

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 14, 2022
Board of County Commissioners: December 13, 2022
Planning & Zoning Commission: December 12, 2022
Board of County Commissioners: January 10, 2022
Planning & Zoning Commission: January 9, 2023
Board of County Commissioners: February 14, 2023
Board of County Commissioners: April 11, 2023
Planning & Zoning Commission: February 12, 2024
Board of County Commissioners: March 12, 2024

APPLICANT: Sobel Fund VII, LLC

FILE NUMBER: H-22-71

REQUEST: Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations

GENERAL LOCATION: Southwest corner of Lake in the Woods Drive and Commercial Way (US Hwy 19)

PARCEL KEY NUMBERS: 376042

APPLICANT'S REQUEST

On March 10, 2009, the Board of County Commissioners approved a rezoning on the subject site from AG/(Agricultural) and R-1B/(Residential) to CPDP/Combined Planned Development Project to include General Commercial with limited C-2 uses, Multifamily, Office Professional with limited C-1 uses, and a Congregate Care Facility. The request also included several setback deviations. At the time the petitioner proposed a large retail development of 394,000 square feet of mixed commercial uses and 225 units of multifamily. Since approved, no development has occurred on the property and the master plan has expired.

The petitioners current request is to revise the previously approved master plan on the subject 72.5 acre site. The proposed revision includes an increase to the multifamily units and to the overall commercial square footage. The proposed development is as follows:

- Retail Plaza with 14 out-parcels: maximum 450,000 Sq. Ft.

- Four Story Hotel: 150 room, located on the north portion of the site west of Walgreens and adjacent to existing commercial.
 - Climate Controlled Self-Storage Facility: 120,000 Sq. Ft.; located on the south portion of the site
 - Multifamily: 500 units; located on the north end of development
 - Specific C-2 Uses: Mini Warehouse, Drive-In Restaurants and Tire and Automotive Accessory Establishment
 - Commercial Way Deviation: From 125' to 75' to accommodate reverse frontage road.

SITE CHARACTERISTICS

Site Size: 72.5 Acres

Surrounding Zoning

Land Uses: North: PDP(SF), (GC); Single Family, Medical, Publix/Target Plaza
South: PDP(GC); Self Storage, Office/Warehouse
East: PDP(GC); Misc. Commercial Uses
West: AG; Conservation

Current Zoning: CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily

Future Land Use Map Designation: Residential

Flood Zone: X; with portions of AE

ENVIRONMENTAL REVIEW

Soil Type: Candler Fine Sand and Mayakka 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 prior to the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Protection**Features:**

There are two Special Protection Areas (labeled picks) on this parcel next to Commercial Way. The rear of the property is within a Karst sensitive area. The site does not contain Wellhead Protection Areas (WHPAs).

Comments:

An assessment of the Special Protection Areas (SPAs) is required to determine if they are vulnerable features with the potential to discharge directly to the groundwater or expose the aquifer. Provide field analysis and geotechnical assessment to determine if the SPAs require abandonment under the Groundwater Protection Ordinance prior to development. Prohibited uses within the 500' buffers around SPAs include but are not limited to major and minor automotive and tire repair, maintenance and commercial car washes, new underground storage tanks, oil change stations, and marine repair shops/paint shops. The petitioner shall provide updated GIS shape files to the County that reflect any abandoned SPAs to update the County Central GIS system.

Hydrologic**Features:**

There is a Class II Wetland on the northwest corner of the property.

Comments:

Wetlands shall be delineated on all plats and plans (Strategy 10.03B(1)).

The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland (Strategy 10.03B(4)).

A vegetated buffer averaging a minimum of 25' in width (and no part of the buffer being less than 15' wide) shall be maintained by development adjacent to Class II wetlands. No development is allowed in the wetlands buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)).

Habitat:

Sandhill, Cypress and Mesic Flatwoods.

