

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 14, 2022
Board of County Commissioners: April 12, 2022

APPLICANT: Brightwork Real Estate, Inc. (On Behalf of Kenneth L Haber, Martha Haber, Gary Haber, and Evelyn Haber)

FILE NUMBER: H-21-67

REQUEST: Rezoning from PDP(SU)/Planned Development Project (Special Use) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses and Deviations

GENERAL LOCATION: Northeast corner of Commercial Way and Spring Hill Drive

PARCEL KEY NUMBERS: 411931

Public Inquiry Workshop: December 7, 2021

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(SU)/Planned Development Project (Special Use) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses and deviations in order to develop the 11.0-acre subject site commercially. The subject site was part of the original Spring Hill master plan and was designated PDP(SU)/Planned Development Project (Special Use) for a landscape buffer. In 1995 the parcel was sold by the Deltona Corporation to a private entity and has remained undeveloped and in private ownership.

The petitioner's current request is for a seven (7) lot commercial subdivision. The development will not exceed 65,000 total square feet and will have a range of uses such as, but not limited to convenience store with gas, fast-food restaurant(s), car wash and other allowable commercial uses.

The petitioner is requesting the following deviations as part of the rezoning request:

Frontage Road Wavier

Due to its location and inability to connect north.

Setback Deviation

US Highway 19: 50' (deviation from 125')

Internal Setbacks: 0' between outparcels (deviation from 20')

Buffers

Internal Buffer: 0' between outparcels (deviation from 5')

Signage Deviation:

Platted parcels to have individual signs and two multi-tenant anchor signs at both of the proposed US Highway 19 entrances. Additionally, two signs are requested at the corner parcel (US Hwy 19 and Spring Hill Drive).

Residential Protection Standards:

Fast-Food order box distance: 75' (deviation from 100')

The petitioner requests the following C-2 uses:

- (b) Drive-in restaurants
- (d) Tire and automotive accessory establishments
- (e) Automotive specialty establishments
- (f) Automotive and truck rental establishments
- (i) Veterinarian and animal clinics or hospital service establishment
- (j) Alcoholic beverage dispensation.
- (t) Light farm equipment and supply establishments
- (v) Automotive service establishments

SITE CHARACTERISTICS:

Site Size: 11.0 acres

Surrounding Zoning & Land Uses:

North: C-1, PDP(SF); Bank, Single-Family
 South: R-1C/(Residential); Residential
 East: PDP(SF), PDP(GHC); Single Family, Retail Plaza
 West: US HWY 19, PDP(GHC), C-2; Commercial Uses

Current Zoning: PDP(SU)/Planned Development Project (Special Use) for landscape buffer

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine, Tavares 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 and Tavares Fine Sands provides habitat suitable for gopher tortoises and commensal species. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
Hydrologic Features:	There are no Wellhead Protection Areas or wetlands on the subject site according to County data resources.
Comments:	It should be noted that the site has a seasonal ephemeral wetland in the center of the property. The property also abuts an offsite wetland along the northeast corner of the property. Mitigation could be required based on size.
Protection Features:	There are no Special Protection Area (SPA) on the subject site according to County data resources.
Archaeological/Historical:	There are no archaeological or historical site 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.
Comments:	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 buffers, as applicable.
Flood Zone:	C with portions of the property within AE. Including a large portion along the center of the property.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 12-inch water main that runs along the western property line on Commercial Way. There is an existing 10-inch sewer force main that runs along the southern property line on Spring Hill Drive, then runs north along the eastern property line on Pinehurst Drive for approximately 400 feet. HCUD has no objection to the requested rezoning 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 northeast corner of Commercial Way and Spring Hill Drive. The petitioner is proposing seven (7) commercial parcels at this location and proposes various access points to the property. The petitioner proposes two access points to Pinehurst Drive and two access points to US Highway 19. One access is proposed as a right-in/right-out and the other further north which will align with Osowaw Boulevard as a full access/median cut. The petitioner has requested a frontage road waiver due to the location and its inability to connect north.

