the presence of a Wellhead Protection Area (WHPA) on the site, if requested by the County.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

Habitat: There are several habitats on the property and the potential for several endangered species present on the site.

Comment: A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted as part of the at the conditional plat stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. Invasive plant species if present shall be removed during the development process.

Water Quality: The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group.

Comment: Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This will be addressed during the permitting phase of development.

Flood Zone: There are several areas on the parcel that are in the A flood zone. The remaining parcel is in the X flood zone.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following comments:

- HCUD does not currently provide water or sewer service to this proposed project's parcels.
- Water and sewer service are available to this project.

- HCUD has no objection to the proposed master plan to develop a fire station, subject to connection to the central water and sewer systems at time of vertical construction (project will require a private lift station).

ENGINEERING REVIEW

The County Engineer has not had a chance to review and provide comments for this application. Comments will be provided, and the staff report updated before the request is heard by the Hernando County Board of County Commissioners.

- The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).
- An FDOT driveway permit is required for any access point on Commercial Way (US 19).

LAND USE REVIEW

The proposed use of the subject parcels is compatible with the surrounding land use in that it is providing emergency Fire and EMS services to the surrounding community, drastically reducing the response time for properties in this area.

The fire station has access to a signalized intersection, which enables the response team to stop traffic in all directions for the engine to be dispatched more quickly. The use of this site for Fire and EMS services contributes to the overall health and safety of the community.

The Public Services Facility Overlay has special regulations to mitigate the impact these services may have on the surrounding property. The special regulations are:

- No building, structure or use within a public service facility overlay district shall be located closer than fifty (50) feet to the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel.
- No odor- or dust-producing substance or use, except in connection with the cultivation of permitted uses, shall be permitted within one hundred (100) feet of a property line if the adjoining property is being used for residential purposes.

The subject development will also be required to conform to the residential protection standards:

- There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
- No building within 100 feet of any single-family residential district property line shall be more than 20 feet in height.
- All loading bays and loading docks must be a minimum of 100' from any single-family 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.

- Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences, or walls.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map, Commercial Category

The subject property is in the Commercial future land use. The use the property as a Fire and EMS station is compatible with most future land use categories, commercial being no exception.

Strategy 1.04A(6): The Commercial Category provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties. Publicly owned lands along the commercial use corridors that are made available for surplus may be considered to have a Commercial designation, if the agency proceeds through the Comprehensive Plan Amendment process to amend the future land use map, in accordance with Section 163.3184, F.S.

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.

FINDING OF FACTS

1. The proposed development of the site as a Fire Station with EMS Services is consistent with the public service needs for the area.
2. The application of the Public Service Facilities Overlay District to the subject parcel is constant with the Comprehensive plan in that these public services may be located in any zoning district.

NOTICE OF APPLICANT RESPONSIBILITY

The PSF 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. Homeowners 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 AND 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 for a Rezoning from AG (Agricultural) to PSFOD/Public Service Facility Overlay District for a Fire Station 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. Planning
 - A. Maximum Building Height: 60'
20' within 100' of a residentially zoned property.
 - B. Allowed Uses in this PDP:
 - I. Fire Station
 - II. Related accessory uses and structures
 - C. Perimeter Setbacks (inclusive of the vegetated buffer)
 - North (Atlanta Avenue): 50'
 - South: 50'
 - East (Richmond Street): 50'
 - West (Commercial Way): 125'
 - D. Buffers:
 - North (Atlanta Avenue): 15' landscaped vegetated
 - South: 15' landscaped vegetated
 - East (Richmond Street): 15'
 - West (Commercial Way): 20' landscaped buffer

Buffer fencing – If a fence is used, the greenery shall be installed on the side of the fence that faces the adjacent property at the conclusion of construction.
 - E. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.
 - F. Special Conditions for the PSF Overlay District
 - i. No building, structure or use within a public service facility overlay district shall be located closer than fifty (50) feet to the property line of an adjoining

parcel containing a residence or the property line of a residentially zoned parcel.

- ii. No odor- or dust-producing substance or use, except in connection with the cultivation of permitted uses, shall be permitted within one hundred (100) feet of a property line if the adjoining property is being used for residential purposes.

G. Residential Protection Standards

- i. There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
- ii. No building within 100' of any single-family residential district property line shall be more than 20' in height.
- iii. All loading bays and loading docks must be a minimum of 100' from any single-family 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.
- iv. Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences, or walls.

3. **Environmental:**

- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. **Required Natural Vegetation**
 - I. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
 - II. The petitioner is required to meet all landscape and open space requirements outlined within the County Land Development Regulations.
- C. Invasive plant species if present are to be removed during the development process.
- D. 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.

4. **Engineering:**

- A. The petitioner shall obtain all applicable permits from Hernando County and other

applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).

5. **Utilities:**

HCUD has no objection to the proposed master plan to develop a fire station, subject to connection to the central water and sewer systems at time of vertical construction (the project will require a private lift station).

6. **Construction Buffer:**

Article II, Section 10-28 (5) All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction. If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation.

7. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP (Special Use) on plats.
8. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
9. 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.

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION/RECOMMENDATION**

APPENDIX B PLANNING AND ZONING ACTION:

On the June 10, 2024 hearing the Planning and Zoning Commission voted 5 to 0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AG (Agricultural) to PSFOD/Public Service Facility Overlay District for a Fire Station with the performance conditions.

10. 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.
11. Planning
 - H. Maximum Building Height: 60'
20' within 100' of a residentially zoned property.
 - I. Allowed Uses in this PDP:
 - I. Fire Station
 - II. Related accessory uses and structures
 - J. Perimeter Setbacks (inclusive of the vegetated buffer)
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Buffer fencing – If a fence is used, the greenery shall be installed on the side of the fence that faces the adjacent property at the conclusion of construction.
 - L. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.
 - M. Special Conditions for the PSF Overlay District
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- D. 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. **Engineering:**

- B. The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the

Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).

14. **Utilities:**

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15. **Construction Buffer:**

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16. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP (Special Use) on plats.

17. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.

18. 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.