



## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 12, 2025  
Board of County Commissioners: March 3, 2025

**APPLICANT:** Dirt Doctor 11011, LLC

**FILE NUMBER:** H-25-52

**REQUEST:** Rezoning from AG (Agricultural) to PDP(NC) (Planned Development Project (Neighborhood Commercial) with Specific C-1 (General Commercial) uses and to establish an associated master plan

**GENERAL LOCATION:** West side of Sunshine Grove Road, directly across from Spring Ridge Subdivision

**PARCEL KEY NUMBER(S):** 344817

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### APPLICANT'S REQUEST

The subject site is currently zoned AG (Agricultural) with a Special Exception for a Civic Club (SE-00-04). The applicant is requesting elimination of the approved special exception and a Rezoning from AG (Agricultural) to PDP(NC) (Planned Development Project (Neighborhood Commercial) with Specific C-1 (General Commercial) uses and to establish an associated master plan.

The specific C-1 uses requested by the applicant include:

- Comparison goods
- Retail Food Stores
- Domestic and Business Service Establishments
- Domestic and Business Repair Establishments
- Business Training Schools
- Dry Cleaning Establishments
- Antique Stores
- Secondhand Stores
- Veterinary Clinics

No special exception uses in C-3 are being proposed.

### Deviations Requested

- Reduction in the front setback along Sunshine Grove Road from 75' to 35'

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**SITE CHARACTERISTICS**

<b>Site Size</b>	4.9 acres
<b>Surrounding Zoning; Land Uses</b>	North: AG; vacant and single-family residential uses South: AG; Marine Corps League Civic Club, vacant East: PDP(SU); PDP(SF); Power Line Corridor, Spring Ridge Subdivision West: AG; Vacant
<b>Current Zoning:</b>	AG with special exception for Civic Club (SE-00-04)
<b>Future Land Use Map Designation:</b>	Rural

**ENVIRONMENTAL REVIEW**

On August 28, 2025, a preliminary environmental site visit was conducted by the petitioner. According to this environmental visit, the subject property has been under brushed within the past 12 months and is moderately forested with an assemblage of sand live oak, slash pine, and long leaf pine trees. No large diameter trees (greater than 18-inch dbh) were detected. The understory and ground cover consist primarily of saw palmetto, coppice tree growth, wire grass, dog fennel, and other ruderal vegetation. While gopher tortoise burrows are present, their density is low, and no other state or federally listed species were detected. The site did not contain any wetlands or other surface waters, and the soils are described as sandy and well-drained (Candler soils).

The petitioner shall be required to comply with all Southwest Florida Water Management District (SWFWMD) and Florida Fish and Wildlife Conservation Commission (FWC) permitting requirements at the time of site development.

**UTILITIES REVIEW**

HCUD does not currently supply water or wastewater service to this parcel. Water is available to this parcel. There is a 16" Force Main that runs adjacent to this parcel. HCUD has no objections to the zoning change from Rezoning from AG (Agricultural) to PDP(NC) (Planned Development Project (Neighborhood Commercial) with Specific C-1 (General Commercial) uses and to establish an associated master plan subject to a utility capacity analysis and connection to the central water & wastewater system at time of site development.

**ENGINEERING REVIEW**

The site consists of a 4.9-acre vacant site. The site is located on the west side of Sunshine Grove Road, across from Plumeria Boulevard (Spring Ridge Subdivision). The subject parcel lies along a busy 4-lane County arterial roadway (Sunshine Grove Road), directly across from the entrance to the Spring Ridge community, which is scheduled for signalization. The entrance to this parcel will be aligned with that intersection and will provide access to the proposed commercial development.

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

- Additional Right of way along Sunshine Grove Rd. may be required; the petitioner shall coordinate with the County Engineer at time of development to determine the width of Right-of-Way required.
- Driveway for the proposed project must align with Plumeria Drive Intersection.
- Roadway(s) within project must meet county standards.
- A Traffic Access Analysis shall be required at the time of site development permitting. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.

**Comments:** Setbacks along Sunshine Grove Road shall be measured from the property line, with the required right-of-way dedication to the County being excluded from the setback calculation

## LAND USE REVIEW

### Uses:

The PDP/NC (Neighborhood Commercial) District allows all permitted uses in the C-3 zoning district, any special exception uses allowed in the C-3 zoning district and any permitted uses from the C-1 zoning district which have been specifically designated or specified in the narrative or on the master plan.

