

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 10, 2023
Board of County Commissioners: May 9, 2023

APPLICANT: Aaron Tam

FILE NUMBER: H-22-72

REQUEST: Rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations

GENERAL LOCATION: East of Commercial Way (US Hwy 19), approximately 450' south of Yellow Hammer Road

PARCEL KEY NUMBERS: 676272, 676325, 554509

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations for three (3) parcels (Lot 4, 7, 8) totaling 1.5 acres. The petitioner desires to rezone the subject parcels and construct 5,000 to 7,000 square foot buildings on each to lease the buildings to local businesses.

Due to the potential of Necklace Warbler Avenue being considered a reverse frontage road, a deviation from the required 125' to 75' along Commercial Way (US Hwy 19) is being requested.

SITE CHARACTERISTICS:

Site Size: 1.5 acres total

**Surrounding Zoning;
Land Uses:** North: R-1A; Undeveloped
South: R-1A; Undeveloped
East: R-1A; Necklace Warbler, Single Family
West: R-1A; Commercial Way, Undeveloped

Current Zoning: R-1C/(Residential)

**Future Land Use
Map Designation:** Commercial

Flood Zone: C; small portion along the west of Lot 8

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand, Basinger Fine Sand

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

**Protection
Features:** The site contains no Well Head Protection Areas (WHPA) according to County data resources.

Habitat: Candler Fine and Basinger Fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake, Florida mouse, Florida pine snake, and gopher frog. Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

Comment: Candler and Basinger Fine sands provide habitat suitable for gopher tortoises and commensal species. A wildlife survey shall be conducted to identify listed species prior to site development.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they do not currently supply water or sewer service to these parcels. Water and sewer service are not available to this parcel. HCUD has no objection to the requested rezoning subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

The subject property is located east of Commercial Way (US Hwy 19), approximately 450' south of Yellow Hammer Road. The petitioner has not indicated potential access drives at this time.

The County Engineer has reviewed the 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.
- This parcel abuts along Commercial Way; a Frontage Road is required along the entire frontage along Commercial Way.
 - Necklace Warbler Avenue can be designated as a Reverse Frontage Road. This project will need to pave Necklace Warbler Avenue from the Southern Property line to Yellow Hammer Road to Frontage Road standards. Refer to Hernando County Facility Design Guidelines Sheet IV-04.
- The Parking and Layout shall meet Hernando County Standards.
- Parcels along U.S.19/Commercial Way require FDOT Access and Drainage permits.
- Traffic Access Analysis may be required, depending on business trip generation. This will be determined at the time of site plan review.

LAND USE REVIEW:

Building Setbacks

Minimum Building Setbacks:

Front 75' (deviation from 125')

Side: 20'

Rear: 35'

Buffers

The petitioner shall provide the minimum required commercial buffers for the proposed parcels.

Parking

The petitioner has indicated 5,000 to 7,000 square foot buildings per parcel. Parking may vary based on the final use of each building. The minimum parking requirements for retail is 4 spaces per 1,000 square feet. If approved, the parking will be required to provide parking in compliance with 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 cutoff fixtures for all new lighting, in order to retain all light onsite and prevent any light spillage onto neighboring residential uses.

COMPREHENSIVE PLAN REVIEW:

The subject properties are located within the Commercial land use classification on the adopted Future Land Use Map. The area is characterized by commercial zoning along Commercia Way (north and south) and residential to the east.

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.

Transportation Element

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(1): The frontage road network protects the function and levels of service of major arterial corridors through the planning horizon by controlling access, reducing traffic volumes, and providing additional capacity.

Strategy 5.01B(2): The provision of frontage roads shall be required as a condition of development adjacent to the arterial network by requiring new development to comply with the County's Frontage Road Ordinance and adopted Facilities Design Guidelines.

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.

Strategy 5.01B(4): The County should encourage land use patterns that optimize the function of frontage roads and similar access management strategies through:

- a. clustering of development to enhance the establishment of viable frontage road links;
- b. application of site-specific standards and techniques at Centers and Corridors outlined in the Future Land Use Element of this Plan.

Comments: Hernando County Facility Design Guidelines require that a frontage road be constructed along US Hwy 19. The County Engineer as indicated that Necklace Warbler Avenue could be utilized as a reverse frontage road. At the time of development, the petitioner shall coordinate with the County Engineer on potentially updating Necklace Warbler Avenue to Frontage Road standards.

FINDINGS OF FACT:

Rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations is appropriate based on the following:

1. The request for a deviation along Commercial Way (US Hwy 19) is justified and is dependent upon final determination from the County Engineer on whether Necklace Warbler Avenue can be utilized as a frontage road.
2. 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.

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. Homeowners 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 approving the petitioner's request for a rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations subject to the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall meet the minimum commercial buffer requirements of the County's LDRs.

3. Minimum Building Setbacks:
 - Front: 75' (deviation from 125')
 - Side: 20'
 - Rear: 35'
4. At the time of development, the petitioner shall coordinate with the County Engineer on potentially updating Necklace Warbler Avenue to Frontage Road standards.
5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
6. Traffic Access Analysis may be required once the land use is identified for the new buildings; this will be determined at the time of site development.
7. The petitioner shall obtain Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

P&Z RECOMMENDATION:

On April 10, 2023, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with Deviations subject to the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall meet the minimum commercial buffer requirements of the County's LDRs.
3. Minimum Building Setbacks:
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7. The petitioner shall obtain Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.