

# **Hernando County**

# **Planning & Zoning Commission**

John Law Ayers Commission Chambers, Room 160 20 North Main Street, Brooksville, FL 34601

**Regular Meeting** 

Agenda

Monday, September 11, 2023 - 9:00 A.M.

THE MEETING AGENDA AND BACK-UP MATERIAL ARE AVAILABLE ONLINE AT WWW.HERNANDOCOUNTY.US. THE AGENDA AND ATTACHMENTS ARE FINALIZED ONE WEEK PRIOR TO THE HEARING.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT JESSICA WRIGHT, HERNANDO COUNTY ADMINISTRATION, 15470 FLIGHT PATH DRIVE, BROOKSVILLE, FL 34604, (352) 754-4002. IF HEARING IMPAIRED, PLEASE CALL 1-800-676-3777.

IF A PERSON DECIDES TO APPEAL ANY QUASI-JUDICIAL DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING OR MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PLEASE NOTE THAT THIS MEETING HAS A START TIME OF 9:00 AM AND ALL ITEMS MAY BE HEARD ANY TIME THERE AFTER.

#### A. MEETING CALLED TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance
- 3. Poll Commission for Ex Parte Communications
- 4. County Attorney Statement
- 5. Administering of the Oath

#### B. STAFF ANNOUNCEMENTS

Nomination of Planning and Zoning Commissioner to Affordable Housing Advisory Committee

## C. APPROVAL/MODIFICATION OF AGENDA (Limited to Staff & Commission

## D. ADOPTION OF THE INFORMATION PACKETS INTO EVIDENCE

#### PUBLIC HEARINGS

#### E. UNIFIED AGENDA

1. Chairman Statement

#### 2. Introduction of the Unified Agenda

- a. Conditional Plat for The Space Shop
- **b.** SE-23-02 Jose Andres De La Cruz, Francis Marilyn Abin: Special Exception Use Permit for Truck Parking; Southern terminus of Courts Ct
- c. CU-23-07 Pedone: Conditional Use Permit for Excavation; South of Dashback St and east side of Kettering Rd
- 3. Commissioners Discussion
- 4. Public Comment
- 5. Commissioner Vote

#### F. LEGISLATIVE AGENDA

#### G. STANDARD AGENDA (BOARD SITTING IN ITS QUASI-JUDICIAL CAPACITY)

- CU-23-01 M. Daniel Construction, Inc.: Conditional Use Permit for Excavation; West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy
- H-23-10 M. Daniel Construction, Inc.: Rezoning from Mining to AG (Agriculture); West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy
- H-22-63 M. Daniel Construction, Inc.: Expansion of a Public Service Facility Overlay District (PSOFD); West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy
- 4. H-23-30 Boone: Rezoning from R1C (Residential) to AR-1 (Agricultural/Residential-1); Northeast terminus of Berryhill Dr
- H-23-08 Teramore Development, LLC, Rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial); East of US Hwy 19, between Ridge Rd and Osceola Dr
- H-23-24 Big Sky: Rezoning from AG (Agricultural) to AR (Agricultural/Residential); Southwest corner of Powell Rd and Burns Rd

## H-23-27 - Daryl Senica: 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 Deviation; North side of County Line Rd, approximately 1,500' west of Peach Tree Dr.

- H-23-20 Solterra Land, LLC c/o Jon Kattke: Rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with Deviations; Northwest corner of Anderson Snow Rd and Amero Ln
- **9.** H-23-18 75 Cortez:

Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP (Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with Deviations; North of Cortez Boulevard, approximately 2,000' west of I-75

**10.** H-23-29 - Toddy Mooney:

Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations; South side of Cortez Blvd, approximately 700' east of Nightwalker Rd

## H. COMMISSIONERS AND STAFF ISSUES

## I. ADJOURNMENT

## UPCOMING MEETINGS

The next regular meeting of the Planning and Zoning Commission is scheduled for Monday, October 9, 2023, beginning at 9:00 AM, in the Commission Chambers



AGENDA ITEM

# TITLE

Nomination of Planning and Zoning Commissioner to Affordable Housing Advisory Committee

## **BRIEF OVERVIEW**

The Affordable Housing Advisory Committee (AHAC) is an advisory committee to the Board of County Commissioners established by Section 420.9076, Florida Statutes. Local governments receiving State Housing Initiatives Partnership (SHIP) funding are required to have an AHAC and complete a Local Housing Incentive Plan annually.

The AHAC has the responsibility to review the established policies and procedures, ordinances, land development regulations, and adopted comprehensive plan and recommends specific actions or initiatives to encourage or facilitate affordable housing. In addition, the AHAC identifies incentives that are pertinent to affordable housing and serves as an information resource to help improve affordable housing feasibility.

The AHAC is required to have a member of the Local Planning Agency (LPA) as a voting member; the Board of County Commissioners has previously chosen to nominate a member of the Planning and Zoning Commission (P&Z) to serve on behalf of the LPA. AHAC members are nominated for two-year terms.

# **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

N/A

# RECOMMENDATION

It is recommended that the Planning and Zoning Commission nominate a member to serve on the AHAC. This nomination will be presented to the Board of County Commissioners for confirmation.

# **REVIEW PROCESS**

Omar DePablo	Escalated	08/28/2023	5:19 PM
Michelle Miller	Approved	08/31/2023	1:49 PM
Michelle Miller	Approved	08/31/2023	1:49 PM
Kyle Benda	Approved	08/31/2023	7:13 PM





AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Alaina Kidd Initiator: Michelle Miller DOC ID: 12738 Legal Request Number: Bid/Contract Number:

# TITLE

Conditional Plat for The Space Shop

## **BRIEF OVERVIEW**

Conditional Plat approval for The Space Shop

## **FINANCIAL IMPACT**

No financial impact

# LEGAL NOTE

The Planning and Zoning Commission has the authority to review this item in accordance with Chapter 26 (Subdivision Regulations), Article II (Procedures for County Review and approval) Section 26-21 (procedure for conditional approval of a conditional plat) of the Hernando County Code of Ordinances.

## RECOMMENDATION

The Space Shop with performance conditions.

## **REVIEW PROCESS**

Alaina Kidd	Approved	08/22/2023	10:58 AM
Omar DePablo	Escalated	08/24/2023	5:20 PM
Michelle Miller	Approved	08/25/2023	9:22 AM
Michelle Miller	Approved	08/25/2023	9:22 AM

## **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission: September 11, 2023		
APPLICANT:	Stein Investment Group		
FILE NUMBER:	1454572		
PURPOSE:	Conditional Plat Approval of The Space Shop		
GENERAL LOCATION:	North side of County Line Road, approximately 975' east of Springtime Street		
PARCEL KEY NUMBER:	190313, 190322		

The conditional plat for The Space Shop subdivision is for 4 commercial outparcels on approximately 13.4 +/- acres of undeveloped land, located north side of Countyline Road approximately 975' east of Spring Time Street.

The conditional plat has been reviewed by various County agencies and found to be consistent with County standards. A certificate of concurrency has been issued for this conditional plat.

#### **STAFF RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission approve the conditional plat of the Space Shop subdivision with the following performance conditions:

- 1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
- 2. The developer must conform to all Hernando County Facility Design Guidelines.
- 3. A burrow survey and FWC permit are required to be provided to the County prior to tortoise relocation and site clearing/alteration. A limited site clearing permit for tortoise relocating can be obtained from Zoning. The after-action-report and FWC acceptance email is required prior to site clearing, or any site alteration. Eastern Indigo snake protection method notes need to be added to environmental plan notes on construction drawings.
- 4. 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.

# DESCRIPTION:

## DESCRIPTION:

A PARCEL OF LAND LYING WITHIN SECTION 36, TOWNSHIP 23 SOUTH, RANGE 17 EAST, PASCO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 23 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA; THENCE N.00°23'29"E., ALONG THE EAST BOUNDARY OF THE SOUTHEAST 1/4 OF SAID SECTION 36, A DISTANCE OF 103.41 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, PER OFFICIAL RECORDS BOOK 3305, PAGE 1619, AS RECORDED IN HERNANDO COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES: (1) N.85°48'23"W., A DISTANCE OF 62.04 FEET TO A NON-TANGENT POINT OF CURVATURE; (2) WESTERLY 268.62 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 11,611.64 FEET, A CENTRAL ANGLE OF 01°19'32", AND A CHORD BEARING AND DISTANCE OF N.87°39'42"W., 268.61 FEET; (3) ALONG A LINE NON-TANGENT TO SAID CURVE, N.00°33'16"E., A DISTANCE OF 9.18 FEET TO A NON-TANGENT POINT OF CURVATURE; (4) WESTERLY 330.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 12,827.17 FEET, A CENTRAL ANGLE OF 01°28'34", AND A CHORD BEARING AND DISTANCE OF N.88°05'59"W., 330.48 FEET TO THE WESTERLY BOUNDARY OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 36; THENCE A LINE NON-TANGENT TO SAID CURVE, N.00°23'09"E., ALONG SAID WESTERLY BOUNDARY OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 549.99 FEET; THENCE S.89°45'50"E., A DISTANCE OF 330.41 FEET TO THE WESTERLY BOUNDARY OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 36; THENCE S.00°23'23"W., ALONG SAID WESTERLY BOUNDARY OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 271.56 FEET; THENCE N.90°00'00"E., A DISTANCE OF 330.35 FEET TO THE AFOREMENTIONED EAST BOUNDARY OF THE SOUTHEAST 1/4 OF SAID SECTION 36; THENCE S.00°23'29"W., ALONG SAID EAST BOUNDARY, A DISTANCE OF 312.70 FEET TO THE POINT OF BEGINNING. CONTAINING 6.51 ACRES, MORE OR LESS.

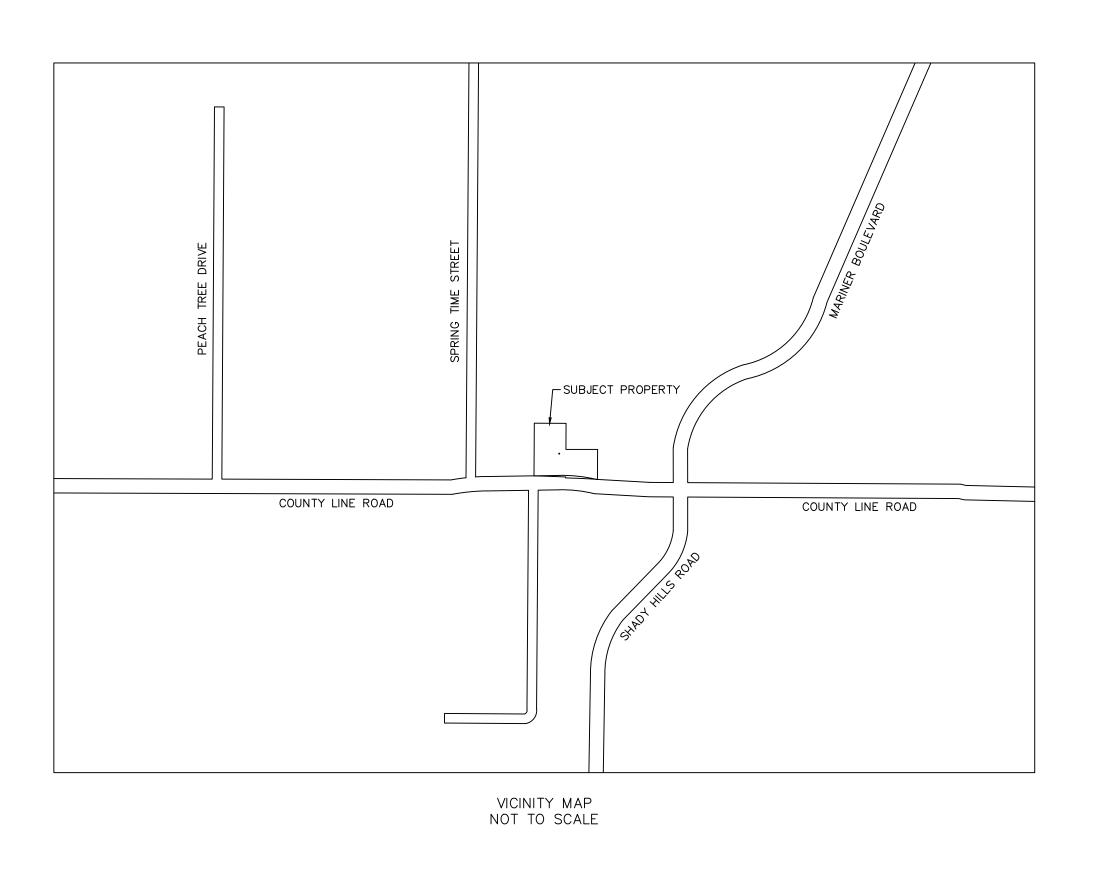
## **DEDICATION:**

THE ABOVE LEGAL DESCRIPTION CONTAINS 6.51 ACRES MORE OR LESS. SIG SPRING HILL COMMERCIAL, LLC, A CORPORATION UNDER THE LAWS OF THE STATE OF FLORIDA, THE OWNER OF THE LANDS HEREIN PLATTED, AS DEDICATOR, DOES HEREBY DEDICATE TO THE PUBLIC, THE PURCHASERS, AND HERNANDO COUNTY PARKS, DRAINAGE CANALS AND RETENTION AREAS, AND OTHER PUBLIC AREAS AS DEPICTED HEREON. THE EASEMENTS AS DESIGNATED ON THIS PLAT ARE HEREBY RESERVED TO THE DECLARANT, ITS SUCCESSORS AND ASSIGNS AND GRANTED TO HERNANDO COUNTY, HERNANDO COUNTY WATER AND SEWER DISTRICT, AND PUBLIC SERVICE PROVIDERS TO THE SUBDIVISION ON A NONEXCLUSIVE BASIS FOR THE GROUND LEVEL, ABOVEGROUND, AND BELOW GROUND INSTALLATIONS, CONSTRUCTION, UPGRADES, CONNECTIONS, MAINTENANCE AND OPERATION OF SAID UTILITIES AND SERVICE INCLUDING DRAINAGE; AND SAID OWNERS FURTHER DO HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC HERNANDO COUNTY, FLORIDA, ALL LANDS UPON WHICH OR WITHIN WHICH WATER AND SEWER IMPROVEMENTS OR FACILITIES EXIST; AND FURTHER DO HEREBY DEDICATE TO THE PERPETUAL USE OF HERNANDO COUNTY, FLORIDA, WATER AND SEWER SYSTEM IMPROVEMENTS AND FACILITIES INCLUDING, BUT NOT LIMITED TO, WATER OR SEWER LINES OR PIPES, FIRE HYDRANTS, WELLS, LIFT STATIONS, PUMPING STATION, BUILDINGS, SEWAGE DISPOSAL PLANTS, OTHER WATER AND SEWER SYSTEM PLANTS AND OTHER APPURTENANT FACILITIES LYING WITHIN OR UPON THE LANDS DEPICTED ON THIS PLAT; AND FURTHER DO HEREBY DEDICATE THE 22.50 FOOT-WIDE WASTEWATER EASEMENT TO HERNANDO COUNTY WATER AND SEWER DISTRICT; AND FURTHER DO HEREBY RESERVE UNTO ITSELF, ITS HEIRS, SUCCESSORS, ASSIGNS OR LEGAL REPRESENTATIVES THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ALL SUCH DEDICATED LANDS, STREETS, WATER AND SEWER SYSTEM IMPROVEMENTS OR FACILITIES AND APPURTENANCES UNTIL SUCH TIME AS THE OPERATION AND MAINTENANCE OF SAID LANDS, IMPROVEMENTS, FACILITIES AND APPURTENANCES IS ASSUMED BY HERNANDO COUNTY, FLORIDA; AND FURTHER DO HEREBY RESERVE UNTO ITSELF, ITS HEIRS, SUCCESSORS, ASSIGNS OR LEGAL REPRESENTATIVES, INCLUDING, BUT NOT LIMITED TO, ANY PRIVATE UTILITY FURNISHING WATER AND SEWER SERVICES AND APPURTENANCES THERETO, THE TITLE TO ANY LANDS OR IMPROVEMENTS DEDICATED TO THE PUBLIC OR TO THE COUNTY IF FOR ANY REASON SUCH DEDICATION SHALL BE EITHER VOLUNTARILY OR INVOLUNTARILY VACATED, VOIDED OR INVALIDATED.

SIG	Spring	Hill	Commercial,	LLC -	Owner
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NAME:				
JEFFREY L. S	STEIN	WITNESS	WITNESS	
TITLE: MANAGER				
STATE OF FLORIDA,	COUNTY OF HERNANDO.			
ON THE	DAY OF		_, 2022.	
STEIN, KNOWN OR IE MANAGER OF SIG SF	DENTIFIED TO ME TO BE THE PRING HILL COMMERCIAL, LL MENT, AND ACKNOWLEDGE	C, WHO SUBSCRIBED SAID	OF FLOIRDA, PERSONALLY APPEAR LIMITED LIABILITY COMPANY NAME PANY AS THE MANAGER EXECUTED 1	TO THE
WITNESS MY HAND A	AND OFFICIAL SEAL THIS	DAY OF	, 2022	

NOTARY PUBLIC MY COMMISSION EXPIRES:



# NOTES:

- 1. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 2. ALL PLATTED LANDSCAPE EASEMENTS ARE TO BE OWNED AND MAINTAINED BY THE RESPECTIVE OWNERS OF EACH LOT, THEIR SUCCESSORS, HEIRS, AND ASSIGNS.
- 3. THE 50 FOOT DRAINAGE ACCESS AND UTILITY EASEMENT WILL BE OWNED AND MAINTAINED BY SIG SPRING HILL COMMERCIAL, LLC, ITS SUCCESSORS, HEIRS, AND ASSIGNS.
- 4. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FL-WEST PROJECTION, WITH THE EAST BOUNDARY OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 23 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA HAVING A GRID BEARING OF S.00°23'29"W.
- 5. THE COORDINATE VALUES SHOWN HEREON ARE BASED ON THE HERNANDO COUNTY PRIMARY HORIZONTAL CONTROL NETWORK AND WERE ESTABLISHED TO THIRD-ORDER CLASS I ACCURACY AS DEFINED BY THE STANDARDS AND SPECIFICATIONS FOR GEODETIC CONTROL NETWORKS, AS PUBLISHED BY THE FEDERAL GEODETIC CONTROL COMMITTEE DATED SEPTEMBER 1984 OR LATEST EDITION.
- 6. SUBDIVISION PLATS BY NO MEANS REPRESENT A DETERMINATION ON WHETHER PROPERTIES WILL OR WILL NOT FLOOD. LAND WITHIN THE BOUNDARIES OF THIS PLAT MAY OR MAY NOT BE SUBJECT TO FLOODING.
- 7. ALL PLATTED UTILITY EASEMENTS WILL PROVIDE THAT SUCH EASEMENTS WILL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES WILL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY.
- 8. A 5/8" CAPPED IRON ROD INSCRIBED "D.C. JOHNSON LB 4514" SHALL BE SET AT EACH LOT CORNER, POINT OF INTERSECTION AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION AS REQUIRED BY CHAPTER 177 OF THE FLORIDA STATUTES WITHIN THE TIME ALLOTTED IN S. 177.091 (9).
- 9. THE PROPERTY DEPICTED ON THIS PLAT HAS BEEN REZONED TO PDP (GC) / PLANNED DEVELOPMENT PROJECT (GENERAL COMMERCIAL) WITH SPECIFIC C-2 USES WITH DEVIATIONS, AS SPECIFIED IN STAFF REPORT H-22-31.
- 10. THE DEDICATION LANGUAGE AND DESCRIPTIONS ARE BASED ON INFORMATION PROVIDED BY DC JOHNSON ON 4/4/2023

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BOARD OF C HERNANDO (

ATTEST: \_\_\_\_\_

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DANIEL C. JC PROFESSION

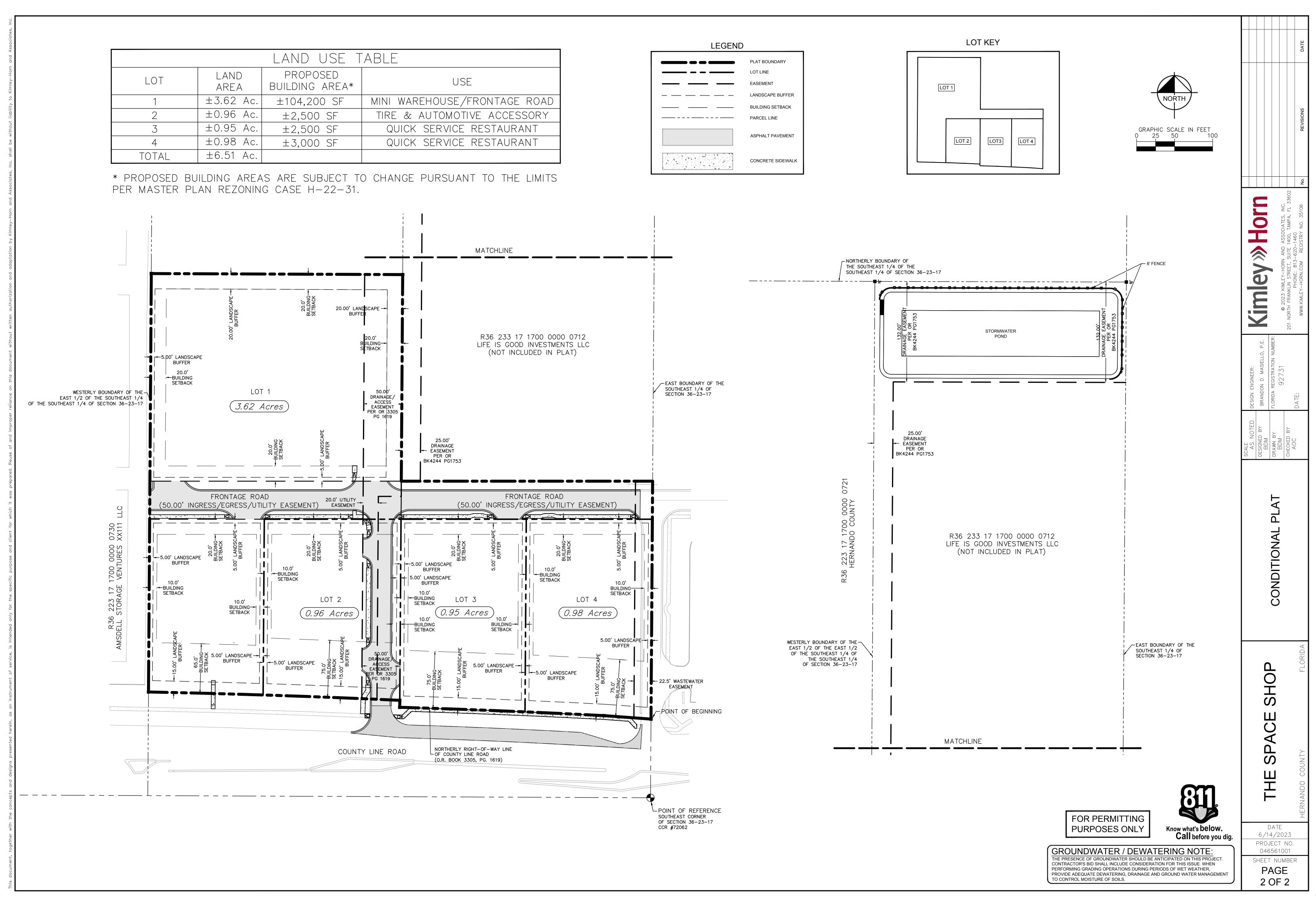
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CONFORMITY TO, THE AF THIS LIMITE STATUES, IS ACCURACY

