

REZONING CASE H-24-03

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

APRIL 1, 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 R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations with performance conditions listed in **Appendix A** of this Staff Report.

PLANNING & ZONING COMMISSION ACTION

APRIL 8, 2024

On April 8, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioners request for a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations with performance conditions listed in **Appendix B** of this Staff Report.

STAFF RECOMMENDATION TO THE COUNTY COMMISSION

MAY 7, 2024

It is recommended that Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations with performance conditions listed in **Appendix B** (Planning and Zoning Commission recommendation) of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: April 8, 2024
Board of County Commissioners: May 14, 2024

APPLICANT: John Sholtes

FILE NUMBER: H-24-03

REQUEST: Rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations

GENERAL

LOCATION: West side of Commercial Way, approximately 400' south of Atlanta Avenue

PARCEL KEY

NUMBERS: 78604

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse with Outdoor Storage and with deviations. The petitioner has indicated the initial development will include no mini storage structures but will consist solely of long term outdoor RV and boat storage. The typical lots for storage will be a mixture of 12' X 30', 12' X 40' and 12' X 50' spaces. The maximum number of spaces anticipated is 250. Canopies may be utilized for covering, with the number of canopy spaces being market driven. No operations building is proposed at the time; however, upon need, the maximum size proposed for the onsite office would be no greater than 2,000 square feet and a maximum height of 25 feet. As part of the request the petitioner is requesting a waiver of the frontage road, instead, proposes to connect to the existing access road to the north.

SITE CHARACTERISTICS

Site Size: 5.78 acres

Surrounding Zoning;
Land Uses: North: C-2; Self Storage
South: R-1A; Mobile Home
East: C-1; Undeveloped
West: R-1A; Single Family

Current Zoning: R-1A (Residential)

Future Land Use
Map Designation: Commercial

Flood Zone: C; the with portion along US Hwy 19 within the 100 year floodplain

ENVIRONMENTAL REVIEW

Soil Type: Candler Fine Sand

Habitat: Candler 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 (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). 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: A comprehensive wildlife survey shall be conducted in order to identify the listed species present on the property. The listed species present on-site may require a Florida Fish and Wildlife Conservation Commission (FWC) permit prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

Protection

Features: The subject property contains no Well Head Protection Area (WHPA), according to County data resources.

Hydrologic

Features: The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

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.

Comments: The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, plantings, and for required buffers, as applicable.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water and sewer service to this parcel. There is an existing 6-inch water main at the southwest corner of Atlanta Avenue and Commercial Way. There is an existing 10-inch sewer force main that runs along the east side of Commercial Way. HCUD has no objection

to the request subject to connection to the central water system as necessary per Ordinance (if a habitable building is proposed) and Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project's proposed washdown and pump out facilities.

ENGINEERING REVIEW

The subject site is located at the West side of Commercial Way, approximately 400' south of Atlantic Avenue. The County Engineer has reviewed the petitioner's request and provided the following comments:

- Beaverbank Street from the southern property line to the southern property line of parcel to the north parcel (key #78748) shall be improved to frontage road standards to accommodate larger vehicles.
- Be advised that parcel to the north (key #78748) is required to construct Atlantic Avenue from their western drive to Beaverbank Street and the reverse frontage road (Beaverbank Street) the length of parcel, upon receipt of demand request.
- The petitioner shall provide two (2) access drives for the proposed project. An additional driveway access shall be provided to Beaverbank Street. Cross connectivity to Atlantic Avenue is encouraged, but not as a sole point of access.
- The development shall provide a sidewalk (pedestrian connectivity) from the building to the sidewalk along U.S. 19/Commercial Way.
- FDOT access management permit required. FDOT drainage permit may be required.

LAND USE REVIEW

Setbacks

Proposed Minimum Building Setbacks

- North: 20'
- East: 125'
- West: 35'
- South: 20'

Screening

Hernando County LDRS require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and

maximum of eight (8) feet. In this instance, the primary use is storage, and the entire site must be fenced.

Proposed Project Buffers:

- North: 5' Landscaped vegetated buffer
- South: 20' Vegetated (80% opacity where adjacent to the residential structure)
- East: 15' Landscaped (US Hwy 19)
- West: 5' Landscaped (Beaverbank Road)

*All buffers are to remain undisturbed, enhanced with plantings when needed to reach 80% opacity. Clearing of the buffers is not permitted.

Fencing: A minimum 6' high chain link fence will be provided west of the access drive. An 8' high opaque fence will be utilized adjacent to the residential structure to the south to maintain an 80% opacity.

