

REZONING CASE H-24-19

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 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 PDP(OP) to PDP(GC) with specific C-2 uses for a drive-thru restaurant, alcoholic beverage dispensation and mini-warehouse with performance conditions listed in **Appendix A** of this Staff Report.

PLANNING & ZONING COMMISSION July 8, 2024

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report.

PLANNING & ZONING COMMISSION July 22, 2024

On July 22, 2024, the Planning and Zoning Commission voted 5-0 approving the petitioners request for a rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/ Planned Development Project (General Commercial) with Specific C-2 uses. Details listed in **Appendix C** of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: July 8, 2024
Board of County Commissioners: August 25, 2024

APPLICANT: Elizabeth Piedra

FILE NUMBER: H-24-19

REQUEST: Rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses

GENERAL LOCATION: Northwest corner of the intersection of County Line Road and Sparks Road

PARCEL KEY NUMBER(S): 378870

APPLICANT'S REQUEST

On December 13, 2016, the Board of County Commissioners voted to approve a rezoning from OP/(Office Professional) and AG/(Agricultural) to PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family). At the time, the petitioner indicated developing the site with two (2) office buildings, totaling 36,654 square feet. Since its approval no development has occurred on the subject site.

The petitioners current request is to rezone the 3.0 acre parcel from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses in order to develop the subject site with a total of 50,000 square feet of commercial. The petitioner has indicated the development may be a single building or multiple structures, in either case the maximum building height proposed is 45'. As part of the request the petitioner is requesting three (3) C-2 uses (drive-in restaurant, alcohol beverage dispensation, mini-warehouses).

SITE CHARACTERISTICS:

Site Size: 3.0 acres

**Surrounding Zoning;
Land Uses:** North: PDP(SF); Undeveloped
South: Pasco County
East: PDP(OP) & (SF); Undeveloped
West: AG; Fraternal Lodge

Current Zoning: OP/(Office Professional)

Future Land Use

Map Designation: Residential

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

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

Water Quality Review:

The proposed development is within the Weeki Wachee River Basin Management Action Plan, the Weeki Wachee Primary Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.

Comments: The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

Protection Features:

There are no protection features (Wellhead Protection Areas (WHPAs) present on this parcel.

Hydrologic Features:

There are no hydrologic features (Special Protection Areas (SPAs), sinkholes, karst sensitive areas, or wetlands) present on this parcel.

Flood Zone: C

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are available to this parcel. 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 on the northwest corner of the intersection of County Line Road and Sparks Road. Due to the limited frontage along County Line Road and the availability of direct access to Sparks Road and the reverse frontage road, the petitioner intends to access the parcel from the east and north. To provide flexibility, the potential of two access points to Sparks Road is proposed. While the parcel is not directly adjacent to the reverse frontage

road, the applicant has an easement across that property. The applicant is also anticipating the potential expansion of the County Line Road right-of-way and is willing to adhere to the 125' building setback, even though a reverse frontage road has been constructed. The County Engineer has reviewed the petitioner's request and indicated the following:

- A Traffic Access Analysis along with a Queuing Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- Driveway(s), Parking & Layout shall meet County Standards.
- The proposed Frontage Road access may be limited, due to sight distance issues.
- Dedication of 40 feet of right-of-way shall be required along County Line Road. Dedication must be by deed of dedication 90 days after master plan approval.
- A "corner clip" at Sparks Road, Frontage Road, & Countyline Road will be required and will be determined at the time of site plan review.

LAND USE REVIEW:

Proposed Minimum Building Setbacks and Building Height

North:	20'
County Line Road:	125' from the existing County Line Road ROW
Sparks Road:	35'
West:	20'
Max. Building Height:	45'

Comments: The petitioner has indicated that a subdivision of the property is not anticipated; however, if more than one building is constructed, the setbacks shall meet County standards.

Buffers

County LDRs require buffering consisting of a minimum five (5) foot landscape separation distance. The use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosure. Such screening shall be a minimum height of five (5) feet and a maximum height of eight (8) feet. The petitioner's site plan does not indicate any provisions for buffering.