NAME

FLORIDA RE

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TY ATTORNEY DATE:	REVISIONS
<u>CERTIFICATE</u>	
CLERK OF THE CIRCUIT COURT OF HERNANDO COUNTY, FLORIDA,	
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	D ASSOCIATES, INC. D ASSOCIATES, INC. D 1460 EGISTRY NO. 35106
CIRCUIT COURT DATE COUNTY, FLORIDA	L ASSOCI E 1400, TA :0-1460 E GISTRY N
TORS CERTIFICATE:	MLEY-HORN AND IN STREET, SUITE PHONE: 813-620- HORN.COM REC
ERTIFY THAT SIG SPRING HILL COMMERCIAL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, IS THE APPARENT /NERS OF THE LANDS HEREBY PLATTED, THAT THERE ARE NO DELINQUENT TAXES ON SUCH LANDS AND THAT	TIPOLO STANKLIN STREET, SPHONE: 813- KIMLEY-HORN.COM
LE TO ALL ACCESS ROADS IS HELD BY THE HOME	NORTH WWW
	201
COUNTY, FLORIDA	SIELLO,
<u>ON:</u>	ENGINE DN D. 927
THIS PLAT WAS ON THE DAY OF, 2022, SUBMITTED TO THE BOARD OF MMISSIONERS, HERNANDO COUNTY, FLORIDA, FOR APPROVAL FOR RECORD AND HAS BEEN APPROVED BY SAID N, NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, HERNANDO COUNTY,	DESIGN ENO BRANDON FLORIDA RE G C DATE:
IAT SAID PLAT IS HEREBY APPROVED AND SHALL BE RECORDED IN THE PUBLIC RECORDS OF THIS COUNTY, HE DEDICATION OF ALL STREETS AND OTHER PUBLIC PLACES SHOWN THEREON IS HEREBY ACCEPTED BY SAID N FOR HERNANDO COUNTY AND THE PUBLIC GENERALLY, AND SHALL BE BINDING ON ALL PERSONS R.	NOTED D BY B Y D BY
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HERNANDO COUNTY, FLORIDA	L PLAT
<u>R'S CERTIFICATE</u>	ANC
ON & ASSOCIATES, INC. ION OF AUTHORIZATION NO. LB 4514	
THIS DAY OF, 2022.	CONDITIONAL
DHNSON NAL SURVEYOR & MAPPER #3653	Ŭ
	Ą
TE OF REVIEW BY COUNTY EMPLOYED CONTRACTED PROFESSIONAL R AND MAPPER:	FLORID
HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR Y AS TO CHAPTER 177, FLORIDA STATUTES, AND THAT I AM EMPLOYED BY, OR UNDER CONTRACT PROPRIATE LOCAL GOVERNING BODY AND AM ACTING HERETO AS AN AGENT OF THE COUNTY.	HOH
D CERTIFICATION AS TO FACIAL CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA S NOT INTENDED TO BE, AND SHOULD NOT BE CONSTRUED AS, A CERTIFICATION OF THE OR QUALITY OF THE SURVEYING/MAPPING REFLECTED ON THIS PLAT.	S Ш
	AC
EGISTRATION NUMBER	E SPA COUNTY
	HERNANDO
FOR PERMITTING PURPOSES ONLY Call before you dig.	工 DATE 6/14/2023
GROUNDWATER / DEWATERING NOTE: THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT.	PROJECT NO. 046561001 SHEET NUMBER
CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR THIS ISSUE. WHEN PERFORMING GRADING OPERATIONS DURING PERIODS OF WET WEATHER, PROVIDE ADEQUATE DEWATERING, DRAINAGE AND GROUND WATER MANAGEMENT TO CONTROL MOISTURE OF SOILS.	PAGE 1 OF 2



# **CP 1454572**

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



Hernando County Zoning Department Project date: 08/21/2023

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GIS

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# CP 1454572

## Photo date: 2023

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



HEARINGS:	Planning & Zoning Commission: July 11, 2022
	Board of County Commissioners: August 9, 2022

APPLICANT: Stein Investment Group

FILE NUMBER: H-22-31

**REQUEST:** Rezoning from AR-2/(Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses with Deviations

#### GENERAL

LOCATION: North side of County Line Road, approximately 975' east of Springtime Street

PARCEL KEY	
NUMBERS:	190313, 190322

#### **APPLICANT'S REQUEST:**

The petitioner is requesting a rezoning from AR-2/(Agricultural/Residential-2) and C-2/ (Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses with deviations to develop an 8.60-acre portion of a 17.40-acre site with five (5) commercial outparcels. The proposed outparcels will range from 0.78 to 1.98 acres with the largest tract north of the proposed reverse frontage road. The reverse frontage road is proposed to be extended from the neighboring Mariner Village Center. As part of the development, the petitioner is requesting 40,000 square feet of retail and a 101,600 square foot three story climate controlled self-storage facility. The remaining northern 8.80 acres has no proposed development at this time and will require a revision to the master plan upon development.

As part of the rezoning the petitioner is requesting the following C-2 uses and deviations:

#### **Requested C-2 Uses:**

- Mini Warehouses
- Tire & Automotive Accessory
- Automotive Service Establishment

#### **Requested Deviations:**

- Front Building Setback: 75' (deviation from 125')
- Internal Building Setback: 0'-15' between buildings (deviation from 10')
- Large Retail Development Front Buffer: 5' (deviation from 35')

#### SITE CHARACTERISTICS:

Site Size:	8.60 acres (parent 17.40 acres)
Surrounding Zoning & Land Uses:	North: AR2; Social Club South:Pasco County East: PDP(GC); Taco Bell, McDonalds, Undeveloped West: PDP(GC); Self Storage
Current Zoning:	AR-2/(Agricultural/Residential-2) and C-2/(Highway Commercial)
Future Land Use Map Designation:	Commercial

#### **ENVIRONMENTAL REVIEW:**

- Habitat:Road frontage is developed on key # 190313 and shown as<br/>high intensity commercial and services while the remainder is<br/>shown as low intensity urban open land according to the<br/>Florida Cooperative Land Cover Classification System.<br/>Parcel key 190322 to the west is forested and shown as<br/>sandhill. Soils and cover are suitable for gopher tortoises.
- **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. The petitioner is required to comply with all applicable FWC regulations and permitting.

# Archaeological

Features:Archaeological site (North Sagino) was associated with Seven<br/>Hills DRI. The back half of parcel key #190313 falls within the<br/>North Sagino site. The proposed development poses "no<br/>adverse impact" to the site.

Hydrologic Features:	The property does not contain mapped wetlands, according to County data resources.
Protection Features:	The property does not contain any Special Protection Area
	(SPA), Wellhead Protections Areas (WHPAs), 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. Implementation of Florida Friendly Landscaping <sup>™</sup> principles, techniques, and materials are designed to conserve water and reduce pollutant loading to Florida's waters.

#### Flood Zone: C

#### UTILITIES REVIEW:

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 10-inch water main that stubs out at the end of the access road that dead ends at the eastern property line of key #190313. There is an existing 8-inch sewer gravity main that runs in the same access road, and an existing 16-inch sewer force main that runs along County Line Road. 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 north side of County Line Road, approximately 975' east of Springtime Street. The petitioner has proposed that access to the commercial parcels will be obtained from two locations on County Line Road. The primary access is proposed along the eastern boundary and is shared with Mariner Village. The second access point will be mid-way along the commercial frontage.

The County Engineer reviewed the request and indicated the following:

- Parcel key # 1792910 north of the development currently belongs to FDOT and is under legal review to be dedicated to Hernando County.
- A Traffic Access Analysis may be required. If required a Traffic Access Analysis must include a queuing analysis.
- Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.

- The driveways and parking layout will have to meet County standards.
- The parcels for this development are located outside the floodplain.
- Development must comply with Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permitting Design Requirements.

## LAND USE REVIEW:

#### Large Retail Development Standards

The subject request 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.

The petitioner is proposing a Large Retail Development with 101,600 square feet of self-storage and an additional four (4) commercial outparcels. 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 must be addressed under the Large Retail Development requirements at the time of permitting:

- Predominant exterior building material shall include architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone or concrete with architectural finish.
- Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) shall be screened from view from the public right-of-way and neighboring residential parcels and enhanced by landscaping, wall and/or parapet.
- Signage shall be designed as part of a complete development system. The location(s) and design shall be reviewed and approved as part of the overall site plan. The predominant sign material shall include architectural or split faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.
- Service areas which include areas designated for loading and unloading of goods and refuse collection shall be buffered from rightsof-way and residentially zoned areas. Buffering shall consist of construction of a wall between the service area and abutting land use. All other applicable LDRs must be met in addition to this requirement.

#### Setbacks

Proposed Perimeter Building Setbacks:

County Line Road:	75' (deviation from 125')
East:	20'
West:	20'
North:	20'

Proposed County Line Road Outparcel Setbacks: County Line Road: 75' (deviation from 125') 0'-15' between buildings (deviation from 10') Side: 35' (from reverse frontage road) Rear:

*Comments:* The petitioner is requesting internal setback deviations of 0' feet to accommodate the outparcels. The proposed master plan as shown, does not warrant a 0' internal building setback deviation. If approved, the minimum internal setbacks shall be 10'.

#### **Buffers**

Large Retail Developments of over 25,000 square feet are required to have a buffer along the full length of all streets serving a large retail development. The buffer shall be a minimum of thirty-five (35) feet in width and comprised of retained natural vegetation or planted with native plant species.

The minimum commercial buffer shall consist of a five-foot 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 20' landscape buffer along the north and northeast boundaries. The petitioner has not indicated any other additional buffers as required by the county LDRs. If approved, the petitioner shall provide the 20' landscape buffers along the north and northeast as indicated. Additionally, to keep continuity with the adjoining development to the east, the required 35' landscape buffer along County Line Road may be reduced to 15'. The remaining portions of development shall meet the minimum commercial standards of the County LDR's.

#### Screening:

Hernando County LDRs require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening

shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.

**Comments:** If the proposed master plan is approved, the petitioner shall be required to screen the mini storage in accordance with the minimum requirements of the Land Development Regulations.

## <u>Lighting</u>

The petitioner has not indicated any lighting provisions for the proposed uses. If approved, the petitioner will be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels.

## <u>Parking</u>

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use and 0.5 parking spaces per seat for fast-food restaurants.

*Comment:* The petitioner shall meet the minimum parking requirements of the County LDRs.

### Landscaping

The petitioner must meet the minimum requirements of Florida Friendly Landscaping<sup>™</sup> 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 the Commercial land use classification on the adopted Future Land Use Map. The area is characterized by commercial uses with residential to the northeast.

## **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 are required where needed in accordance with the provisions of this Plan and adopted land development regulations.

**Comments:** The subject property is in a Commercial land use designation according to the Future Land Use Map. The proposed use is consistent with the Hernando County Comprehensive Plan.

### County Line Road

Strategy 1.08B(1): The corridor segment from Waterfall Drive to Mariner Boulevard is experiencing a transitioning pattern. New development proposals in this corridor segment with the exception of single family residential shall use the Planned Development Project (PDP) master plan process. The following guidelines apply in review of proposed projects and requested zoning changes:

- a. The area west of Mariner Boulevard to Springtime Street may be considered as part of the Commercial Category node as depicted on the Future Land Use Map;
- Appropriate uses for parcels fronting on County Line Road between Springtime Street and Oak Lake Boulevard generally include office, institutional, corporate park or other commercial uses with low to moderate trip generation rates;
- c. all other applicable standards for non-residential development shall apply including appropriate buffering from agricultural and residential uses;
- d. in lieu of a frontage road, cross-access shall be provided between parcels and uses to the extent possible, including the establishment of shared drives and easements to accomplish this purpose.

**Comments:** The subject property is in the Commercial future land use category and within the existing commercial node at Mariner Boulevard and County Line Road. The petitioner is also providing connection to the access road on the eastern parcel for interconnectivity. The proposed uses are consistent with this category and the strategies for the County Line Road corridor.

#### FINDINGS OF FACT:

A rezoning from AR-2/(Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses with deviations is appropriate based on the following:

- 1. The petitioner's requested C-2 uses are appropriate and compatible with the surrounding area.
- 2. Due to the overall square footage of the proposed project, the development is considered a Large Retail Development and therefore requires a minimum 35' landscape buffer along County Line Road. Staff reviewed the petitioner's requested deviation from 35' to 5' and determined that 5' landscape buffer would not meet the intent of the Large Retail Development buffer requirement. However, in order to keep continuity with the adjoining development to the east, staff would consider a reduction from 35' to 15'. All other requested deviations are justified and are not considered adverse to the public interest.
- 3. 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. 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 approving the petitioner's request for a rezoning from AR-2/ (Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses with 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. All onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use to the north.
- 3. A Traffic Access Analysis and Queuing Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be installed by developer.
- 4. The project shall be limited to 141,600 square feet of Commercial.
- 5. The northern 8.80 acres shall require a master plan upon development.
- 6. C-2 uses shall be limited to the following:
  - Mini Warehouses
  - Tire & Automotive Accessory
  - Automotive Service Establishment
- 7. The petitioner shall provide the 20' landscape buffers along the north and northeast. Additionally, a 15' landscape buffer shall be provided along County Line Road. The remaining portions of development shall meet the minimum commercial standards of the County LDR's.
- 8. The site design shall provide that pedestrian circulation is coordinated on site and between adjacent properties providing for pedestrian circulation between complementary uses.
- 9. A cross access easement or agreement between the commercial parcels shall be provided at the time of subdivision plat approval.

10.	ding Setbacks:	
	County Line Road:	75' (deviation from 125')
	East:	20'
	West:	20'
	North:	20'
	Minimum County Line Road Outparcel Setbacks:	
	County Line Road:	75' (deviation from 125')
	Side:	10' (deviation from 20')
	Rear:	35' (from reverse frontage road)

- 11. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping<sup>™</sup> publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
- 12. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any construction for the project occurring on the property. Copies of any required permits shall be provided prior to site alteration or construction.
- 13. The developer shall provide a utility capacity analysis at the time of development and connect to water and sewer at the time of vertical construction.
- 14. The following Large Retail Standards shall be met:
  - Predominant exterior building material shall include architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone or concrete with architectural finish.
  - Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) shall be screened from view from the public right-of-way and neighboring residential parcels and enhanced by landscaping, wall and/or parapet.
  - Signage shall be designed as part of a complete development system. The location(s) and design shall be reviewed and approved as part of the overall site plan. The predominant sign material shall include architectural or split faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.
  - Service areas which include areas designated for loading and unloading of goods and refuse collection shall be buffered from rights-of-way and residentially zoned areas.

- Buffering shall consist of construction of a wall between the service area and abutting land use. All other applicable LDRs must be met in addition to this requirement.
- 15. The petitioner shall provide a revised plan in compliance with all 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 July 11, 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 AR-2/ (Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses with Deviations, and the following <u>modified</u> 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. All onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use to the north.
- 3. A Traffic Access Analysis and Queuing Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be installed by developer.
- 4. The project shall be limited to 141,600 square feet of Commercial.
- 5. The northern 8.80 acres shall require a master plan upon development.
- 6. C-2 uses shall be limited to the following:
  - Mini Warehouses
  - Tire & Automotive Accessory
  - Automotive Service Establishment
- 7. The petitioner shall provide the 20' landscape buffers along the north and northeast. Additionally, a 15' landscape buffer shall be provided along County Line Road. The remaining portions of development shall meet the minimum commercial standards of the County LDR's.
- 8. The site design shall provide that pedestrian circulation is coordinated on site and between adjacent properties providing for pedestrian circulation between complementary uses.
- 9. A cross access easement or agreement between the commercial parcels shall be provided at the time of subdivision plat approval.

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0.	Minimum Perimeter Build	/inimum Perimeter Building Setbacks:		
	County Line Road:	75' (deviation from 125')		
	East:	20'		
	West:	20'		
	North:	20'		

Minimum County Line Road Outparcel Setbacks:

County Line Road:	75' (deviation from 125')
County Line Road (Lot 1):	65' (Deviation from 125')
Side:	10' (deviation from 20')
Rear:	35' 20' (from reverse frontage road)

- 11. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping<sup>™</sup> publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
- 12. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any construction for the project occurring on the property. Copies of any required permits shall be provided prior to site alteration or construction.
- 13. The developer shall provide a utility capacity analysis at the time of development and connect to water and sewer at the time of vertical construction.
- 14. The following Large Retail Standards shall be met:
  - Predominant exterior building material shall include architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone or concrete with architectural finish.
  - Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) shall be screened from view from the public right-of-way and neighboring residential parcels and enhanced by landscaping, wall and/or parapet.
  - Signage shall be designed as part of a complete development system. The location(s) and design shall be reviewed and approved as part of the overall site plan. The predominant sign material shall include architectural or split faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.
  - Service areas which include areas designated for loading and unloading of goods and refuse collection shall be buffered from rights-of-way and residentially zoned areas.

- Buffering shall consist of construction of a wall between the service area and abutting land use. All other applicable LDRs must be met in addition to this requirement.
- 15. A 6 foot wall or fence shall be constructed along the northern and northeast boundaries where adjacent to Royal Palms.
- <u>15.16.</u> The petitioner shall provide a revised plan in compliance with all 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.

#### **BCC ACTION:**

On August 9, 2022, the Board of County Commissioners voted 4-0 to adopt Resolution 2022-153 approving the petitioner's request for a rezoning from AR-2/ (Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses with Deviations, and 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. All onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use to the north.
- 3. A Traffic Access Analysis and Queuing Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be installed by developer.
- 4. The project shall be limited to 141,600 square feet of Commercial.
- 5. The northern 8.80 acres shall require a master plan upon development.
- 6. C-2 uses shall be limited to the following:
  - Mini Warehouses
  - Tire & Automotive Accessory
  - Automotive Service Establishment
- 7. The petitioner shall provide the 20' landscape buffers along the north and northeast. Additionally, a 15' landscape buffer shall be provided along County Line Road. The remaining portions of development shall meet the minimum commercial standards of the County LDR's.
- 8. The site design shall provide that pedestrian circulation is coordinated on site and between adjacent properties providing for pedestrian circulation between complementary uses.
- 9. A cross access easement or agreement between the commercial parcels shall be provided at the time of subdivision plat approval.
- 10. Minimum Perimeter Building Setbacks:

County Line Road:	75' (deviation from 125')
East:	20'
West:	20'
North:	20'
Minimum County Line Ro County Line Road:	ad Outparcel Setbacks: 75' (deviation from 125')

County Line Road:	75' (deviation from 125')
County Line Road (Lot 1):	65' (Deviation from 125')
Side:	10' (deviation from 20')
Rear:	<del>35'</del> 20' (from reverse frontage road)

- 11. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping<sup>™</sup> publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
- 12. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any construction for the project occurring on the property. Copies of any required permits shall be provided prior to site alteration or construction.
- 13. The developer shall provide a utility capacity analysis at the time of development and connect to water and sewer at the time of vertical construction.
- 14. The following Large Retail Standards shall be met:
  - Predominant exterior building material shall include architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone or concrete with architectural finish.
  - Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) shall be screened from view from the public right-of-way and neighboring residential parcels and enhanced by landscaping, wall and/or parapet.
  - Signage shall be designed as part of a complete development system. The location(s) and design shall be reviewed and approved as part of the overall site plan. The predominant sign material shall include architectural or split faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.
  - Service areas which include areas designated for loading and unloading of goods and refuse collection shall be buffered from rights-of-way and residentially zoned areas.

- Buffering shall consist of construction of a wall between the service area and abutting land use. All other applicable LDRs must be met in addition to this requirement.
- 15. A 6 foot wall or fence shall be constructed along the northern and northeast boundaries where adjacent to Royal Palms.
- 15.16. The petitioner shall provide a revised plan in compliance with all 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.





## AGENDA ITEM

# TITLE

SE-23-02 Jose Andres De La Cruz, Francis Marilyn Abin: Special Exception Use Permit for Truck Parking; Southern terminus of Courts Ct

# **BRIEF OVERVIEW**

Request: Special Exception Use Permit for Truck Parking

## **General Location:**

Southern terminus of Courts Ct

## Hearing Detail:

On August 14, 2023, the Planning and Zoning Commission voted 5-0 to continue the petitioner's request for a Special Exception Use Permit for Truck Parking, due to the required signs not being posted on the subject site. The request was continued to the September 11, 2023, Planning and Zoning hearing. The application was fully readvertised with all cost being the responsibility of the petitioner.

## **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction over the subject application; the Commission has the ability to approve special exceptions with appropriate conditions and safeguards or deny special exceptions not in harmony with the Land Development Regulations. The Applicable Criteria for a special exception are contained in Appendix A, (Zoning Code) Article V, Section 8. The Special Exception must be consistent with the Comprehensive Plan.

## RECOMMENDATION

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for Truck Parking, with performance conditions.