The County Engineer has reviewed the proposed rezoning and indicated the following:

1. The site contains three areas of floodplain with elevations 15.3 feet, 16.0 feet and 18.1 feet. Floodplain mitigation must be provided to maintain the floodplain volume. A “no net rise” certification is required.
2. The proposed project will generate over 50 PM Peak Hour trips. A Traffic Access Analysis will be required and must include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
3. Portions of Pinehurst Drive may be required to be upgraded/improved to Major Local Road and /or Collector Road.
4. The Hernando Code of Ordinances requires a Frontage Road the entire Frontage along Commercial Way, however for this parcel, the County Engineer has indicated that the frontage road is not feasible as it would not provide connectivity to the existing frontage road system to the north.
5. The development must meet the Hernando County Facility Design Guideline and Southwest Florida Water Management District Environmental Resources Permitting drainage design requirements.
6. A FDOT driveway access permit will be required for connections to US Highway 19.

LAND USE REVIEW:

Large Retail Development Standards

The LDR's require certain retail development standards for all projects in excess of 25,000 square feet. The large retail standards will ensure a cohesive and harmonious development. The standards include, but are not limited to, architectural style, parking design, internal pedestrian circulation, and buffering. The project will be required to meet the Large Retail development standards of Article III of Appendix A (zoning).

Building Setbacks

Proposed Building Setbacks:

US Hwy 19:	50' (deviation from 125')
Spring Hill Drive:	35'
Pinehurst Drive:	35'
North:	20'
Against Residential:	35'
Internal	0' (deviation from 20')

Comments: The petitioner is requesting internal setback deviations of 0' feet in order to accommodate the mixed development and provide the appropriate drive aisle for the project's overall circulation. The proposed master plan as shown, does not warrant an internal building setback deviation. If approved, the internal setbacks must meet the minimum commercial requirements.

Buffers

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural.

Large Retail Developments of over 25,000 square feet shall be required a buffer 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.

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 is proposing a 30' landscape buffer along those portions of the property that front or are neighboring homes (Pinehurst Drive,

northeast corner of parcel). Additionally, a drainage retention pond will be utilized as a distance buffer along this area.

The remaining portions of the subject site where the project is adjacent to commercial development and along US Highway 19 are proposed as 5' buffers. The proposed 5' buffers along US Highway 19 are considered inadequate for the scale and location of the project. Furthermore, the subject site was originally allocated as a landscape buffer/entrance feature into the Spring Hill area. Although now privately owned, both sides of the Spring Hill Drive fountain/entrance were set aside for landscape buffers and are the main entrance features into the Spring Hill area.

If approved, the petitioner shall provide a minimum of twenty-five (25) foot buffer along US Highway 19 planted with native plant species. Furthermore, the petitioner shall retain (where feasible), refurbish and/or rebuild the existing brick columns historically known/used for the main Spring Hill area entrance. Said columns shall be incorporated into the overall landscape design along US Highway 19.

Additionally, the proposed thirty (30) foot wide buffers along Pinehurst Drive and the northeast portion (which abuts residential) of the property, shall be screened at 80% opacity and enhanced where necessary.

Residential Protection Standards

1. There shall be no speakers or other sound equipment located within 100' of any single family residential district property line

Comments: The petitioner is requesting a deviation from the required 100' to 75' for ordering boxes. Given the residential nature along Pinehurst Drive, the petitioner should be required to meet the residential protection standard of 100 feet.

2. 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 7:00AM. within 100 feet of any single family residential district property line.

Comments: The petitioner has indicated the potential for fast food restaurants and/or coffee service establishments which generally have extended hours of operation. If approved, entrances, drive-up windows, or loading/unloading areas must meet the minimum distance of 100 feet of any single family residential district property.

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 – Maximum 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 subsection (1) herein.

Comments: The petitioner has requested that the platted parcels have individual signs. Two signs are requested for the corner parcel (US Hwy 19 and Spring Hill Drive) due to having two fronts. Additionally, the petitioner is requesting that the project be permitted two multi-tenant anchor signs. One at each of the proposed US Highway 19 entrances. The petitioner must meet the minimum sign standards as required by the County LDRs.

If approved, all signs shall be designed as an integral part of the development and predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. Signs should also be limited to ground mounted monument type signs.

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 property is located within the Residential land use classification on the adopted Future Land Use Map. The subject site fronts US Highway 19, a Commercial Corridor) and the area is characterized by commercial uses to the north, south and west, and residential to the east.

Future Land Use Mapping Criteria

Mapping Criteria - Commercial Category: The Commercial Category includes commercial corridors along U.S. 19 and S.R. 50 and designated commercial nodes at

intersections of arterial and/or collector roads intended primarily for commercial development with a wide variety of uses.

