

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 10, 2023
Board of County Commissioners: August 8, 2023

APPLICANT: Joseph Cotroneo

FILE NUMBER: H-23-16

REQUEST: Rezoning from PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for Outdoor Storage with Deviations

GENERAL LOCATION: East side of US Hwy 19, approximately 730' south of Yellow Hammer Road

PARCEL KEY NUMBERS: 676343

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for Outdoor Storage with Deviations, to develop the 1.54 acre site with an outdoor RV, boat, and trailer facility. The facility will consist of three (3), 20' high commercial pole barns (for covered storage). An 8' fence will be installed around the perimeter with associated landscaping. No employees are proposed onsite. The petitioner is requesting a deviation from the side building setbacks from the required 20' to 15'.

SITE CHARACTERISTICS:

Site Size: 1.54 acres total

**Surrounding Zoning;
Land Uses:** North: R-1C; Undeveloped
South: R-1C; PDP(GC); Undeveloped
East: R-1C; Undeveloped
West: R-1C; Undeveloped

Current Zoning: PDP(GC)/Planned Development Project (General Commercial)

**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 and Basinger 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.

Comments: Candler Fine Sands provide habitat suitable for gopher tortoises and commensal species. 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. Water and sewer service are not available to this parcel.

ENGINEERING REVIEW:

The subject site is located on the east side of US Hwy 19, approximately 730' south of Yellow Hammer Road. The petitioner's site plan indicates access to Necklace Warbler Avenue. Necklace Warbler Avenue is an unpaved roadway and functions as a frontage road for the surrounding area.

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

- Development must comply with Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permit design requirements.
- Provide paved connection from parcel to roadway.
- A frontage road is required to be built/paved from Yellow Hammer Road to south of project.
- A sidewalk is required along one side of the Frontage Road.
- A sidewalk is required to connect the building(s) to the future sidewalk along the Frontage Road.

LAND USE REVIEW:

Building Setbacks

Minimum Building Setbacks:

Front 75' (previously approved)

Side: 20'

Rear: 35'

Buffers

The petitioner has indicated an 8' high fence will be provided for security around the perimeter of the property. If approved the petitioner shall provide the 8' high fence and shall also be required to meet the minimum commercial standards for buffer and/or landscaping.

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 area is characterized by commercial and rural residential uses, and undeveloped parcels. The subject property is located within the Commercial land use classification on the adopted Future Land Use Map.

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.

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 US Hwy 19. The County Engineer as indicated that Necklace Warbler Avenue could be utilized as a reverse frontage road.

Additionally, discussion is in progress to determine the eligibility of Necklace Warbler Avenue becoming a MSBU funded road in order to allow for properties owners to all pay into the improvements. At the time of development, the petitioner shall coordinate with the County Engineer on potentially updating Necklace Warbler Avenue to Frontage Road standards.

FINDINGS OF FACT:

A rezoning from PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for Outdoor Storage with Deviations is appropriate based on the following:

1. The requested use is appropriate for the area, however the reduction for side building setbacks to 15' from 20' is not justified. The petitioner will be required to meet the minimum side setbacks for the commercial district.
2. 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. 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.

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 PDP(GC)/Planned Development Project (General Commercial) to include a specific C-2 use for Outdoor Storage with Deviations subject to the following 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. The petitioner shall meet the minimum commercial buffer requirements of the County's LDRs.
3. Minimum Building Setbacks:
 - Front: 75'
 - Side: 20'
 - Rear: 35'
4. At the time of development, the petitioner shall coordinate with the County Engineer on potentially updating Necklace Warbler Avenue to Frontage Road standards.
5. Pole barn structures shall not exceed 20' in height.
6. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.