Water Quality:

The proposed project is located within the Weeki Wachee Basin Action Management Plan (BMAP), the Weeki Wachee Priority Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springshed (OFS) identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

Comments: The petitioner shall meet the minimum requirements of the Florida Yards & Neighborhoods (FYN) Program. Landscape plans must comply with the Florida-Friendly Landscaping™ principles and design techniques for all required landscaping.

A wildlife survey shall be prepared by a qualified professional to identify listed species present prior to any development activities. The petitioner is required to comply with all applicable FWC regulations.

UTILITIES REVIEW

The Hernando County Utilities Department does not currently supply water or sewer service to this parcel. There is an existing 16-inch water main that runs along the west side of Commercial Way. There is an existing 15-inch sewer gravity main that also runs along the west 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 at the southwest corner of Lake in the Woods Drive and Commercial Way (US Hwy 19). The proposed reverse frontage road and access drives from US Hwy 19 will provide access to the commercial and residential areas within the project. Direct access to US Hwy 19 will be available at three locations, including one full median intersection (southernmost entrance) which will be extended to the reverse frontage road and will be emphasized as the projects primary point of access. This intersection can also function as an “alternative” route for existing traffic on The Lake in the Woods Drive (via reverse frontage road). One access point is proposed to Lake in the wood Drive which will align with Rachel Boulevard.

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

- Development on the site must conform to the stormwater design requirements of Hernando County Facility Design Guideline and Southwest Florida Water Management District Environmental Resource Permit process.
- A Frontage Road is required for the entire frontage of Commercial Way/US Hwy 19. The Frontage Road shall connect into the Frontage Road south of this project.
- Concerns are noted with the southernmost access with property to the south.
- A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines Sheet IV-18.

- Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
- If the Traffic Access Analysis triggers a traffic signal, the developer shall be responsible for the installation of the signal.
- The Parking and Layout shall meet Hernando County Standards.
- Only two driveways are allowed on Commercial Way or Lake in The Woods Drive, conceptually no concerns, an Administrative Design Variance will be required to be submitted for approval.
- Parcels along Commercial Way/ US Hwy 19 will require FDOT Access and Drainage permits.
- This property contains four floodplains in the front (US Hwy 19) half of the site and one larger area at the west end of the site. Development within the floodplain requires specific permitting and mitigation to preserve floodplain volume. Certifications of “no net rise” will be required for floodplains that extend off site.

LAND USE REVIEW

Setbacks

Proposed Perimeter Setbacks:

- US Hwy 19: 75' (Deviation from 125')
- Frontage Road: 35'
- Lake in the Woods Drive: 75' (West of Rachel); 35' (East of Rachel)
- West Property Line: 20'

Comments: Internal setbacks for the outparcels have not been provided.

Large Retail Development Standards

Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor area is considered a large retail development and as such must comply with the standards provided for in the LDRs. The standards include, but are not limited to, architectural style, parking design, internal pedestrian circulation, and buffering. The master plan approval is a conceptual review. All applicable LDRs relating to large retail development must be met at the time of permit review.

The petitioner is proposing a Large Retail Development of approximately 570,000 square feet of commercial square footage. The County's LDRs provide that

development greater than 65,000 square feet in size require approval as a Planned Development Project. Because of the intensity of development, the County may require additional conditions to ensure appropriateness at a particular location. The following items are those the County must address under the Large Retail Development requirements:

- (1) 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.
- (2) Hours of operation shall be provided, and may be limited by the governing body, as necessary, to ensure compatibility with surrounding land uses. For facilities that propose to operate 24 hours a day, manned parking lot security may be required by the county between the hours of 10:00 PM and Sunrise.
- (3) 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.
- (4) All outdoor lighting shall meet the specific use regulations for commercial lighting under Article III.
- (5) 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 buildings developed on the subject property.

The petitioner has requested the following signs for the development:

- One sign per every outparcel;
- 2 monument signs for the apartment complex
- 1 future development monument sign
- 1 single directional monument sign along Lake in the Woods
- 1 single directional monument sign along US HWY 19

If the master plan is approved, it should be limited to one sign per every two outparcels to avoid creating visual clutter along US Highway 19.

