

REZONING CASE H-23-19

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

JUNE 3, 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 AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations with the performance conditions listed in **Appendix A** of this Staff Report.

PLANNING & ZONING COMMISSION ACTION

JUNE 10, 2024

On the June 10, 2024 hearing, the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations with **modified** performance conditions listed in **Appendix B** of this Staff Report

INTRODUCTORY INFORMATION:

HEARINGS: Planning & Zoning Commission: June 10, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: Glen Lakes Commons, LLC

FILE NUMBER: H-23-19

REQUEST: Rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 Uses and Deviations

GENERAL

LOCATION: West of Commercial Way and south of Glen Lakes Boulevard

PARCEL KEY

NUMBERS: 340214, 1353635

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and deviations, in order to develop a combined 6.9 acre parcel with a retail commercial development. The petitioner has indicated the proposed rezoning will be an extension of the northern commercial development (H2169), approved on March 8, 2022. The development will include an additional four (4) outparcels and allow for the continuation of the reverse frontage to the south. The rezoning is part of a companion Small Scale Comprehensive Plan amendment (CPAM2301) to change the land use designation from Residential to Commercial.

As proposed, the development is bisected by Grizzley Bear Lane, which is owned by a separate entity and not part of this request. The petitioner has indicated three (3) of the four (4) parcels will have direct access to the reverse frontage road, however the parcel which is bisected from the project by Grizzley Bear Lane will obtain direct access from US Hwy 19 until such time Grizzley Bear Lane can be acquired and be made part of the project. Additionally, as part of the request the petitioner is requesting the following C-2 uses:

- Drive-in Restaurants
- Tire and Automotive Accessory Establishment
- Alcoholic Beverage Dispensation

Deviations Requested:

- The petitioner seeks a deviation in the front setbacks from 125' to 75' due to the proposed frontage road.
- Reduction in the side building setbacks from 20' to 10', along the north and south property lines
- Reduction in the rear building setbacks from 35' to 25'

SITE CHARACTERISTICS

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| Site Size: | 6.9 acres |
| Surrounding Zoning & Land Uses: | North: PDP(GC); Commercial South: AG; Undeveloped East: C-2; Undeveloped, Convenient Store West: AG; Single Family |
| Current Zoning: | AG (Agricultural) |
| Future Land Use Map Designation: | Residential |

ENVIRONMENTAL REVIEW

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|-----------------------------|--|
| Soil Type: | Candler Fine Sand, Tavares 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 and submitted 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 (Wellhead Protection Areas (WHPA) and Special Protection Areas (Special Protected Areas (SPAs)) on this site according to county data. |
| Hydrologic Features: | There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data. |
| Habitat: | This property is designated as Urban Open Pine, and Residential High Density >5 DU/Acre 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: | The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group. |
| 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.

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

Flood Zone: X, with a small portion of AE

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the west side of Commercial Way. There is an existing 10-inch sewer force main that runs along the north side of Glen Lakes Boulevard, and an existing 20-inch sewer force main that runs along the east side of Commercial Way. 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 south of the entrance to the Glen Lakes community and north and south of Grizzley Bear Lane. The County Engineer has reviewed the petitioner's request and indicated the following:

- A Traffic Access Analysis shall be required. If any fast-food restaurants are developed, a queuing analysis shall be required. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer to install.
- Provision for connection, access to the frontage road to the south is required.
- Cross access agreements for all parcels within development shall be required.
- FDOT access management permit(s) shall be required.
- FDOT drainage permit may be required.

LAND USE REVIEW:

Proposed Building Setbacks

Perimeter Setbacks:

East: 75' (deviation from 125' in order to accommodate reverse frontage road)

North/South: 10' (deviation from 20')

West: 25' (deviation from 35')

Internal Setbacks:

Front: 75' (from reverse frontage road)

Side: 10' (deviation from 20')

Rear: 25' (deviation from 35')

Building Height

The petitioner is proposing a maximum building height of 45'. Since the northwest corner of Lot 1 (as shown on the master plan) is located at the southeast corner of the Glen Lakes subdivision, building height for Lot 1 will be limited to 20' when building is within 100' of the Glen Lake subdivision property line.

