

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 8, 2024
Board of County Commissioners: May 14, 2024

APPLICANT: Land America, LLC

FILE NUMBER: H-23-46

REQUEST: Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses and Deviations

GENERAL LOCATION: Spring Hill Drive, approximately 1,300' east of its intersection with Aerial Way

PARCEL KEY NUMBERS: 1229218

PUBLIC INQUIRY WORKSHOP: March 4, 2024

APPLICANT'S REQUEST

On March 2, 1988, the Board of County Commissioners approved a rezoning of CPDP/Combined Planned Development Project, to include PDP(GHC) (MF) (SF) (SU) (REC) and Private Park. The rezoning included Springwood Estates and the subject 21.30-acre commercial site, amongst other parcels. Since the 1988 approval, no development has occurred on the subject site. The parcel is currently entitled for C-1 (General Commercial) uses under its original designation.

The petitioners current request is to rezone from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses and deviations in order to develop the site with ten (10) commercial tracts totaling approximately 425,000 square feet. As part of the request, the petitioner has requested a number of C-2 (Highway Commercial) uses and deviations from the County's Land Development Regulations (LDR's).

Requested C-2 Uses

- Drive-in restaurants
- Veterinarian and animal clinics or hospital service establishment
- Alcoholic beverage dispensation

- Publishing and printing service establishments
- Light construction service establishments
- Mini-warehouse
- Tire and automotive accessory establishments
- Automotive specialty establishments
- Automotive and truck rental establishments
- Automobile and truck repair establishments excluding body shops
- Automobile service establishments

All proposed automotive uses will be limited to the outparcels designated on the master plan/ along Spring Hill Drive as Parcels 1 through 6 along Spring Hill Drive.

Proposed land uses and their specific acreage:

As designated on the Master Plan.

- Parcel 7: 2-Story Mini-warehouse - 5.42 acres
- Parcels 8-10: Business/Professional Office and Light construction service establishment (flex space) - 6.66 acres
- Parcels 1-6: Commercial/Retail uses permitted in C-1 Commercial District and C-2 uses specifically approved: 6.13 acres

The proposed development will adhere to a maximum building height of 60', which will be limited to Parcels 1-6, fronting Spring Hill Drive. The 3 proposed buildings in the rear will be a maximum of 35' in height.

Requested Deviations:

- Increase in the maximum Floor Area Ratio (FAR) from 35% up to 60%
- Perimeter Setbacks:
 - South: 25' (deviation from 75')
- Proposed Outparcel Building Setbacks
 - Front:10' (deviation from 35')
 - Rear: 10' (deviation from 20')

- Side: 10' (deviation from 20')
- Deviation from the required Large Retail 35' buffer along the full length of the project's frontage. The petitioner is proposing 20'.

SITE CHARACTERISTICS:

Site Size: 21.3 acres

Surrounding Zoning & Land Uses:

North: PDP(SU); Private Park
South: PDP(GC); Auto Shop and Hair Salon
East: PDP(GHC) (SF); Undeveloped, Single Family
West: PDP(GHC) (SF); Undeveloped, Single Family

Current Zoning: PDP(GHC)/ Planned Development Project (General Highway Commercial)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Habitat: Vacant, cleared, undeveloped and identified as urban open pine, mixed hardwood-coniferous, and high density residential, 5 dwellings/acre 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: Candler Fine Sands provides habitat suitable for gopher tortoises and commensal species.

Hydrologic Features: The property does not contain Special Protection Areas (SPAs) or wetlands according to County data resources.

Protection Features: The property contains a Class 2 Wellhead protection Area (WHPAs), according to County data resources.

Comments: The petitioner shall meet the minimum requirements for uses within a Class 2 Wellhead protection area in accordance with the Ground Water Protection ordinance. Some of the automotives

uses proposed will potentially be regulated as small quantity generators and will be required to meet specific disposal requirements.

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.

Comments: The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, plantings, and for required buffers, as applicable.

Flood Zone: C, with a small portion of AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is an existing 12-inch water main that runs on Copeland Way, and an existing 8-inch water main that runs along the north side of Deer Path Drive. There is an existing 6-inch sewer force main that crosses Spring Hill Drive approximately 225 feet east of the parcel, runs north between parcel key #s 1013272 and 1013281, then runs east on the south side of Deer Path Drive. There is an HCUD proposed 16 inch sewer force main, approximately one year away, that will be near the northwest corner of the Spring Hill Drive and Spring Park Way intersection. HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW:

The subject parcel is located on the north side of Spring Hill Drive, approximately 1,300 feet east of its intersection with Aerial Way. The petitioners project proposes three (3) access points to Spring Hill Drive and a connection to Copeland Way along the northwest corner of the project. Copeland Way connects to Springwood Estates, which connects to the signalized intersection of Spring Hill Drive and Aerial Way.

The County Engineer has reviewed the petitioner’s request and indicated the following:

- There is an area of floodplain found within the project area at node NP0280, BFE 63.65.
- A Traffic Access Analysis with queuing analysis is required to be submitted. The Traffic Access Analysis will determine the need for turn lanes and overall access along with any other improvements. Any identified improvements will be the responsibility of the developer to install.

