

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 11, 2023
Board of County Commissioners: January 9, 2024

APPLICANT: ARO Engineering and Brandon Anderson on behalf of Kelp Agency LLC

FILE NUMBER: H-23-43

REQUEST: Rezoning from AG (Agricultural) to PDP(OP)/ Planned Development Project (Office Professional) with a C-1 use of Veterinary Clinic

GENERAL LOCATION: North side of Powell Road approximately 1,145' east of its intersection with Spring Park Way

PARCEL KEY NUMBER(S): 1280615

APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from AG (Agricultural) to PDP(OP)/ Planned Development Project (Office Professional) with the C-1 use of Veterinary Clinic, to use the site for medical offices and other professional services uses. The subject parcel was a surplus property sold by the County. Due to the size and location, adjacent to two different residential zones, appropriate land uses are limited. There are no other commercial uses along this portion of Powell.

SITE CHARACTERISTICS

Site Size: 0.9 acres (37,595 square feet)

Surrounding Zoning; Land Uses:

North: PDP(SU) (H-04-20); Open Space

South: PDP(SF)/ Planned Development Project (Single Family) (H-88-30); Single Family Dwellings

East: AR (Agricultural/Residential); Single Family Residence

West: PDP(SU) (H-04-20); Open Space

Current Zoning: AG (Agricultural)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW

- Soils:** Candler Fine Sand
- Comment: 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 and submitted during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
- Protection Features:** According to county data, there is evidence that the subject parcel is in a Wellhead Protection Area (WHPA) 2. There are no Special Protection Areas (Special Protected Areas (SPAs) on this site.
- Comment: The petitioner has not proposed any land uses that are prohibited in a WHPA-2
- Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
- Habitat:** The subject property is designated Residential Medium Density 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).
- Comment: Invasive plant species if present are to 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 Outstanding Florida Springs (OFS) Group, and the Weeki Wachee Priority Focus Area (PFA)
- 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:** The subject property 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 parcel.
- There is an existing 12-inch water main that runs along the north side of Powell Road in front of most of this parcel.

- There is an existing 6-inch sewer force main that runs along the south side of Powell Road, then crosses Powell Road to the west of this parcel, heading north to the Silver Ridge lift station.

Comment: HCUD has no objection to the submitted zoning change from Residential to PDP(OP) to allow development of medical offices with clinic, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

TRANSPORTATION

The subject parcel is located on the north side of Powell Road between California Street and Barclay Road. This section of Powell is included in the Long-Range Transportation Plan 2045 (LRTP 2045). The LRTP 2045 lists the widening of this section of Powell Road to 4 lanes divided, meaning there will be 4 lanes with a median between the travel directions, in the Cost Feasible Tier 3 list for fiscal years 2036-2045. Powell is classified as a major collector according to the County and the Florida Department of Transportation (FDOT).

The subject parcel will be the only commercially zoned parcel on this section of Powell Road. A fully built subdivision is on the western side of the parcel and larger AR (Agricultural/Residential) parcels are on the eastern side of the property. Neither the Subdivision nor the AR parcels on the east have sidewalk installed along Powell Road. When the road widening project is designed, FDOT will include the installation of sidewalks along both sides of the road as their current standard practice. There are no transit routes or stops along Powell Road.

ENGINEERING REVIEW

The County Engineer has reviewed the petitioner's request and provided the following comments:

- This property contains an area of Flood Zone "X-Shaded" (1% annual chance floodplain less than 1 foot deep). The historical contributing areas for this parcel shall be included in the site design.
- Traffic Access Analysis will be required upon any business occupying building that generates 50 or more Peak Hour trips. Refer to Hernando County Facility Design Guideline IV-18.
- Provide a sidewalk along Powell Road for the entire length of the property frontage.
- A sidewalk connection between the building and the sidewalk along Powell Road is required.
- Driveway design, parking lot spaces, and ADA (Disabled Parking) spaces shall meet County Standards.

Comment: The petitioner shall work with the County Engineer to address any sidewalk requirements.

LAND USE REVIEW

The Office Professional district is intended to permit the development of administrative and professional offices, and other related low-profile, low-density land uses.

Land Uses allowed in the PDP(OP) district: All permitted uses in the O/P district. Any special exception uses allowed in the O/P 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 C-1 zoning district, which have been specifically designated in the narrative or on the master plan.

Permitted uses in OP (Office-Professional) District shall be as follows:

- (a) Day care centers and preschools.
- (b) Places of public assembly.
- (c) Business, professional, and nonprofit organization office use¹, but not including the sale or storage of merchandise except where the sale or storage of merchandise relates directly to the rendering of professional services.
- (d) Publicly owned or operated building.
- (e) One 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.
- (f) Charitable organizations.
- (g) Hospital.

The petitioner also requests the following C-1 land use: Veterinary clinics with air conditioned, sound-attenuated runs. The petitioner states that they are not planning and do not have the area for “runs” on the subject property; they are only interested in the veterinary clinic portion of the use.

