

## **MASTER PLAN REVISION CASE H-24-11**

### **STAFF REPORT**

#### **RECOMMENDATIONS/ACTIONS**

##### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 3, 2024**

Hernando County Planning and Zoning Staff requires additional time for this item. As the Item was advertised for public hearing, an action to postpone until July 8, 2024, Planning and Zoning Commission Meeting is requested by staff. The postponement was discussed with the applicant and is not due to any deficiency or inaction on their part.

##### **PLANNING AND ZONING COMMISSION JUNE 10, 2024**

On June 10, 2024, meeting the Planning and Zoning Board approved a postponement of the hearing to July 8, 2024, Planning and Zoning Board Meeting.

##### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 3, 2024**

It is recommended the Planning and Zoning Commission postpone the petitioners request for a rezoning from AR (Agricultural/Residential) and C-2 (Highway Commercial) to PDP(GHC)/ Planned Development Project (General Highway Commercial) with the C-2 use of outdoor storage with deviations, to a future hearing date for additional time to coordinate with the petitioner. As the item was advertised for a public hearing, an action to postpone to a future Planning and Zoning Commission hearing is requested by staff.

##### **PLANNING & ZONING COMMISSION July 8, 2024**

On July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

##### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 15, 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 AR (Agricultural/Residential) and C-2 (Highway Commercial) to PDP(GHC)/ Planned Development Project (General Highway Commercial) with the C-2 use of outdoor storage with deviations, and the performance conditions listed in **Appendix B** of the staff Report:

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**INTRODUCTORY INFORMATION**

<b>HEARINGS:</b>	Planning & Zoning Commission:	June 10, 2024
	Planning & Zoning Commission:	July 8, 2024
	Planning & Zoning Commission:	July 22, 2024
	Board of County Commissioners:	July 30, 2024
	Board of County Commissioners:	August 27, 2024
<b>APPLICANT:</b>	KAL Holdings, LLC	
<b>FILE NUMBER:</b>	H-24-11	
<b>REQUEST:</b>	Rezoning from AR (Agricultural/Residential) and C-2 (Highway Commercial) to PDP(GHC) with the C-2 use of outdoor storage and deviations	
<b>GENERAL LOCATION:</b>	West side of Broad Street (US HWY 41) at its intersection with Old Ayres Road	
<b>PARCEL KEY NUMBER(S):</b>	1088771	

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**APPLICANT'S REQUEST**

The petitioner requests a rezoning of the subject property from AR (Agricultural/Residential) and C-2 (Highway Commercial) to PDP(GHC)/ Planned Development Project (Highway Commercial) with a specific C-2 use of outdoor storage and deviations. The property is about 1,700' from the historic Masaryktown, in the southern part of the County. The petitioner intends to develop the property with a food truck court in the center of the property, and the a "Flex Space" commercial concept on the remainder of the parcel. For the purposes of this report, "Flex Space" refers to how uses are coordinating within a single buildings as opposed to a zoning district.

Flex tenant spaces are generally divided into two sections, a storefront that is used for serving customers, and a separated space in back that can be used for the storage of materials, vehicles, or other items specific to the business. The petitioner is happy to provide more information about the intended design and uses of the proposed buildings. This concept is becoming more widely used in development around the State and provides business owners the chance to handle several aspects of their business in one location instead of having to have a store in one location, and the storage of materials or vehicles in another location.

**Deviation Request**

1. Fifty (50) foot reduction to the front (east) setbacks, changing them from 125' to 75'. *(Appendix A, Article VIII, Section 1(B))*
2. Ten (10) foot reduction in the side (north and south) setbacks, changing them from 20' to 10'. *(Appendix A, Article VIII, Section 1(B))*

3. Five (5) foot reduction in the rear (west) buffer requirement from 5' to 0. (Appendix A, Article VIII, Section 1(C))

**SITE CHARACTERISTICS**

**Site Size:** 3.7 acres

**Surrounding Zoning;  
Land Uses:** North: AG (Agricultural); Undeveloped  
South: C-2 (Highway Commercial); Undeveloped  
East: PDP(HC)/ Planned Development Project (Highway Commercial); Undeveloped  
West: AG (Agricultural); Undeveloped

**Current Zoning:** AR (Agricultural/Residential) and C-2 (Highway Commercial)

**Future Land Use  
Map Designation:** Planned Development

**ENVIRONMENTAL REVIEW**

**Soils:** The property is mostly composed of Masaryk Very Fine Sand, with a small portion at the southwest corner composed of Nobleton Fine Sand, both with 0 to 5% slopes.