Map Interpretation Guidance: Areas considered to have a Commercial Category designation but not shown on the Future Land Use Map 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.

Comments: The subject site is located along the US Highway 19 commercial corridor. The site is located in close proximity to existing commercial parcels and should be recognized as eligible infill development of an existing commercial area.

Future Land Use Element

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.

Comments: The subject site is located along the US Highway 19 commercial corridor. While the parcel is not classified as commercial, the property can be considered to have a commercial designation (infill) due to its proximity to existing commercial areas. Any approval should include appropriate conditions.

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 is required where needed in accordance with the provisions of this Plan and adopted land development regulations.

Comment: While the subject property is not designated as commercial on the Future Land Use Map, it serves as an infill commercial piece due to the proximity to existing commercial uses and development. The property is located along the US Highway 19 commercial corridor, is located between commercially zoned properties, and should be considered appropriate for an infill designation.

Protection Standards

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 subject site is in close proximity to single-family homes and should be required to meet the Residential Protection Standards and provide a 30' landscape buffer along Pinehurst adjacent to residential uses; said buffer should be enhanced to 80% opacity to properly screen existing homes from proposed commercial uses.

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 County Engineer has reviewed the proposed development and indicated that due to the configuration of the parcel and location, the frontage road is not feasible as it would not provide connectivity to the existing frontage road system to the north. The petitioner should be required to provide interconnectivity and cross-connection between outparcels.

FINDING OF FACT:

A rezoning from PDP(SU)/Planned Development Project (Special Use) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses and with Deviations is appropriate based on the following conclusion:

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 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 PDP(SU)/Planned Development Project (Special Use) 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. A cross access easement or agreement between the commercial outparcels shall be provided at the time of subdivision plat approval.
3. Minimum Building Setbacks and intensity:

US Hwy 19:	50' (deviation from 125')
Spring Hill Drive:	35'
Pinehurst Drive:	35'
North:	20'
Against Residential:	35'
Internal	20'

Maximum intensity: 7 commercial lots with less than 65,000 square feet of total floor area

4. The petitioner shall provide a Traffic Access Analysis in accordance with the requirements of the County Engineer at the time of permitting. The Traffic Access Analysis shall include a queuing analysis. Any improvements identified and required by the Traffic Access Analysis, which could include off-site public improvements, will be the responsibility of the developer.
5. The petitioner shall be required to meet the requirements of the County Engineer relative to upgrade/ improvements to Pinehurst Drive based upon the Traffic Access Analysis.
6. A waiver of the frontage road is granted due to the inability for connectivity to the existing frontage road system to the north.
7. The petitioner shall be required to obtain a FDOT driveway access permit for all connections to US Highway 19.
8. The project shall meet the minimum sign standards as required by the County LDRs. 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.
9. The development shall meet the minimum LDR design standards for large retail development in Article III, Appendix A (Zoning).
 10. The commercial development shall provide a lighting plan at the time of development which complies with the lighting standards for Large Retail Development.
 11. The petitioner shall provide a minimum of twenty-five (25) foot buffer along US Highway 19. Furthermore, the petitioner shall retain (where feasible), refurbish and/or rebuild the existing brick columns historically known/used for the main Spring Hill area entrance. Said columns shall be incorporated into the overall landscape design along US Highway 19.
 12. The petitioner shall provide thirty (30) foot wide buffer along Pinehurst Drive where the site abuts residential property. The buffer shall be screened at 80% opacity and enhanced where necessary.
 13. Internal buffers between outparcels shall be a minimum of 5'.
 14. 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.
 15. The development shall meet all required Residential Protection standards for commercial development.
 16. The developer shall provide a water and sewer capacity analysis and connect to central water and sewer systems at the time of vertical construction.
 17. C-2 uses shall be limited to the following:
 - Drive-in restaurants
 - Tire and automotive accessory establishments
 - Automotive specialty establishments
 - Veterinarian and animal clinics or hospital service establishment
 - Alcoholic beverage dispensation.
 18. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

19. The petitioner shall provide jurisdictional lines for the wetland at the northeast corner of the property and the seasonally ephemeral wetland in the center of the property. Mitigation could be required based on size.

20. The petitioner shall provide a master plan in compliance with all of 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.