- Connectivity to Copeland Way shall be required to be constructed and dedicated, in addition connectivity to the following streets: Eastwood Trail, Arvin Drive, Deerpath Drive shall also be required.
- No direct access to Spring Hill Drive shall be permitted for this project.
- Sidewalk along Spring Hill Drive and throughout this development shall be required.

LAND USE REVIEW:

Uses:

In addition to the uses allowed in the Planned Development Project (General Commercial) district, the petitioner is requesting the following Highway Commercial uses:

- Drive-in restaurants
- Veterinarian and animal clinics or hospital service establishment
- Alcoholic beverage dispensation
- Publishing and printing service establishments
- Light construction service establishments
- Mini-warehouse
- Tire and automotive accessory establishments
- Automotive specialty establishments
- Automotive and truck rental establishments
- Automobile and truck repair establishments excluding body shops
- Automobile service establishments

Comments: Given that this site is located along a commercial corridor and is surrounded by existing and proposed commercial uses, highway commercial uses are compatible with the area with appropriate performance conditions to avoid any adverse impact to the adjacent residential community.

Building Setbacks

Proposed Perimeter Setbacks:

- Front: 25' (deviation from 75')
- Side: 25'
- Rear: 35'

Proposed Outparcel Building Setbacks

- Front: 10' (deviation from 35')
- Rear: 10' (deviation from 20')
- Side: 10' (deviation from 20')

Parking:

County LDRs require minimum off-street parking ratios based on the type of use. If the master plan is approved, the petitioner shall be required to meet the minimum parking requirements of the Land Development Regulations.

Lighting:

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

Large Retail Development Standards:

The subject request is considered a large retail development and as such must comply with the standards provided for in the LDRs. The standards include, but are not limited to, architectural style, parking design, internal pedestrian circulation, and buffering. The master plan approval is a conceptual review. All applicable LDRs relating to large retail development must be met at the time of permit review.

The petitioner is proposing a Large Retail Development of approximately 150,000 square feet of commercial. The County's LDRs provide that developments greater than 65,000 square feet in size require approval as a Planned Development Project. Because of the intensity of development, the County may require additional conditions to ensure appropriateness at a particular location. The following items are those the County must address under the Large Retail Development requirements:

1. 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 project boundary or any residential area 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.
2. For facilities that operate 24 hours a day, manned parking lot security is required between 10:00 PM and sunrise.

3. When the proposed commercial development consists of multiple buildings (excluding outparcels), 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 project boundary or any residential area and shall be screened at 100% opacity through the use of landscape plantings, berms, fences or walls.
4. Large Retail Outdoor lighting shall meet the following requirements:
 - a. All fixtures must be full-cutoff or shielded;
 - b. All lights must be pointed downward with the exception of low level accent lighting not exceeding 40 watts;
 - c. No spillover of light is permitted beyond property boundaries;
 - d. Fixtures with outputs of 2,000 lumens or more require manual turn-off switches;
 - e. At least fifty percent (50%) of all parking lot lighting must be turned off within one hour after close of business or between 10 p.m. and sunrise, whichever occurs first;
 - f. No pole height shall exceed twenty-five (25) feet; and
 - g. The placement or use of searchlights shall be prohibited
5. All on-site advertising signs, including outparcels, 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 predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the buildings developed on the subject property.

Comments: The petitioner's master plan does not depict development signage along SR 50. The petitioner has not indicated the sizes or heights of the proposed signs. If approved, the petitioner shall meet all County LDR's for signage, including size, type, setback, and number.

6. The master plan shall meet the following increased setbacks and buffering requirements:
 - 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.

- b. *Perimeter Buffering.* A perimeter buffer shall be required along the full length of all streets serving a large retail development. The buffer shall be a minimum of thirty-five (35) feet in width and comprised of retained natural vegetation or planted with native plant species.

Comments: The petitioner is proposing the following buffers:

Spring Hill Drive: 20' (deviation from 35')

North: Petitioner indicates there is an existing private park in the Springwood subdivision which provides 250'+/- of separation from the proposed development.

West: 20'

East: 20'

The petitioner has not indicated any buffers within the commercial parcels. If approved, the petitioner shall meet the minimum Large Retail Development commercial buffer requirements of the County LDRs.

If approved, the northern boundary shall provide a 5' buffer with 6' opaque fence.

- 7. The site design shall provide that pedestrian circulation is coordinated on-site and between adjacent properties, providing for pedestrian circulation between complementary uses.
- 8. All internal walkways shall comply with Florida Accessibility Code design standards. Additionally, all internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, scored concrete, or stamped asphalt, to the extent not inconsistent with said standards.
- 9. Transit facilities, including but limited to bus stops, pull out lanes, transit related signage, shelters, and bicycle racks for transit users, shall be provided as determined by the County to accommodate transit service.
- The County Design Standards for large retail projects provide guidelines for creating safer, efficient, pedestrian-friendly projects with human scale orientation, while discouraging large, nondescript buildings and “unfriendly” pedestrian design, limited landscaping, and vast non-shaded parking lots.