# **REVIEW PROCESS**

Omar DePablo	Approved	08/29/2023	5:22 PM
Michelle Miller	Approved	08/31/2023	1:51 PM
Victoria Anderson	Approved	09/01/2023	9:04 AM

#### P&Z ACTION:

On August 14, 2023, the Planning and Zoning Commission voted 5-0 to continue the petitioner's request for a Special Exception Use Permit for Truck Parking, due to the required signs not being posted on the subject site. The request was continued to the September 11, 2023, Planning and Zoning hearing. The application will be fully readvertised with all cost being the responsibility of the petitioner.

### **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission: August 14, 2023
APPLICANT:	Jose Andres De La Cruz, Francis Marilyn Abin
FILE NUMBER:	SE-23-02
PURPOSE:	Special Exception Use Permit for Truck Parking
GENERAL LOCATION:	Southern terminus of Courts Court
PARCEL KEY NUMBER:	945847

#### **APPLICANT'S REQUEST:**

The petitioner is requesting a Special Exception Use Permit for Truck Parking in order to park a single truck on their parcel. The subject site is a 2.6 acre AR (Agricultural Residential) parcel. County LDRs make provisions for the parking of a single commercial vehicle through a Special Exception Use Permit, when the commercial vehicle is owned by the property owner. The subject site is located 600' south of Courts Court and surrounded by large agricultural parcels.

#### SITE CHARACTERISTICS:

Site Size:	2.6 acres	
Surrounding Zoning and Land Uses:	North: South: East:	AG: Single Family AG: Single Family AG: Single Family AG: Single Family
Current Zoning:	AR (Agricultural Residential)	
Future Land Use Map Designation:	Residential	

#### **UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. Water and sewer service are not available to this parcel.

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#### **ENGINEERING REVIEW:**

The site is located on the southern terminus of Courts Court. The petitioner seeks no changes to the existing access. The County Engineer has reviewed the subject request and indicated the following:

- Access to parcel is via Courts Court, a County owned and maintained, paved, 20' wide residential road.
- There is an existing concrete driveway apron from parcel to Courts Court.
- The County Engineer has no issues with the proposed use.

#### LAND USE REVIEW:

#### Specific Regulations

Pursuant to County LDRs, a special exception use permit may be applied for on parcels zoned AR, AR-1 or AR-2 in order to park one (1) commercial vehicle, operated by the legal residents of the parcel, provided the property is a minimum of 2.5 acres in size. The subject site is a 2.6 acre parcel zoned AR (Agricultural/Residential).

*Comments:* The petitioner owns the subject 2.6 acre site and therefore meets the minimum requirements of Article III.

**Building Setbacks** 

Front:	50'
Side:	10'
Rear:	35'

*Comments:* If approved, any commercial vehicle and/or equipment must meet the building setbacks of the AR-2/(Agricultural/Residential) zoning district.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (P&Z) in accordance with the Land Development Regulations (LDRs). As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography, and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval.

The special exception use permit is a land use determination only. All applicable development rules would have to be met if the permit is approved. Furthermore, Special Exception Use Permits shall be in compliance with the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

If a developer fails to obtain a building permit for the vertical construction of the principal or primary building or the special exception use is not established within a period of not more than two (2) years from the approval date, then the special exception use permit shall be null and void.

#### COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by large AG (Agricultural) parcels. Commercial vehicle parking is a permitted use in AR (Agricultural Residential) zoning districts and Residential land use categories.

#### FINDINGS OF FACT:

The request for a Special Exception Use Permit for Truck Parking is appropriate based on the following conclusions:

The proposed use is compatible with the surrounding area, is not adverse to the public interest; and is consistent with the County's adopted Comprehensive Plan.

#### NOTICE OF APPLICANT RESPONSIBILITY:

The special exception 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 approve the petitioner's request for a Special Exception Use Permit for Truck Parking, 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 commercial vehicle shall be parked in accordance with the minimum setbacks of the AR (Agricultural/Residential).
- 3. The commercial vehicle shall be parked in a location screened from the view of adjoining right-of-way and adjacent parcels.
- 4. The subject site shall be limited to the parking of one commercial vehicle.

# SE-23-02

## Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# Hernando County Comprehensive Plan Map

Existing Future Land Use: SE-23-02 Version Date: 12/09/2022







## SE-23-02

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.

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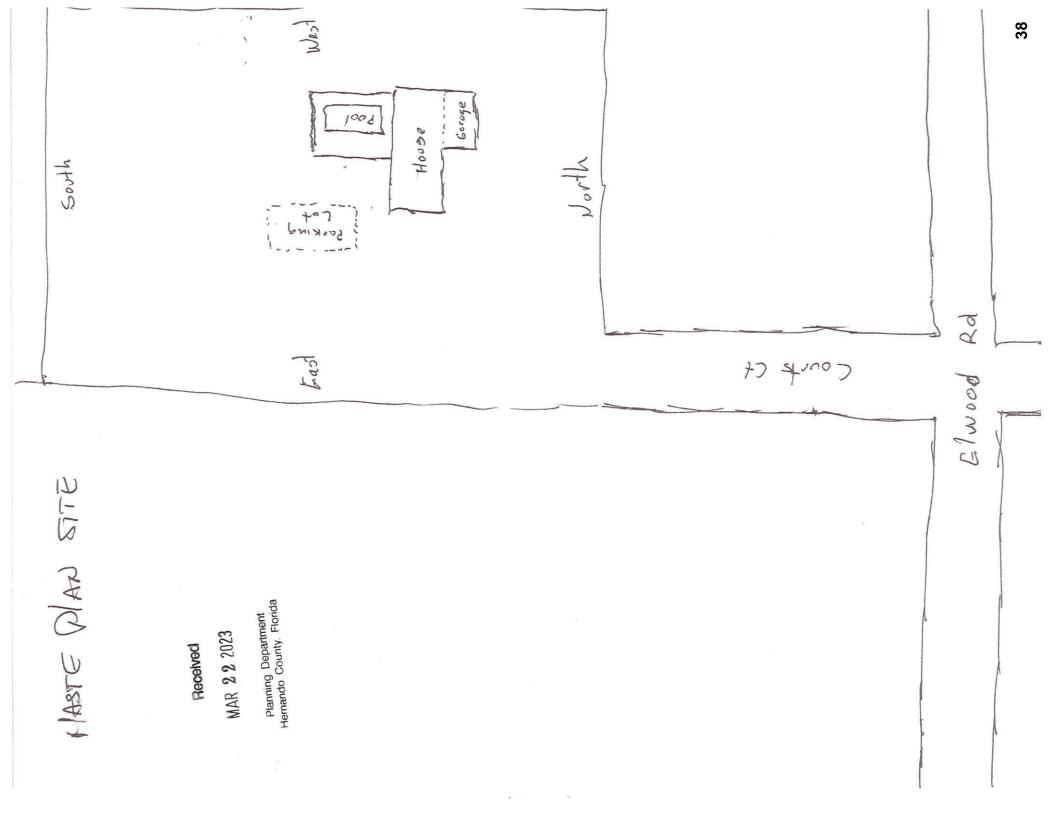
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HERNANDO COUN	NTY CONDITIONAL USE	PERMIT	
OR SPECIAL EXCI	EPTION USE PERMIT PE		File No. <u>SE230Z</u> Official Date Stamp:
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H Z	Special Exception Use Per	mit	MAR 22 2023
H			Planning Department
	PRINT OR TYPE ALL INFOR	MATION	Hernando County. Florida
ORIO	12		
Date: 03/21/	2023, A 1		· P 1 11.
APPLICANT NAME:	Joje Andres d	e La CN2, tra	ncie Marilyn Abin
Address: /3</td <td>j COURTS CT</td> <td>)</td> <td>ite: PLOUDA Zip: 34 609</td>	j COURTS CT	)	ite: PLOUDA Zip: 34 609
City: Sprin Phone: 1784	ALL FLOMST	A Jahar Com	te: VUUDA Zip: 34 609
Property owner's	name: (if not the applicant)	e far de : Worr	
REPRESENTATIVE/C	ONTACT NAME:		
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2. SECTION	TTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTT		1
<ol> <li>Current zoning class</li> <li>Desired use: Difference</li> </ol>	erd Cattle, hors	es poultra, La	and and I Tracklood Porking
5. Size of area covered	d by application: 2.6 A boundaries: ELWood R	cres.	
6. Highway and street	boundaries: ELWOOD 2	D, Urma Dr	
	g been held on this property within (es) be utilized during the public he		s 🕱 No s 🕅 No (If yes, identify on an attached list.)
	e be required during the public hear	0	$\Sigma$ No (Time needed:)
PROPERTY OWNER A			
		Francis fority	n Ahin
I, Jose Ando	re de la Criz.	, have thoroughly	y examined the instructions for filing this
application and state and a	ffirm that all information submittee	l within this petition are true and	d correct to the best of my knowledge and
	public record, and that (check one):		
/	ne property and am making this app ne property and am authorizing <i>(app</i>		
and (representative, if a			
	ation for the described property.	1 (	)
		101 De	7
		Signature of	f Property Owner
STATE OF FLORIDA		AT D	,
COUNTY OF HERNANI	DO was acknowledged before me this _	22 day of Ma	reh 2023 by
Tose Andry 2	$\ell_{\rm e} \sim 1000$ who is	personally known to me or prod	luced as identification.
Francis	Parilyn Atin		Tuced as identification.
A	KA ()	ν	
Y	DerPX		
Signature of Notary Public		WWW NOELLO CARCIA DOD	
		NOELIO GARCIA BORN	orida
Effective Date: 11/8/16	Last Revision: 11/8/16	Commission # HH 3305 My Commission Expire	
CUP - SPEX Application Form_	11-08-16.Docx	March 04, 2027	Page 1 of 1

Received

MAR 2 2 2023

Planning Department Hernando County, Florida

a)Proposed use and its relation to parcel

breed cattle, horses, poultry, lamb and park 1 truckload. The truckload will be parked to the south east, animals will be allocated to the south of the property.

b) Existing and future structures

single family house and a swimming pool and I plan to build a pen for hens in the nearby future.

c) There is only one access to the property via courts ct, and there is an open parking space to the east.d) N/A

8/8/2023

HERNANDO COUNTY PLANNING AND ZONNING.

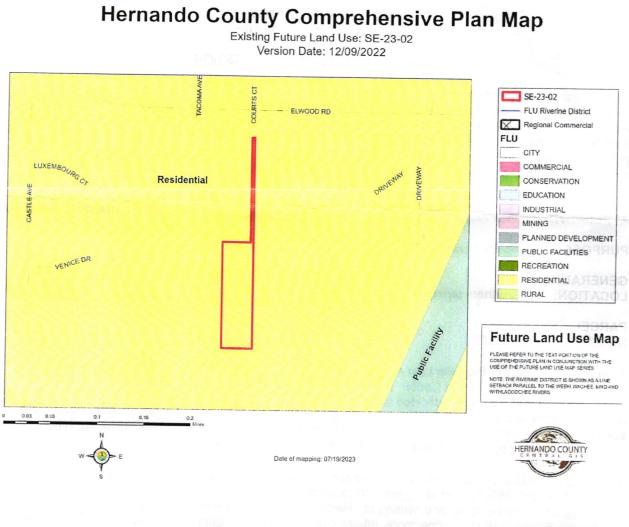
MY OBJECTION TO APPLICANT # SE-23-02 LOCATION SOUTHERN TEMINUS OF COUNTS, CT. PARCEZ KEY 945849

TRUCK PAAKING. TRUCKS BIGGES THAN PICK UP OR SMALL VANS, NO OBJETION.

WHEN YOU GO TO LARGE COMMER-IAL, VEHICLES IT BE COME A PARK-ING LOT. IF YOU ALLOW ONE WHATS STOP THE NEXT.

IF THIS ALLOWED IT LOWER THE PROPERTY VALUE, WE ALREAPY HAVE CARS PARKED ALLOVER, YARDS. THAT DONT MODE

SINCERELY JOHN F.KEMP 4187 COURTS CT SPRING HULL FL.



## DEPARTMENT OF PLANNING AND ZONING

PLANNING DIVISION



#### NOTICE OF PUBLIC HEARING HERNANDO COUNTY, FLORIDA

#### PLANNING AND ZONING COMMISSION

County records show you to be an owner of property within 500 feet of property that is being considered for a Special Exception Use Permit and you are hereby notified that the Planning and Zoning Commission will hold a public hearing on August 14, 2023 to consider the following petition. The meeting starts at 9:00 AM and the case will be heard thereafter in the order established when the agenda is published. Any person wishing to be heard on this matter may either be present to speak on the issue at the hearings or may provide written comments to this office. Written comments will become part of the public record.

APPLICANT:	Jose Andres De La Cruz, Francis Marilyn Abin	FILE NUMBER: SE-23-02
PURPOSE:	Special Exception Use Permit for Truck Parking	
GENERAL LOCATION:	Southern terminus of Courts Court	
PARCEL KEY NUMBER:	945847	

All hearings are held in the John Law Ayers County Commission Chambers, which is located in the Hernando County Government Center, 20 North Main Street, Room 160, Brooksville, Florida. You are further advised that if a person decides to seek review of any decision made by the board with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the review is to be based.

If you should have any additional questions regarding this issue, please contact Cesar Omar DePablo at 352-754-4057 ext. 28028, odepablo@hernandocounty.us or Michelle Miller at 352-754-4057 ext. 28027, mlmiller@hernandocounty.us or in writing at: Hernando County Planning Department, 1653 Blaise Drive, Brooksville, Florida 34601. Furthermore, information regarding this application may be obtained from the County's website at www.hernandocounty.us - follow the Board Agendas and Minutes link to the specified public hearing.

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Jessica Wright, Hernando County Administration, 15470 Flight Path Drive Brooksville, FL 34604, telephone (352) 754-4002, no later than three (3) days prior to the proceedings. If hearing impaired, please call 1-800-676-3777 for assistance.

Sincerely

Cesar Omar DePablo, Senior Planner Hernando County Planning Department

Map on Reverse.





## AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12717 Legal Request Number: Bid/Contract Number:

## TITLE

CU-23-07 - Pedone: Conditional Use Permit for Excavation; South of Dashback St and east side of Kettering Rd

## **BRIEF OVERVIEW**

**Request:** Conditional Use Permit for Excavation

### **General Location:**

South of Dashback St and east side of Kettering Rd

## **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

## LEGAL NOTE

The Planning and Zoning Commission has approval jurisdiction over the subject application. The Applicable Criteria for conditional use approval are contained in Appendix A, (Zoning Code) Article V, Section 4. The Conditional Use Approval must be consistent with the Comprehensive Plan.

## RECOMMENDATION

It is recommended that the Planning and Zoning Commission approve the Conditional Use Permit for Excavation for a period of five (5) years with performance conditions.

## **REVIEW PROCESS**

Omar DePablo	Approved	08/29/2023	5:24 PM
Michelle Miller	Approved	08/31/2023	1:50 PM
Victoria Anderson	Approved	09/01/2023	9:48 AM

## **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission: September 11, 2023
APPLICANT:	Lee Pedone
FILE NUMBER:	CU-23-07
REQUEST:	Conditional Use Permit for Excavation
GENERAL LOCATION:	South of Dashback Street and east side of Kettering Road
PARCEL KEY NUMBER:	536254, 424678, 1299115, 424641, 1342666, 396716

#### **APPLICANT'S REQUEST:**

On January 13, 2020, the Planning and Zoning Commission approved a Conditional Use permit for Excavation on three (3) parcels totaling 39.0 acres. The petitioner's current request is for a Conditional Use Permit for excavation on six (6) parcels surrounding the initial three (3) tracts. All parcels are separate legal lots and range in size from 59.0 to 10.0 acres (190.0 Total Acres). Excavations are permitted by the County Land Development Regulations through a Conditional Use Permit for up to five (5) years; however, these permits are limited to 40.0 acres. The petitioner's request includes six (6) parcels or excavation to phase the project and avoid multiple applications and permits. No single parcel will exceed the maximum 40.0-acre requirement.

The excavation will be accomplished by front end loader and track mounted excavator. Excavation will extend vertically downward to an approximate elevation of 60'. In no case will excavations extend into clay, limestone or groundwater. Excavated sand material is temporarily stockpiled onsite awaiting sale and transport. There is no washing, screening, classifying or other processing of the excavated materials onsite. The excavation will operate seven (7) days per week. At the current rate of production, the site could possibly operate for 5-10 more years, depending on demand. Approximately 75% of the available material from the middle 20 acre site has been removed. The 10 acre parcels to the north and south remain undisturbed pasture.

Upon completion, the project will be reclaimed to FLUCFCS 183313 Improved Pasture, as follows:

• Land surface shall be stabilized and graded smooth to promote sheet flow of runoff.

- Pre-application of granular fertilizer (15-10-15) at a rate of 300 lb/acre.
- Hydroseeding of grass seed, species to be determined specific to time of year.

#### SITE CHARACTERISTICS:

	Site Size:	152.3 acres		
	Surrounding Land Uses:	Zoning;	North: South: East: West:	PDP(IND); Undeveloped AG; Undeveloped AG; Undeveloped CPDP; Undeveloped
	Current Zonin	ng:	Planned Deve	ral); CPDP(SF and MF)/Combined lopment Project (Single Family y) – approved July 12, 2006
	Future Land Map Designa		I-75 Planned I	Development District
	Flood Zone:		C; Small north	neast portion within AE flood zone
ENVIR	ONMENTAL F	REVIEW:		
	Soil Type:		Adamsville fin	e sand and Candler fine sand
	Hydrologic Features:			roperty contains no wetlands or ction Areas (SPA), according to esources.
	Protection Features:			s not located within a Wellhead a (WHPA) according to County data
	Habitat:		gopher tortois fine soils, ge commensal s occurring on the snake (Dryn (Podomys flor melanoleucus areolata). Sine Species of Sp should be ins Florida Fish a	sand provides a habitat suitable for es. Given the presence of the Candler opher tortoise habitat and several pecies have a moderate potential for he project site including eastern indigo marchon corais), Florida mouse idanus), Florida pine snake (Pituophis mugitus), and gopher frog (Rana ce there is the potential for this listed pecial Concern to be present, the site spected prior to construction, and a nd Wildlife Conservation Commission e required prior to site alterations.

#### Comments:

A comprehensive wildlife/gopher tortoise survey shall be conducted in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

#### **ENGINEERING & TRANSPORTATION REVIEW:**

The property is located east of Kettering Road and south of Dashbach Street. Access to the site will be along Kettering Road, south of Dashbach Street, via Ariana Dairy Farm, also owned by the petitioner.

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

- This property contains 7 areas of flood Zone "AE", 2 of which are on the perimeter of the site. The proposed approval extends the mine operation into new areas.
- The tracking of soil and debris into the Kettering Road right-of-way is not permitted. The petitioner shall be responsible for providing a system to keep debris from tracking onto the county roadway.
- The developer shall comply with the requirement of the Road Maintenance Agreement, approved by Board of County Commissioners on April 28, 2015. Per the agreement a "Truck Fee" to cover the maintenance and traffic control cost for the excavation operation of \$0.75 per truck load is to be remitted to the County monthly.
- Annually a Certified Public Accountants certificate documenting the accuracy is to be submitted by April 15. To date some payments have been received, however the required CPA certification was last received for 2020. CPA Certification has not been received for 2021, 2022.
- The Road Maintenance Agreement shall be updated to include the additional parcels.

#### LAND USE REVIEW:

The following parcels are proposed for excavation:

- 1. Key #536254 = 25.6
- 2. Key #424650 = 10.1
- 3. Key #424641 = 59.1
- 4. Key #424678 = 20.2
- 5. Key #1342666 = 29.3
- 6. Key #1299115 = 8.0
- **Comments:** At no time shall any single parcel exceed the maximum requirement of 40.0 acres. Additionally, no parcel shall be paired or phased with a larger parcel in order to achieve 40.0 acres

#### <u>Buffer</u>

The buffer requirement shall be a minimum of one hundred (100) feet measured perpendicular from the property line. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer must shield the operation at the time excavation begins. Shielding shall meet an eighty percent (80%) opacity standard. Berms, towers, stockpiles and other similar items which extend above the buffer need not be shielded. The clearing and stripping of vegetation from the land shall not require the pre-establishment of a buffer. If approved, the petitioner must meet the minimum buffering requirements of the County's LDRs.

The excavation of the site will have to comply with the County's LDRs relating to excavation. The standards address the provision of screening (vegetative or berm), hours of operation, fugitive dust control, reclamation, etc.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to five (5) years.

#### NOTICE OF APPLICANT RESPONSIBILITY:

The conditional use permit process is a land use determination and does not constitute a permit for either construction, 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 approve the Conditional Use Permit for Excavation for a period of five (5) years with the following 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. If a clay lens is encountered during the excavation operation, the petitioner must modify the Excavation Permit to review the new elevation of the excavation bottom.
- 3. The petitioner must maintain a valid SWFWMD permit prior to the issuance of the Excavation Permit.

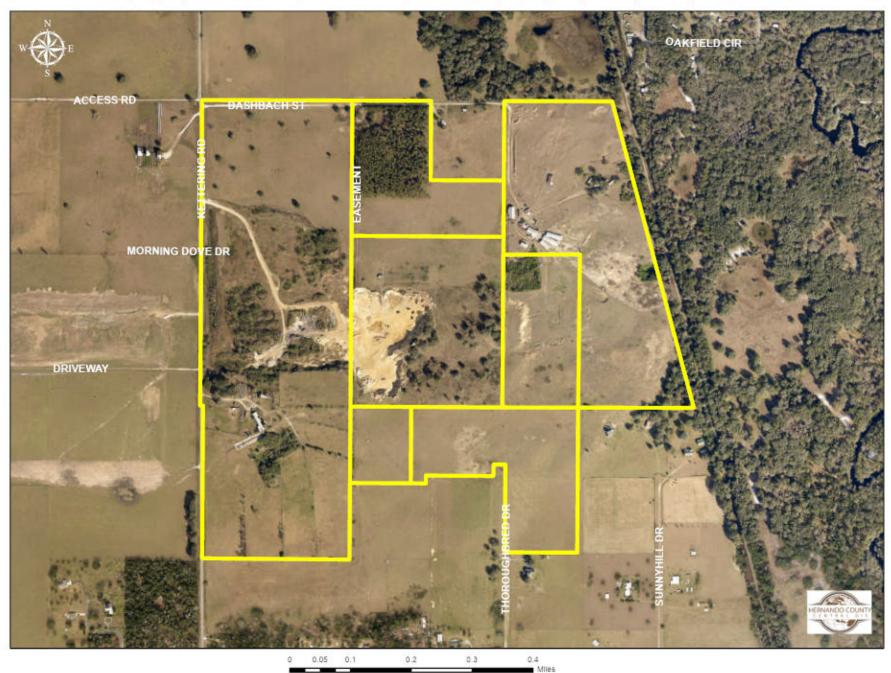
#### Hernando County Planning Department

- 4. A minimum 100' buffer/setback shall be provided along the perimeter of the excavation site. Any buffer/setback that has been encroached upon by the mining operation shall be restored in accordance with County regulations. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer shall shield the operation at the time excavation begins.
- 5. No excavation shall commence until such time the petitioner applies and is approved for an Excavation Permit.
- 6. The developer shall comply with the requirements of the Road Maintenance Agreement approved by the Board of County Commissioners on April 28, 2015. Per the agreement a 'truck fee' to cover the maintenance and traffic control cost for the excavation operation of \$0.75 per truck load is to be remitted to the County monthly.
- 7. The petitioner shall provide an annual certification from a Certified Public Accountant documenting the accuracy of the Road Maintenance Agreement fees.
- 8. The petitioner shall not utilize Dashbach Street for access.
- 9. At no time shall any single parcel exceed the maximum requirement of 40.0 acres.
- 10. The petitioner shall coordinate with the Hernando County Planning Division to ensure no gopher tortoises have re-entered the excavation site.