- (6) The master plan shall meet the following increased setbacks and buffering requirements:
- (a) Setbacks Where any side or rear lot line adjoins (excluding roads) a residential- or agricultural-zoned property or an existing residential use, then no building shall be located within one hundred (100) feet of said lot line.
- (b) Buffering A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer shall be screened through the use of landscape planting and landscape berms and may be augmented through the use of fences or walls, existing natural vegetation, and/or a combination thereof. The County may require the use of absorptive noise barrier walls for commercial noise reduction.
- (7) The site design shall provide that pedestrian circulation is coordinated on-site and between adjacent properties providing for pedestrian circulation between complementary uses.
- (8) All internal walkways shall comply with Florida Accessibility Code design standards. Additionally, all internal pedestrian walkways shall be distinguished from driving surfaces through

the use of durable, low maintenance surface materials such as pavers, scored concrete or stamped asphalt to the extent not inconsistent with said standards.

- (9) Transit facilities, including but limited to bus stops, pull out lanes, transit related signage, shelters and bicycle racks for transit users, shall be provided as determined by the County to accommodate transit service.

The County Design Standards for large retail projects provide guidelines for creating safer, efficient, pedestrian-friendly projects with human scale orientation, while discouraging large, nondescript buildings and “unfriendly” pedestrian design, limited landscaping, and vast non-shaded parking lots. The petitioner will be required to submit detailed elevation plans and/or renderings at the time of permitting illustrating the proposed facade and site design in order to assure the proposed structure is architecturally appealing and meets County design requirements.

Signage Standards

The petitioner has not indicated the sizes or heights of the projects proposed signs. County LDRs require that any commercially zoned parcel(s) with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area. For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential – Maximum fifty (50) square feet of sign area.

Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to subsection (1) herein. The petitioner must meet the minimum sign standards as required by the County LDRs.

Minimum County Required Sign Setbacks (based on total sign surface area):

- Up to 75 Sq Ft in area: 5' from property line
- 75 Sq Ft and up to 150 Sq Ft in area: 10' from property line
- 150 Sq Ft or greater: 20' from property line

Commercial Buffering

The petitioner must provide a 20' landscape buffer with 80% opacity along Lake in the Woods Drive and provide the minimum buffer requirements for the remainder of

the project as required by the Large Retail Development and Commercial Design standards.

Multifamily

The master plan submitted is conceptual in nature. The final design and development of the site will have to comply with the County's LDRs relating to multifamily development. The standards address the provision of minimum open space, internal setbacks, separation between buildings, building design, pedestrian connections, sidewalks, parking, etc.

Setback

Proposed Building Setbacks:

- Access Drive: 20'
- Lake in the Woods Drive: 75'
- North Property Line 20'
- West Property Line: 20'

Comments: To provide a transition from the multifamily to the Lake in the Woods subdivision, the multifamily development shall be designed to avoid multistory structures immediately adjacent to the Lake in the Woods Subdivision and Lake in the Woods Boulevard.

Buffer

The County LDRs have design standards for buffering. The buffer shall consist of a minimum five (5) foot landscaped separation. The multifamily or nonresidential 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.

Comments: The petitioner has not indicated any proposed buffers for the multifamily portion of the development. If approved, a 20' buffer at 80% opacity shall be provided for the extent of key #1699969 along the Lake in the Woods property line and continuing east until it merges with the commercial buffers along Lake in the Woods Boulevard. Natural vegetation shall be utilized and supplemented as necessary to meet the required opacity.

Open Space

The LDRs have design standards required for PDP(MF)/Planned Development Project (Multifamily). The design standards require a minimum 15% of the gross

area be provided as open space. If approved, the petitioner must provide the required open space as required by the County's LDRs.