Minimum setbacks in the PDP(OP) district:

- Front: 75'

¹ “Business, professional, and nonprofit organization office use” includes: finance, insurance and real estate functions; medical and other health out-patient functions, legal functions, engineering, architectural and planning functions, accounting, auditing and bookkeeping functions, welfare and charitable administrative and executive functions, business, professional, political, labor, civic, social and fraternal associations, organizations and union administrative and executive functions, advertising, employment, protective, business, and management consulting functions, administrative and executive functions.

- Side: 20'
- Rear: 35'

Residential Protection Standards:

The subject property is within 100' of property zoned Single Family (PDP(SF)), therefore the residential protection standards apply. The applicable standards are as follows:

- No building within 100' of any single-family residential district property line shall be more than 20' in height.
- 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 designated as Residential future land use. The Residential Category accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

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.

Comment: The proposed use is consistent with the comprehensive plan's Residential future land use. The proposed uses for the property are low intensity² and should not negatively impact the surrounding neighborhoods with excessive noise or traffic.

² Land use intensity is defined as the overall structural-mass and open-space relationship in a developed property. It correlates the amount of floor area, livability space, recreation space and car storage of a property with the size of its site or land area.

FINDING OF FACTS

1. According to the Comprehensive Plan, office professional land uses are appropriate for the Residential future land use category.

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. 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 rezoning from AG (Agricultural) to PDP(OP)/ Planned Development Project (Office Professional) with a C-1 use of Veterinary Clinic with deviations and the following unmodified 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. Permitted Uses
 - I. Day care centers and preschools.
 - II. Places of public assembly.
 - III. Business, professional, and nonprofit organization office use³, but not including the sale or storage of merchandise except where the sale or storage of merchandise relates directly to the rendering of professional services.
 - IV. Publicly owned or operated building.

³ “Business, professional, and nonprofit organization office use” includes: finance, insurance and real estate functions; medical and other health out-patient functions, legal functions, engineering, architectural and planning functions, accounting, auditing and bookkeeping functions, welfare and charitable administrative and executive functions, business, professional, political, labor, civic, social and fraternal associations, organizations and union administrative and executive functions, advertising, employment, protective, business, and management consulting functions, administrative and executive functions.

- V. Charitable organizations.
- VI. Hospital.
- VII. Veterinary Clinics

B. Lot Information:

I. Minimum Setbacks:

- o Front: 75'
- o Side: 10'
- o Rear: 35'

II. Buffers:

- o North:5' landscaped buffer screening the parking lot and fulfilling the standards set forth in Chapter 10, Article II, Section 10-26 of the LDRs
- o South:5' Planted landscape buffer fulfilling the standards set forth in Chapter 10, Article II, Section 10-26 of the LDRs
- o East:5' Planted landscape buffer fulfilling the standards set forth in Chapter 10, Article II, Section 10-26 of the LDRs
- o West:5' Planted landscape buffer fulfilling the standards set forth in Chapter 10, Article II, Section 10-26 of the LDRs.

A 6' opaque fence shall be installed on the perimeter of the property abutting the residential neighborhoods and PDP(SU). The required greenery shall be installed on the side of the fence that faces the adjacent property at the conclusion of construction.

C. Landscaping: Landscaping for the parcel shall be installed according to the Hernando County Development Regulations.

3. **Environmental:**

A.

B. Required Open Space: The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

C. Required Natural Vegetation

- o Article II, Section 10-28 (2). Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

Vegetated buffers shall remain undisturbed, apart from the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities or drainage retention areas.

- D. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- E. Invasive plant species if present are to be removed during the development process.
- F. 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.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County’s Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

4. **Engineering:**

- A. The petitioner shall work with the County Engineer to accommodate any sidewalk and frontage road requirements.
- B. Traffic Access Analysis will be required upon any business occupying building that generates 50 or more Peak Hour trips. Refer to Hernando County Facility Design Guideline IV-18.
- C. Driveway design, parking lot spaces, and ADA (Disabled Parking) spaces shall meet County Standards.

5. **Utilities:**

- A. A utility capacity analysis shall be performed at the time of vertical construction.
- B. The development shall connect to the central water and sewer systems at time of vertical construction.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer’s estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD’s Engineering website and submit with a proposed site plan for capacity inquiries.

****UTILITY LOCATION DOES NOT GUARANTEE CAPACITY****

- 6. 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.

P&Z Action

On December 11, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution rezoning from AG (Agricultural) to PDP(OP)/ Planned Development Project (Office Professional) with a C-1 use of Veterinary Clinic with deviations and the following unmodified performance conditions:

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 - V. Charitable organizations.
 - VI. Hospital.
 - VII. Veterinary Clinics

 - B. Lot Information:
 - I. Minimum Setbacks:
 - o Front: 75'
 - o Side: 10'
 - o Rear: 35'

 - III. Buffers:
 - o North:5' landscaped buffer screening the parking lot and fulfilling the standards set forth in Chapter 10, Article II, Section 10-26 of the LDRs

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