

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022
Board of County Commissioners: July 12, 2022

APPLICANT: Rain Dancer, LLC and Evergreen Partners, LLC

FILE NUMBER: H-22-11

REQUEST: Rezoning from PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses for mini-warehouses and outdoor storage to PDP(GC)/Planned Development Project (General Commercial) and PDP(MF)/Planned Development Project (Multifamily) with deviations

GENERAL LOCATION: North side of County Line Road, approximately 340' east of Seven Hills Drive

PARCEL KEY NUMBERS: 1317685

APPLICANT'S REQUEST:

On September 14, 2021, the Board of County Commissioners approved a rezoning from PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses for mini-warehouses and outdoor storage on the subject site.

Subsequent to this approval, the property sold to the current petitioner, who re-evaluated the potential for the site and has submitted a rezoning application to remove the mini-warehouses and outdoor storage components of the previous master plan and create a two-phased development approach as follows:

Phase of Development	Entitlements Requested	Acreage
Phase 1	15,000 square feet (3 outparcels) of General Commercial uses	1.5 acres
Phase 2	144 multifamily units with Clubhouse 42' /3-Stories	7.8 acres

The following Building Setbacks deviations are included as part of the request:

- Front: 20' (Deviation from 125')
- Side: 20' (Deviation from 35')

SITE CHARACTERISTICS:

Site Size: 9.3 acres

Surrounding Zoning & Land Uses: North: PDP(SU); PDP(MF); Suncoast Elementary; Wellington subdivision
South: Pasco County
East: Congregate Care Facility (SE9703)
West: PDP(GC); Medical/Office Facilities

Current Zoning: AG/Agricultural

Future Land Use Map Designation: Commercial

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Features/Resources: The property does not contain, Wellhead Protection Areas (WHPAs), Special Protection Areas (SPAs), wetlands, or archaeological/historical sites according to County data resources. Floodplain is X-Shaded in 2 small locations.

Habitat: Property has previously been cleared and is vacant. It's identified as rural open according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping.

Comment: Candler Fine Sand provides habitat suitable for gopher tortoises, a listed species, and commensal species.

Flood Zone: X

Water Quality: This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Florida Friendly Landscaping™ Program and materials are designed to address and help reduce nutrient pollution.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is an existing 10-inch water main that runs along the parcel's western property line, and an existing 10-inch water main that runs along the southern property line on County Line Road. There is an existing 20-inch sewer force main that runs along the southern property line on County Line Road, and an existing 8-inch sewer graving main that runs in Quality Drive to the north. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW:

The subject site is located on north side of County Line Road, approximately 340' east of Seven Hills Drive. The petitioner is proposing a single access point to County Line Road for the commercial which will also provide access north to the multifamily. The petitioner also proposes an additional access for the multifamily to Quality Drive.

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

- A Traffic Access Analysis is required. Methodology Statement is currently under review.
- Dedication of 35' of right-of-way required along County Line Road. Right-of-way donation dedication must be completed within 60 days of master plan approval
- All driveways are to meet County standards.
- All roadways are to meet County standards.
- Sidewalks will be required along length of property at County Line Road and Quality Drive.
- Quality Drive is a frontage road and shall be limited to one access point.
- County Line Road is an Arterial roadway and shall be limited to one access point.
- Commercial outparcels shall be interconnected by cross access easements, to be recorded at the time of subdivision plat approval.
- Geotechnical subsurface testing and reporting in accordance with Hernando County Facility Design Guidelines shall be conducted for all drainage retention ponds within the project area.
- Petitioner shall be required to coordinate with Pasco County at the time of site plan approval to identify appropriate driveway access along County Line Road.
- This site contains areas of shallow flooding less than 1 foot deep. (See map extract). Development must comply with SWFWMD ERP (SouthWest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
- A map extract from the Weeki Wachee Watershed is attached showing the sub-basin boundaries impacting the site. Please refer to these when submitting drainage plans.

LAND USE REVIEW:

Parking:

County LDRs require minimum off-street parking ratios based on the type of use. If the master plan is approved, the petitioner shall be required to meet the minimum parking requirements of the Land Development Regulations.

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 lighting for the proposed use. If approved, all lighting should be full cut off fixtures in order to prevent any light spillage into neighboring parcels.

Buffers:

The petitioner is proposing a 10' wide buffer around the entire site. Additionally, the multifamily will be buffered by drainage retention areas along the north and east property lines.