Natural Vegetation

Projects greater than twenty (20) acres shall designate an area of at least seven (7) percent of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of twenty thousand (20,000) square feet.

Access

To establish minimum access requirements to multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units.

Comments: The petitioner is proposing access of the westernmost access drive for the proposed multifamily development. The petitioner has not indicated whether multiple access points are proposed. If approved, the petitioner shall be required to provide two (2) means of access one of which must be a boulevard entrance.

The multifamily development shall provide pedestrian connectivity between adjacent properties providing for pedestrian circulation between complementary uses.

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.

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 subject property is located within a Commercial and Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by commercial, professional office and residential uses.

Future Land Use Element

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 property is located within both a residential land use area, and along a designated commercial corridor. Due to the mixed use nature of the proposed development the project is consistent with the future land use designations.

In order to promote a harmonious built environment, performance standards should include cover such items as uses, access, noise, bulk, height, traffic, buffers, open space, acreage minimums or maximums, landscaping, signage, architectural and aesthetic designs.

Multi-Family Housing

Strategy 1.04B(5): High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high-density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

Strategy 1.04B(6): Multi-family development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed use development.

Comments: The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 500 units on approximately 25.0 acres. The proposed density is 20.0 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

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: The petitioner shall be required to provide a frontage road and interconnectivity and cross-connection between outparcels.

FINDINGS OF FACT

A Master Plan revision on property zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations is appropriate based on the following:

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. The petitioner request for a setbacks deviation along Commercial Way/US Hwy 19 is justified. The petitioner must coordinate the proposed reverse frontage road with the County Engineer.
3. The proposed C-2 uses for Mini Warehouse, Drive-In Restaurants and Tire and Automotive Accessory Establishment, and Automobile Service Establishments are not adverse to the public interest and are compatible with the overall scope of the proposed development.
4. Consideration should be taken on the placement of multistory structures in close proximity to Lake in the Woods Subdivision/Lake in the Woods Boulevard. The multifamily development shall be designed in such a way to avoid multistory structures immediately adjacent to Lake in the Woods Subdivision/Lake in the Woods Boulevard.
5. In order to protect the visual integrity of Lake in the Woods Boulevard a minimum of a 20' landscape buffer with 80% opacity should be provided.

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.

STAFF RECOMMENDATIONS

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution Establishing a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and 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. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. 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.
4. C-2 uses shall be limited to the following:
 - Mini Warehouse
 - Drive-In Restaurants
 - Tire and Automotive Accessory Establishment
 - Automobile Service Establishments
5. The wetland line shall be delineated on all plats and plans (Strategy 10.03B(1)).
6. The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland (Strategy 10.03B(4)).

7. A vegetated buffer averaging a minimum of 25' feet in width and no narrower than 15' in width shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)).
8. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
9. An assessment of the Special Protection Areas (SPAs) is required to determine if they are vulnerable features with the potential to discharge directly to the groundwater or expose the aquifer. Provide field analysis and geotechnical assessment to determine if the SPAs require abandonment under the Groundwater Protection Ordinance prior to development. Specific prohibited uses apply to the 500' buffers around SPAs. Abandoned SPAs shall be updated in the Central GIS feature class.
10. A Cultural resource assessment survey shall be performed by a qualified professional and submitted to the County prior to development. In the event that archaeological artifacts are discovered during construction, the Developer shall stop construction in that area and immediately notify the Compliance Section of the Division of Historical Resources of the Florida Department of State.
11. The petitioner shall conduct a geotechnical/geophysical assessment in drainage retention areas associated with multifamily development if required by Hernando County Facility Design Guidelines.
12. Minimum Commercial Building Setbacks:
 - US Hwy 19: 75' (Deviation from 125')
 - Frontage Road: 35'
 - Lake in the Woods Drive: 75'
 - West Property Line: 20'Minimum Commercial Internal Setbacks: 20'
13. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
14. The Multi-Family development shall provide two means of access. One of the access points shall be a boulevard entrance.