The petitioner has requested all uses within the C-3 District as follows:

- Convenience goods stores, provided that there are not more than two (2) checkout lanes and two (2) vehicle fueling stations.
- Personal service establishments.
- Business, professional and non-profit organization offices.
- Public offices and utility facilities.
- Alcoholic beverage dispensation (package and restaurants only).
- Delicatessens and restaurants with a forty (40) or less seating capacity.
- One single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public.
- Day care centers.
- Nursing care homes.

In addition to the uses permitted in the C-3 zoning district the following additional specified C-1 (General Commercial) uses are proposed:

- Comparison goods
- Retail Food Stores
- Domestic and Business Service Establishments
- Domestic and Business Repair Establishments
- Business Training Schools
- Dry Cleaning Establishments

- Antique Stores
- Second Hand Stores
- Veterinary Clinics

No special exception uses in C-3 are being proposed.

**Comments:** The petitioner has requested uses that are consistent with Neighborhood Commercial objectives in the Comprehensive Plan. These uses, along with the utilization of the Planned Development Project zoning district and the limited development intensity requested, will not create an inordinate burden on the surrounding residential and agricultural communities. Additionally, the petitioner has requested the removal of the previously approved special exception for a civic club (SE-00-04). As this property is currently vacant and the use has not been in place for over a year, the special exception is null and void. If the master plan is approved, the special exception reference will be removed from all mapping records.

**Development Intensity:**

The petitioner has proposed a maximum development intensity of 70,000 square feet, less than the 35% maximum allowed by the Comprehensive Plan.

**Maximum Building Height:** 35'

**Setbacks:**

- Front: 35' (Deviation from 75')
- Side: 20'
- Rear: 35'

**Buffers:**

- Sunshine Grove/Front (East): 5'
- South (side): 10'
- North (side): 10'
- West (rear): 35'

**Comments:** The petitioner has requested that the buffers meet the minimum requirements of the Community Appearance Ordinance, which does not establish an opacity requirement. However, based on Board of County Commissioners direction and an established practice by the County, the landscape buffers shall be required to meet an 80% opacity within 18 months of planting. Any enhancement required to meet the opacity standards within the buffer shall be clearly identified in the construction drawings.

**Lighting:**

County Land Development Regulations 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:** If this project is approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.

**Landscape:**

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.

**Parking:**

The subject site is being proposed as a multibuilding project that may be constructed in separate phases. The entire project shall be required to meet the parking requirements of the Land Development Regulations.

**Residential Protection Standards:**

The subject site is across Sunshine Grove Road from the existing Spring Ridge community. If applicable due to site design and distance, the subject site shall be subject to the following Residential Protection Standards, in accordance with Appendix A, Article VIII, Section 6.

- There shall be no speakers or other sound equipment located within one hundred (100) feet of any single-family residential district property line.
- There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within one hundred (100) feet of any single-family residential district property line.
- No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of midnight and 7:00 a.m. within one hundred (100) feet of any single-family residential district property line.
- No building within one hundred (100) feet of any single-family residential district property line shall be more than twenty (20) feet in height.
- All loading bays and loading docks must be a minimum of one hundred (100) feet from any single-family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single-family residential district property line. Screening may include landscape plantings, berms, fences or walls.
- Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences or walls.

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## COMPREHENSIVE PLAN REVIEW

The subject site is within the Rural land use classification; however, the applicant is proposing a neighborhood commercial use which is allowable within all Future Land Use categories. Utilizing the Planned Development Project zoning process, the use and design are consistent with the Comprehensive Plan and are not averse to the public interest.

### Rural Category

**Objective 1.04C:** The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

### Neighborhood Commercial

**Strategy 1.04G(9):** Neighborhood Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and limited function. Neighborhood commercial areas serve limited local, traditional, or historic markets such as local restaurants and coffee shops, local convenience retail, local gas stations, or similar uses, and generally do not exceed 5 acres in size.

**Strategy 1.04G(10):** Neighborhood Commercial areas are guided by the following land use criteria:

- a. may be located in Residential or Rural Categories;
- b. have a maximum total size of five (5) acres overall;
- c. are not located in environmentally sensitive areas or the Conservation Category unless associated with a resource oriented tourism use;
- d. are located on collector or arterial roads except as part of a mixed use project;
- e. will not result in degradation of roadway levels of service;
- f. are designed to serve the convenience and personal service needs of nearby residents where such services are not otherwise reasonably available, and are proximate to the population areas supported;
- g. will not compromise the integrity of residential or rural areas;
- h. may be located internal to a mixed-use project.