# CU-23-07

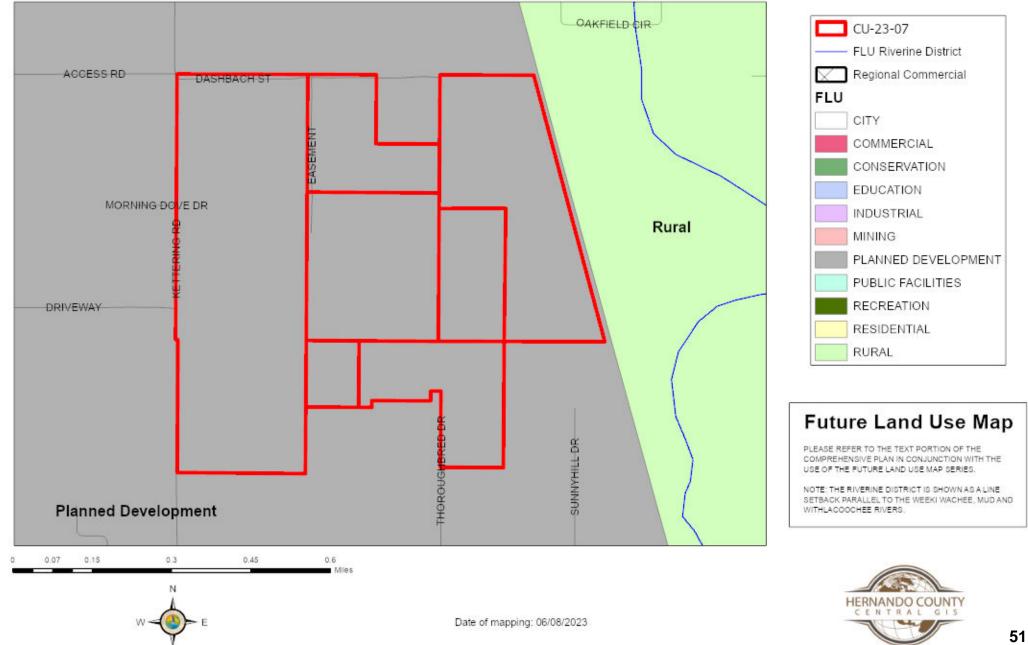
## Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.

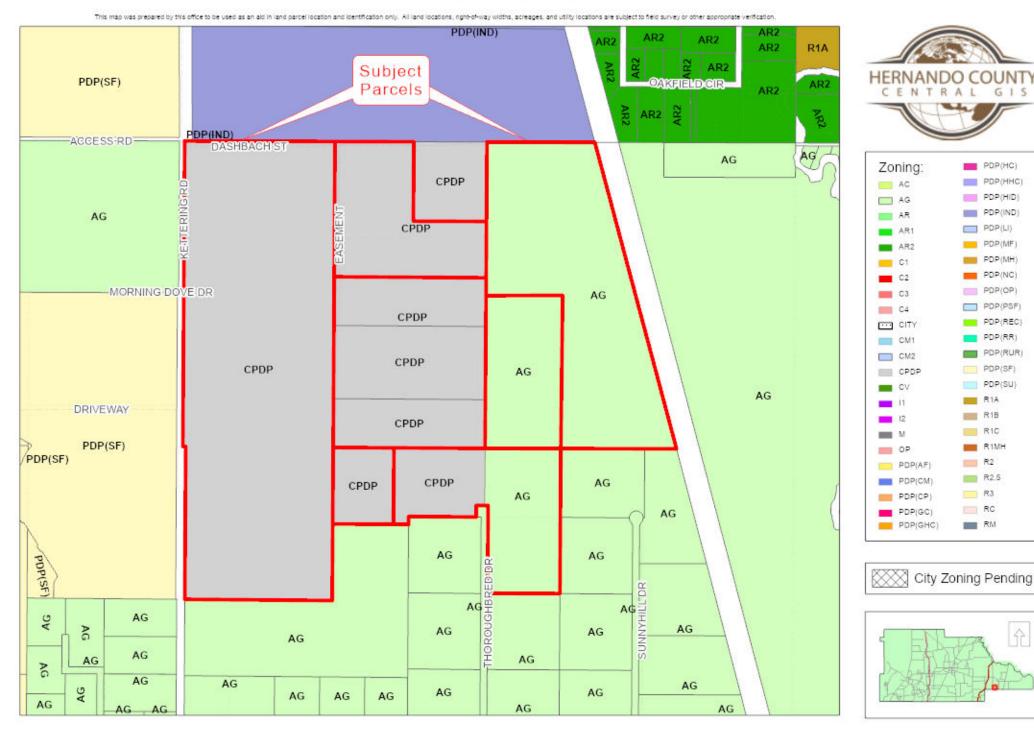


# Hernando County Comprehensive Plan Map

Existing Future Land Use: CU-23-07 Version Date: 12/09/2022



## CU-23-07



0.2

0.05

0.1

0.3

0.4 Miles

Hernando County Planning Department Project date: 06/08/2023

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OUNTY

PDP(HC)

PDP(HHC)

PDP(HID)

PDP(IND)

PDP(LI)

PDP(MF)

PDP(MH)

PDP(NC)

PDP(OP)

PDP(PSF)

PDP(REC)

PDP(RR)

PDP(RUR)

PDP(SF)

PDP(SU)

R1A

R1B

R1C

R2

R3

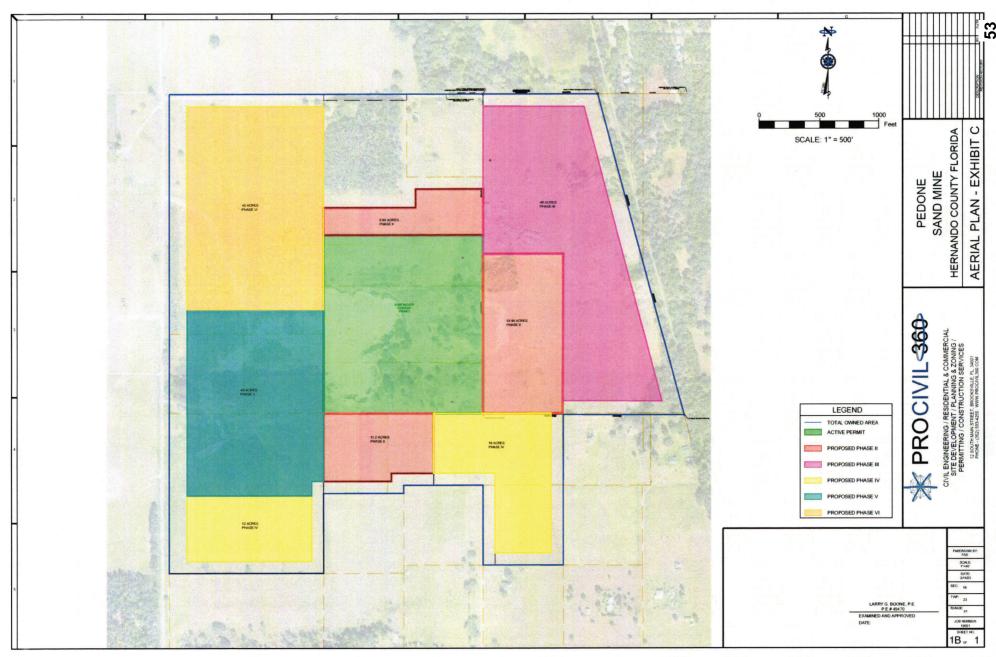
RC

RM RM

R2.5

R1MH

GIS



<b>OR SPECIAL EXCEPTION</b>	ONDITIONAL USE PERMIT N USE PERMIT PETITION	File No. CU2307i Official Date Stamp:
Applic Applic	ation request (check one):	
Applica Applica	nditional Use Permit	a de la constante de la consta
Applica Applica Z Con Z Con Z Con	cial Exception Use Permit	Received
F	-	
PRINT	OR TYPE ALL INFORMATION	APR 1 4 2023
ORIO		Planning Department
Date: 4/10/2023		Hernando County. Florida
APPLICANT NAME:	tedone	
Address: 4335 Kettering R	Road	
City: Brooksville		State: FL Zip: 34602
	Email: <b>lp@pedoneinvestmentproperties.co</b>	
REPRESENTATIVE/CONTAC		
Company Name: ProCivil3 Address: 12 South Main S		
City: Brooksville		State: FL Zip: 34601
	Email: permitting@procivil360.com	
HOME OWNERS ASSOCIATIO	<b>ON:</b> D Yes <b>D</b> No (if applicable provide name)	
		N
Address:	City:	State: Zip:
<b>PROPERTY INFORMATION:</b>		
	R(S): 536254, 424678, 1299115, 424641, 1342 , TOWNSHIP 23	666, 396716 , RANGE 21
<ol><li>Current zoning classification</li></ol>	n: CPDP	
4. Desired use: borrow pit		
<ol> <li>Size of area covered by appl</li> <li>Highway and street boundar</li> </ol>	ies: Kettering Road and Dashback Street	
	eld on this property within the past twelve months?	□ Yes Ø No
		□ Yes Ø No (If yes, identify on an attached list.)
9. Will additional time be requ	ired during the public hearing(s) and how much?	□ Yes 🗹 No (Time needed:)
PROPERTY OWNER AFFIDIV	AT	
I. Lee Pedone	have thor	bughly examined the instructions for filing this
	at all information submitted within this petition are tru	ue and correct to the best of my knowledge and
$\Box$ I am the owner of the proper	rty and am making this application <b>OR</b>	
	rty and am authorizing (applicant):	
and (representative, if applicable).		
to submit an application for	the described property.	Z
	Signe	ature of Property Owner
STATE OF FLORIDA	4	Λ
COUNTY OF HERNANDO The foregoing inspament was ackn	nowledged before me this day of	Jul 20 23 . by
le tedone	who is personally known to me o	r produced, as identification.
AIV	61	
Kak M	1 mo f	FRANK DICARO, JR.
Signature of Notary Public		EXPIRES: August 6, 2026
		***OF AXX
Effective Date: 11/8/16 Last Rev	vision: 11/8/16	Notary Seal/Stamp



Hernando County Department of Planning & Zoning 20 North Main Street Brooksville FL 34601

RE Permit Narrative – Lee Pedone Conditional Use Permit Renewal

Lee Pedone, Owner and Permittee, has retained ProCivil360, LLC, to prepare and submit the application for renewing and extending the Special Exception Conditional Use Permit for the existing sand mine/pit located at Kettering Road and Dashbach Street in Ridge Manor.

The business has been operating for the past eight years under a Conditional Use Permit for Excavation approved by the Hernando County Planning and Zoning on January 12, 2015. The Permittee wishes to renew the Conditional Use Permit for Excavation under the same approved plan and conditions attached & previously approved, and continue operations for another five years and possibly beyond.

Pedone Sand Mine's Environmental Resource Permit from the Southwest Florida Water Management District was renewed for another five year in August 2019. The Road Maintenance Agreement with Hernando County remains in effect. Available aerials included herein provide a status update on the progression of excavations. Millions of cubic feet of material are still available from the site.

A change in the Planning Department's process, is allowing to add all owned properties, instead of just fourty acres at a time. Thus the Conditional Use application contains all parcels into this submittal. This would allow the owner if needed to excavate the currnet 40 acre site and move to the next one without reapplying each time.

Intended Use Continuing sand mine operation.

Site Location and Description Phase 2 – 536254, 424678, 1299115 Phase 3 – 424641 Phase 4 – 1342666 Phase 4/5/6 - 396716

The current address for the mining operation is hereby updated to 4335 Kettering Road, Brooksville FL 34602. The sand mine site remains the same. The project area is comprised of six properties; Parcel Keys: 536254, 1299115, 424678, 424641, 1342666, and 396716.



Per the Florida Land Use Cover and Forms Classifications System (FLUCFCS), the site is composed of unimproved pasture (Code 183314). There are no wetlands or Waters of the State within the property boundaries.

#### Site Access

Access to the site is accomplished from Kettering Road, south of Dashbach Street, via Ariana Dairy Farm, also owned by the Permittee.

#### **Structural Features**

Structural features (listed on the prior permit):

Key 536254 – roof over in 1991 (removed) Key 1299115 – no structures Key 424678 – Mobile Home in 1989 (removed) Key 1342666 – no structures Key 424641 – Barn in 1977, Manufactured Home in 1988, mobile home in 1985. (all will be removed or have been removed) Key 396716 – Manufactured Home in 1985, and Barn in 1979. (all will be removed or have been removed)

No future structures are planned.

#### Adjacent Property Ownership

Properties within a 250 foot radius of the project site to the south are owned by Richard Ashmead [Parcel Key 396725], Robert and Debra Sweger [Parcel Key 1100560, 1342522], Neftali and Aki Velez [Parcel Key 1287770], Bijan Behzadi [Parcel Key: 1377628], Susan Alfano [Parcel Key: 1373418], Pamela & Cedric Ware [Parcel Key 1357873], and Ellen Karft & Vincent Brugger [Parcel Key 1377646] all of these lots are single family lots some with homes some vacant. Property to the North is owned by DMMD I LLC, [Parcel Key 01097994] and it is vacant PDP Industrial/General Commercial. The parcel to the East is TIITF/DEPT REC & PARKS [Parcel Key 01194932 ] and Jimmy Gardner [Parcel Key 49753] Ag Property. To the west Clark Opal TTee [Parcel Key 00541523] AG residential property, Meritage Homes of Florida, Inc. [Parcel Key 1231786] Vacant PDP(SF), and N R Real Estate, LLC [Parcel Key 396743] Vacant AG land.

#### Soils

Native soils within the project boundary are composed as follows:

- Candler fine sand at 0-5% slopes
- Candler fine sand at 5-8% slopes
- Adamsville fine sand at 0-2% slopes

These units are all classified as sandy soils with trace amounts clay and organic matter. Candler series soils are considered to be excessively drained. The Adamsville series is categorized as somewhat poorly drained. None of these soils are classified as hydric.



#### **Operational Conditions**

Sand excavation is accomplished by front end loader and track mounted excavator. Excavation will extend vertically downward to an approximate elevation of 60' NAVD88. In no case will excavations extend into clay, limestone or groundwater. Excavated sand material is temporally stockpiled onsite awaiting sale and transport. There is no washing, screening, classifying or other processing of the excavated materials onsite.

Production rates are market driven and cannot be predicted. The mine operates 7 days per week during daylight hours and provides an average of 6 jobs. The updated plan exhibit provided herein indicates the extent and pace of excavation. Prior permit drawings are included for reference.

At the current rate of production, the mine could possibly operate for 5-10 more years, dependent on demand. Approximately 75% of the available materila from the middle 20 acre site has been removed. The 10 acre parcels to the north and south remain undisturbed pasture.

#### Drainage

Surface water runoff over the majority of the site is generally to the NE. No impervious surface exists onsite and none is proposed. Onsite stormwater runoff from the excavated area is contained within the excavation area. Offsite stormwater along the north boundary is channeled to the east via an E-W drainage swale maintaining existing drainage patterns.

#### Utilities

No public water or wastewater services are available. Bottled water is provided for employee consumption. Sanitary facilities consist of port-o-lets.

#### Flora and Fauna

A survey was conducted in 2014 by Creative Environmental Solutions, Inc. (CES). The report found one listed species. All gopher tortoises were removed prior to beginning mining operations. Characteristics of the project's unexcavated pasture remains unchanged from those presented in the 2014 CES report.

#### Buffers

Any parcel abutting a parcel not included in this Conditional Use requires a 100' Vegetative Buffer either existing or planted. The buffer shall shield the operation at the time excavation begins. Shielding shall meet an eighty percent (80%) opacity standard (previous staff report). Where shielding does not meet 80% opacity, trees will need to be installed (slash pine).

#### Reclamation

The project will be reclaimed to FLUCFCS 183313 Improved Pasture, as follows:

- Land surface shall be stabilized and graded smooth to promote sheetflow of runoff.
- Pre-application of granular fertilizer (15-10-15) at a rate of 300 lb/acre.
- Hydroseeding of grass seed, species to be determined specific to time of year.
  - November to March cool season seed mix of: 27% annual rye grass (*lolium* multiflorum); 23% Pensacola bahia (*paspalum notatum*); 40% unhulled Sahara

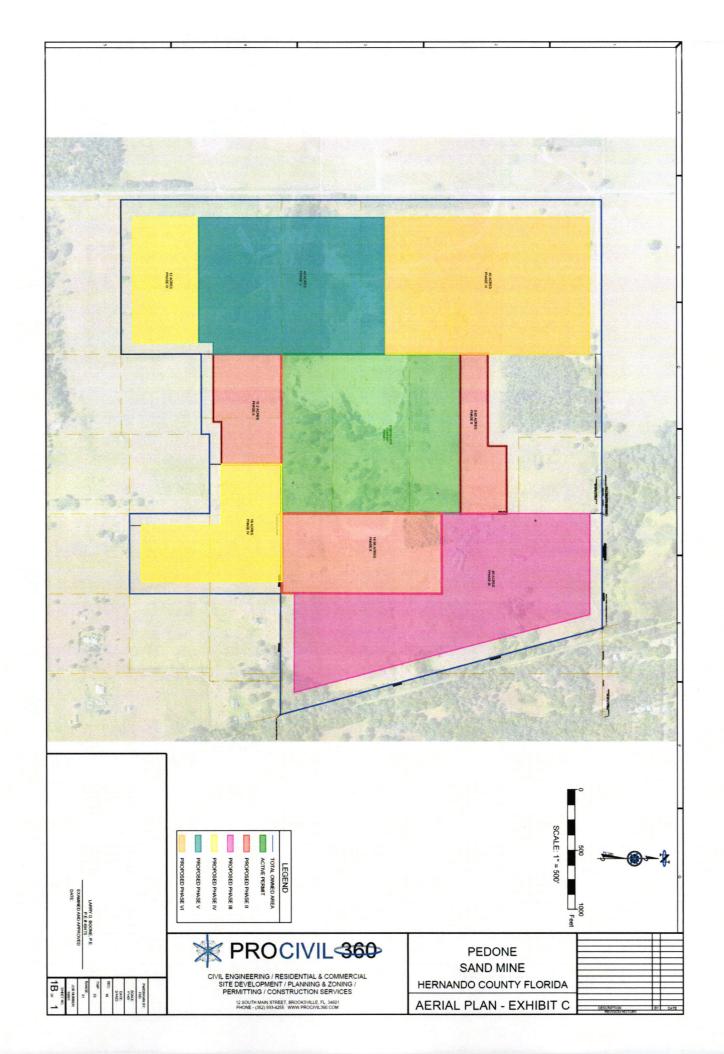


bermuda (*cynodon dactylon*); and 10% Durana clover (*trifolium repens*) sown at a rate of 150 lbs/acre.

- April to October warm season mix of: 27% browntop millet (*panicum ramosum*);
   23% Pensacola bahia (*paspalum notatum*); 40% unhulled Sahara bermuda (*cynodon dactylon*); and 10% Durana clover (*trifolium repens*) sown at a rate of 150 lbs/acre.
- $\circ$  Liquid fertilizer (10-44-6) at a rate of 7.5 lbs/acre.
- Hydrogen B polymer (for moisture and nutient retention) as specified by the manufacturer.

#### Other

An Environmental Resource Permit (ERP) 5-year renewal for the Pedone Sand Mine operation was approved on September 10, 2019. All other required permits are current.







## AGENDA ITEM

Meeting: 09/11/2023 Department: P&Z Agenda Item Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12720 Legal Request Number: Bid/Contract Number:

## TITLE

CU-23-01 - M. Daniel Construction, Inc.:

Conditional Use Permit for Excavation; West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy

## **BRIEF OVERVIEW**

**Request:** 

Conditional Use Permit for Excavation

### **General Location:**

West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy

## **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

## LEGAL NOTE

The Planning and Zoning Commission has approval jurisdiction over the subject application. The Applicable Criteria for conditional use approval are contained in Appendix A, (Zoning Code) Article V, Section 4. The Conditional Use Approval must be consistent with the Comprehensive Plan.

## RECOMMENDATION

It is recommended that the Planning and Zoning Commission approve the request for a Conditional Use Permit for Excavation for a period of five (5) years with the following conditions.

## **REVIEW PROCESS**

Cayce Dagenhart	Approved	09/05/2023	8:29 AM
Omar DePablo	Approved	09/05/2023	10:17 AM
Michelle Miller	Approved	09/05/2023	11:43 AM
Victoria Anderson	Approved	09/05/2023	3:17 PM

#### **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission: September 11, 2023
APPLICANT:	M. Daniel Construction, Inc.
FILE NUMBER:	CU-23-01
REQUEST:	Conditional Use Permit for Excavation
GENERAL LOCATION:	West side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway
PARCEL KEY NUMBER:	344354

#### **APPLICANT'S REQUEST:**

The petitioner is requesting a Conditional Use Permit for the Excavation of a 40.0-acre parcel. The petitioner has indicated sand excavation will be accomplished via front-end loader and/or track-mounted excavator. Excavation will extend downward vertically until clay or limestone is encountered but not to exceed the 100-foot contour. An elevation benchmark will be established on the edge of the project excavation that will be used to monitor the depth of mining. Excavated sand material will be stockpiled temporarily on-site awaiting sale and transport off site. There will be no washing, screening, classifying or other processing of the excavated materials on site.