**Protection Features:** The property is not in a Well Head Protection Area (WHPA) or a Special Protection Areas (SPA) according to Hernando County GIS Data.

**Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to the State of Florida.

**Habitat:** The subject property is designated Residential Low Density according to FWCCLC 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 Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Outstanding

Florida Springs (OFS) Group, and the Weeki Wachee Priority Focus Area (PFA)

**Comment:** Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required.

## 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 this parcel.
- There is a water main and a sewer force main that run along the west side of Broad Street in front of this parcel.
- HCUD has no objection to the requested zoning change from AR & C2 to PDP(GHC) with outside storage to allow development of three 6,000 square feet flex space buildings (built in phases), subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

## ENGINEERING REVIEW

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

- The petitioner must obtain all permits from Hernando County, including right of way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.
- A Traffic Access Analysis shall be performed for this project. Refer to Hernando County Facility Design Guidelines IV-18.
- Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
- Turn lanes may be required and will be determined by the Traffic Access Analysis.
- A frontage road shall be constructed, that spans the entirety of the frontage of the property along Broad Street (US HWY 41).
- A sidewalk shall be constructed along one side of the frontage road. Parking is prohibited on all frontage roads.
- The Driveway and Parking Lot Layout shall meet the Hernando County Standards.
- An FDOT access management permit is required for the project to connect to Broad Street (US HWY 41)
- An FDOT drainage permit may be required.

**Comment:** The existing building that is located on the property is approximately 54' from the property line adjacent to Broad Street (US HWY 41). Due to the limited size, the applicant has requested to move the frontage road to the rear of the

property, making it a reverse frontage road. The developer shall coordinate the location of the frontage road with the County Engineering Department.

## LAND USE REVIEW

The petitioner proposes three (3) 6,000 square foot “flex space” buildings as well as outdoor storage for use by the building’s tenants. The petitioner requests PDP(GHC), which allows:

“All permitted uses in the C-1 zoning district. Any special exception uses allowed in the C-1 zoning district which have been specifically designated or specified in the narrative or on the master plan. Any permitted and special exception uses from the C-2 zoning district specifically designated in the narrative or on the master plan.”  
(Appendix A, Article VIII, Section 5 (7))

The C-1 and C-2 uses are provided in *Appendix C* of this report. Outdoor storage is a special exception use in the C-2 zoning district that the petitioner has identified in the narrative. The petitioner does not identify where the outdoor storage on the property would go or the desired square footage however the narrative states that the project will be built out in stages. The petitioner will most likely place the outdoor storage in the areas currently designated as flex space.

**Comment:** Staff recommends allowing up to 12,000 square feet of outdoor storage, which would match the square footage of two (2) of the Flex Space buildings that are being requested.

Article V, Section 8(B) of the Hernando County Code states:

“A *special exception* use shall be used for only those buildings, uses and accessory buildings specifically indicated, and shall not exceed the maximum size, density, intensity, number of units or other measurement or limiting factors so indicated, in the approval of the *special exception* use.”

Outdoor storage is required to be screened from adjacent properties by a wall, fence, evergreen hedge and/or other approved enclosure when deemed necessary to buffer the use from surrounding areas.

### Setbacks

The petitioner requests two deviations to the established setbacks from County Code of Ordinance, *Appendix A, Article VIII, Section 1(B)*:

1. A fifty (50) foot reduction to the front (east) setbacks, changing them from 125' to 75'.

**Comment:** The existing building on this property is setback 54.68' from the eastern property line, which is adjacent to Broad Street (US Hwy 41). The 125' setback is for accommodating the construction of a frontage road. The building that is currently on the property is within the 125' setback from the major road and would need to be demolished for the frontage road to be built.

Staff recommend approval of this deviation request based on the existing conditions of the property and the provision of right-of-way at the rear of the property to accommodate a reverse frontage road.

2. A ten (10) foot reduction in the side (north and south) setbacks, changing them from 20' to 10'.

**Comment:** The requested deviation to the northern side setback is also based on the position of the existing building, which is approximately 11.46' from the northern property line.

Staff recommend approving a northern perimeter setback of 10' (ten feet) for the existing building but do not recommend making the entire northern setback 10'. This is because the property to the north and west is zoned AG (agricultural) and is not within the Commercial Future Land Use. Any new building shall meet the minimum commercial side setbacks, along the north, of 20'.

