

## REZONING CASE H-24-01

### STAFF REPORT

#### **RECOMMENDATIONS/ACTIONS**

##### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION APRIL 1, 2024**

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-1B (Residential) to C-2 (Highway Commercial) listed in **Appendix A** of this Staff Report.

##### **PLANNING & ZONING COMMISSION ACTION APRIL 8, 2024**

On April 8, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-1B (Residential) to C-2 (Highway Commercial) listed in **Appendix B** of this Staff Report.

##### **STAFF RECOMMENDATION TO THE COUNTY COMMISSION MAY 7, 2024**

It is recommended that the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-1B (Residential) to C-2 (Highway Commercial) listed in **Appendix B** (Planning and Zoning Commission recommendation) of this Staff Report.

**INTRODUCTORY INFORMATION**

**HEARINGS:** Planning & Zoning Commission: April 8, 2024  
Board of County Commissioners: May 14, 2024

**APPLICANT:** Skyler Gearin

**FILE NUMBER:** H-24-01

**REQUEST:** Rezoning from R-1B (Residential) to C-2 (Highway Commercial)

**GENERAL LOCATION:** North side of SR 50, approximately 185' west of Winding Woods Way

**PARCEL KEY NUMBERS:** 18466

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**APPLICANT'S REQUEST:**

The petitioner is requesting a rezoning from R-1B (Residential) to C-2 (Highway Commercial) in order to develop the 0.90 acre parcel with a 7,200 square foot (60'x120') commercial building. The petitioner has not indicated a specific use for the parcel, other than the desire to posture the parcel for commercial use due to its location along SR 50.

**SITE CHARACTERISTICS:**

**Site Size:** 0.90 acres

**Surrounding Zoning;  
Land Uses:** North: AG; Single Family Home  
South: C-1; Undeveloped  
East: R-1C; Undeveloped  
West: C-2; Undeveloped

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

**Future Land Use  
Map Designation:** Commercial

**Flood Zone:** C

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand

**Hydrologic**

**Features:** The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

**Protection**

**Features:** The site contains no Well Head Protection Areas (WHPA) according to County data resources.

**Habitat:** Candler 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, Florida mouse, Florida pine snake, and gopher frog. 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.

**Comment:** A wildlife survey shall be conducted to identify listed species prior to site development.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated they do not currently supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the south side of Cortez Boulevard. There is an existing 8-inch sewer force main that also runs along the south side of Cortez Boulevard. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems as necessary, per Ordinance, at time of vertical construction.

**ENGINEERING REVIEW:**

The subject property is located on the north side of SR 50, approximately 185' west of Winding Woods Way. The petitioner sole access is to SR 50.

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

- A Frontage Road will be required along the entire frontage along Cortez Boulevard, per ordinance, this parcel will be required to construct a reverse frontage road along the rear of parcel upon need and demand.

- Additional right-of-way is required at rear of parcel to construct reverse frontage road.
- This project may require the submittal of a Traffic Access Analysis depending on the future use of the parcel.
- FDOT access management and drainage permit may be required.
- Site development will be required to meet Hernando County Facility Design Guideline standards for parking lot layout, parking spaces, handicap spaces, driveway connections, sidewalk/pedestrian connectivity requirements.

**LAND USE REVIEW:**

The petitioner is requesting a euclidean C-2 (Highway Commercial) use. The C-2 (Highway Commercial) district allows for all C-1 (General Commercial) uses and C-2 (Highway Commercial) uses.

**Building Setbacks**

Minimum Building Setbacks:

Front 125'  
Side: 20'  
Rear: 35'

**Comments:** The petitioner may request a variance from the 125' front setback to 75', depending on the final determination of the frontage road location by the County Engineer.

**Buffers**

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 landscaped separation distance. The 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 5 feet, a maximum height of 8 feet, or an evergreen hedge with a minimum height of 5 feet at the time of planting.

**Comments:** The petitioner is proposing a minimum of 5' landscape buffer for the proposed project.

**Parking**

The petitioner has indicated 7,200 square foot building. Parking may vary based on final use, however, the minimum parking requirements for retail is 4 spaces per 1,000 square feet. The proposed use would require 29 parking spaces.

**Comments:** If approved, the petitioner will be required to provide parking in compliance with the County's LDRs.

**Lighting**

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full cutoff fixtures for all new lighting, in order to retain all light onsite 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 Commercia Way (west and south) and residential to the east and north.

**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.

**Comments:** The subject site is located along SR 50, an arterial roadway and is adjacent to existing C-2 (Highway Commercial) zoned in 2005 (remain undeveloped). The proposed rezoning is compatible with the surrounding area and the commercial strategies of the Comprehensive Plan.

## **Transportation Element**

### **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(1):** The frontage road network protects the function and levels of service of major arterial corridors through the planning horizon by controlling access, reducing traffic volumes, and providing additional capacity.

**Strategy 5.01B(2):** The provision of frontage roads shall be required as a condition of development adjacent to the arterial network by requiring new development to comply with the County's Frontage Road Ordinance and adopted Facilities Design Guidelines.

**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.

**Strategy 5.01B(4):** The County should encourage land use patterns that optimize the function of frontage roads and similar access management strategies through:

- a. clustering of development to enhance the establishment of viable frontage road links;

- b. application of site-specific standards and techniques at Centers and Corridors outlined in the Future Land Use Element of this Plan.

**Comments:** Hernando County Facility Design Guidelines require that a frontage road be constructed along SR 50. The County Engineer as there may be a need for a reverse frontage road. At the time of development, the petitioner shall coordinate with the County Engineer the Frontage Road standards.

**FINDINGS OF FACT:**

Rezoning from R-1B (Residential) to C-2 (Highway Commercial) 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 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. 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.*

**APPENDIX A  
STAFF RECOMMENDATION TO PLANNING AND ZONING  
COMMISSION**



**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 rezoning from R-1B (Residential) to C-2 (Highway Commercial).

**APPENDIX B  
PLANNING AND ZONING COMMISSION  
ACTION/RECOMMENDATION**

**P & Z ACTION:**

On April 8, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-1B (Residential) to C-2 (Highway Commercial).