#### SITE CHARACTERISTICS:

Site Size:	40.0 acre por	e portion (150.1 acres)	
Surrounding Zoning; Land Uses:	North: South: East: West:	Mining; Undeveloped AG; High, Middle and Elementary School Campus AG; Single Family, Mobile Homes AG; Single Family, Mobile Homes	
Current Zoning:	AG/(Agricultu	ral)	
Future Land Use Map Designation:	Rural		
ENVIRONMENTAL REVIEW:			
Soil Type: Candler fine s	sand		

Hydrologic

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

#### Protection

- **Features:** The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.
- Habitat: Candler 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 (Drymarchon corais), Florida mouse (Podomys floridanus), Florida pine snake (Pituophis melanoleucus mugitus), and gopher frog (Rana areolata). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to excavation, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
- **Comments:** A comprehensive wildlife/gopher tortoise survey shall be conducted in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

Excavation may create an environment for nuisance exotic vegetative species to begin to grow in the disturbed areas. The petitioner must provide acceptable control measures to contain and eliminate any nuisance species.

#### **UTILITIES REVIEW:**

The Utilities Department has indicated they currently do not supply water or sewer services to this parcel. Services are not available to this parcel. Well and septic are the responsibility of the property owner.

#### **ENGINEERING & TRANSPORT REVIEW:**

The site is located on the west side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway. The petitioner has indicated utilizing the existing access points for the project; furthermore, the existing roadway network is capable of accommodating the expansion, and no upgrades to signals or roadway network will be necessary due to the site's proposed traffic volume. The County Engineer has reviewed the request and indicated the following:

- The existing site is internally drained and has a permitted retention pond. No new impervious area is being added, no permit modification by Southwest Florida Water Management District.
- Explain how the Florida Department of Environmental Protection permit is incorporated into the expansion.

• Applicant to provide documentation that supports narrative statement that the existing roadway network is capable of accommodating the expansion, and that there will not be upgrades to signals or additional truck volume added to roadway networks.

#### LAND USE REVIEW:

Excavations are permitted by the County LDRs by Conditional Use Permit; however, excavations are limited to 40.0 acres. Furthermore, the excavation must comply with the County's LDRs relating to excavation. The standards address the provision of screening (vegetative or berm), hours of operation, fugitive dust control, reclamation, etc.

The following minimum setbacks from the permittee property line shall be maintained for adjacent property uses:

Excavation and Stockpiles:

North (undeveloped mining):	100'
East (residential lots greater than 2 acres):	100'
West (residential lots greater than 2 acres):	100'
South (School Campus):	200'

As part of the excavation permitting process, the petitioner must provide a reclamation plan addressing the following:

- 1. Contouring or other suitable land-shaping techniques to enhance side slope stabilization and control erosion during reclamation so that adjoining properties are not affected. Slopes shall not exceed 3:1.
- 2. A revegetation plan to provide twenty (20) percent of the area under permit will be retained or re-established with native vegetation that existed on the site prior to the excavation activity. The distribution of the twenty (20) percent vegetation on the site will be determined during the review of the reclamation plan.
- 3. If water bodies are created, a littoral zone shall be established.
- 4. Engineers estimate for cost of reclamation.
- 5. A time schedule and description of the proposed reclamation.
- **Comment:** The petitioner has not indicated reclamation provisions for the C&D Landfill. If approved, the petitioner shall be subject to the minimum reclamation requirements of the County LDR's. This shall include but not be limited to grading, contouring, and seeding and/or sodding disturbed areas.

The buffer requirement shall be a minimum of one hundred (100) feet measured perpendicular from the property line. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer must shield the operation at the time excavation begins. Shielding shall meet an 80% opacity standard. Berms, towers, stockpiles, and other similar items which extend above the buffer need not be shielded. The clearing and stripping of vegetation from the land shall not require the pre-establishment of a buffer.

## *Comment:* The petitioner has indicated providing the minimum buffer requirements of the County LDR's.

As part of the excavation permitting process, the petitioner must submit a plan for the control of fugitive dust.

**Comment:** The petitioner has not indicated dust control measures for the subject site. If approved, the petitioner shall implement dust control measures for stockpiles, truck movement and excavation equipment by watering methods or industry BMP's.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to five (5) years.

#### NOTICE OF APPLICANT RESPONSIBILITY:

The conditional use permit process is a land use determination and does not constitute a permit for either construction, 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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission approve the request for a Conditional Use Permit for Excavation for a period of five (5) years with the following 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. If a clay lens is encountered during the excavation permit operation, the petitioner shall modify the Excavation Permit to permit the new elevation of the excavation bottom.
- 3. Minimum buffer for excavation shall be 100' along the perimeter of the excavation site. All buffers that have been encroached upon by the excavation operation shall be restored in accordance with County regulations.
- 4. Excavation shall not commence until such time the petitioner applies for and is approved for an Excavation Permit through Hernando County Development Services.
- 5. The petitioner shall provide an updated Florida Department of Environmental Protection permit for the expansion.

#### Hernando County Planning Department

- 6. The petitioner shall provide documentation to the County Engineer, indicating the existing roadway network is capable of accommodating the expansion, and that there will not be upgrades to signals or additional truck volume added to roadway networks.
- 7. The petitioner shall meet the stormwater permitting requirements of the SWFWMD and comply with the Hernando County Facility Design Guidelines.
- 8. A comprehensive wildlife/gopher tortoise survey shall be conducted in order to identify any listed species present on the property.
- 9. The petitioner shall provide a Reclamation Bond prior to the issuance of an excavation permit.
- 10. The petitioner shall provide acceptable control measures to contain and eliminate any nuisance vegetative species.
- 11. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted prior to the issuance of an excavation permit.
- 12. The following minimum setbacks from the permittee property line shall be maintained for adjacent property uses:

Excavation and Stockpiles:

North:	100'
East:	100'
West:	100'
South:	200'

- 13. No onsite processing of materials, washing, screening or classifying shall be permitted.
- 14. The petitioner shall provide a plan for the control of fugitive dust.
- 15. The Conditional Use Permit for Excavation shall expire on September 11, 2027.



# CU-23-01

### Photo date: 2023

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification

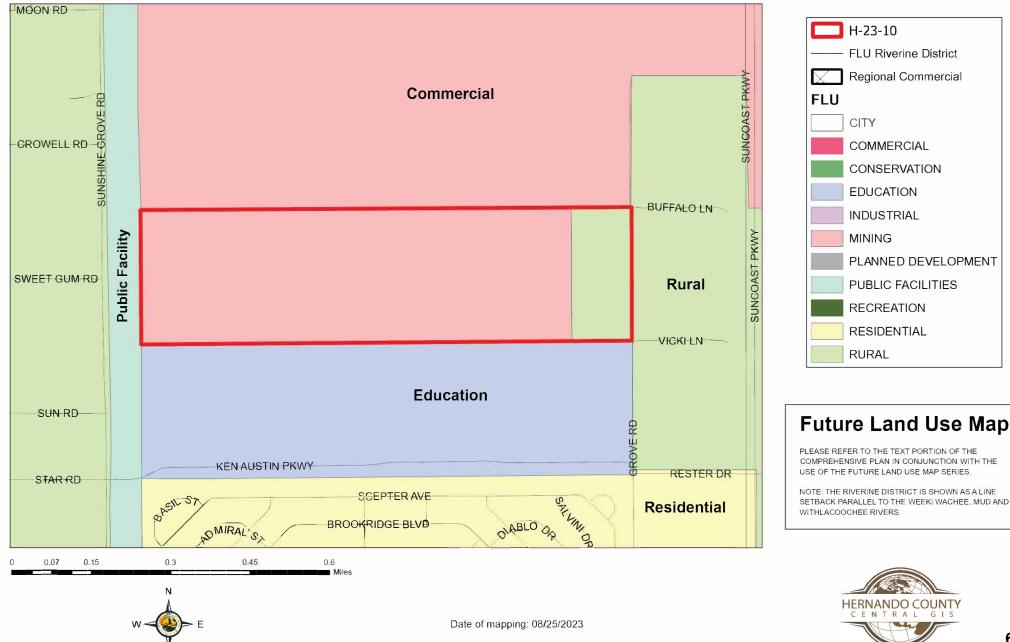


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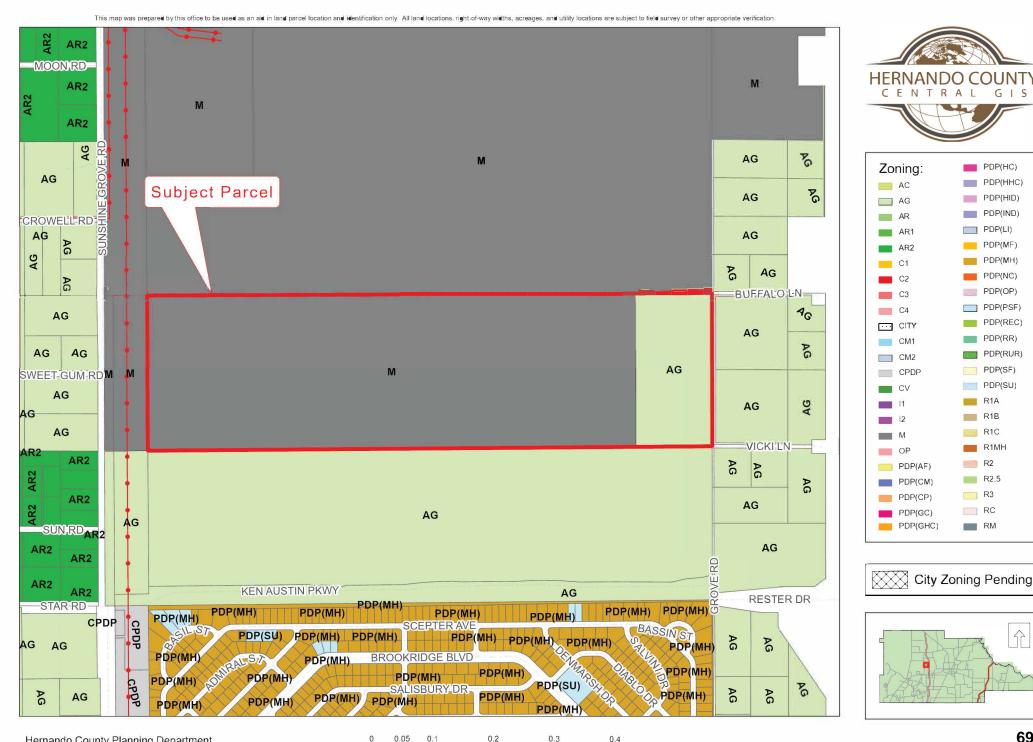
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# Hernando County Comprehensive Plan Map

Existing Future Land Use: **CU-23-01** Version Date: 12/09/2022



## CU-23-01



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	nuary 25, 2023	tion Inc			
Address: City: <u>Bro</u> Phone: <b>Property</b>	<b>352-279-5933</b> Email <b>owner's name:</b> (if not the application of the second seco	: michael@mdanielinc.cc			Zip: <u>34602</u>
REPRESENT	ATIVE/CONTACT NAME:	M. Daniel Construction,			
Address: City: Bro	Name: Darryl W. Johnston, 29 S. Brooksville Ave oksville 352-796-5124 Email				Zip:34601
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STATE OF FL COUNTY OF L The foregoing i	HERNANDO nstrument was acknowledged b ael an vel	before me this 25 da who is personally k	Man DARRYLW	or produced JOHNSTON n # HH 148619	, 20 <b>_23</b> _, by
Signature of 140	The second secon		Bonded Thru T	roy Fain Insurance 800-385-7011	10

Effective Date: 11/8/16 Last Revision: 11/8/16

CUP - SPEX Application Form\_11-08-16.Docx

Notary Seal/Stamp

Page 1 of 1

#### **LETTER OF AUTHORIZATION**

#### Received

FEB 1 0 2023

January 25, 2023

Planning Department Hernando County. Florida

Michelle Miller Hernando County Planning 1653 Blaise Dr. Brooksville, Fl. 34601

RE: Conditional Use Permit - Key No. 344354

Dear Ms. Miller:

Please allow this to serve as a Letter of Authorization for Darryl W. Johnston, Esq., of Johnston Law Group, P.A., to represent M. Daniel Construction, Inc. in the conditional use permit application for the above-referenced property.

M. Daniel Construction, Inc.

By

Michael Daniel, as President

#### STATE OF FLORIDA COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 25th day of January, 2023 by Michael Daniel, as President, who is personally known to me or who has produced (type of identification) as identification.

Seal:

NOTARY NBLIC



DARRYL W. JOHNSTON Commission # HH 148619 Expires July 10, 2025 Bonded Thru Troy Fain Insurance 800-385-7019

#### Proposal

This is a 150.1 acre parcel that is split zoned as Mining and the eastern ten (10) acres as Agricultural. There is a public service facility overlay for a construction and debris landfill ("C & D") on a portion of the western side of the property. This overlay has been in effect for more than a decade. The owner desires to expand the PSF overlay for the C & D to the eastern boundary of the mining portion of its property. The process to accomplish this is to rezone the property to Agricultural (AG) while simultaneously pursuing the PSF modification and this Conditional Use application.

The subject property is currently used as a C & D landfill and a sand mine. Access to the subject is from Sunshine Grove Road. Zoning to the north is mining, to the south is School, and to the west and east is agricultural.

This is a request for a conditional use permit is part of the process to expand the C & D east to the western boundary of the agricultural zoned property on Petitioner's land. The buffers and setbacks for the C & D shall be per code.

#### Site and Environmental Characteristics

Most of the site has historically been used as a sand mine. The western part, included with the approved PSF for a C & D, has been used as a C & D since its approval.

The entire site is within Zone X and does not lie within a flood zone. All surface water will be properly permitted and drained to approved drainage retention areas. There are no wetlands or water features.

There are no known endangered or protected species on site.

#### Site Plan

The proposed site plan is attached. There are no new buildings contemplated. No deviations are requested. The existing roadway network is capable of accommodating the expansion, and there will not be upgrades to signals or roadway network due to this site's traffic volume.

Hernando County Solid Waste Services has expressed support for the expansion.

#### Conclusion

This expansion of the existing PSF is consistent with the County's comprehensive plan and is compatible with the surrounding land uses. The conditional use permit for the property to expand the C & D will not be adverse to the public. We request approval of this conditional use.

Received

FEB 1 0 2023

Planning Department Hernando County. Florida



#### DEPARTMENT OF SOLID WASTE

SOLID WASTE + RECYCLING + SW CODE ENFORCEMENT + FINANCE + HOUSEHOLD HAZARDOUS WASTE

14450 LANDFILL RD \* BROOKSVILLE, FLORIDA 34614 P 352.754.4112 \* F 352.754.4118 \* W www.HernandoCounty.us

June 2, 2022

Mike Daniel, President Sunshine Grove Landfill 4435 Baseball Pond Road Brooksville, FL 34602

The Hernando County Solid Waste Department is in full support in your efforts to obtain an expansion at your facility. The County is in need of a construction and demolition disposal facility that provides contractors a convenient location within the County. The disposal facility saves the County landfill space by not putting waste in it that is classified under different DEP rules.

If there is anything that we can assist with do not hesitate.

Sincerely,

Scott Harper Solid Waste Services Manager Hernando County, Florida





## AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12721 Legal Request Number: Bid/Contract Number:

## TITLE

H-23-10 - M. Daniel Construction, Inc.: Rezoning from Mining to AG (Agriculture); West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy

## **BRIEF OVERVIEW**

**Request:** 

Rezoning from Mining to AG (Agriculture)

### **General Location:**

West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy

## **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

## LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Zoning District Amendment must be consistent with the Comprehensive Plan.

## 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 Mining to AG (Agricultural).

## **REVIEW PROCESS**

Omar DePablo	Approved	08/29/2023	5:23 PM
Michelle Miller	Approved	08/31/2023	1:51 PM
Victoria Anderson	Approved	09/01/2023	9:56 AM

HEARINGS:	Planning & Zoning Commission: September 11, 2023 Board of County Commissioners: October 10, 2023
APPLICANT:	M. Daniel Construction, Inc.
FILE NUMBER:	H-23-10
REQUEST:	Rezoning from Mining to AG (Agriculture)
GENERAL LOCATION:	West side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway
PARCEL KEY NUMBER:	344354

#### **APPLICANT'S REQUEST:**

The petitioner is requesting a rezoning from Mining to AG (Agriculture). The subject site is currently split zoned with 140.1 acres in the Mining District and the remining 10.0 acres in AG (Agriculture). This request is in conjunction with an accompanying Conditional Use Permit for excavation (eastern portion of site) and the reconfiguration/reestablishment and a PSF /(Public Service Facility) for C&D land fill. The entire site with the exception of 10.0 acres along the east, has historically been utilized for a C&D Land Fill and sand excavation. Excavations are permitted in AG (Agriculture) by the County LDRs with Conditional Use Permit; however, are limited to 40.0 acres.

#### SITE CHARACTERISTICS:

Site Size:	140.1 acre portion (150.1 acres)	
Surrounding Zoning; Land Uses:	North: South: East: West:	Mining; Undeveloped AG; High, Middle and Elementary School Campus AG; Single Family, Mobile Homes AG; Single Family, Mobile Homes
Current Zoning:	AG/(Agricultural)	
Future Land Use Map Designation:	Mining	

#### **ENVIRONMENTAL REVIEW:**

Soil Type: Candler fine sand

#### Hydrologic

- **Features:** The subject property contains no wetlands, however, does contain a Special Protection Area (SPA) according to County data resources.
- **Comments:** The Special Protection Area (SPA) was created by virtual of previous excavation. Due to the mining designation of the property, the existing land fill and excavation is a SPA under the Hernando County Regulations. It is the petitioner's intent to change the zoning, so the SPA designation is removed and abandoned. The petitioner has indicated, the clay layer above lime rock has never been breached. The lime rock layer beneath the clay has never been breached. There will be a synthetic layer placed over the clay for the Class III land fill.

#### Protection

**Features:** The property is located within Wellhead Protection Area 2 (WHPA) according to County data resources.

#### UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer services to this parcel. Services are available along Sunshine Grove Road. HCUD does not object to the request for a rezoning from Mining to AG (Agriculture).

#### **ENGINEERING & TRANSPORTATION REVIEW:**

The site is located on the west side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway. The petitioner has not proposed any new access drives and will continue to use Sunshine Grove Road as their main full access point.

#### LAND USE REVIEW:

The petitioner has requested AG (Agricultural). According to Appendix A, Article IV, Section 6, Subsection A of the Hernando County Land Development Regulations, the following permitted use regulations apply to agricultural district:

#### **Agricultural District:**

- (a) Animal specialty establishment;
- (b) Farming and farming service establishments;
- (c) Fisheries;
- (d) Forestry and forestry service establishments;
- (e) Horticultural specialty farms;

- (f) Hunting, trapping and game propagation;
- (g) Landscaping service establishment;
- (h) Single-family dwelling;
- Mobile Home, provided that such mobile home meets all of the regulations, requirements and provisions of this ordinance for minimum living area within the zoning district;
- Land Application of Domestic Septage, provided that such operation meets all of the special regulations, requirements and provisions of this ordinance for operation and siting and applicable Florida Statutes, Administrative Rules, and provisions of the Hernando County Code of Ordinances;
- (k) Wildlife management activities;
- (I) Resource-oriented recreational activities;
- (m) Aquaculture.

Minimum Building Setback Requirements:

Front: 75' Side: 25' Rear: 35'

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.

#### COMPREHENSIVE PLAN REVIEW:

The subject site is located within the Mining Future Land Use Designation on the County's adopted Comprehensive Plan. The area is characterized by Mining and a land fill to the north and a school campus to the south.

#### **Mining Category**

- **Objective 1.04I:** The Mining Category allows mining and ancillary mining activities with an overall average gross floor area ratio of 0.50, and co-location of mining support-related or industrial uses which consume mining products where mining occurs. Agricultural uses are also allowed.
- *Comments:* The proposed use is consistent with the Comprehensive Plan Mining Category.

#### 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 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 Mining to AG (Agricultural).