#### Recommended Perimeter Setbacks

- North (side): ~~20'~~ 10' for the existing building, 20' for new construction
- South (side): 20'
- East (front): 75'
- West (rear): 35' from the edge of the reverse frontage road (85' total from the western property line)

#### **Building Separation**

When multiple buildings are constructed on a single site, a minimum building separation distance serves the same purpose as the side yard setback for a single building on a single lot.

**Comment:** Staff recommend a 15' building separation distance.

#### **Buffers**

The petitioner requests a deviation from land development regulations established in *Appendix A, Article VIII, Section 1(C)* to change to eliminate the five (5) foot buffer requirement from the western property line based on the relocation of the frontage road to the rear of the property.

1. Fifty (50) foot reduction to the front (east) setbacks, changing them from 125' to 75'. (*Appendix A, Article VIII, Section 1(B)*)

The land development regulations state "a buffer shall be required between a Planned Development Project land use which is multifamily or 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 multifamily or non-residential 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 five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting. (*Appendix A, Article VIII, Section 1(C)*).

The properties to the north and west are both zoned AG (Agricultural) and are required to be permanently screened from the adjoining planned development properties.

**Comment:** Staff recommend denial of this deviation request and propose that the required buffer be placed on the western edge of the property, with the 50' reverse frontage road right-of-way outside of the fenced area.

Recommended Buffers:

- North (side): 5' undisturbed vegetated buffer enhanced with plantings, and a wall or fence, located on the interior of the buffer, that is between 5' and 8' in height.
- South (side): 5' vegetated buffer enhanced with plantings to attain 80% opacity within 12 months of planting.
- East (front): 20' vegetated buffer enhanced with plantings to attain 80% opacity within 12 months of planting
- West (rear): 5' landscaped buffer enhanced with plantings, and a wall or fence, located on the interior of the buffer, that is between 5' and 8' in height. This buffer shall be located on the inside of the proffered reverse frontage road. (between the road and the commercial activity on the property)

## COMPREHENSIVE PLAN REVIEW

### Future Land Use Map, Commercial Category

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.

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.

**Comment:** The proposed use is consistent with all strategies and objectives listed in the Comprehensive Plan.

## FINDING OF FACTS

1. Staff finds the proposed project to be consistent with the comprehensive plan.
2. Staff supports the reduction in the northern setback for the existing building to be made “conforming” but does not recommend reducing the entire northern and southern setback to 10'. Staff recommend the southern setback remain 20', and the northern setback, exclusive of the existing building meet the minimum side setback of 20'.
3. Staff support the reduction in the setback against Broad Street (US Hwy 41) to accommodate the relocation of frontage road, dependent on approval and coordination with the Engineering Department.
4. Staff supports a maximum of 12,000 square feet for Outdoor Storage.

## 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**  
**PLANNING AND ZONING COMMISSION**  
**ACTION**

**APPENDIX A: PLANNING & ZONING COMMISSION ACTION:**

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

**APPENDIX B**  
**STAFF RECOMMENDATION TO THE**  
**PLANNING AND ZONING COMMISSION**

**APPENDIX B: 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 AR (Agricultural/Residential) and C-2 (Highway Commercial) to PDP(GHC)/ Planned Development Project (Highway Commercial) with the C-2 use of outdoor storage with deviations, and 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. **Planning**
  - A. Maximum amount of commercial square footage
    - I. Phase 1: 6,000 square foot building
    - II. Phase 2: 2 – 6,000 square foot buildings
    - III. Outdoor storage: 12,000 square feet
  - B. Allowed Uses in this PDP:
    - I. All C-1 uses
    - II. The C-2 Special Exception use of outdoor storage
  - C. Perimeter Setbacks (inclusive of the vegetated buffer)
    - I. North (side): 20' 10' for the existing building,  
20' for new construction
    - II. South (side): 20'
    - III. East (US Hwy 41): 75'
    - IV. West (rear): 35' from the edge of the reverse frontage road (85' total from the western property line)
  - D. Building separation: 15'
  - E. Buffers:
    - North (side): 10' undisturbed vegetated buffer enhanced with plantings, and a wall or fence, located on the interior of the buffer, that is between 5' and 8' in height.
    - South (side): 5' vegetated buffer enhanced with plantings to attain 80% opacity within 2 years of planting.
    - East (US 41): 20' vegetated buffer enhanced with plantings to attain 80% opacity within 2 years of planting
    - West (rear): 5' landscaped buffer enhanced with plantings, and a wall or fence, located on the interior of the buffer, that is between 5' and 8' in height. The buffer will be cleared with the development of the property and will rely on plantings to achieve the required opacity.