**Comments:** The uses proposed in the subject application are appropriately sized and situated for the Neighborhood Commercial designation. It is less than five acres in size, aligning with the intent of the neighborhood classification. Additionally, it is located along a collector road and is not anticipated to degrade the roadway's level of service. Lastly, the uses proposed are designed to serve the needs of the surrounding residential and rural development and will also serve the local elementary and secondary schools in the general area.

## FINDINGS OF FACT

The requested master plan revision is appropriate based on the following findings of fact:

- The subject site is less than 5 acres, is located along a collector road, and is not anticipated to have a negative impact on the surrounding residential and rural areas.
- Neighborhood Commercial uses are allowed in residential and rural land use classifications without requiring a Comprehensive Plan amendment.
- The supplemental C-1 uses requested are supportive uses and will fulfill a service gap along Sunshine Grove Road.
- The Planned Development Project zoning process is being utilized to condition the project to alleviate any impacts to the surrounding community. With the recommended performance conditions, the use is consistent with the Comprehensive Plan and is compatible with the surrounding uses.

### **NOTICE OF APPLICANT RESPONSIBILITY**

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

### **STAFF RECOMMENDATION**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a Rezoning from AG (Agricultural) to PDP(NC) (Planned Development Project (Neighborhood Commercial) with Specific C-1 (General Commercial) uses and to establish an associated master plan 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 civic club use as approved by Special Exception SE-00-04 has been removed from the site.
3. The master plan is approved for all of C-3 uses:
  - Convenience goods stores, provided that there are not more than two (2) checkout lanes and two (2) vehicle fueling stations.
  - Personal service establishments.
  - Business, professional and non-profit organization offices.
  - Public offices and utility facilities.
  - Alcoholic beverage dispensation (package and restaurants only).
  - Delicatessens and restaurants with a forty (40) or less seating capacity.
  - One single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises;

such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public.

- Day care centers.
- Nursing care homes.

4. The master plan is approved for the following specific C-1 uses:

- Comparison goods
- Retail Food Stores
- Domestic and Business Service Establishments
- Domestic and Business Repair Establishments
- Business Training Schools
- Dry Cleaning Establishments
- Antique Stores
- Secondhand Stores
- Veterinary Clinics

5. The petitioner shall be required to comply with all Southwest Florida Water Management District (SWFWMD) and Florida Fish and Wildlife Conservation Commission (FWC) permitting requirements at the time of site development.

6. The petitioner shall be required to complete a utility capacity analysis and connect to the central water & wastewater system at time of site development.

7. Additional Right of way along Sunshine Grove Rd. may be required; the petitioner shall coordinate with the County Engineer at the time of development to determine the width of Right-of-Way required.

8. Driveway for the proposed project must align with the Plumeria Drive Intersection.

9. Roadway(s) within project must meet county standards.

10. A Traffic Access Analysis shall be required at the time of site development permitting. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.

11. Maximum Building Height: 35'

12. Minimum Setbacks

Front:	35' (Deviation from 75')
Side:	20'
Rear:	35'

Setbacks along Sunshine Grove Road shall be measured from the property line, with the required right-of-way dedication to the County being excluded from the setback calculation

13. Project Buffers:

Sunshine Grove/Front (East):	5'
South (side):	10'

North (side): 10'  
West (rear): 35'

All landscape buffers shall be required to meet an 80% opacity within 18 months of planting. Any enhancement required to meet the opacity standards within the buffer shall be clearly identified in the construction drawings.

14. The project shall be limited to a maximum of 70,000 square feet.
15. The petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.
16. 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.
17. The subject site is being proposed as a multibuilding project that may be constructed in separate phases. The entire project shall be required to meet the parking requirements of the Land Development Regulations.
18. If applicable due to site design and distance, the subject site shall be subject to Residential Protection Standards, in accordance with Appendix A, Article VIII, Section 6 "A".
19. The petitioner shall provide a Master Plan in compliance with all the performance conditions within 30 calendar days of receipt of the final Board of County Commissioners approval resolution and conditions from the Development Services staff. Failure to submit the revised plan will result in no further development permits being issued.