Proposed Minimum Buffers:

North:	10' Natural Vegetative Buffer
South:	20' Landscaped Buffer
East:	10' Landscaped Buffer
West:	20' Natural Vegetation Buffer (80% Opacity)

Parking

County LDRs requires four (4) parking spaces per 1,000 square feet of retail commercial and 2.0 spaces per 100 units of mini-warehouse space. If approved the petitioner shall meet the minimum parking standards of the County's LDRs.

Lighting

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as required by the County LDR, to retain all light on site and prevent any light spillage onto neighboring residential uses.

Landscaping

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

COMPREHENSIVE PLAN REVIEW:

Future Land Use Map

Strategy 1.04A(6): The Commercial Category provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties. Publicly owned lands along the commercial use corridors that are made available for surplus may be considered to have a Commercial designation, if the agency proceeds through the Comprehensive Plan Amendment process to amend the future land use map, in accordance with Section 163.3184, F.S.

Comments: The subject site, although located within the Residential land use designation, is located between two commercial land use designations and existing commercial lots. The request to rezone is considered infill and is compatible with the surrounding area and consistent with the comprehensive plan.

Commercial Category

Objective 1.04G: The Commercial Category allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 but also includes limited industrial, recreational, and institutional uses. Residential and mixed uses may be allowed subject to locational criteria and performance standards.

Strategy 1.04G(1): Commercial development as envisioned on the Future Land Use Map is intended primarily for locations at major intersections and along major corridors where service to local and regional markets are enhanced by transportation patterns. New commercial zoning

is directed to these mapped areas. Commercial areas that are not mapped but are allowed under this Future Land Use Category include neighborhood commercial and specialty commercial uses as described in this Plan, commercial approved as part of mixed-use developments, commercial designated by planned development districts, the infill development of existing commercial areas, commercial areas extending from designated commercial nodes, and pre-existing commercially developed and designated areas. Frontage roads and cross-access between commercial uses is required where needed in accordance with the provisions of this Plan and adopted land development regulations.

FINDING OF FACTS:

A rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses is appropriate based on the following:

- The property is located along an arterial roadway network.
- The request is compatible with the surrounding area and consistent with the Comprehensive Plan

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.

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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 PDP(OP) to PDP(GC) with specific C-2 uses for a drive-thru restaurant, alcoholic beverage dispensation and mini-warehouse 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 must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
3. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the construction plan stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
4. Minimum Building Setbacks and Building Height:
 - North: 20'
 - County Line Road: 125' from the existing County Line Road ROW
 - Sparks Road: 35'
 - West: 20'
 - Max. Building Height: 45'
5. Minimum Buffer Requirements:
 - North: 10' Natural Vegetative Buffer
 - South: 20' Landscaped Buffer
 - East: 10' Landscaped Buffer
 - West: 20' Natural Vegetation Buffer (80% Opacity)
6. The development shall be limited to the following C-2 uses:
 - Drive-In Restaurant,
 - Alcohol Beverage Dispensation
 - Mini-Warehouses
7. The development shall be limited to 50,000 square feet.
8. The petitioner shall provide full-cutoff fixtures as required by the County LDR, to retain all light on site and prevent any light spillage onto neighboring residential uses.
9. 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.
10. A connection to the central water and sewer system shall be made at time of vertical construction.
 11. A Traffic Access Analysis along with a Queuing Analysis shall be required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
 12. The petitioner shall coordinate the proposed Frontage Road access with the County Engineer due to limited sight distance issues.
 13. Dedication of 40 feet of right-of-way shall be required along County Line Road. Dedication shall be by deed of dedication 90 days after master plan approval.
 14. A “corner clip” at Sparks Road, Frontage Road, & Countyline Road shall be required and shall be determined at the time of site plan review.
 15. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of receiving the final BCC action report from the County. Failure to submit the revised plan will result in no further development permits being issued.

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

**APPENDIX C
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX C –PLANNING & ZONING COMMISSION ACTION:

On July 22, 2022, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(OP) to PDP(GC) with specific C-2 uses for a drive-thru restaurant, alcoholic beverage dispensation and mini-warehouse with the following performance conditions:

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