Buffer

The petitioner is proposing a 10' vegetative buffer along the western boundary north of the reverse frontage road. The petitioner has indicated no buffers are proposed where drainage retention ponds will be located.

Comments: If approved, the petitioner shall provide a 10' vegetative buffer, enhanced to 80% opacity, along the western boundary of the subject site. The remaining areas shall meet the minimum buffer requirements of the Commercial Design Standards and the Community Appearance Ordinance. A buffer landscape plan shall be provided at the time of site development.

Lighting

The petitioner has not indicated any lighting provisions for the proposed uses. If approved, the petitioner will be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels. Security lighting shall be shielded from the neighboring residential use to the north.

Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use.

Retail Development Standards:

The petitioner has indicated that the proposed project will be an extension of the previously approved north commercial development. Although the new development does not meet the Large Retail Development square footage of 65,000, specific standards are being applied from the Large Retail Development Standards due to its proximity to the Glen Lakes subdivision.

- Mechanical/operational equipment including HVAC located at ground level shall be set back at least one hundred (100) feet from any property line

external to the development site and shall be visually shielded through enhanced screening or shall be located on the roof and shall be visually shielded with a parapet wall. All mechanical/operational equipment shall be sound attenuated as necessary to comply with the county's noise ordinance.

Comments: Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for the commercial outparcels shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building.

- Where the proposed commercial development consists of multiple buildings (excluding out parcels), then loading areas and loading docks should be situated between said buildings in a manner which allows the buildings to act as screens. All loading areas/docks shall be set back at least one hundred (100) feet from any property line external to the development site and shall be screened at 100% opacity through the use of landscape plantings, berms, fences, or walls. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.
- All on site advertising signs, including out parcels, shall be designed as part of a complete signage system and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code.

Comments: The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, shall be designed as part of a complete signage system, and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code. Size and location shall meet the minimum requirements of the County LDR's.

Landscape

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 commercial and residential uses. The subject property is located within the Residential Land Use classification on the adopted Future Land Use Map; however, has a companion Comprehensive Plan Amendment (CPAM2301) for a change from Residential to Commercial.

Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

Comments: The request is proposed as an extension of the northern commercial development. To facilitate the development, pedestrian accessibility for the subject property must be extended and should be designed to provide safe and convenient access through sidewalks, crosswalks, and bicycle/pedestrian paths to the commercial uses.

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(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.

Comments: Hernando County encourages interconnectivity between uses in order to assist with traffic impacts on US Highway 19. The petitioner is proposing a cross-access reverse frontage road

system parallel to US Highway 19 in order to extend Outer Banks Drive (from the north) through the project. The petitioner has indicated a stub-out to the south for potential future development. A cross access easement or agreement shall be recorded at the time of development or on the final subdivision plat.

FINDINGS OF FACT:

A rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations is appropriate based on the following:

1. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding land uses subject to compliance with all performance conditions.
2. The proposed deviations are not adverse to public interest 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 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.

**APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION**

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

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 AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and 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 provide a wildlife 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. Minimum Building Setbacks and building height:
Perimeter Setbacks:
East: 75' (deviation from 125')
North/South: 10' (deviation from 20')
West: 25' (deviation from 35')

Internal Setbacks:
Front: 75' (deviation from 125')
Side: 10' (deviation from 20')
Rear: 25' (deviation from 35')

Maximum Building Height:
 - 20' for Lot 1 when structure is closer than 100' from property line
 - 45' for all other lots
4. A cross access easement or agreement between the commercial outparcels shall be provided at the time of subdivision plat approval.
5. The petitioner shall provide a Traffic Access Analysis in accordance with the requirements of the County Engineer at the time of permitting. The Traffic Access Analysis shall include a queuing analysis. Any improvements identified and required by the Traffic Access Analysis, which could include off-site public improvements, will be the responsibility of the developer.
6. All roads and driveways shall be built to Hernando County Standards.
7. Parking layout shall meet Hernando County Parking Lot Standards.
8. The petitioner shall obtain the appropriate Access Management and Drainage permits required from the Florida Department of Transportation.

9. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project. This condition cannot be waived.
10. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, shall be designed as part of a complete signage system, and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in the Hernando County Code of Ordinances.
11. This project is subject to the Residential Protection Standards. These standards will be applied at the time of site development for the applicable parcels.
12. Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for nonresidential buildings shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building, or placed behind the buildings, screened from view from the public right of way and enhanced by landscaping and/or wall.
13. The commercial development shall provide a lighting plan at the time of development which complies with the lighting standards for Large Retail Development.
14. 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.
15. The developer shall provide a water and sewer capacity analysis at the time of conditional plat in accordance with the requirements of the Hernando County Utilities Department.
16. The petitioner shall provide a 10' vegetative buffer, enhanced to 80% opacity, along the western boundary of the subject site. The remaining areas shall meet the minimum buffer requirements of the Commercial Design Standards and the Community Appearance Ordinance. A buffer landscape plan shall be provided at the time of site development.
17. C-2 uses shall be limited to drive-in restaurants, alcoholic beverage dispensation, and tire/automotive accessory establishment.
18. The developer shall provide safe and convenient access through sidewalks, crosswalks, and bicycle/pedestrian paths to commercial uses.
19. Access to Commercial Way (US Highway 19) shall be limited to Lot B-4.

20. The petitioner shall provide a master 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.

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION/RECOMMENDATION**

APPENDIX B PLANNING AND ZONING ACTION:

On the June 10, 2024, hearing, the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses and with Deviations with the following **modified** performance conditions:

21. 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.
22. The petitioner shall provide a wildlife 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.
23. Minimum Building Setbacks and building height:
Perimeter Setbacks:
East: 75' (deviation from 125')
North/South: 10' (deviation from 20')
West: 25' (deviation from 35')

Internal Setbacks:
Front: 75' (deviation from 125')
Side: 10' (deviation from 20')
Rear: 25' (deviation from 35')

Maximum Building Height:
 - 20' for Lot 1 when structure is closer than 100' from property line
 - 45' for all other lots
24. A cross-access easement or agreement between the commercial outparcels shall be provided at the time of subdivision plat approval.
25. The petitioner shall provide a Traffic Access Analysis in accordance with the requirements of the County Engineer at the time of permitting. The Traffic Access Analysis shall include a queuing analysis. Any improvements identified and required by the Traffic Access Analysis, which could include off-site public improvements, will be the responsibility of the developer.
26. All roads and driveways shall be built to Hernando County Standards.
27. Parking layout shall meet Hernando County Parking Lot Standards.
28. The petitioner shall obtain the appropriate Access Management and Drainage permits required from the Florida Department of Transportation.

29. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRA) within the proposed project. This condition cannot be waived.
30. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, shall be designed as part of a complete signage system, and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in the Hernando County Code of Ordinances.
31. This project is subject to the Residential Protection Standards. These standards will be applied at the time of site development for the applicable parcels.
32. Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for nonresidential buildings shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building, or placed behind the buildings, screened from view from the public right of way and enhanced by landscaping and/or wall.
33. The commercial development shall provide a lighting plan at the time of development which complies with the lighting standards for Large Retail Development.
34. 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.
35. The developer shall provide a water and sewer capacity analysis at the time of conditional plat in accordance with the requirements of the Hernando County Utilities Department.
36. The petitioner shall provide a 10' vegetative buffer, enhanced to 80% opacity, along the western boundary of the subject site. The remaining areas shall meet the minimum buffer requirements of the Commercial Design Standards and the Community Appearance Ordinance. A buffer landscape plan shall be provided at the time of site development.
37. C-2 uses shall be limited to drive-in restaurants, alcoholic beverage dispensation, and tire/automotive accessory establishment.
38. The developer shall provide safe and convenient access through sidewalks, crosswalks, and bicycle/pedestrian paths to commercial uses.
39. Access to Commercial Way (US Highway 19) shall be limited to Lot B-4.

40. The petitioner shall provide a master 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.

41. **Drainage areas may be located on the northern portion of the project as needed with the appropriate SWFWMD and Hernando County Engineering Department approval.**