

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 9, 2023
Board of County Commissioners: February 14, 2023
Planning & Zoning Commission: February 13, 2023
Board of County Commissioners: March 14, 2023

APPLICANT: Luis Puerto and Brenda Puerto

FILE NUMBER: H-22-79

PURPOSE: Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial)

GENERAL LOCATION: North side of County Line Road, approximately 670' east of Cobblestone Drive

PARCEL KEY NUMBER: 412342

APPLICANT'S REQUEST:

On August 13, 2013, the Board of County Commissioners voted to approve an additional C-1/(General Commercial) use for Comparison Goods Store in order to operate a retail store in a portion of the existing 4,500 square foot building. As part of the 2013 approval, a performance condition was added that limited activity to the existing 4,500 square foot building and any future expansion of the existing structure and/or additional buildings would require an amendment to the master plan. The petitioner's current request to remove the condition limiting future expansion and/or new buildings and construct an additional 4,500 square foot commercial building. No other changes are being requested at this time.

SITE CHARACTERISTICS:

Site Size: 1.3 acres

**Surrounding Zoning;
Land Uses:**

North: PDP(SF); Single Family
South: Pasco County
East: PDP(SF); Single Family
West: PDP(SF); Single Family

Current Zoning: PDP(NC)/Planned Development Project (Neighborhood Commercial)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Comments: Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Protection Features: There are no Protection Features (Special Protection Areas (SPA) or Wellhead Protection Area (WHPA)) on this site according to County data resources.

Hydrologic Features: There are no Hydrologic Features (sinkholes, karst sensitive areas, or wetlands) on this site according to County data resources.

Habitat: The property is classified as Commercial and Services 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).

Water Quality This site is in the Weeki Wachee Basin Action Management Plan (BMAP) and the Weeki Wachee Springs Priority Focus Area (PFA).

Comments: 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.

Flood Plain: X and AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated that they currently supply water to the subject parcel. There is an existing 10-inch water main that runs in front of this parcel along County Line Road. HCUD has no objection to the request. During the permitting process for this project it may be determined that this

parcel needs an upsized water meter and/or may be required to connect to the central sewer system at time of vertical construction.

ENGINEERING REVIEW:

The site is located on the north side of County Line Road, approximately 670' east of Cobblestone Drive. The petitioner does not seek any modifications to the existing access to County Line Road. The County Engineering Department has reviewed the petitioner's request and indicated the following:

- The petitioner will be required to revise the existing Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) (Permit 48-6467.0). A 2nd retention pond will be required.
- A Traffic Access Analysis may be required; this shall be determined at the time of site development.
- The existing Right-In/Right-Out access will remain in place.
- The driveway and parking will be required to be brought up to current County standards with signage and appropriate markings.

LAND USE REVIEW:**Building Setbacks**

Minimum Building Setbacks (Previously Approved):

Front: 50'

Side: 20'

Rear: 35'

Buffers

The petitioner shall maintain the previously approved opaque fence with five (5) foot vegetative buffer along the north, east, and west boundary lines. Vegetation shall be planted on the petitioner's side of the fence.

Parking

The site has twenty-six (26) existing parking spaces. If the request is 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.

Landscaping

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by residential, and some vacant residential lots. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

Strategy 1.04B(1): Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

Comments: Neighborhood commercial is an allowed use in the Residential Land Use Category. Any approval should include appropriate performance conditions to address potential negative impacts from the development.

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

Comments: Buffering should be provided where residential lots abut the subject property. Since its approval, any vegetation associated with the previously approved buffer, must be replanted and/or supplement if and where necessary.

FINDING OF FACTS:

A Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) is appropriate based on the following conclusions:

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. Neighborhood Commercial use is consistent with the Residential Land Use classification on the adopted Future Land Use Map.

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. 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 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 Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) 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. Neighborhood Commercial Building Setbacks:
Front: 50'
Side: 20'
Rear: 35'
3. Access to County Line Road shall be limited to the existing access.
4. The petitioner shall replant and/or supplement any vegetation associated with the buffer if and where necessary.
5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
6. The petitioner shall be required to revise the existing Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) (Permit 48-6467.0). A 2nd retention pond will be required.

7. Traffic Access Analysis may be required once the land use is identified for the new building; this will be determined at the time of site development.
8. The driveway and parking shall be brought up to current County standards with signage and appropriate markings.
9. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
10. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

P&Z RECOMMENDATION

On January 9, 2023, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request for a Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) to a future hearing date with the applicant incurring all re-advertising costs.

P&Z RECOMMENDATION

On February 13, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) with the following unmodified 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. Neighborhood Commercial Building Setbacks:
Front: 50'
Side: 20'
Rear: 35'
3. Access to County Line Road shall be limited to the existing access.
4. The petitioner shall replant and/or supplement any vegetation associated with the buffer if and where necessary.
5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
6. The petitioner shall be required to revise the existing Southwest Florida Water Management District Environmental Resource Permit (SWFWMD ERP) (Permit 48-6467.0). A 2nd retention pond will be required.
7. Traffic Access Analysis may be required once the land use is identified for the new building; this will be determined at the time of site development.
8. The driveway and parking shall be brought up to current County standards with signage and appropriate markings.
9. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods

Program for design techniques, principles, materials and plantings for required landscaping, as applicable.

10. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

BOCC ACTION:

On February 15, 2023, the Board of County Commissioners voted 5-0 to postpone the petitioner's request for a Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) to a future hearing date with the applicant incurring all re-advertising costs.