## H-23-10

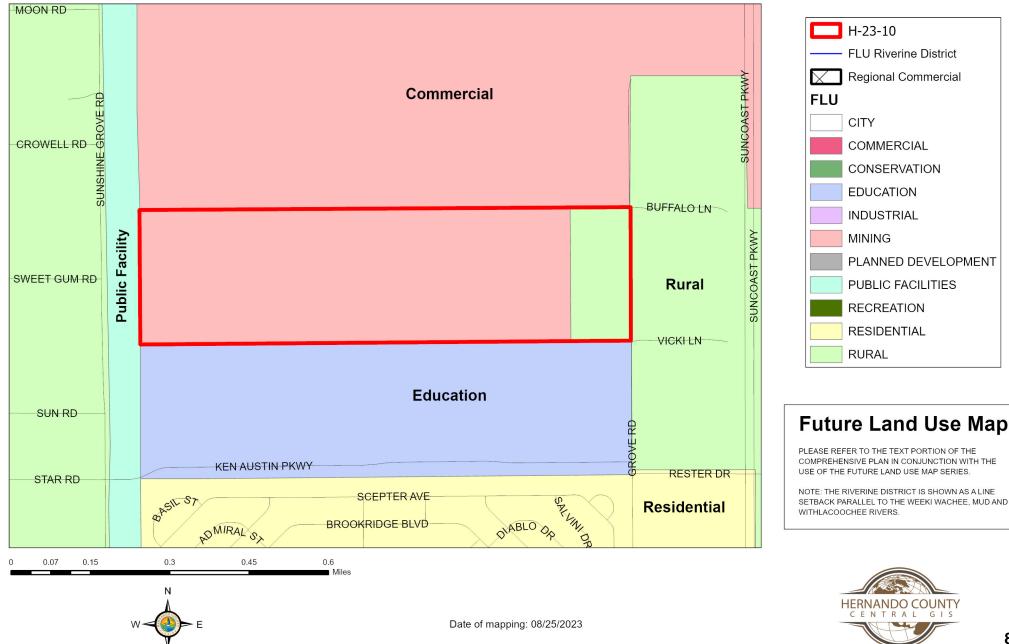
### Photo date: 2023

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



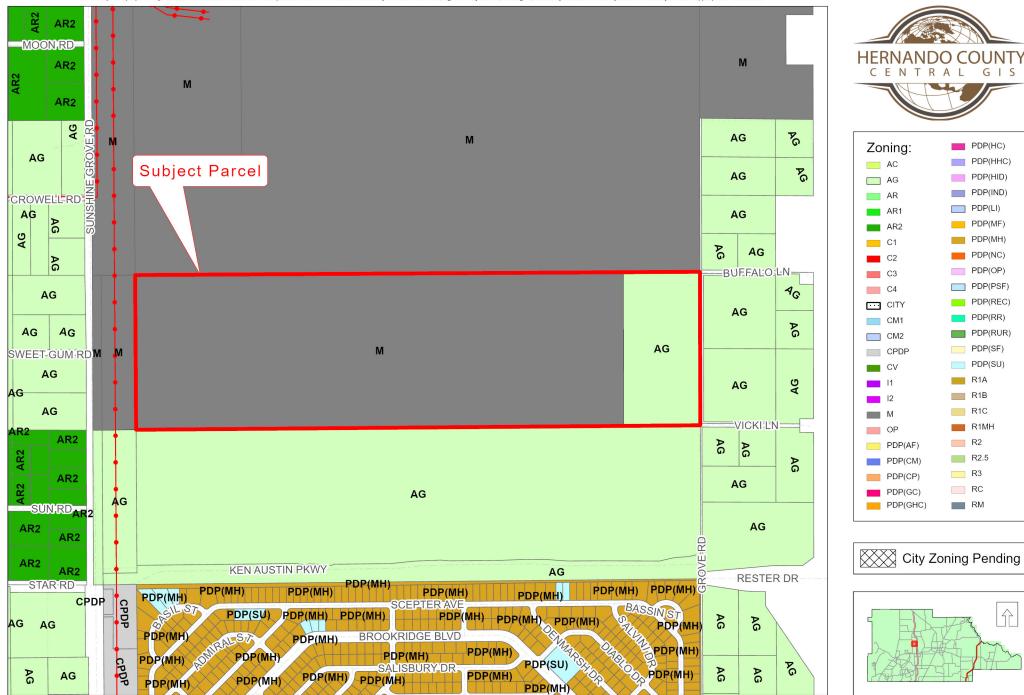
# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-23-10 Version Date: 12/09/2022



This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.

H-23-10



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HEI	Rezoning Z Standard D PDP	FFB	1 0 2023
a star a	Master Plan  New  Revised		
ORIDI	PSFOD Communication Tower Other PRINT OR TYPE ALL INFORMATION	Plannin	g Department County, Florida
Date: January 2		Hernando	County, Thereas
APPLICANT NAME:	M. Daniel Construction, Inc.		
	aseball Pond Road	<b>E</b> I 0/000	
City: Brooksville	9-5933 Email: michael@mdanielinc.com	State: FL 34602	Zip: <u>34602</u>
	s name: (if not the applicant)		
	CONTACT NAME: Darryl W. Johnston, Esq.		
	Johnston Law Group, P.A.		
Address: 29 S. B	rooksville Ave.		
City: Brooksville	5-5124 Email: dwi@djohnstonlaw.com	State: FL	Zip: <u>34601</u>
	SOCIATION: Yes Z No (if applicable provide name)		
Contact Name:	_ City:	State:	Zip:
		State	_ Zip
PROPERTY INFORM			
1. PARCEL(S) <u>KEY</u> 2. SECTION 15	<u>Y</u> NUMBER(S): <u>344354</u> , TOWNSHIP <u>22 South</u>	RANGE 18 East	
3. Current zoning cla	assification: PSF and Mining and AG	, RANGE <u>10 Eddt</u>	
4. Desired zoning cl	assification: AG		
5. Size of area cover	ed by application: 140.5 acres et boundaries: Sunshine Grove Road		
	ing been held on this property within the past twelve months?		
-	ss(es) be utilized during the public hearings?		fy on an attached list)
<ul> <li>8 Will expert witness(es) be utilized during the public hearings?</li> <li>9. Will additional time be required during the public hearing(s) and how much?</li> <li>✓ Yes □ No (If yes, identify on an attached list.)</li> <li>□ Yes ☑ No (Time needed:)</li> </ul>			
PROPERTY OWNER		×	
I, Michael Daniel, as F		roughly examined the instruc	
	affirm that all information submitted within this petition are f public record, and that (check one):	true and correct to the best of	my knowledge and
	the property and am making this application <b>OR</b>		
	the property and am authorizing (applicant):		
and (representative, i	f applicable):		
to submit an appli	cation for the described property.	10/1	$\sim$
	+ 2/ k	0 ///	
	T Sig	gnature of Property Owner	
STATE OF FLORIDA			
COUNTY OF HERNAM	t was acknowledged before me this day of	1.00	20 <b>23</b> by
Michael an	who is personally known to me	or produced	, 20_ <b>23</b> , by as identification.
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Signature of Notary Public DARRYL W. JOHNSTON			
Effective Date: 11/8/16	Last Revision: 11/8/16 Bonded Thru Troy Fain Insurance 800-385	,	Notary Seal/Stamp
Rezoning Application Form_1	1-08-16.Docx		Page 1 of 1

#### **LETTER OF AUTHORIZATION**

January 25, 2023

Michelle Miller Hernando County Planning 1653 Blaise Dr. Brooksville, Fl. 34601

RE: Rezoning to AG - Key No. 344354

Dear Ms. Miller:

Please allow this to serve as a Letter of Authorization for Darryl W. Johnston, Esq., of Johnston Law Group, P.A., to represent M. Daniel Construction, Inc. in the rezoning petition for the above-referenced property.

M. Daniel Construction, Inc.

Bv

Michael Daniel, as President

#### STATE OF FLORIDA COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 25th day of January, 2023 by Michael Daniel, as President, who is personally known to me or who has produced \_\_\_\_\_\_ (type of identification) as

identification.

Seal:

NOTARY P BLIC

DARRYL W. JOHNSTON Commission # HH 148619 Expires July 10, 2025 Bonded Thru Troy Fain Insurance 800-385-7019

Received

FEB 1 0 2023

Planning Department Hernando County, Florida

#### NARRATIVE - M. DANIEL CONSTRUCTION, INC.

#### Proposal

This is a 150.1 acre parcel that is split zoned as Mining and the eastern ten (10) acres as Agricultural. There is a public service facility overlay for a construction and debris landfill ("C & D") on a portion of the western side of the property. This overlay has been in effect for more than a decade. The owner desires to expand the PSF overlay for the C & D to the eastern boundary of the mining portion of its property. The process to accomplish this is to rezone the property to Agricultural (AG) while simultaneously pursuing the PSF modification and Conditional Use application.

The subject property is currently used as a C & D landfill and a sand mine. Access to the subject is from Sunshine Grove Road. Zoning to the north is mining, to the south is AGSchool, and to the west and east is agricultural.

This is a request to rezone to AG as part of the process to expand the C & D east to the western boundary of the agricultural zoned property on Petitioner's land. The buffers and setbacks for the C & D shall be per code.

#### Site and Environmental Characteristics

Most of the site has historically been used as a sand mine. The western part, included with the approved PSF for a C & D, has been used as a C & D since its approval.

The entire site is within Zone X and does not lie within a flood zone. All surface water will be properly permitted and drained to approved drainage retention areas. There are no wetlands or water features.

There are no known endangered or protected species on site.

#### Site Plan

The proposed site plan is attached. There are no new buildings contemplated. No deviations are requested. The existing roadway network is capable of accommodating the expansion, and there will not be upgrades to signals or roadway network due to this site's traffic volume.

Hernando County Solid Waste Services has expressed support for the expansion.

#### Conclusion

This expansion of the existing PSF is consistent with the County's comprehensive plan and is compatible with the surrounding land uses. The rezoning of the property to Agricultural will not be adverse to the public. We request approval of this rezoning as stated above.

Received

## FEB 1 0 2023

Planning Department Hernando County, Florida



#### DEPARTMENT OF SOLID WASTE

SOLID WASTE + RECYCLING + SW CODE ENFORCEMENT + FINANCE + HOUSEHOLD HAZARDOUS WASTE

14450 LANDFILL RD \* BROOKSVILLE, FLORIDA 34614 P 352.754.4112 \* F 352.754.4118 \* W www.HernandoCounty.us

June 2, 2022

Mike Daniel, President Sunshine Grove Landfill 4435 Baseball Pond Road Brooksville, FL 34602

The Hernando County Solid Waste Department is in full support in your efforts to obtain an expansion at your facility. The County is in need of a construction and demolition disposal facility that provides contractors a convenient location within the County. The disposal facility saves the County landfill space by not putting waste in it that is classified under different DEP rules.

If there is anything that we can assist with do not hesitate.

Sincerely,

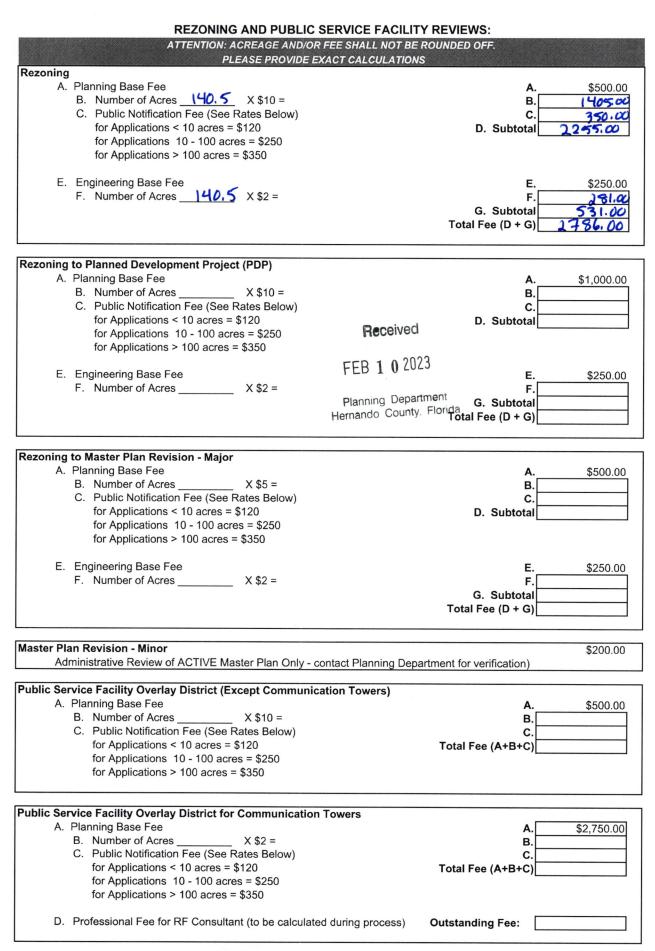
Varper

Scott Harper Solid Waste Services Manager Hernando County, Florida

## Received

## FEB 1 0 2023

Planning Department Hernando County, Florida



SEE PAGE TWO FOR ADDITIONAL INFORMATION



## AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12722 Legal Request Number: Bid/Contract Number:

## TITLE

H-22-63 - M. Daniel Construction, Inc.:

Expansion of a Public Service Facility Overlay District (PSOFD); West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy

## **BRIEF OVERVIEW**

**Request:** 

Expansion of a Public Service Facility Overlay District (PSFOD)

### **General Location:**

West side of Sunshine Grove Rd, approximately 2,000' north of Ken Austin Pkwy

## **FINANCIAL IMPACT**

A matter of policy. There is no financial impact

## LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VIII. The Planned Development Project master plan must be consistent with the Comprehensive Plan.

## RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners Postpone the petitioner's request for an Expansion of a Public Service Facility Overlay District (PSFOD) for readvertise the application for deviations.

## **REVIEW PROCESS**

Cayce Dagenhart	Approved	09/05/2023 9:22 AM
Omar DePablo	Approved	09/05/2023 10:32 AM
Michelle Miller	Approved	09/05/2023 11:45 AM
Victoria Anderson	Approved	09/05/2023 3:54 PM

#### **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission:
APPLICANT:	M. Daniel Construction, Inc.
REPRESENTATIVE	Darryl W. Johnston, Esq.
FILE NUMBER:	H-22-63
REQUEST:	Expansion of a Public Service Facility Overlay District (PSFOD)
GENERAL LOCATION:	West side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway
PARCEL KEY NUMBER:	344354

#### **APPLICANT'S REQUEST:**

The petitioner is requesting an expansion of an existing Public Service Facility Overlay District (PSFOD) to create a Class III landfill, as identified by Rule 62-701, F.A.C.

This application is a corresponding application to Conditional Use Permit (CU-23-01) which is requesting excavation of a 40.0-acre parcel.

#### SITE CHARACTERISTICS:

Site Size:	40.0 acre portion (150.1 acres)	
Surrounding Zoning; Land Uses:	North:	Mining; Undeveloped
	South:	AG; High, Middle and Elementary School Campus
	East:	AG; Single Family, Mobile Homes
	West:	AG; Single Family, Mobile Homes
Current Zoning:	AG/(Agricultural)	
Future Land Use Map Designation:	Rural	

#### **ENVIRONMENTAL REVIEW:**

- **Soil Type:** Candler fine sand
  - **Comments:** Candler 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 (Drymarchon corais), Florida mouse (Podomys floridanus), Florida pine snake (Pituophis melanoleucus mugitus), and gopher frog (Rana areolata). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to excavation, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

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

Excavation may create an environment for nuisance exotic vegetative species to begin to grow in the disturbed areas. The petitioner must provide acceptable control measures to contain and eliminate any nuisance species.

HydrologicFeatures:The subject property contains no wetlands or Special Protection Areas<br/>(SPA) according to County data resources.

#### Protection

**Features:** The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.

#### **UTILITIES REVIEW:**

The Utilities Department has indicated they currently do not supply water or sewer services to this parcel. Services are not available to this parcel. Well and septic are the responsibility of the property owner.

#### **ENGINEERING & TRANSPORT REVIEW:**

The site is located at the east end of Rester Drive, approximately 4,000 feet east of the Suncoast Parkway. The petitioner has indicated utilizing Rester Drive for truck traffic. Currently, sections of Rester Drive are only 15' wide and cannot support two-way traffic. The County Engineer has reviewed the request and indicated the following:

1. The petitioner shall provide appropriate dust control measures and maintenance of the road will be applicant's responsibility.

- 2. Dedication of right-of-way for Rester Drive will be required at the time of development permit is applied for.
- 3. Prior to issuance of any permits for excavation or development of the property, a traffic safety maintenance and signal plan shall be submitted for review and approval by the County Engineer.
- 4. There appears to be a sinkhole type disturbance on the west property line that will require investigation prior to excavation.
- 5. Project shall meet the stormwater permitting requirements of the SWFWMD and comply with the Hernando County Facility Design Guidelines.

#### LAND USE REVIEW:

All land use requirements are addressed in the correlating conditional use permit application. 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.

#### **COMPREHENSIVE PLAN REVIEW:**

The subject site is located within the Mining Future Land Use Designation on the County's adopted Comprehensive Plan. The area is characterized by Mining and a land fill to the north and a school campus to the south.

#### Mining Category

Objective 1.04I:	The Mining Category allows mining and ancillary mining activities with an overall average gross floor area ratio of 0.50, and co-location of mining support-related or industrial uses which consume mining products where mining occurs. Agricultural uses are also allowed.
Comments:	The proposed use is consistent with the Comprehensive Plan Mining Category.

#### FINDINGS OF FACT:

The Expansion of a Public Service Facility Overlay District (PSFOD) is appropriate based on consistency with the Comprehensive Plan. Additionally, the property does not create any adverse impact to the surrounding community.

#### 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

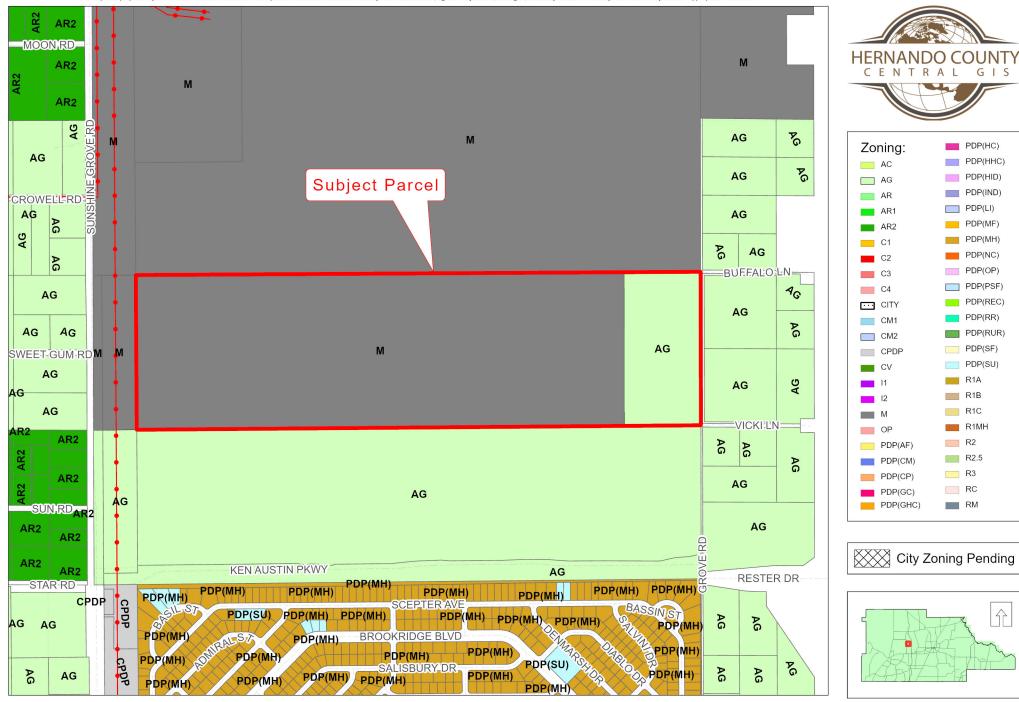
approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

#### STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for an Expansion of a Public Service Facility Overlay District (PSFOD).

H-22-63

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



Hernando County Planning Department Project date: 08/10/2022 0.05 0.1 0.2 0.3 0.4 Miles

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## H-22-63

### Photo date: 2020

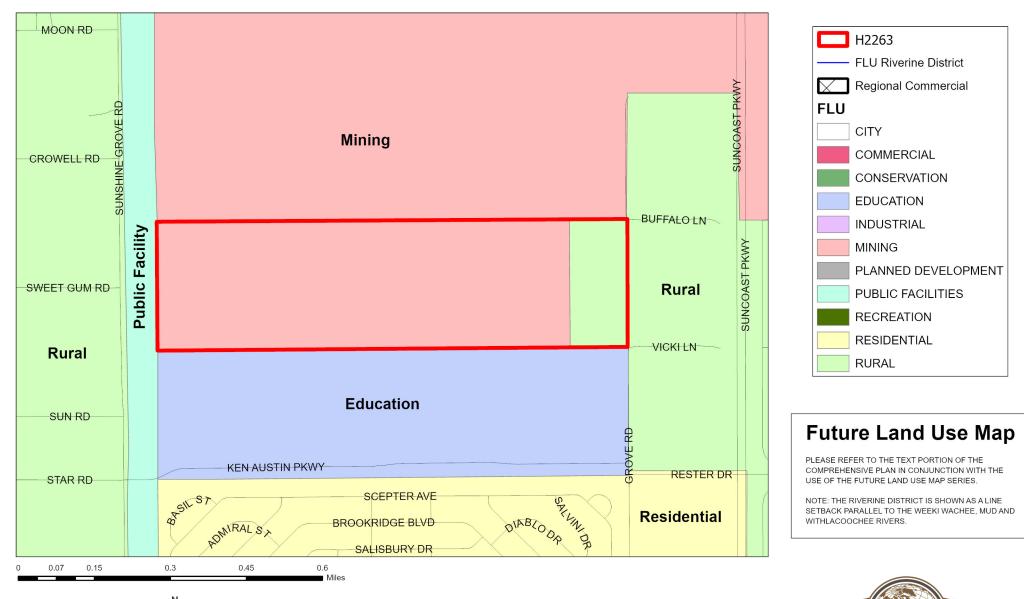
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



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# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-22-63 Version Date: 07/14/2022





S:\Share\P&Z\PZCases2022\October 2022\H2263a 8x11 Detail.pdf Date of mapping: 08/10/2022

HERNANDO COUNTY CENTRAL

GIS



HERNANDO CO	UNTY ZONING AMENDMENT PETITION	File No. <u>H-22-63</u>	Official Date Stamp:
ANDO CO	Application to Change a Zoning Classification		
HERA ALNO	Application request (check one):		
H	Rezoning 🗆 Standard 🗆 PDP		eceived
H H	Master Plan D New D Revised	4110	0 0 0000
A CONTRACT	PSFOD Communication Tower Other	AUG	0 3 2022
ORIC	PRINT OR TYPE ALL INFORMATION	Diama	
Date: 813122		Plannin Hernando	g Department County: Florida
APPLICANT NAME:	M. Daniel Construction, Inc.		
Address: 443	5 Baseball Hond Rol	<b>C</b>	
City Brooks	Sulle .	State: FL	Zip: 34602
	795933 Email: Michaele Manueline. Com		
	s name: (if not the applicant)		
REPRESENTATIVE/	CONTACT NAME:		
Company Name:	Darry 1 W. Johnston, Esg. 3. Brooksville Ave		
Address: 29	3. Brooken. Ile Ave		7:
City: Brooks	965124 Email: dwjedydhastenku.com	State: TL	Zip: 57601
	SOCIATION: Ves Vo (if applicable provide name)		
	City:	Stata:	Zin:
Address:	City:	State	Zīp
PROPERTY INFORM	IATION:		
1. PARCEL(S) KEY	NUMBER(S): 344354		
2. SECTION	10 TOWNSHIP ZZ SOUTH	, RANGE 5	East
3. Current zoning cla	assification: PSF and Mining and AG	200	
<ol><li>Desired zoning cli</li></ol>	assilication: Por tor C. D (Expansion of St	isting PSF)	
5. Size of area cover	ed by application:	-	
6. Highway and stre	et boundaries: Sunshine Grove Road	,	
7. Has a public hear	ing been held on this property within the past twelve months? $\Box$	Yes 🖸 No	
8 Will expert witne	ss(es) be utilized during the public hearings? $\Box$	Yes No (If yes, ident	tify on an attached list.)
<ol> <li>Will additional tir</li> </ol>	me be required during the public hearing(s) and how much? $\Box$	Yes I No (Time neede	ed:)
	ne oe required during me parent normager,		
PROPERTY OWNER	AFFIDIVAT		
1 Michael M	nel, as President, have thoroug	ably examined the instru-	actions for filing this
I, MICHAEL CON	affirm that all information submitted within this petition are true	and correct to the best of	of my knowledge and
application and state and	f public record, and that (check one):	and confect to the best	in my mile intellige and
-	f the property and am making this application <b>OR</b>		
	f the property and am authorizing (applicant):		
and <i>(representative,</i> to submit an appl	ication for the described property.		
to submit an appr		110	1
	× G. Ma	Hall	
	Signatu	re of Property Owner	
STATE OF FLORIDA			
COUNTY OF HERNAL	nt was acknowledged before me this 3 day of Aug	ist	20 22 hv
Michael Da	and the define the defendence of the second s	produced	as identification.
Michael Da	(C) Ewild is personally known at the of		
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Signature of Notary Pub	olic	and the second	
Signature of Froming Put	DARRYL W. JOHNSTO	N	
Effective Date: 11/8/16	Last Revision: 11/8/16 Commission # HH 1486	19	Notary Seal/Stamp
	The Environment of the State of		
	Bonded Thru Troy Fain Insur		Page 1 of 1

#### Received

#### NARRATIVE - M. DANIEL CONSTRUCTION, INC.

AUG 0 3 2022

#### Proposal

Planning Department Hernando County, Florida

This is a 150.1 acre parcel that is split zoned as Mining and the eastern ten (10) acres as Agricultural. There is a public service facility overlay for a construction and debris landfill ("C & D") on a portion of the western side of the property. This overlay has been in effect for more than a decade. The owner desires to expand the PSF overlay for the C & D to the eastern boundary of the mining portion of its property.

