

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 9, 2023
Board of County Commissioners: November 14, 2023

APPLICANT: Tires Unlimited & Services, LLC

FILE NUMBER: H-23-34

REQUEST: Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for an Automobile Service Establishment with Deviations

GENERAL LOCATION: North of County Line Road and at the western terminus of Pythia Place

PARCEL KEY NUMBERS: 1180331

APPLICANT'S REQUEST:

This property is part of the Linden Retreat subdivision, approved in 1988 (H-88-57). As part of the original approval, Linden Retreat had commercial uses assigned along County Line Road and residential uses to the north. The subject site is vested as a PDP(GHC)/Planned Development Project (General Highway Commercial) which permits all C-1 (General Commercial) uses. However, the C-1 (General Commercial) zoning district limits Automobile Service Establishments to 4 bays.

The petitioner is requesting a rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for an Automobile Service Establishment with deviations, in order to develop a 9,900 square foot, 8 bay tire and automotive service center. As part of the request, the petitioner is requesting the following setbacks deviations:

- 75' County Line Road building setback (deviation from the required 125'). The petitioner has indicated this is to assist with the proposed right-of-way taking of 40' along the southern property line of the project. Pythia Place is also being considered as the reverse frontage road. The proposed front setback will be 75' from the new right-of-way line.

- 25' Pythia Place building setback (deviation from the required 35'). for future building expansion to remove outside storage such as shipping containers and tires and have all product in the expansion area of building.

SITE CHARACTERISTICS:

Site Size:	1.2 acres
Surrounding Zoning; Land Uses:	North: PDP(GHC); Undeveloped South: County Line Road East: PDP(GHC); Dollar General West: AG; Tropics RV Park
Current Zoning:	PDP(GHC)/Planned Development Project (General Highway Commercial)
Future Land Use Map Designation:	Commercial
Flood Zone:	C

ENVIRONMENTAL REVIEW:

Soil Type:	Candler Fine Sand
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 during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
Water Quality Review:	The proposed development is within the Weeki Wachee River Basin Management Action Plan, the Weeki Wachee Primary Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.
Comments:	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.

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement. Invasive plant species if present are to be removed during the development process.

Protection Features:

There are no protection features (Wellhead Protection Areas (WHPAs) present on this parcel.

Habitat:

Low Density Structure and Urban Open Land 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:

A comprehensive floral survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Hydrologic Features:

There are no hydrologic features (Special Protection Areas (SPAs), sinkholes, karst sensitive areas, or wetlands) present on this parcel.

Flood Zone:

There is a portion of the northwest part of the property that is in X floodplain, the rest of the parcel is not in a floodplain.

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Sewer service is not available to this parcel. There is an existing 16-inch water main that runs along the north side of County Line Road, and an existing 6-inch water main that runs along the south side of Pythia Place. There is an existing 20-inch sewer force main that runs along the north side of County Line Road. HCUD has no objection to the request subject to connection to the central water and sewer systems as required per ordinance at time of vertical construction.

ENGINEERING REVIEW:

The subject property is located on the North of County Line Road and at the western terminus of Pythia Place. The petitioner proposes a single access to the Pythia Place and a right-in/right-out onto County Line Road. The County Engineer has reviewed the request and indicated the following:

- A Traffic Access Analysis will be required. Traffic Access Analysis shall also include a queuing analysis. Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
- Pythia Place is designated as the Reverse Frontage Road for this area and a sidewalk will be required to be installed for the entire length of parcel.
- County Line Road is to be widened to a four-lane roadway in the future and the dedication of 40' of right-of-way will be required by deed of dedication within 30 days of Master Plan approval.
- Access to County Line Road is to be limited to a right-in/right-out.

LAND USE REVIEW:

Proposed Setbacks:

- County Line Road: 75' (deviation from required 125')
- Pythia Place: 25' (deviation from required 35')
- West: 35'
- East: 20'

Comments: The petitioners request for a reduction in setbacks along County Line Road and Pythia Place is justified due to the use of Pythia Place as a reverse frontage road and the proposed widening of County Line Road.

Buffers

Along street right-of-way/pavements: A vegetative buffer at least 5' in width shall abut the street right-of-way/pavements for at least half of the street right-of-way frontage. If only installed planting areas are used, the vegetative buffer shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting.

No vegetative buffer over 2' in height that might block any driver's view shall be permitted within the clear-sight triangle of the driveway or street/railroad intersection.

Comments: The petitioner has not indicated buffers for the proposed use. If approved, the petitioner will be required to meet the minimum commercial buffer requirements for the proposed project.

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.

Comments: The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.

COMPREHENSIVE PLAN REVIEW:

Future Land Use Element

Strategy 1.08B(2): The corridor segment from Mariner Boulevard to the Suncoast Parkway consists of a residential character with commercial nodes at each end (Mariner and Suncoast intersections) and a smaller commercial node at Linden Drive. This pattern should generally be continued when considering any proposed projects or requested zoning changes in the planning horizon timeframe.

Comments: The subject parcel is within the Residential Future Land Use. The subject property has been zoned for PDP(GHC)/Planned Development Project (General Highway Commercial) since 1988. The property is adjacent to commercial property at the southern property line, and extends a commercial node identified in the Comprehensive Plan at Linden Drive and County Line Road.

FINDINGS OF FACT:

A rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for an Automobile Service Establishment with Deviations is appropriate, based on the following conclusion:

1. The petitioners request for a reduction in setbacks along County Line Road and Pythia Place is justified due to the use of Pythia Place as a reverse frontage road and the proposed widening of County Line Road.
2. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

NOTICE OF APPLICANT RESPONSIBILITY:

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. 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.

STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request for a Master Plan Revision on property zoned PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for an Automobile Service Establishment and 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 must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
3. A comprehensive floral survey shall be prepared by a qualified professional at the construction plan approval stage of development.
4. Minimum Building Setbacks:
 - County Line Road: 75' (deviation from required 125')
 - Pythia Place: 25' (deviation from required 35')
 - West: 35'
 - East: 20'
5. The petitioner shall connect to the central water and sewer systems as required per ordinance at time of vertical construction.

6. A Traffic Access Analysis shall be required. The Traffic Access Analysis shall also include a queuing analysis. Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
7. Pythia Place is designated as the Reverse Frontage Road for this area and a sidewalk shall be required to be installed for the entire length of parcel.
8. County Line Road is to be widened to a four-lane roadway in the future and the dedication of 40' of right-of-way shall be required by deed of dedication within 30 days of Master Plan approval.
9. Access to County Line Road shall be limited to a right-in/right-out.
10. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.
11. The petitioner shall provide a revised 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.