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- F. The northern and southern buffers shall remain undisturbed, except for the removal of invasive species and/or dead trees.
  - G. Buffers may not include any stormwater management facilities or drainage retention areas.
3. **Environmental:**
- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. **Required Open Space and Required Natural Vegetation** shall be provided in accordance with Chapter 10 Community Appearance and all other commercial development standards.
  - C. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
4. **Engineering:**
- A. A frontage road shall be constructed, that spans the entirety of the frontage of the property along Broad Street (US Hwy 41). The developer shall coordinate the location of the frontage road with the County Engineering Department.
  - B. A sidewalk shall be constructed along one side of the frontage road.  
*\*Note: Parking is prohibited on all frontage roads.*
  - C. A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines IV-18.
  - D. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
  - E. Turn lanes may be required and will be determined by the Traffic Access Analysis.
  - F. The Driveway and Parking Lot Layout shall meet the Hernando County Standards.
  - G. An FDOT access management permit is required for the project to connect to Broad Street (US Hwy 41)
  - H. An FDOT drainage permit may be required.
5. **Utilities:**
- A. A utilities capacity analysis shall be performed and submitted with the initial development permit application.
  - B. This project shall connect to central water and sewer systems.
6. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP (Special Use) on plats.

7. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and the Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
  
8. The petitioner shall provide a revised plan in compliance with all 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.

**APPENDIX C**

**PERMITTED USES IN THE C-1 AND  
C-2 ZONING DISTRICTS**

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Article IV, Section 3 lists the permitted uses in Commercial Districts. Those uses are shown below.

- (1) Permitted uses in the C-1 Commercial District shall be as follows:
  - (a) Comparison goods stores
  - (b) Convenience goods stores with a limit of 12 vehicle fueling stations
  - (c) Personal service establishments
  - (d) Domestic and business service establishments
  - (e) Domestic and business repair establishments
  - (f) Business, professional and nonprofit organization offices
  - (g) Public offices
  - (h) Business training schools
  - (i) Restaurants with or without alcohol dispensation
  - (j) Indoor commercial amusement establishments
  - (k) Indoor motion picture theaters
  - (l) Motels
  - (m) Hotels
  - (n) Automobile parking establishments
  - (o) Gasoline service stations with a limit of 12 vehicle fueling stations
  - (p) Light building material establishments
  - (q) Mortuaries, funeral homes
  - (r) Antique stores
  - (s) Alcoholic beverage dispensation package and restaurants only
  - (t) Retail food stores
  - (u) Veterinary clinics with air conditioned, sound-attenuated runs
  - (v) Light marine establishments
  - (w) Fire stations and state, county and municipal police stations
  - (x) Light domestic rental establishments
  - (y) Auto parts establishments
  - (z) Dry cleaning establishments
  - (aa) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of business on the premises; such single-family dwelling unit shall be an integral part of the principal business



structure and located behind or above that portion of the business structure devoted to service to the public

- (bb) Day care centers and preschools
  - (cc) Automobile service establishments limited to four (4) service bays
  - (dd) Places of Public Assembly
  - (ee) Fraternal organizations
  - (ff) Secondhand stores
  - (gg) Retail plant nurseries with outside storage limited to plants and packaged products
  - (hh) Auto glass establishments
  - (ii) Aircraft parts establishments
  - (jj) Nursing care homes
  - (kk) Light construction service establishments
  - (ll) Call Centers
- (2) Permitted uses in a C-2 Highway Commercial District shall be as follows:
- (a) Any use permitted in a C-1 General Commercial District
  - (b) Drive-in restaurants
  - (c) Automotive dealer establishments, including the principal selling of used cars
  - (d) Tire and automotive accessory establishments
  - (e) Automotive specialty establishments
  - (f) Automotive and truck rental establishments
  - (g) Automobile dealer establishments for the principal selling of new cars with service establishments including body shops
  - (h) Automobile and truck repair establishments excluding body shops
  - (i) Veterinarian and animal clinics or hospital service establishment
  - (j) Alcoholic beverage dispensation
  - (k) Publishing and printing service establishments
  - (l) Domestic rental establishments
  - (m) Crematories
  - (n) Public transportation terminals for buses and taxis only
  - (o) Light construction service establishments
  - (p) Retail plant nurseries

- (q) Mini-warehouses
- (r) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public
- (s) Boat sales and service with or without outside display
- (t) Light farm equipment and supply establishments
- (u) Light landscaping service establishments
- (v) Automobile service establishments