The subject property is currently used as a C & D landfill and a sand mine. Access to the subject is from Sunshine Grove Road. Zoning to the north is mining, to the south is AGSchool, and to the west and east is agricultural.

This is a request to modify the existing PSF to expand the C & D east to the western boundary of the agricultural zoned property on Petitioner's land. The buffers and setbacks for the C & D shall be per code.

#### Site and Environmental Characteristics

Most of the site has historically been used as a sand mine. The western part, included with the approved PSF for a C & D, has been used as a C & D since its approval. The entire .6 acre site is a commercially developed.

The entire site is within Zone X and does not lie within a flood zone. All surface water will be properly permitted and drained to approved drainage retention areas. There are no wetlands or water features.

There are no known endangered or protected species on site.

#### Site Plan

The proposed site plan is attached. There are no new buildings contemplated. No deviations are requested. The existing roadway network is capable of accommodating the expansion, and there will not be upgrades to signals or roadway network due to this site's traffic volume.

Hernando County Solid Waste Services has expressed support for the expansion.

#### Conclusion

This expansion of the existing PSF is consistent with the County's comprehensive plan and is compatible with the surrounding land uses. The proposed uses will not be adverse to the public. We request approval of this PSF expansion as stated above.



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#### AMENDED NARRATIVE - M. DANIEL CONSTRUCTION, INC.

Planning Department Hemando County, Florida

#### Proposal

This is a 150.1 acre parcel that is split zoned as Mining and the eastern ten (10) acres as Agricultural. There is a public service facility overlay for a construction and debris landfill ("C & D") on a portion of the western side of the property. This overlay has been in effect for more than a decade. The owner desires to expand the PSF overlay for the C & D to the eastern boundary of the mining portion of its property. The intent is to create a "Class III" landfill as defined by Rule 62-701, F.A.C.

The subject property is currently used as a C & D landfill and a sand mine. Access to the subject is from Sunshine Grove Road. Zoning to the north is mining, to the south is AG/School, and to the west and east is agricultural.

This is a request to modify the existing PSF to expand the C & D east to the western boundary of the agricultural zoned property on Petitioner's land. The buffers and setbacks for the C & D shall be per code.

#### Site and Environmental Characteristics

Most of the site has historically been used as a sand mine. The western part, included with the approved PSF for a C & D, has been used as a C & D since its approval. The entire .6 acre site is a commercially developed.

The entire site is within Zone X and does not lie within a flood zone. All surface water will be properly permitted and drained to approved drainage retention areas. There are no wetlands or water features.

There are no known endangered or protected species on site.

#### Site Plan

The proposed site plan is attached. There are no new buildings contemplated. No deviations are requested. The existing roadway network is capable of accommodating the expansion, and there will not be upgrades to signals or roadway network due to this site's traffic volume.

Hernando County Solid Waste Services has expressed support for the expansion.

#### Spa Removal

Due to the mining designation of the property, it is considered a SPA under the Hernando County Regulations. It is Petitioner's intent to change the zoning so SPA is removed and abandoned. It is not a SPA because of any activity on the property which has breached the lime rock layer beneath the property. The clay layer above lime rock has never been breached. The lime rock layer beneath the clay has never been breached. There will be a synthetic layer over the clay for the Class III land fill, so nothing will penetrate. The goal is to approve the Class III land fill and allow sand mining through an excavation permit for 40 acres or less on remaining property as permitted under the Code.

#### Conclusion

This expansion of the existing PSF is consistent with the County's comprehensive plan and is compatible with the surrounding land uses. The SPA designation will be abandoned. The proposed uses will not be adverse to the public. We request approval of this PSF expansion as stated above.





AGENDA ITEM

Meeting: 09/11/2023 Department: P&Z Agenda Item Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12723 Legal Request Number: Bid/Contract Number:

## TITLE

H-23-30 - Boone: Rezoning from R1C (Residential) to AR-1 (Agricultural/Residential-1); Northeast terminus of Berryhill Dr

## **BRIEF OVERVIEW**

**Request:** Rezoning from R1C (Residential) to AR-1 (Agricultural/Residential-1)

### General Location:

Northeast terminus of Berryhill Dr

## **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

## LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Zoning District Amendment must be consistent with the Comprehensive Plan.

## RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request for a rezoning from R-1C (Residential) to AR-1 (Agricultural/Residential-1) and approving the staff recommended rezoning for rezoning from R-1C (Residential) to AR (Agricultural/Residential).

## **REVIEW PROCESS**

Omar DePablo	Approved	09/01/2023	3:50 PM
Michelle Miller	Approved	09/05/2023	9:28 AM
Victoria Anderson	Approved	09/05/2023	3:00 PM

## **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission: September 11, 2023 Board of County Commissioners: October 10, 2023
APPLICANT:	Alexandria Elise Boone
FILE NUMBER:	H-23-30
REQUEST:	Rezoning from R-1C (Residential) to AR-1 (Agricultural/Residential 1)
GENERAL LOCATION:	Southwest corner of Norway Street and Berry Hill Drive
PARCEL KEY NUMBER:	898880

#### APPLICANT'S REQUEST

The petitioner is requesting a rezoning of this property from R-1C (Residential) to AR-1 (Agricultural/Residential-1) for farming, including raising chickens, for personal consumption. The property has an existing single family home and accessory structures. No changes are proposed to the property at this time.

The petitioner is requesting AR-1 (Agricultural/Residential-1) which limits the primary structure/home to a mobile home. Due to the surrounding zoning of R-1C (Residential) and the existing single family home on the property, staff will recommend changing the AR-1 (Agricultural/Residential-1) to AR (Agricultural/Residential) in order to limit the home to a single family site built home. The will allow for conformance with the existing zoning.

#### SITE CHARACTERISTICS

Site Size:	4.4 acres
Surrounding Zoning; Land Uses:	North:R-1C; Residential South:R-1C; Residential East:R-1C; Residential West:R-1C; Residential
Current Zoning:	R-1C (Residential)
Future Land Use Map Designation:	Rural

#### **UTILITIES REVIEW**

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the requested zoning change.

#### **ENGINEERING REVIEW**

The subject property is on the Southwest corner of Norway Street and Berry Hill Drive and has an existing home and driveway on the property. The County Engineer has reviewed the petitioner's request and indicated no engineering related concerns.

#### LAND USE REVIEW

Minimum AR (Agricultural/Residential) Building Setbacks:

- Front: 50'
- Side: 10'
- Rear: 35'

The AR district is designed to allow the continued development of low-density, single-family housing. The Hernando County Code of Ordinances, Appendix A, Article IV, Section 13 identifies the permitted uses within the AR zoning district as follows:

- A. The following regulations apply to agricultural/residential districts as indicated:
  - (1) Permitted uses:
    - (a) All agricultural/residential districts:
      - i. Aquaculture
      - ii. Grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre.
      - iii. Poultry and swine for home consumption maintained at least seventy-five (75) feet from adjacent property.
      - iv. Horticultural specialty farms, including the cultivation of crops.
      - v. Accessory structures related to the principal use of the land.
      - vi. Pigeon aviaries with a maximum of 1,500 square feet of area devoted to housing pigeons per acre.
      - vii. Sales on the premises of permitted agricultural products produced on the premises: provided that where such products are sold from roadside stands, such stand shall be set back a safe distance from any public street right-of-way and shall provide for automobile access and off-street parking space in such a manner so as to not create an undue traffic hazard on the street on which such roadside stand is located.

- (b) Agricultural/Residential:
  - i. Single-family dwellings

#### **COMPREHENSIVE PLAN REVIEW**

The subject site is within the Rural land use designation; the permitted uses within the AR/(Agricultural-Residential) district are consistent with the goals, objectives and strategies of this land use designation.

#### **FINDINGS OF FACT**

The request for a rezoning from R-1C (Residential) to AR (Agricultural/Residential) is appropriate based on the following:

- The petitioner request for AR-1 (Agricultural/Residential-1) would be considered inconsistent and incompatible with the surrounding area due to the AR-1's permitting of mobile homes. Due to the surrounding zoning of R-1C (Residential) and the existing single family home on the property, it is recommended that the property be rezoned to AR (Agricultural/Residential) in order to limit the home to a single family site built home.
- As AR (Agricultural/Residential) zoning, the request would be consistent with the Comprehensive Plan and compatible with the surrounding land 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 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 RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request for a rezoning from R-1C (Residential) to AR-1 (Agricultural/Residential-1) and approving the staff recommended rezoning for rezoning from R-1C (Residential) to AR (Agricultural/Residential).

## H-23-30

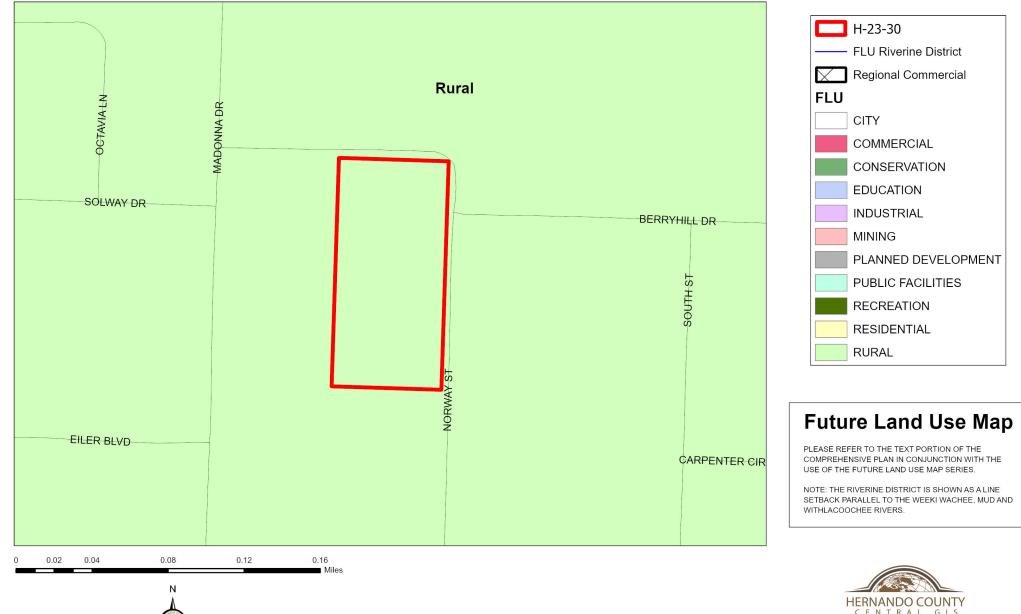
## Photo date: 2023

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# Hernando County Comprehensive Plan Map

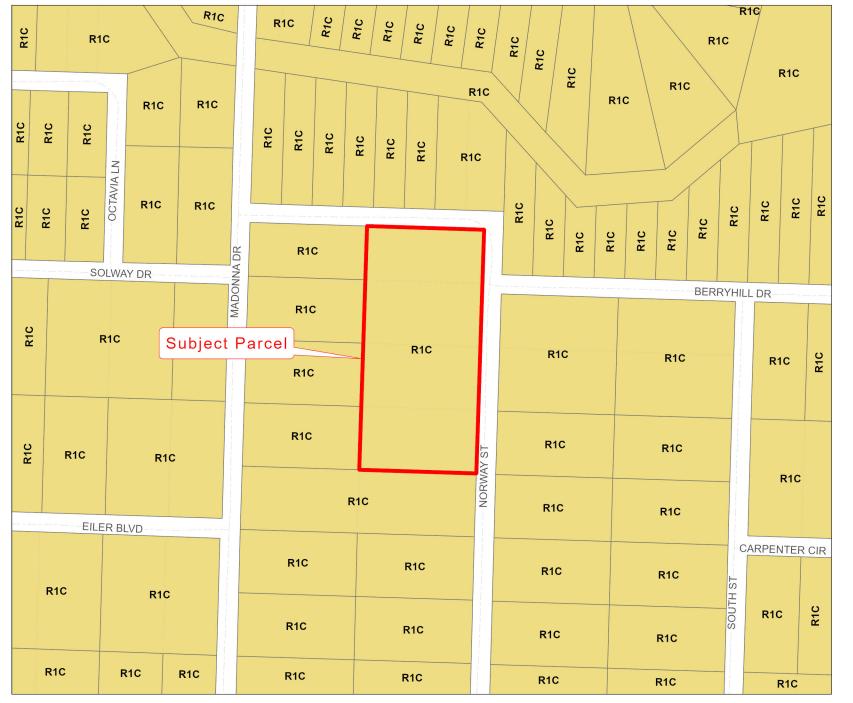
Existing Future Land Use: H-23-30 Version Date: 12/09/2022





H-23-30

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



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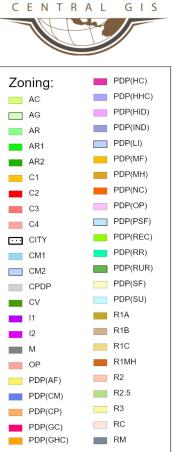
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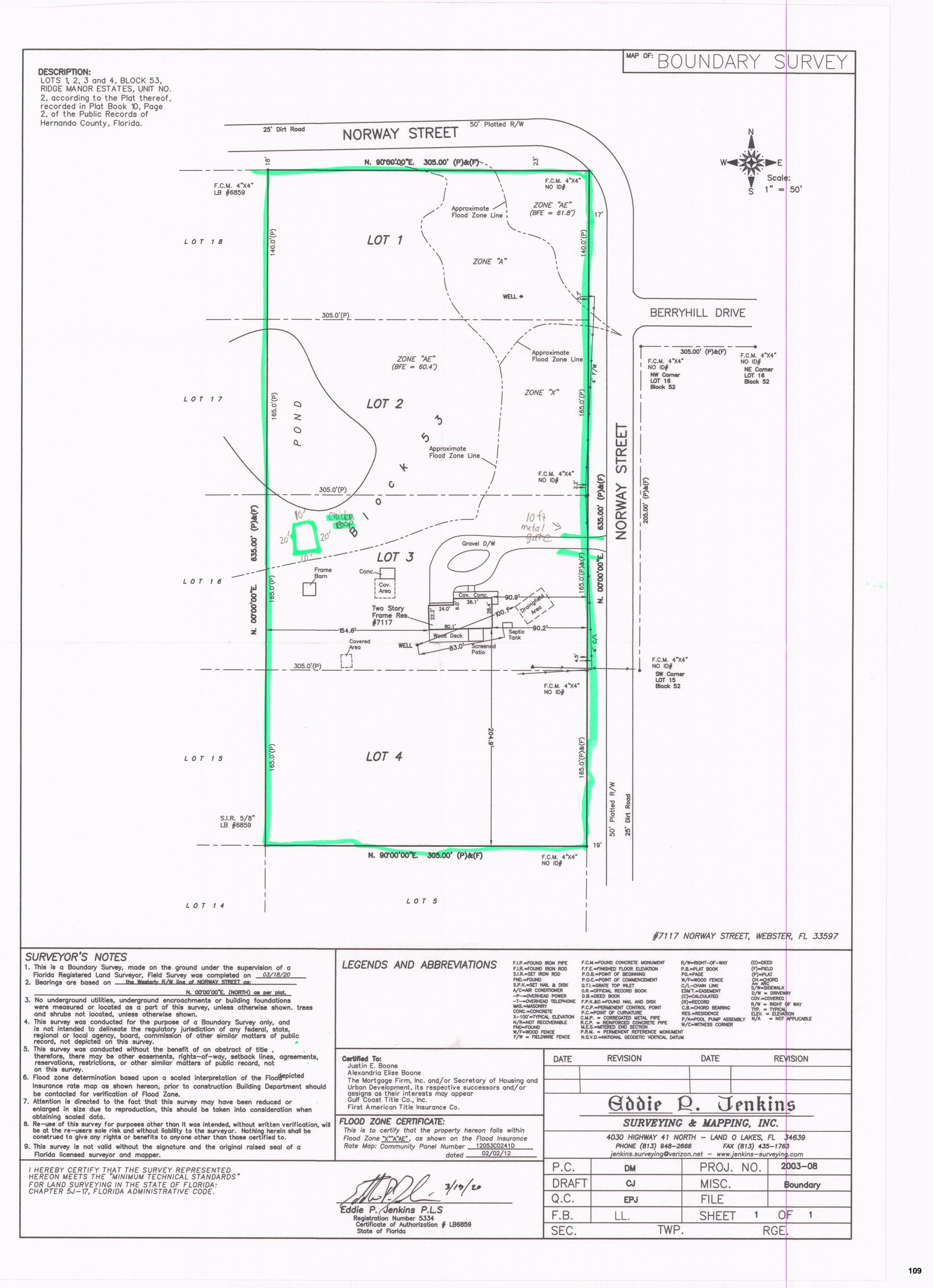


HERNANDO

COUNTY

City Zoning Pending





HERNANDO CO	OUNTY ZONING AMENDMENT PETITION	File No. H 23-30 Official Date Stamp:
THANDO COUNT	Application to Change a Zoning Classification	
ALL CE	Application request (check one):	
T	Rezoning 🔳 Standard 🗖 PDP	Received
The willing the second	Master Plan 🗆 New 🗖 Revised	
ORIOR	PSFOD Communication Tower Other <b>PRINT OR TYPE ALL INFORMATION</b>	AUG 2 1 2023
D-1 5/02/02	FRINT OR TYPE ALL INFORMATION	Planning Department
Date: <u>5/23/23</u>	Justin E Boone and Alexandria Elise Boone	Hernando County, Florida
APPLICANT NAME Address: 7117 Non		
City: Webster		State: FL Zip: 33597
Phone: (813)428-3	Email: booneinstallations@gmail.com	
	's name: (if not the applicant) Alexandria Boone	
	CONTACT NAME:	
Company Name:		
City:	S	State: Zip:
Phone:	S	
HOME OWNERS AS	SOCIATION: 🛛 Yes 🗏 No (if applicable provide name)	
Contact Name:		
	City:	State: Zıp:
PROPERTY INFORM		
1. PARCEL(S) <u>KE</u> 2. SECTION	<u>Y</u> NUMBER(S): <u>898880</u> , TOWNSHIP <u>20</u>	RANGE 21
3. Current zoning c		, KANGE
4. Desired zoning c	lassification: AR#	
	red by application: <u>5 acres</u>	
<b>e</b>	eet boundaries: <u>Norway st and Berry Hill Dr</u> ing been held on this property within the past twelve months?	Ves No
-		Yes I No (If yes, identify on an attached list.)
	me be required during the public hearing(s) and how much?	
PROPERTY OWNER		
TROTERTTOWNER		
$\mathrm{I},$ Justin E Boone and Alexandr		hly examined the instructions for filing this
	d affirm that all information submitted within this petition are true a	and correct to the best of my knowledge and
	f public record, and that ( <b>check one</b> ): f the property and am making this application <b>OR</b>	
	f the property and am authorizing (applicant):	
and (representative,		
to submit an app	ication for the described property.	1
	(PPOUNDIAND	the Ma
	Signature	e of Property Owner
STATE OF FLORIDA	/ ~	
COUNTY OF HERNA	NDO	$\nabla$ $\nabla$ online notorization this $\partial \int day  ds$
AUDIST	20 23 by Alexandrua Boom	e and Justin Boon who is
personally known to	nt was acknowledged before me by means of □physical presence of, 20, by <u>Aleyandria Boom</u> me or Pproduced <u>FL-DLas</u> identification.	
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Khom K	embart	ROBIN ANDREA REINHART
Signature of Notary Pul		MY COMMISSION # HH 309051
		EXPIRES: September 6, 2026
Effective Date: 05/15/2	0 Last Revision: 05/15/20	Notary Seal/Stamp
Rezoning Application Form_	05.15.20 Fillable Test	Page 1 of 1

# HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification Application request (check one): Rezoning 🗆 Standard 🗆 PDP

Master Plan D New D Revised PSFOD 
Communication Tower 
Other PRINT OR TYPE ALL INFORMATION

File No. Official Date Stamp: Received

MAY 2 6 2023

Planning Department Hernando County. Florida

Date: 5/23/2023

APPLICANT NAME: Alexandria Elise Boone

	Address: 7117 Norway St.		
	City: Webster	State: FL	Zip: 33597
	Phone: (813)428-3005 Email: Booneinstallations@gmail.com		-
	Property owner's name: (if not the applicant) Alexandria Boone		
REI	PRESENTATIVE/CONTACT NAME:		
	Company Name:		
	Address:		
	City:	State:	Zip:
	City: Phone: Email:		
HOI	ME OWNERS ASSOCIATION: 🗆 Yes 🗹 No (if applicable provide name)		
	Contact Name:		
	Address: City:	State:	Zip:
PRC	PERTY INFORMATION:		
1.	PARCEL(S) KEY NUMBER(S): 898880		
2.	SECTION, TOWNSHIP	, RANGE	
3.	Current zoning classification: R1C		
4.	Desired zoning classification: AR1		
5.	Size of area covered by application: 5 acres		
6.	Highway and street boundaries:		
7.	Has a public hearing been held on this property within the past twelve months?	🗆 Yes 🖉 No	
8	Will expert witness(es) be utilized during the public hearings?	🗆 Yes 🗹 No (If yes, iden	ntify on an attached lis
9.	Will additional time be required during the public hearing(s) and how much?	□ Yes <sup>(1)</sup> No (Time need	•

#### **PROPERTY OWNER AFFIDIVAT**

I, Alexandria Elise Boone

, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

I am the owner of the property and am making this application OR

200

□ I am the owner of the property and am authorizing (applicant):

and (representative, if applicable): to submit an application for the described property.

