

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 11, 2023
Board of County Commissioners: October 10, 2023

APPLICANT: Daryl Senica

FILE NUMBER: H-23-27

REQUEST: Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(REC)/Planned Development Project (Recreation) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use for Outdoor Storage and with Deviations

GENERAL LOCATION: North side of County Line Road, approximately 1,500' west of Peach Tree Drive

PARCEL KEY NUMBERS: 189879

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(REC)/Planned Development Project (Recreation) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use for Outdoor Storage and with Deviations, to develop the 11.86 acres with a construction service campus (HVAC, electricians, plumbing, etc.). The project will provide a new location for the petitioners' own business and provide flex space and warehouse space for other construction service uses. Additionally, along the north portion of the property the petitioner is proposing covered outdoor storage of RVs, and boats. The proposed use will consist of three (3) buildings ranging in size from 21,000 square feet to 5,800 square feet (32,800 total square feet). There is an existing structure on the property (previously a restaurant) which will remain as a separate outparcel to the overall development.

SITE CHARACTERISTICS:

Site Size: 11.86 acres

Surrounding Zoning & Land Uses:

North:	AR; Single-Family, Undeveloped
South:	Pasco County
East:	PDP(GHC), (REC); Family Entertainment
West:	AR; Undeveloped

Current Zoning: PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(REC)/Planned Development Project (Recreation)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Comments: Candler Fine Sand provides habitat suitable for gopher tortoises and commensal species. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

Hydrologic Features: There are no Wellhead Protection Areas or wetlands on the subject site according to County data resources.

Protection Features: There are no Special Protection Area (SPA) on the subject site according to County data resources.

Archaeological / Historical: There are no archaeological or historical site according to County data resources.

Water Quality: This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

Comments: 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 buffers, as applicable.

Flood Zone: C

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. Water service is not available to this parcel, however there is an 8-inch water main approximately 680 feet to the west on County Line Road. There is an existing 16-inch sewer force main that runs along the north side of County Line Road. HCUD has no objection to the rezoning subject to a utility capacity analysis and connection to the central sewer system at time of vertical construction or Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems for the developed parcel (capacity analysis will determine sewer connection).

ENGINEERING REVIEW:

The subject site is located on the north side of County Line Road, approximately 1,500' west of Peach Tree Drive. The petitioner is proposing a single access drive to County Line Road for the

proposed project with interconnectivity to the existing restaurant parcel. The existing restaurant will maintain its exiting driveway.

The County Engineer has reviewed the proposed rezoning and indicated the following:

1. This property contains an area of shallow flooding less than 1 foot deep (Flood Zone “X-Shaded”).
2. With the existing restaurant (Beef O’Brady’s) and the addition of additional commercial buildings on this parcel, a traffic access analysis is required to be submitted. The Traffic Access Analysis will be required to include a queuing analysis. Any improvements required by the Traffic Access Analysis, which could include turn lanes, will be the responsibility of the developer.
3. County Line Road is to be widened to a 4-lane roadway in the future and 40’ of additional right-of-way will need to be dedicated to the County to facilitate the widening of County Line Road. A Deed of Dedication will be required to be completed within 30 days of Master Plan approval.
4. The project driveways will need to meet Hernando County standards. Refer to Hernando County Facility Design Guidelines IV-25.
5. The proposed parking lot layout and parking spaces will need to meet County standards. Refer to Hernando County Facility Design Guidelines IV-28.
6. County Line Road is classified as a Collector Roadway and a sidewalk is required for the entire length of the parcel’s frontage along County Line Road.
7. A sidewalk connecting the buildings to the future sidewalk along County Line Road is required.
8. Cross Access agreement with neighboring parcels will be required.

LAND USE REVIEW:

Building Setbacks

Proposed Building Setbacks:

- County Line Road: 75' (deviation from 125')
- Side: 20'
- Rear: 35'

Buffers

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural/residential or agricultural.

The minimum commercial buffer shall consist of a 5' landscaped separation distance. 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 is proposing a 15' buffer along the west side and a 5' buffer is proposed to the north. The eastern boundary is a powerline easement. If approved, the petitioner must provide a 15' buffer along the west side, a 5' buffer along the north and a minimum 10' buffer along County Line Road. The required County Line Road buffer shall be situated, upon development, at the new southern property line created by the 40' right-of-way dedication.

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:

Future Land Use Mapping Criteria

Mapping Criteria - Commercial Category:

The Commercial Category includes commercial corridors along U.S. 19 and S.R. 50 and designated commercial nodes at intersections of arterial and/or collector roads intended primarily for commercial development with a wide variety of uses.

Map Interpretation Guidance:

Areas considered to have a Commercial Category designation but not shown on the Future Land Use Map 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.

Comments: The subject site is located along the County Line Road and the site has historically been used as commercial. The site is located in close proximity to existing commercial parcels and should be recognized as eligible infill development of an existing commercial area.

Future Land Use Element

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.

Comments: The subject site is located along the County Line Road and while the parcel is not classified as commercial, the property can be considered to have a commercial designation (infill) due to its proximity to existing commercial areas. Any approval should include appropriate conditions.

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.

Comments: While the subject property is not designated as commercial on the Future Land Use Map, it serves as an infill commercial piece due to the proximity to existing commercial uses. The property is located in a historic commercially zoned area and should be considered appropriate for an infill designation.

FINDING OF FACT:

A rezoning from rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(REC)/Planned Development Project (Recreation) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use for Outdoor Storage and with Deviations is appropriate based on the following conclusion:

1. The petitioner's request for a reduction in front setbacks from 125' to 75' is not justified. According to the master plan, the proposed front 21,000 square foot building seems to have an approximately 100' building setback. Consideration should also be taken that once the additional 40' right-of-way is dedicated and County Line Road is widened, the 75' building setback will be further reduced to 35'.

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 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 the petitioner's request for a rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(REC)/Planned Development Project (Recreation) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 Use for Outdoor Storage and with Deviations with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A cross access easement or agreement between the commercial outparcels shall be provided at the time of subdivision plat approval.
3. The petitioner shall provide a Traffic Access Analysis in accordance with the requirements of the County Engineer at the time of permitting. The Traffic Access Analysis shall include a queuing analysis. Any improvements identified and required by the Traffic Access Analysis, which could include off-site public improvements, will be the responsibility of the developer.
4. Minimum Building Setbacks and intensity:
 - County Line Road: 125'
 - Side: 20'
 - Rear: 35'
5. The developer shall provide a utility capacity analysis and connection to the central sewer system at time of vertical construction or Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems for the developed parcel (capacity analysis will determine sewer connection).
6. Outdoor storage shall be permitted along the north as shown on the master plan.

7. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
8. 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.
9. The petitioner shall provide a 15' buffer along the west side, a 5' buffer along the north and a minimum 10' buffer along County Line Road. The required County Line Road buffer shall be situated, upon development, at the new southern property line created by the 40' right-of-way dedication.
10. The petitioner shall provide/dedicate 40' of additional right-of-way to the County to facilitate the widening of County Line Road. A Deed of Dedication shall be required to be completed within 30 days of Master Plan approval.
11. The petitioner shall provide a sidewalk for the entire length of the parcel's frontage along County Line Road.
12. Sidewalk the proposed buildings shall connect to the future sidewalk along County Line Road.
13. The petitioner shall provide a master plan in compliance with all performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.