

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: September 12, 2022  
Board of County Commissioners: October 11, 2022

**APPLICANT:** DemiSar Properties LLC

**REPRESENTATIVE** Bruce Landis with Landis Evans + Partners Inc, Employees

**FILE NUMBER:** H-22-53

**REQUEST:** Rezoning from R-1A (Residential) to PDP (HC)/Planned Development Project (Highway Commercial) with deviations.

**GENERAL LOCATION:** South side of Cortez Blvd, approximately 218' west of Colorado Street.

**PARCEL KEY NUMBER:** 1006592

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### **APPLICANT'S REQUEST:**

The subject site is currently zoned R-1A (Residential District). The petitioner is requesting a rezoning of the subject property to PDP(HC)/Planned Development Project (Highway Commercial) with deviations for a frontage road and the front building setback.

### **Deviations Requested:**

The following Deviations were requested with this application:

- Frontage Road Requirement Waiver. Cross access between parking areas is proposed as an alternative to the frontage road.
- Front Building Setback:
  - 75' (Deviation from 125')

### **SITE CHARACTERISTICS:**

**Site Size:** 1.40 Acres

#### **Surrounding Zoning & Land Uses:**

North: AG (Agricultural), Undeveloped  
South: R-1A (Residential), Single-Family Residential  
East: C-1 (Commercial), Commercial  
West: R-1A (Residential), Single-Family Residential

**Current Zoning:** R-1A (Residential)

**Future Land Use  
Map Designation:** Commercial

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand / 0 to 5% slopes.

**Features/Resources:** There are no Special Protection Areas (SPA), wetlands, or Wellhead Protection Areas (WHPA) on the subject site according to County data resources.

**Habitat:** The property is vacant, forested, and shown low intensity urban according to Florida Fish and Wildlife Conservation Commission (FWC) CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping.

**Comments:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Water Quality Review:** This project is located within the Weeki Wachee Priority Focus Area (PFA) for the Basin Action Management Plan (BMAP) identified by the Florida Department of Environmental Protection (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:** Flood plain is X (Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods). There are no wetlands located on the property.

**UTILITIES REVIEW:**

The Hernando County Utility Department (HCUD) does not currently supply water or sewer service to this parcel. There is an existing twelve-inch (12”) water main that runs along Cortez Boulevard in front of this parcel. There is an existing six-inch (6”) sewer force main that also runs along Cortez Boulevard in front of this parcel.

HCUD has no objection to the submitted Master Plan and zoning subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

**ENGINEERING REVIEW:**

The subject site is located on the south side of Cortez Blvd, approximately 218’ west of Colorado Street. The applicant proposes one (1) connection point to Cortez Blvd and cross access to parking areas on adjacent properties in lieu of a frontage road.

The County Engineer has reviewed the request and indicated the following:

- This property is outside the 1% annual chance floodplain.
- Properties along Cortez Blvd./S.R. 50 are required to install a frontage road, per Ordinance Chapter 24, Article I, Section 24-2. Applicant has requested deviation from the requirement; this is supported and approved with the requirement to provide cross connectivity to the neighboring parcels.
- Refer to the map extract provided and reference the Peck Sink Watershed study as the pre-development condition in future applications.
- FDOT access and drainage permitting required.
- Depending on use and size of development, a Traffic Access Analysis may be required. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.

**LAND USE REVIEW:**

**Setbacks:**

Minimum PDP(HC) Building Setbacks:

Front: 75' (Requested deviation from 125' front setback required for properties on Cortez Blvd)  
Side: 20'  
Rear: 35'

**Comments:** The applicant's request for a deviation to the front yard setback from 125' to 75' is reasonable due to the property depth and the setbacks of the existing buildings along this portion of Cortez Blvd. The Good Neighbor Trail Connector runs along the front of this parcel indicating that right-of-way has been purchased for the future expansion of Cortez Blvd. The depth of this property is 200'. A 125' front setback and a 35' rear setback would leave 40' deep building envelope for this parcel. The reduction of the front setback to 75' for this parcel will maintain the character of this segment of Cortez Blvd and allow a more reasonably sized building envelope for the developer.

**Permitted Uses:**

The Planned Development Project (PDP) is a specialized zoning district which provides a level of density and/or intensity, and a list of permitted uses. The PDP(HC) district is designed to allow all permitted uses in the C-2 (Highway Commercial) zoning district. Any special exception uses allowed in the C-2 zoning district which have been specifically designated or specified in the narrative or on the master plan. Any permitted and special exception uses from the O/P (Office-Professional) and C-4 (Heavy Highway Commercial) zoning districts specifically designated in the narrative or on the master plan. No special exceptions or conditional uses are requested as part of this application.

