

REZONING CASE H-24-06

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 3, 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 AG (Agricultural) and C-2 (Highway Commercial) to C-2 (Highway Commercial). listed in **Appendix A** of the Staff Report.

PLANNING AND ZONING COMMISSION ACTION JUNE 10, 2024

At the June 10, 2024, meeting, the Planning and Zoning Board recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agricultural) and C-2 (Highway Commercial) to C-2 (Highway Commercial) listed on **Appendix A** of the Staff Report.

INTRODUCTORY INFORMATION:

HEARINGS: Planning & Zoning Commission: June 10, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: KLMG Properties II, LLC

FILE NUMBER: H-24-06

REQUEST: Rezoning from AG (Agricultural) and C-2 (Highway Commercial) to C-2 (Highway Commercial)

GENERAL LOCATION: Northeast corner of the intersection of Cortez Boulevard and Clayton Road

PARCEL KEY NUMBER(S): 369648, 1113173

APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from AG (Agricultural) and C-2 (Highway Commercial) to C-2 (Highway Commercial) for the purpose of removing the split zoning from the parcels. The parcels are undeveloped.

SITE CHARACTERISTICS

Site Size: 5.5 acres

Surrounding Zoning;

Land Uses:

North:	R-1C (Residential); Single Family Residence, undeveloped
South:	AG (Agricultural); Undeveloped
East:	AG (Agricultural) & PDP(GC); Single Family Residence, undeveloped
West:	AG (Agricultural) and C-1 (General Commercial); undeveloped

Current Zoning: AG (Agricultural) & C-2 (Highway Commercial)

Future Land Use Map Designation: Commercial and Rural

ENVIRONMENTAL REVIEW

Soils: Flemington Fine Sandy Loam, Nobleton Fine Sand, and Wauchula Fine Sand.

Protection Features: The County does not currently have access to the Well Head Protection Area (WHPA) Geographic Information Systems data or the Special Protection Areas (Special Protected Areas (SPAs) data.

Comment: The petitioner/property owner shall provide information regarding the presence of a well head protection area on the site prior to submitting permit applications if the proposed use is prohibited within a Wellhead according to *Article VII Groundwater Protection and Siting* of the Hernando County Land Development Regulations.

Hydrologic Features: There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to the current available data.

Habitat: The subject property is designated Residential, Low 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 Chassahowitzka-Homosassa River Basin Management Action Plan (BMAP), and the Homosassa Spring Group of the Outstanding Florida Springs (OFS).

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: A majority of the subject parcels are in Flood Zone X. There is a small portion of the southeastern corner in the AE Flood Zone.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following comments:

- HCUD does not currently supply water or sewer service to these parcels.
- Water and sewer service are not available to these parcels.

- HCUD has no objection to the requested zoning change from split C2/AG to C2 to bring the C2 zoning within all parcel borders, subject to Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems for the parcels.

ENGINEERING REVIEW

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

- The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).
- All floodplain encroachment shall be compensated.
- Stormwater runoff shall be treated and attenuated.
- Stormwater ponds must be located outside of floodplains.
- The developer is required to meet all applicable regulations for construction and use of the property.
- A traffic access analysis will be required in future, depending on specific use and number of trips generated. Turn lanes may be required as a result of the Traffic Analysis. Refer to Hernando County Facility Design Guidelines IV-18.
- Any improvements identified by traffic analysis shall be responsibility of the developer to install.
- A frontage road shall be provided along the entire frontage of Cortez Boulevard.
- The project site design shall insure that driveway access to Clayton Road does not interfere with the intersection at Cortez Blvd.
- Additional right-of-way shall be provided along the parcel frontage on Clayton Road. The applicant shall work with the County Engineer at time of site development to determine amount required.

LAND USE REVIEW

These parcels are located on Cortez Boulevard, along a stretch of commercial properties with a commercial Future Land Use. The petitioner's request conforms to the Comprehensive Plan and the Future Land Use. The property is adjacent to a single-family neighborhood and agriculturally zoned land. When the property owner applies to develop these parcels, the Residential Protection Standards (*Appendix A, Article IV, Section 3*) will apply.

FINDING OF FACTS

1. The subject properties are split-zoned, with a portion zoned C-2 (Highway Commercial).
2. The requested rezoning is consistent with existing development and the future land use for the corridor.

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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

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

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

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 AG (Agricultural) and C-2 (Highway Commercial) to C-2 (Highway Commercial).

PLANNING AND ZONING COMMISSION ACTION

At the June 10, 2024, meeting, the Planning and Zoning Board recommend the Board of County Commissioners adopt a resolution approving the petitioner’s request for a rezoning from AG (Agricultural) and C-2 (Highway Commercial) to C-2 (Highway Commercial).