15. The development shall be limit to a total of 500 units.
16. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
17. The project shall meet the minimum sign standards as required by the County LDRs. 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.
18. The development shall meet the minimum LDR design standards for large retail development in Article III, Appendix A (Zoning).
19. The petitioner shall be required to provide interconnectivity and cross-connection between outparcels.
20. A Frontage Road is required for the entire frontage of Commercial Way/US Hwy 19. The Frontage Road shall connect into the Frontage Road south of this project.
21. A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines Sheet IV-18. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
22. In the event the Traffic Access Analysis triggers a traffic signal, the developer shall be responsible for the installation of the signal.
23. The Parking and Layout shall meet Hernando County Standards.
24. Only two driveways are allowed on Commercial Way or Lake in The Woods Drive, an Administrative Design Variance will be required to be submitted for approval.
25. Parcels along Commercial Way/ US Hwy 19 will require FDOT Access and Drainage permits.
26. All lighting for the multifamily shall be full cut off fixtures in order to prevent any light spillage into neighboring parcels.
27. Due to the scale of the proposed development, the developer shall coordinate the installation of a transit stop and/or facility for the proposed project with the Hernando County Transit Division.

28. 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

P&Z ACTION:

On November 14, 2022, the Planning and Zoning Commission voted 4-0 to postpone the petitioner's request to Establish a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations to the December 12, 2022, hearing date, at 9:00 AM, due to the applicant not fulfilling all advertising requirements for the application. The applicant will be responsible for the cost of re-advertising.

P&Z ACTION:

On December 12, 2022, the Planning and Zoning Commission voted 4-0 to postpone the petitioner's request to Establish a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations to the January 9, 2023, hearing date, at 9:00 AM. The applicant will be responsible for all sign re-posting fees.

BCC ACTION:

On December 13, 2022, the Board of County Commissioners voted 5-0 to postpone the petitioner's request to Establish a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations to the January 10, 2023, meeting.

REVISED STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution Establishing a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and 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. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. 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.
4. C-2 uses shall be limited to the following:
 - Mini Warehouse
 - Drive-In Restaurants
 - Tire and Automotive Accessory Establishment
 - Automobile Service Establishments
5. The wetland line shall be delineated on all plats and plans (Strategy 10.03B(1)).
6. The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland (Strategy 10.03B(4)).
7. A vegetated buffer averaging a minimum of 25' feet in width and no narrower than 15' in width shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)).
8. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
9. An assessment of the Special Protection Areas (SPAs) is required to determine if they are vulnerable features with the potential to discharge

directly to the groundwater or expose the aquifer. Provide field analysis and geotechnical assessment to determine if the SPAs require abandonment under the Groundwater Protection Ordinance prior to development. Specific prohibited uses apply to the 500' buffers around SPAs. Abandoned SPAs shall be updated in the Central GIS feature class.

10. A Cultural resource assessment survey shall be performed by a qualified professional and submitted to the County prior to development. In the event that archaeological artifacts are discovered during construction, the Developer shall stop construction in that area and immediately notify the Compliance Section of the Division of Historical Resources of the Florida Department of State.
11. The petitioner shall conduct a geotechnical/geophysical assessment in drainage retention areas associated with multifamily development if required by Hernando County Facility Design Guidelines.
12. Minimum Commercial Building Setbacks:

US Hwy 19:	75' (Deviation from 125')
Frontage Road:	35'
Lake in the Woods Drive:	75' (West of Rachel); 35' (East of Rachel)
West Property Line:	20'

Minimum Commercial Internal Setbacks:

Internal Setback:	20'
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13. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
14. The Multi-Family development shall provide two means of access. One of the access points shall be a boulevard entrance.
15. The development shall be limit to a total of 500 units.
16. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
17. The project shall meet the minimum sign standards as required by the County LDRs. 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.