The Hernando County Code of Ordinances, Appendix A, Article VIII, Section 3 identifies the permitted uses within the C-2 Zoning District as follows:

- (a) Any use permitted in a C-1 General Commercial District
- (b) Drive-in restaurants
- (c) Automotive dealer establishments, including the principal selling of used cars
- (d) Tire and automotive accessory establishments
- (e) Automotive specialty establishments
- (f) Automotive and truck rental establishments
- (g) Automobile dealer establishments for the principal selling of new cars with service establishments including body shops
- (h) Automobile and truck repair establishments excluding body shops
- (i) Veterinarian and animal clinics or hospital service establishment
- (j) Alcoholic beverage dispensation
- (k) Publishing and printing service establishments
- (l) Domestic rental establishments
- (m) Crematories
- (n) Public transportation terminals for buses and taxis only

- (o) Light construction service establishments
- (p) Retail plant nurseries
- (q) Mini warehouses
- (r) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public
- (s) Boat sales and service with or without outside display
- (t) Light farm equipment and supply establishments
- (u) Light landscaping service establishments
- (v) Automobile service establishments

Permitted uses in the C-1 (Commercial) Zoning District shall be as follows:

- (a) Comparison goods stores
- (b) Convenience goods stores with a limit of twelve (12) vehicle fueling stations
- (c) Personal service establishments
- (d) Domestic and business service establishments
- (e) Domestic and business repair establishments
- (f) Business, professional, and nonprofit organization offices
- (g) Public offices
- (h) Business training schools
- (i) Restaurants with or without alcohol dispensation
- (j) Indoor commercial amusement establishments
- (k) Indoor motion picture theaters
- (l) Motels
- (m) Hotels
- (n) Automobile parking establishments
- (o) Gasoline service stations with a limit of twelve (12) vehicle fueling stations
- (p) Light building material establishments
- (q) Mortuaries, funeral homes
- (r) Antique stores
- (s) Alcoholic beverage dispensation package and restaurants only
- (t) Retail food stores

- (u) Veterinary clinics with air conditioned, sound-attenuated runs
- (v) Light marine establishments
- (w) Fire stations and state, county, and municipal police stations
- (x) Light domestic rental establishments
- (y) Auto parts establishments
- (z) Dry cleaning establishments
- (aa) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public
- (bb) Day care centers and preschools
- (cc) Automobile service establishments limited to four (4) service bays
- (dd) Places of Public Assembly
- (ee) Fraternal organizations
- (ff) Secondhand stores
- (gg) Retail plant nurseries with outside storage limited to plants and packaged products
- (hh) Auto glass establishments
- (ii) Aircraft parts establishments
- (jj) Nursing care homes
- (kk) Light construction service establishments
- (ll) Call Centers

**Buffering**

A buffer shall be required between a Planned Development Project land use which is non-residential and a land use, external to the PDP, which is residential, agricultural-residential, or agricultural. The buffer shall consist of a minimum five-foot (5') 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 feet (5') and a maximum height of eight feet (8'), or an evergreen hedge with a minimum height of five feet (5') at the time of planting.

**Comment:** The applicant shows a five-foot (5') buffer on the south and west sides of the property. If this application is approved, the petitioner must provide a six-foot (6') high fence or wall along the northern boundary

against the residentially zoned parcel. All other buffers must meet the minimum County LDR's.

**Landscaping**

All planned development projects shall meet the landscaping requirements of the Community Appearance Ordinance.

**Parking standards**

All required parking shall meet the requirements of the land development regulations. The developer may suggest alternative design standards for parking areas to the county engineer and may suggest reduced parking standards to the planning department, submit data supporting the alternative design, and request approval of the alternative design and reduced parking standards by the governing body.

**Residential Protection Standards**

Appendix A, Article 8 Section 6 identifies the Residential Protection Standards that apply to this parcel due to its proximity to the residential zoning district. Residential Protection Standards in all commercial or industrial PDPs shall be subject to the following unless modified by Section 6. B. herein,

- (1) There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
- (2) There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.
- (3) No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
- (4) No building within 100 feet of any single-family residential district property line shall be more than twenty feet (20') in height.
- (5) 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.

- (6) 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:**

The subject site is in the Commercial Use category; the proposed rezoning to PDP(HC)/Planned Development Project (Highway Commercial) is consistent with this classification.

**FINDING OF FACTS:**

A rezoning from R-1A (Residential) to PDP (HC) is appropriate based on its consistency with the Comprehensive Plan and compatibility with land uses abutting a major roadway (Cortez Blvd).

**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.*

**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 R-1A (Residential) to PDP (HC)/Planned Development Project (Highway 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. FDOT access and drainage permitting required.

3. As a part of the site plan approval, the petitioner is required to Contact the Review and Compliance Section of the Division of Historical Resources to determine if survey requirements apply to the property. Any reports required by the State are to be provided to Hernando County.
4. Depending on use and size of development, a Traffic Access Analysis may be required. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.
5. The site design shall provide that pedestrian circulation is coordinated on site and between adjacent properties providing for pedestrian circulation between complementary uses.
6. The requirement for a frontage road is waived in exchange for a cross access easement or agreement between the commercial parcels to be provided at the time of site plan approval.
7. Minimum Building Setbacks:

Cortez Blvd:	75' (deviation from 125')
East:	20'
West:	20'
South:	35'
8. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications.
9. 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.
10. 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.
11. The following residential protection standards shall be met:
  - (a) There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
  - (b) There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.

- (c) No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
  - (d) No building within 100 feet of any single-family residential district property line shall be more than twenty feet (20') in height.
  - (e) 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.
  - (f) 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.
12. 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.