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 any provisions for lighting of the subject property. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential uses.

COMPREHENSIVE PLAN REVIEW:

The subject site is located within the Commercial Land use designation on the County's adopted Comprehensive Plan. The area is characterized by a mix of uses. Existing commercial to the north (mini-storage), commercial to the south (automotive) and homes to the west.

Future Land Use Map

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.

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.

Comments: The subject site is located adjacent to a major commercial corridor and along an arterial roadway. The proposed use is consistent with the Commercial Land Use strategies.

Land Use Compatibility

Strategy 1.10B(1): Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.

Comments: The proposed use is compatible with the surrounding development trends and is appropriate subject to performance conditions.

FINDINGS OF FACT:

A rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations is appropriate based on the following:

1. The request is compatible with surrounding development and is consistent Commercial land Use designation.
2. The petitioner requested a waiver of the frontage road and proposes connecting to an existing access drive to the north. The County Engineer has indicated the request is justified; however, the petitioner will need to coordinate with the County Engineer.

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**

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 R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations with 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 requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping.
3. The petitioner shall connect to central water system as necessary per Ordinance (if a habitable building is proposed) and shall obtain Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project’s proposed washdown and pump out facilities.
4. The petitioner shall provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential parcels.
5. Security lighting shall be shielded from the neighboring residential use to the north.
6. Beaverbank Street from the southern property line to the southern property line of parcel to the north parcel (key #78748) shall be improved to frontage road standards to accommodate larger vehicles.
7. The petitioner shall provide two (2) access drives for the proposed project. An additional driveway access shall be provided to Beaverbank Street. Cross connectivity to Atlantic Avenue is encouraged, but not as a sole point of access.
8. The development shall provide a sidewalk (pedestrian connectivity) from the building to the sidewalk along US Hwy 19/Commercial Way.
9. FDOT access management drainage permit shall be required.
10. C-2 uses shall be limited to Mini-Storage and Outdoor Storage.
11. Upon development of the mini-storage, a master plan revision shall be required.
12. Minimum Building Setbacks
 - North: 20'
 - East: 125'
 - West: 35'
 - South: 20'

13. Minimum Buffers:

- North: 5' Landscaped
- South: 20' Vegetated (80% opacity where adjacent to the residential structure)
- East: 15' Landscaped (US Hwy 19)
- West: 5' Landscaped (Beaverbank Road)

*No land disturbing activities are permitted in the buffers, with the exception of the removal of invasive species or dead trees. All buffers are to remain undisturbed, enhanced with plantings when needed, to reach 80% opacity. Clearing of the buffers is not permitted.

Fencing: A minimum 6' high chain link fence will be provided west of the access drive. An 8' high opaque fence will be utilized adjacent to the residential structure to the south to maintain an 80% opacity.

14. Invasive plant species, if present, are to be removed during the development process.
15. Construction Buffer: Article II, Section 10-28 (5) All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction. If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirements for natural vegetation preservation.
16. 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.
17. 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.
18. 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 B
PLANNING AND ZONING COMMISSION
ACTION/RECOMMENDATION**

P & Z ACTION:

On April 8, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioners request for a rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Mini Warehouse and Outdoor Storage with Deviations with 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 requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping.
3. The petitioner shall connect to central water system as necessary per Ordinance (if a habitable building is proposed) and shall obtain Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project's proposed washdown and pump out facilities.
4. The petitioner shall provide full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential parcels.
5. Security lighting shall be shielded from the neighboring residential use to the north.
6. Beaverbank Street from the southern property line to the southern property line of parcel to the north parcel (key #78748) shall be improved to frontage road standards to accommodate larger vehicles upon need and demand by the County Engineer.
7. The petitioner shall provide two (2) access drives for the proposed project. An additional driveway access shall be provided to Beaverbank Street as an exit only. Cross connectivity to Atlantic Avenue is encouraged, but not as a sole point of access.
8. The development shall provide a sidewalk (pedestrian connectivity) from the building to the sidewalk along US Hwy 19/Commercial Way.
9. FDOT access management drainage permit shall be required.
10. C-2 uses shall be limited to Mini-Storage and Outdoor Storage.
11. Upon development of the mini-storage, a master plan revision shall be required.

12. Minimum Building Setbacks

- North: 20'
- East: ~~425'~~ 75'
- West: 35'
- South: 20'

13. Minimum Buffers:

- North: 5' Landscaped
- South: 20' Undisturbed ~~Vegetated (80% opacity where adjacent to the residential structure)~~
- East: 15' Landscaped (US Hwy 19)
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