18. The development shall meet the minimum LDR design standards for large retail development in Article III, Appendix A (Zoning).
19. The petitioner shall be required to provide interconnectivity and cross-connection between outparcels.
20. A Frontage Road is required for the entire frontage of Commercial Way/US Hwy 19. The Frontage Road shall connect into the Frontage Road south of this project.
21. A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines Sheet IV-18. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
22. In the event the Traffic Access Analysis triggers a traffic signal, the developer shall be responsible for the installation of the signal.
23. The Parking and Layout shall meet Hernando County Standards.
24. Only two driveways are allowed on Commercial Way or Lake in The Woods Drive, an Administrative Design Variance will be required to be submitted for approval.
25. Parcels along Commercial Way/ US Hwy 19 will require FDOT Access and Drainage permits.
21. All lighting for the multifamily shall be full cut off fixtures in order to prevent any light spillage into neighboring parcels.
22. Due to the scale of the proposed development, the developer shall coordinate the installation of a transit stop and/or facility for the proposed project with the Hernando County Transit Division.
23. The commercial Tree Preservation Density and 5% Natural Tree Preservation Areas shall be permitted for relocation into the Multifamily and Townhome portions of the project. The multifamily and townhomes shall be required to meet the minimum prospective requirements and the relocated 5% Natural Tree Preservation Areas shall be dedicated preservation tracts.

24. A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer may be split between the commercial and residential portions of the site, internal to the development, as long as the total buffer width meets or exceeds the 35' requirements.

25. The development shall be allowed the following signs as part of an overall comprehensive sign plan (submitted at commercial site plan review):
 - One sign per every two outparcels;
 - 2 monument signs for the apartment complex
 - 1 future development monument sign
 - 1 single directional monument sign along Lake in the Woods
 - 1 single directional monument sign along US Highway 19

26. 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.

P&Z Recommendation:

On January 9, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution Establishing a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses with Deviations, and the following modified 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. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. 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.
4. C-2 uses shall be limited to the following:
 - Mini Warehouse
 - Drive-In Restaurants
 - Tire and Automotive Accessory Establishment
 - Automobile Service Establishments
5. The wetland line shall be delineated on all plats and plans (Strategy 10.03B(1)).
6. The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland (Strategy 10.03B(4)).
7. A vegetated buffer averaging a minimum of 25' feet in width and no narrower than 15' in width shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)).
8. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
9. An assessment of the Special Protection Areas (SPAs) is required to determine if they are vulnerable features with the potential to discharge

directly to the groundwater or expose the aquifer. Provide field analysis and geotechnical assessment to determine if the SPAs require abandonment under the Groundwater Protection Ordinance prior to development. Specific prohibited uses apply to the 500' buffers around SPAs. Abandoned SPAs shall be updated in the Central GIS feature class.

10. A Cultural resource assessment survey shall be performed by a qualified professional and submitted to the County prior to development. In the event that archaeological artifacts are discovered during construction, the Developer shall stop construction in that area and immediately notify the Compliance Section of the Division of Historical Resources of the Florida Department of State.
11. The petitioner shall conduct a geotechnical/geophysical assessment in drainage retention areas associated with multifamily development if required by Hernando County Facility Design Guidelines.
12. Minimum Commercial Building Setbacks (Outparcels):

US Hwy 19:	75' (Deviation from 125')
Frontage Road:	35'
Lake in the Woods Drive:	75' (West of Rachel); 35' (East of Rachel)
West Property Line:	20'

Minimum Commercial Internal Setbacks:

Internal Setback:	20'
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13. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
14. The Multi-Family development shall provide two means of access. One of the access points shall be a boulevard entrance.
15. The development shall be limit to a total of 500 units. Prior to the development of the multifamily portion of the site, a master plan revision shall be required, identifying the building locations, setbacks, buffers and other code requirements.
16. The petitioner shall be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.

