

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 9, 2024
Board of County Commissioners: October 22, 2024

APPLICANT: Florida Tropics Realty, Inc.

FILE NUMBER: H-24-36

REQUEST: Rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with Deviations

GENERAL

LOCATION: East of US HWY 19 (Commercial Way), approximately half a mile north of SR 50 (Cortez Blvd)

PARCEL KEY NUMBER(S): 654795

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of the subject property from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) office and retail uses. The petitioner is proposing a seven (7) unit, 6,200 square foot building mixed office and retail uses building. The petitioner is requesting the following deviations:

- A reduction in buffer width along Commercial Way (US Hwy 19) from the required 20' to 10'.
- Front setback reduction (Commercial Way) from the required 125' to 75'

SITE CHARACTERISTICS

Site Size: 1.08 acres

**Surrounding Zoning;
Land Uses:**

North:	PDP(MF); Townhomes/Apartments
South:	PDP(MF); Townhomes/Apartments
East:	PDP(MF); Townhomes/Apartments
West:	AG; Religious Establishment

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Commercial

ENVIRONMENTAL REVIEW

Soils: Paola Fine Sand

Hydrologic Features:	There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
Habitat:	Paola Fine Sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (<i>Drymarchon corais</i>), Florida mouse (<i>Peromyscus floridanus</i>), Florida pine snake (<i>Pituophis melanoleucus mugitus</i>), and gopher frog (<i>Rana areolata</i>). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
Comments:	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), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.
Comments:	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.

UTILITIES REVIEW

Hernando County Utilities Department does not currently supply water or sewer service to this parcel. Water and sewer service are available to this parcel. HCUD has no objection to the submitted zoning change, subject to connection to the central water system at time of vertical construction, and if required per ordinance, connection to the central sewer system would be required as well, otherwise would require Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the development.

ENGINEERING REVIEW

The subject property is located east of Commercial Way (US Hwy 19), approximately 2,193' north of Cortez Boulevard. The County Engineer has reviewed the petitioner's request and provided the following comments:

- A Traffic Access Analysis is required, or applicant must demonstrate thru trip generation that analysis is not needed.
- A Frontage Road is required for parcels along Commercial Way (US Hwy 19), this project will have a reverse frontage road available in future.
- The driveway connections will need to meet Hernando County standards.
- The parking spaces, drive aisles, signage and pavement markings will need to meet Hernando County standards.

- Relocate the driveway, due to operational issues with future frontage road, or demonstrate the location of driveway will have no operational issues with the frontage road and traffic exiting back to US Hwy 19.
- FDOT access management permit required. FDOT drainage permit may be required.

LAND USE REVIEW

The petitioner would like to construct a plaza for office and retail use, consistent with the C-1 (General Commercial) uses.

Due to the Single-Family Residential zoning district on the southern and eastern property line, the property in this application will be subject to the residential protection standards when applicable.

Building Setbacks

Minimum Building setbacks

Front:	125' (Deviations Commercial Way 75')
Side:	20'
Rear:	35'

Comments: Reverse frontage at the rear of the parcel has not been constructed as of yet and will be built by owner phase two of the multifamily.

Buffers

The petitioner has indicated a 5' buffer around the property and a reduction in the Commercial Way (US Hwy 19) from 20' to a 10'. Existing vegetation will be utilized as much as possible. The front of the lot adjacent to Commercial Way (US Hwy 19) will have a typical landscape between the right-of-way and parking lot.

Comments: If approved the petitioner shall provide a 10' buffer along Commercial Way (US Hwy19) and the meet the minimum County LDRs.

Landscaping:

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

Lighting:

County LDRs require lighting that enhances the visual impact of the project on the community and 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 residential uses.

COMPREHENSIVE PLAN REVIEW

The subject properties are located within the Commercial land use classification on the adopted Future Land Use Map. The area is characterized by commercial zoning along Commercial Way (north and south) and residential to the east.

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 1.04A(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. Publicly owned lands along the commercial use corridors that are made available for surplus may be considered to have a Commercial designation, if the agency proceeds through the Comprehensive Plan Amendment process to amend the future land use map, in accordance with Section 163.3184, F.S.

Comments: The subject site is located along Commercial Way (US Hwy 19), an arterial roadway and is adjacent to existing PDP(MF) Planned Development Project (Multifamily). The proposed rezoning is compatible with the surrounding area and the commercial strategies of the Comprehensive Plan.

FINDING OF FACTS

A rezoning from AG(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with deviations is appropriate based on the following:

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 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 a AG(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) to construct a Plaza for office and retail uses, as listed in the C-1 permitted uses.

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 5' buffer around the property and a 10' buffer (deviation from 20') along Commercial Way (US Hwy 19).
3. Minimum Building Setbacks:
 - North (Grand Park Drive): 25'
 - South: 20'
 - East: 35'
 - West (Commercial Way/US Hwy 19): 125' (Deviation from 75')
4. All onsite lighting must provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use.
5. The petitioner shall provide a wildlife survey to include a gopher tortoise 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.
6. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

7. A Traffic analysis is required at the time of development. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
8. All driveways to the subject development shall meet County Commercial Driveway Standards.
9. A Frontage Road is required for parcels along Commercial Way (US Hwy 19), this project shall have s a reverse frontage road available in future.
10. The Parking Spaces, Drive Aisles, signage and pavement markings shall meet Hernando County standards.
11. The petitioner shall coordinate the proposed driveway location with the County Engineer.
12. FDOT Access Management Permit shall be required. A FDOT drainage permit may also be required.
13. 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; otherwise the development shall be required to obtain Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the development.
14. The petitioner shall provide a revised plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.