Setbacks:

The petitioner is proposing the following perimeter setbacks for the site:

- Front: 20' (Deviation from 125')
- Side: 20' (Deviation from 35')
- Rear: 20'

Comments: Additional right-of-way is needed along County Line Road as future expansion is designed and completed. As such, the deviation to the front setback from 125' to 20' cannot be supported. If the master plan is approved, the petitioner shall be required to provide a minimum 75' setback from County Line Road.

All internal setbacks between buildings and specific uses shall be required to meet the requirements of the County's LDRs.

Residential Protection Standards:

The following residential protection standards shall apply to the subject site:

1. There shall be no speakers or other sound equipment located within 100 feet of any single family residential district property line.

2. There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single family residential district property line.
3. No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single family residential district property line.
4. No building within 100 feet of any single family residential district property line shall be more than 20 feet in height.
5. All loading bays and loading docks must be a minimum of 100' from any single family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single family residential district property line. Screening may include landscape plantings, berms, fences or walls.
6. 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.

Access

To establish minimum access requirements to multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units.

Comments: The petitioner is proposing two access points to the frontage road. If approved, the petitioner shall be required to provide two (2) means of access in accordance with County policy.

COMPREHENSIVE PLAN REVIEW:

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.

Multi-Family Housing

Strategy 1.04B(5): High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

Strategy 1.04B(6): Multi-family development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed use development.

Strategy 1.04B(7): All multi-family developments shall be located such that the integrity of nearby established single family neighborhoods is preserved: a. multi-family development may serve as a density transition located on the periphery of single family neighborhoods and connecting to higher intensity uses; b. multi-family developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single family neighborhoods.

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.

County Line Road

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 property is in the Commercial future land use category and within the existing commercial node at Mariner Boulevard and County Line Road. The proposed uses are consistent with this category and the strategies for the County Line Road corridor between Mariner Boulevard and the Suncoast Parkway.

FINDINGS OF FACT:

A Rezoning from PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses for mini-warehouses and outdoor storage to PDP(GC)/Planned Development Project (General Commercial) and PDP(MF)/Planned Development Project (Multifamily) with deviations is appropriate based on the following conclusion:

1. 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.
2. The proposed use is compatible with the area and not adverse to the public interest.

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 Rezoning from PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses for mini-warehouses and outdoor storage to PDP(GC)/Planned Development Project (General Commercial) and PDP(MF)/Planned Development Project (Multifamily) with deviations and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County 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 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.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. The developer shall perform a utility capacity analysis in accordance with HCUD specifications and connect to the central water and sewer systems at time of vertical construction.
5. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
6. The petitioner shall be required to dedicate 35' of right-of-way along County Line Road. This right-of-way donation dedication shall be completed within 60 days of master plan approval
7. Sidewalks are required along length of property at County Line Road and Quality Drive.
8. All driveways to the subject development shall meet County Commercial Driveway Standards.

9. Quality Drive is a frontage road and shall be limited to one access point. The specific location of this access point shall be determined at site development.
10. County Line Road is an Arterial roadway and shall be limited to one access point. The petitioner shall be required to coordinate with Pasco County and the County Engineer at the time of site plan approval to identify appropriate driveway access along County Line Road.
11. Commercial outparcels shall be interconnected by cross access easements, to be recorded at the time of site plan approval.
12. Geotechnical subsurface testing and reporting in accordance with Hernando County Facility Design Guidelines shall be conducted for all drainage retention ponds within the project area.
13. This site contains areas of shallow flooding less than 1 foot deep. Development must comply with SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
14. This development shall be limited to the following development intensities:
 - a. 144 multifamily residential units and associated clubhouse amenity;
 - b. 15,000 square feet of General Commercial uses.
15. The petitioner shall be required to meet the minimum parking requirements of the Land Development Regulations.
16. All lighting should be full cut off fixtures in order to prevent any light spillage into neighboring parcels.
17. The petitioner shall install a 10' wide buffer around the entire site at 80% opacity to be achieved within 3 years of construction plan approval.
18. Minimum Perimeter Setbacks
 - Front: 75' (Deviation from 125')
 - Side: 20' (Deviation from 35')
 - Rear: 20'
19. All internal setbacks between buildings and specific uses shall be required to meet the requirements of the land development regulations.
20. The petitioner shall meet the minimum requirements of the Residential Protection Standards.

21. The petitioner shall be required to provide two (2) means of access in accordance with County policy.
22. 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.