17. The project shall meet the minimum sign standards as required by the County LDRs. 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.
18. The development shall meet the minimum LDR design standards for large retail development in Article III, Appendix A (Zoning).
19. The petitioner shall be required to provide interconnectivity and cross-connection between outparcels.
20. A Frontage Road is required for the entire frontage of Commercial Way/US Hwy 19. The Frontage Road shall connect into the Frontage Road south of this project as reflected on the master plan and in accordance with the approval of the County Engineer.
21. A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines Sheet IV-18. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
22. In the event the Traffic Access Analysis triggers a traffic signal, the developer shall be responsible for the installation of the signal.
23. The Parking and Layout shall meet Hernando County Standards.
24. Only two driveways are allowed on Commercial Way or Lake in The Woods Drive, an Administrative Design Variance will be required to be submitted for approval.
25. Parcels along Commercial Way/ US Hwy 19 will require FDOT Access and Drainage permits.
26. All lighting for the multifamily shall be full cut off fixtures in order to prevent any light spillage into neighboring parcels.
27. Due to the scale of the proposed development, the developer shall coordinate the installation of a transit stop and/or facility for the proposed project with the Hernando County Transit Division.
28. The commercial Tree Preservation Density and 5% Natural Tree Preservation Areas shall be permitted for relocation into the Multifamily and Townhome portions of the project. The multifamily and townhomes shall be

required to meet the minimum prospective requirements and the relocated 5% Natural Tree Preservation Areas shall be dedicated preservation tracts.

29. A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished grade shall run along each rear and/or side property line which abuts any residential or agricultural zoned property. This buffer may be split between the commercial and residential portions of the site, internal to the development, as long as the total buffer width meets or exceeds the 35' requirements. A block wall no less than 80' in height shall be constructed from the proposed DRA to the existing wall along Lake in the Woods Drive.
30. The development shall be allowed the following signs as part of an overall comprehensive sign plan (submitted at commercial site plan review):
 - One sign per every two outparcels;
 - 2 monument signs for the apartment complex
 - 1 future development monument sign
 - 1 single directional monument sign along Lake in the Woods
 - 1 single directional monument sign along US Highway 19
 - 2 retail pile-on signs along Commercial Way
31. 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.
32. A Master Plan Revision shall be required to identify the specific location, setbacks, buffers and parking for the hotel.

BCC ACTION:

On January 10, 2023, the Board of County Commissioners voted 5-0 to postpone the petitioner's request to Establish a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations to the February 14, 2023, meeting.

BCC ACTION:

Subsequent to the Planning and Zoning Commission meeting on January 9, 2023, the petitioner submitted a written request for postponement to the April 11, 2023, Board of County Commissioners hearing to review their request and address some concerns identified by the surrounding community.

At the February 14, 2023, meeting, the Board of County Commissioners approved the petitioner's request for a postponement to the April 11, 2023, Board hearing. Due to the length of time between the initial hearing date and the postponed Board of County Commissioners hearing, the public notification period has effectively expired. Re-advertising costs shall be incurred by the applicant.

BCC ACTION:

On April 11, 2023, the Board of County Commissioners voted 5-0 and remanded the petitioners request back to the Planning and Zoning Commission in order to allow the commission and residents to review changes to the revised master plan. The application would be fully readvertised with the petitioner incurring all cost.

NOTE:

Subsequent to the April 11, 2023, Board of County Commissioners hearing, the petitioner met with adjacent property owners in reference to frontage road connections and conducted further community outreaches with Lake in the Woods residents. The petitioner has indicated issues with the frontage road have been coordinated with neighboring commercial parcel and the County Engineer; furthermore, accommodations with the residents of Lake in the Woods have made related to access unto Lake in the Woods Drive and buffering along the same road.

The petitioner has indicated no changes to the overall scope of the project have been made since the Boards last review, with the expectation of the items listed above. Additionally, the petitioner is requesting, that the Board consider approving multifamily dwelling units along the north with appropriate performance conditions (i.e. setbacks, buffers, heights) to also include that the master plan for the multifamily portion would be required to come back for Board approval.