Large Retail Development Signage:

- County LDRs require that any commercially zoned parcel(s) with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area. For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential there shall be a maximum of fifty (50) square feet of sign area.
- Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to County LDRs. The petitioner must meet the minimum sign standards as required by the County LDRs.

Minimum County Required Sign Setbacks (based on total sign surface area):

Up to 75 square feet in area:	5' from property line
75 square feet and up to 150 square feet in area:	10' from property line
150 square feet or greater:	20' from property line

Landscape

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 site is located within the Residential Land Use designation on the County’s adopted Comprehensive Plan. The area is characterized by commercial uses on portions of the east and west and full commercial on the south. Residential uses exist to the north and portions of the east and west. The subject site within a previously approved mixed use PDP/master plan (approved 1988), which included single family, multifamily, commercial and business park uses.

Residential Category

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain

commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(1): Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Comments: Commercial projects are permitted in residential land use designations when part of an integral mixed use design. The original project was a mixed use development that included single family, multifamily, and commercial uses. Additionally, the approvals of the subject site predate the adoption of the comprehensive plan. The adoption of the comprehensive plan did not and does not remove previously approved entitlements.

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 petitioner has indicated 20' vegetative buffer will be provided along the west, east and south property boundaries.

Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

Comments: The project is proposed as a Planned Development Project. Appropriate conditions should be considered to mitigate any potential impacts.

FINDINGS OF FACT:

A rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses and with Deviations is appropriate based on the following:

1. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding land uses subject to compliance with all performance conditions.
2. The request for a deviation to both the Spring Hill (front) building setbacks and buffer should be considered from a functional and aesthetic standpoint. The remaining proposed deviations are not adverse to public interest 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 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.

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 rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2 uses and Deviations 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. The petitioner shall provide a wildlife 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. Minimum Building Setbacks and Square Footage:

Perimeter Setbacks:

- South: 75'
- East and West: 25'
- North: 35'

Outparcel Building Setbacks

- Front: 10' (deviation from 35')
- Rear: 10' (deviation from 20')
- Side: 10' (deviation from 20')

Maximum commercial square footage: 425,000 square feet

4. Minimum Buffers:
- Spring Hill Drive: 20' (deviation from 35')
 - North: 5' with 6' opaque fence (against private park)
 - West: 20'
 - East: 20'

Perimeter Buffers and Setbacks shall not be included as a part of individual lots. A distinct lot edge shall be marked on lots to denote that preservation of that area is required.

No land disturbing activities are permitted in the perimeter buffers. Buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities or drainage retention areas.

- 5.
6. A cross access easement or agreement between the commercial outparcels shall be provided at the time of subdivision plat approval.
7. A Traffic Access Analysis with queuing analysis is required to be submitted. The Traffic Access Analysis will determine the need for Turn Lanes and overall access along with any other improvements. Any identified improvements will be the responsibility of the developer to install.
8. Connectivity to Copeland Way shall be required to be constructed and dedicated in addition connectivity to the following streets Eastwood Trail, Arvin Drive, Deerpath Drive shall also be required.
9. No direct access to Spring Hill Drive shall be permitted for this project.
10. Sidewalk along Spring Hill Drive and throughout this development shall be required.
11. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project.
12. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, 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 the Hernando County Code of Ordinances.

13. The mixed-use development (commercial and multifamily) shall be limited to a single pedestal sign along US Hwy 19. Sign size shall meet the minimum requirement of the County LDRs.
14. Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for nonresidential buildings shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building, or placed behind the buildings, screened from view from the public right of way and enhanced by landscaping and/or wall.
15. The commercial development shall provide a lighting plan at the time of development which complies with the lighting standards for Large Retail Development.
16. The development must provide detailed elevation plans and/or renderings and site plans illustrating the proposed facade and site design at the time of permitting. The site and building design must demonstrate compliance with the County's design standards for large retail development, and shall use architectural features, textures and materials consistent with the other development in the area.
17. 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.
18. The developer shall provide a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.
19. C-2 uses shall be limited to:
 - Drive-in restaurants
 - Veterinarian and animal clinics or hospital service establishment
 - Alcoholic beverage dispensation
 - Publishing and printing service establishments
 - Light construction service establishments
 - Mini-warehouse
 - Tire and automotive accessory establishments
 - Automotive specialty establishments
 - Automotive and truck rental establishments
 - Automobile and truck repair establishments excluding body shops
 - Automobile service establishments

20. Mini Storage shall be limited to 2-storys
21. The petitioner shall meet the minimum requirements for uses within a Class 2 Wellhead protection area in accordance with the Ground Water Protection ordinance.
22. 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.
23. 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.
24. 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.
25. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of notification in writing by the Planning Department of the final action. Failure to submit the revised plan will result in no further development permits being issued until submitted by the applicant.