The foregoing instrument was acknowledged before me this

Signature of Property Owner

STATE OF FLORIDA **COUNTY OF HERNANDO** 

as identification.

Signature of Notary Public

Effective Date: 11/8/16 Last Revision: 11/8/16



ARY PUN	2200/12 2000
So and	BROOKE BORDELON
21 6 35	Notary Public - State of Florida
1000	Commission # HH 137273
	My Comm. Expires Jun 2, 2025

day of who is personally known to me or produced Diver

Notary Seal/Stamp

# **Narrative Description of Request**

#### Proposal

The only use of the land would be for poultry production for our own residential purposes. Our current coop is 15W X 20L X 15H and is located south east on the property. It currently houses 6 chickens. For chicken processing, we would need to keep a steady supply of chickens to the property, so (1) and only one rooster would be necessary. We will build a 10W X 20L X 10H second coop at the Northwest end of the property away from surrounding neighbors for chicken reproduction, the current coop would be for egg production purposes since it is backed up to an adjacent neighbor, and is a more quiet operation.

Fencing: We would like to install 7 ft wood panel privacy fencing around the entire property as well. Not for agricultural reasons, but for privacy from incoming neighbors. This cost was anticipated around \$14,000. This project is anticipated to be completed within the next year and a half.

The amount of chickens we anticipate having consistently on hand is about 30, Processing 2 chickens a week for meat.

No Deviations from Land Development Regulations.

Environmental considerations: no flood zone, no water features, will not be free range chickens but will exist in their coops, no impact on natural features.

No Impacts to Public facilities.

Water and Sewage services: We are on a well and inground septic. No water or sewage services needed.

No senior age restricted or affordable housing

# AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12725 Legal Request Number: Bid/Contract Number:

# TITLE

H-23-08 - Teramore Development, LLC,

Rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial); East of US Hwy 19, between Ridge Rd and Osceola Dr

# **BRIEF OVERVIEW**

# **Request:**

Rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial)

# **General Location:**

East of US Hwy 19, between Ridge Rd and Osceola Dr

# Hearing Detail:

On August 14, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners continue the petitioner's request for a rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with Deviations in order to provide staff and the petitioner ample time to review the revised documents for the application.

# **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VI. The Zoning District Amendment to the Planned Development District and applicable PDP master plan must be consistent with the Comprehensive Plan.

# 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 R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for Comparison Goods Store with Deviations with the following performance conditions.

# **REVIEW PROCESS**

Cayce Dagenhart	Approved	09/05/2023 8:50 AM
Omar DePablo	Approved	09/05/2023 10:20 AM
Michelle Miller	Approved	09/05/2023 11:44 AM

Victoria Anderson

Approved

09/05/2023 3:38 PM

# STAFF REPORT

HEARINGS:	Planning & Zoning Commission: Board of County Commissioners:
APPLICANT:	Teramore Development LLC
FILE NUMBER:	H-23-08
REQUEST:	Rezoning from R-1A (Residential) to PDP(NC)/Planned Development District - Neighborhood Commercial with a specified C-1 use for a comparison goods store with Deviations
GENERAL LOCATION:	East side of Commercial Way between Ridge Road and Osceola Drive
PARCEL KEY NUMBERS:	86187, 86196, 86203, 86212, 85142

## APPLICANT'S REQUEST

The petitioner is requesting a rezoning from R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for Comparison Goods Store with deviations for commercial retail use. The 4.86-acre subject site will be split into two (2) Lots with Lot 1 being Phase One with a 10,640 square foot general retail store. The proposed use for the second parcel has not been identified. As part of the proposed development the petitioner will seek to vacate the alley that bisects the project parcels. This will be handled as a separate process.

#### **Requested Deviations**

The petitioner has requested the following County Land Development Regulation (LDRs) deviations:

- Front (US Hwy 19) setback deviation from 125' to 75'
- Rear (east) setback deviation from 35' to 20'
- Deviation from the frontage road requirement as it pertains to extending the frontage road beyond the point of Phase 1 of development. The petitioner would like to reserve the balance of the frontage road as an access easement to be constructed during the development of the second lot.
- Reduction in parking requirements from 43 to 36 parking spaces

#### SITE CHARACTERISTICS

Site Size:	4.86 Acres	
Surrounding Zoning;		
Land Uses:	North:	R-1A; Undeveloped
	South:	C-2, C-1; Warehouse
	East:	R-1A; Single Family, Undeveloped

1

	West:	C-2, C-3, R-3; Undeveloped
Current Zoning:	R-1A (Residential)	
Future Land Use		

Residential

#### ENVIRONMENTAL REVIEW

Map Designation:

Soils:	Candler Fine Sand.

- **Comment:** 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 and submitted prior to any land disturbing activities. The petitioner is required to comply with all applicable FWC regulations and permitting. Invasive plant species if present are to be removed during the development process.
- **Protection Features:** The property is in a City of Brooksville Wellhead Protection Area (WHPA) 1. There are no Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.
  - **Comment:** Section 28-266(a) of the Hernando County Code lists land uses that are prohibited within the wellhead protection area 1. The land use proposed for Lot 1 is not a prohibited use in the Wellhead Protection Area (WHPA) 1. Any other development occurring on the subject property be bound by the same land use restrictions.
- **Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
- Water Quality: This project is located within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Outstanding Florida Springs (OFS) Group, and the Weeki Wachee Priority Focus Area identified by the Florida Department of Environmental Protection (FDEP) as contributing nutrients to the Weeki Wachee Riverine System.
- **Comment:** Implementation of Florida Friendly Landscaping<sup>™</sup> principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required.
- Flood Zone: C; small portion in AE along the southeast corner

## UTILITIES REVIEW

The Hernando County Utility Department (HCUD) have indicated they currently do not supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the west side of Commercial Way. There are existing 8-inch and 20-inch sewer gravity mains that run along the east 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.

*Comment:* The following will be included as a performance condition:

- A utility capacity analysis shall be performed by the petitioner as part of the permitting process.
- The development shall connect to the central water and sewer systems at time of vertical construction.

## **ENGINEERING REVIEW**

The subject site is located on the east side of US Hwy 19 (Commercial Way), between Ridge Road and Osceola Drive. Access to the property will be from the reverse frontage road. The petitioner requests a deviation from the frontage road requirement that would allow the construction of the road in phases as the property is developed.

The petitioner proposes the construction of the reverse frontage road on Lot 1 and the establishment of a 50' easement on Lot 2 for the road to be completed as part of the development of that lot. The entire reverse frontage road would be subsequently conveyed to the County when fully constructed. The County Engineer indicates that this approach to the development of the reverse frontage road is acceptable.

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

- The requested deviation to the frontage road construction for Lot 1 is acceptable with deed of dedication for 50' of Right-of-Way to be completed within 30 days of Master Plan approval. Lot 2 will be required to build 50' frontage road upon development.
- Mitigation for Lot 1 must be on lot 1. When Lot 2 is developed, the mitigation area on Lot 1 can be revised to mitigate for both ponds or provide a drainage easement for mitigation.
- Flood Zone permitting and mitigation is required if development impacts the existing floodplain on Parcel Key 85142.
- Parcel configuration will require a *Vacation of Road Right-of-Way*, for the existing right-of-way that is reserved on the site (parcel key number 1490498).
- The classification for Ridge Road is a Collector Roadway and the travel lanes are to be 12' in width.
- A sidewalk is required along Ridge Road for the entire length of frontage along Ridge Road. Refer to Hernando County Facilities Design Guidelines IV-10.

- A Traffic Access Analysis that includes a queuing analysis, is required. Refer to Hernando County Facilities Design Guidelines IV-18.
- Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
- The Turn Lane will need to meet Hernando County Standards. Refer to Hernando County Facilities Design Guidelines IV-20.
- The widening of Ridge Road will need to meet Hernando County Standards for turn lane transitions. Refer to Hernando County Facilities Design Guidelines IV-19.
- FDOT access management and FDOT drainage permits required.

*Comment:* The items listed above will be included as part of the performance conditions.

# LAND USE REVIEW

The PDP(NC)/Planned Development Project (Neighborhood Commercial) includes all permitted uses in the C-3 zoning district and any permitted and/or special exception uses from the C-1 zoning district specifically designated in the narrative or on the master plan. The C-1 use the petitioner requests is for a "Comparison Goods Store". The comparison goods store category includes clothing, shoes, apparel, accessories, furniture, appliance, and home furnishing stores.

#### **Building Setbacks**

The building setbacks for all commercial zoning districts are:

Commercial Setbacks:

- Front (West): 175' (because it abuts US Hwy 19)
- Side (North and South): 20'
- Rear (East): 35'

The applicant is requesting a deviation in the rear (East) setback from 35' to 20'. This setback will be measured from the new property line created through the frontage road construction and dedication process. The deviation would be applied to Lot 2 in the same manor, as a deviation from the newly created rear (east) property line adjacent to the reverse frontage road. The Hernando County code states, for commercial zones or districts, the Board of County Commissioners "may reduce the required rear yard where such rear yards would be adjacent to railroad sidings if such reduction would not be detrimental to surrounding areas" (*Article IV, Section 3 (d)(3)*).

**Comment:** The subject parcel is not adjacent to railroad sidings; however, the petitioner has situated the reverse frontage road between the commercial use and the residential property. In doing this, the petitioner has effectively provided a 100' building setback at the rear of the property where no vertical construction will take place. For this reason, staff does not object to the deviation request.

The petitioner also requests a reduction in the front setback against US Highway 19 from 125' to 75'. The setbacks from US Highway 19 are in place to allow for the future expansion of the road, and to accommodate a frontage road. The County Engineer/Department of Public Works has no issue with this request.

*Comment:* Staff recommends approval of the deviation request for the front (west) property line for the setbacks to be reduced from 125' to 75'. The following will be added to the performance conditions:

#### **Building Setbacks:**

- Front (West, US Hwy 19): 75' (Deviation from 125')
- North (Side, Ridge Rd):
- South (Side, Osceola Dr): 35'
- East (Rear, frontage road): 20' (Deviation from 35')
- Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

35'

#### Buffers

#### (All buffers shall meet the requirements of Section 10-26)

The petitioner proposes a 20' landscaped buffer on the north, south and west property boundaries, and a 5' landscaped buffer on the south of the property. As part of any new development authorization on a parcel of land that has a minimum two hundred (200) feet along the frontage and is two (2) acres or greater, a minimum twenty-foot-wide vegetative buffer shall be required with respect to any property line adjacent to the right-of-way of any arterial roadway.

Planted vegetative buffers shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting. A combination of preserved plants or installed plants may be used. If plants are preserved, they must be shrubs or trees to count toward the vegetative buffer requirement. Vegetative buffers shall be protected from vehicle tires by appropriately placed wheel stops or an approved alternative.

A vegetative buffer is also required between a Planned Development Project land use which is non-residential and a land use, external to the PDP, which is residential. The commercial use located on such property shall be permanently screened from the adjoining and contiguous residential properties (Appendix A, Article VIII, Section 1(C)). The perimeter buffers shall remain undisturbed where there is vegetation to provide screening. When the natural vegetation is not present, the buffer shall remain natural and be supplemented with plantings to achieve 80% opacity within twelve (12) months of planting.

A 6' high opaque fence or wall is required as part of the eastern perimeter buffer to permanently screen the commercial use from the adjoining and contiguous residential properties.

**Comment:** The required width of the residential protection buffer is 5', however staff recommends increasing this to a 10' buffer width due to the vehicular activity that will take place near the property lines because of the reverse frontage road. The installed greenery shall be planted on the residential side. The following items are included in the performance conditions:

Perimeter Buffers:

- Front (West): 20' Vegetative Buffer (landscaped)
- Side (North & South): 20' Vegetative Buffer (landscaped)
- Rear (East): 5' Vegetative Buffer (landscaped)
- Rear (between the reverse frontage road and the eastern most boundary): 10' Vegetative Buffer (landscaped) with a 6' tall opaque fence or wall. The fence shall be dominated by greenery which shall attain fifty (80) percent opacity within twelve (12) months maintained between 5' and 8' in height.
   Between Lot 1 and Lot 2: 0' (Deviation from 20' side vard
- Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

#### **Residential Protection Standards**

This property is within 100' of a residential zoning district which requires the implementation of the residential protection standards. Those standards are as follows:

- a. There shall be no speakers or other sound equipment located within 100' of any single-family residential district property line.
- b. There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100' of any single-family residential district property line.
- c. 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 12 midnight and 7:00 a.m. within 100' of any single-family residential district property line.
- d. No building within 100' of any single-family residential district property line shall be more than 20' in height.
- e. All loading bays and loading docks must be a minimum of 100' 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.
- f. 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.

*Comment:* The residential protection standards are included in the performance conditions.

## Lighting

The petitioner indicates full cutoff fixtures will be installed for the purpose of retaining all light on-site. Security lighting shall also be shielded to minimize light pollution.

**Comment:** All lighting for the site shall be full cutoff fixtures designed/installed to prevent light spillage onto adjacent residential properties. This item is included in the performance conditions.

#### Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use, or 1 space per 250 square feet of commercial building. The proposed structure is 10,640 square feet which requires 43 parking spaces. The petitioner requests a reduction in the number of required parking spaces from 43 to 36. The requested reduction would change the parking calculation to 1 parking space per 300 square feet of building area.

- **Comments:** The County Engineer did not have any issue with this request. The following parking calculation is included in the performance conditions:
  - Required parking: 1 space/300 square feet of building area.

#### Landscape

(Chapter 10, Article 2)

The petitioner must meet the landscape requirements put forth in the Hernando County Land Development Regulations. For commercial projects, A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. A minimum of five (5) trees per development site acre are required within parking lots of twenty-five (25) spaces or more. At least half of the trees shall be shade trees. Trees shall be reasonably distributed within the parking lot. (Section 10-24)

#### **Specimen and Majestic Trees**

(Section 10-28(4))

If existing on the site, specimen (trees 18" DBH to 35.99" DBH) and majestic trees (trees 36" DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect.

The county administrator's designee shall review any petitions detailing the appropriate mitigating circumstances and may authorize a specimen tree or a majestic tree to be removed upon finding that any of the following conditions exist:

a. The tree is an immediate safety hazard.

- b. The tree has an infestation of insects or pathogen that may reasonably be expected to lead to the death of the tree or spread to other trees.
- c. The tree is causing property damage or may be reasonably expected to cause property damage.
- d. Where the location of the tree prevents direct access to the property.
- e. The tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria of this article.
- f. When the tree prevents a proposed reasonable use of the site.

A demonstrated effort shall be made, through a comprehensive tree management plan, to preserve high quality trees in accordance with the intent of Chapter 10, Article II. *(Section 10-28 (5))* 

## **Construction Buffer**

#### (Section 10-21(a)(5))

All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction.

If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction before the construction bond is released.

Retention of a natural vegetative buffer is encouraged. Land disturbing activities (other than the removal of dead trees and the installation of plantings for the buffer opacity) are not allowed within the perimeter buffer. A permanent construction buffer can be used to meet all or part of the requirement for natural vegetation preservation.

**Comment:** The proposed project is adjacent to residential property on the east boundary therefore, a construction buffer is required along the east boundaries. Staff recommends the installation of an opaque fence and plantings at these locations due to sparce or no vegetation to provide the opacity required of the construction buffer.

## COMPREHENSIVE PLAN REVIEW

#### Future Land Use Map

The subject property is located within the Residential land use classification on the adopted Future Land Use Map. Neighborhood Commercial is a consistent land use in the Residential Category.

- <u>Strategy 1.04G(9):</u> 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.
- <u>Strategy 1.04G(10)</u>: 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 PDP zoning district/process permits the request for uses from a more intense category. In this case the petitioner has requested Comparison Goods Store which is a C-1 (Highway Commercial) use. The added use is compatible with the area and not adverse to the public interest.
- <u>Strategy 1.10D(2):</u> Parking standards for all new Planned Development Projects are encouraged where appropriate to provide for capacity and arrangements appropriate to the scale of the development. Concepts such as the following may be utilized:
  - a. parking behind buildings and on streets;
  - b. shared parking and reduced parking quantities;

	<ul> <li>c. flexible parking quantities and placement standards for typical building and street types;</li> </ul>
	d. configurations for mixed use and shared parking;
	<ul> <li>configurations that easily accommodate transit stops and design of park-and-ride facilities;</li> </ul>
	f. alternative paving techniques.
Comments:	The petitioner's request for a deviation to the calculation of the required parking spaces. This request is appropriate for the PDP district and compliant with the Comprehensive Plan.

# **FINDING OF FACTS**

- 1. The requested zoning and land uses in the PDP(NC) district are appropriate for the site.
- 2. The proposed reverse frontage road fulfills the County's frontage road requirements.
- 3. The requested deviations to the front (west) and rear (east) setbacks are reasonable.
- 4. The petitioner's request to construct the frontage road in two phases being constructed concurrently with the development of the parcels is acceptable to DPW.
- 5. The property abuts US Highway 19, which is a major north south corridor for Hernando County. The development of commercial properties along this road is appropriate.

# 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 approving the petitioner's request for a rezoning R-1A (Residential) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a specific C-1 use for Comparison Goods Store 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. Planning
  - A. Permitted Uses:
    - i. All permitted uses in the C-3 zoning district.
    - ii. Comparison Goods Store (Requested C-1 land use)
  - B. Building Setbacks:
    - Front (West, US Hwy 19): 75' (Deviation from 125')
    - North (Side, Ridge Rd):
      - : 35' )r): 35'
      - South (Side, Osceola Dr):
      - East (Rear, frontage road): 20' (Deviation from 35')
      - Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

#### C. <u>Perimeter Buffers:</u>

•

- Front (West): 20' Vegetative Buffer (landscaped)
- Side (North & South): 20' Vegetative Buffer (landscaped)
- Rear (East): 5' Vegetative Buffer (landscaped)
- Rear (between the reverse frontage road and the eastern most boundary):
   10' Vegetative Buffer (landscaped) with a 6' tall opaque fence or wall. The fence shall be dominated by greenery which shall attain fifty (80) percent opacity within twelve (12) months maintained between 5' and 8' in height.
  - Between Lot 1 and Lot 2: 0' (Deviation from 20' side yard setback)

#### 3. Engineering:

- A. Geotechnical testing is required to verify variables used in the drainage design. Geotesting may not occur until after the Gopher tortoise relocation has occurred to prevent the destruction of burrows and animals.
- B. Required parking shall be calculated at 1 space/300 square feet of building area.
- C. A deed of dedication for the 50' of Right-of-Way on Lot 2, to be completed within 30 days of Master Plan approval.

- D. The reverse frontage road shall be constructed as part of the development of each parcel.
- E. Stormwater mitigation for Lot 1 must be on lot 1. When Lot 2 is developed, the mitigation area on Lot 1 can be revised to mitigate for both ponds or provide a drainage easement for mitigation.
- F. Flood Zone permitting and mitigation is required if development impacts the existing floodplain on Parcel Key 85142.
- G. Parcel configuration will require a *Vacation of Road Right-of-Way*, for the existing right-of-way that is reserved on the site (parcel key number 1490498).
- H. A sidewalk is required along Ridge Road for the entire length of frontage along Ridge Road. Refer to Hernando County Facilities Design Guidelines IV-10.
- I. A Traffic Access Analysis that includes a queuing analysis, is required. Refer to Hernando County Facilities Design Guidelines IV-18.
- J. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- K. The Turn Lane shall meet the Hernando County Standards. Refer to Hernando County Facilities Design Guidelines IV-20.
- L. The widening of Ridge Road shall meet the Hernando County Standards for turn lane transitions. Refer to Hernando County Facilities Design Guidelines IV-19.
- M. FDOT access management and FDOT drainage permits required.
- 4. Environmental:
  - A. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted with the first permitting applications. The petitioner is required to comply with all applicable FWC regulations and permitting.
  - B. The petitioner must meet the minimum requirements of Florida Friendly Landscaping<sup>™</sup> publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping.
  - C. This property is in a Wellhead Protection Area (WHPA) 1, and subject to *Section* 28-266(a) of the Hernando County Code which lists land uses that are prohibited within the wellhead protection area 1.
  - D. If existing on the site, specimen (trees 18" DBH to 35.99" DBH) and majestic trees (trees 36" DBH and above) shall be preserved. Specimen and majestic trees that are within proposed areas to be cleared shall be drawn on the land clearing plan. Tree protection measures described in this article for commercial projects shall be in effect.
- 5. All lighting for the site shall be full cutoff fixtures designed/installed to prevent light spillage onto adjacent residential properties.

#### Hernando County Planning Department

- 6. Signage along US Hwy 19 shall be limited to a monument sign and shall be complementary to the architecture of the primary structure.
- 7. Utilities:
  - A. A utility capacity analysis shall be performed by the petitioner as part of the permitting process.
  - B. The development shall connect to the central water and sewer systems at time of vertical construction.
- 8. A construction buffer, including the installation of a 6' opaque fence, meeting the requirements of Section 10-21 shall be installed before land disturbing activities take place on the property.
- 9. Residential Protection Standards shall be adhered to (*Appendix A, Article 7, Section 6*):
  - A. There shall be no speakers or other sound equipment located within 100' of any single-family residential district property line.
  - B. There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100' of any single-family residential district property line.
  - C. 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 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
  - D. No building within 100' of any single-family residential district property line shall be more than 20' in height.
  - E. All loading bays and loading docks must be a minimum of 100' from any singlefamily 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.
  - F. 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.
- 10. 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.

# H-23-08

# Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



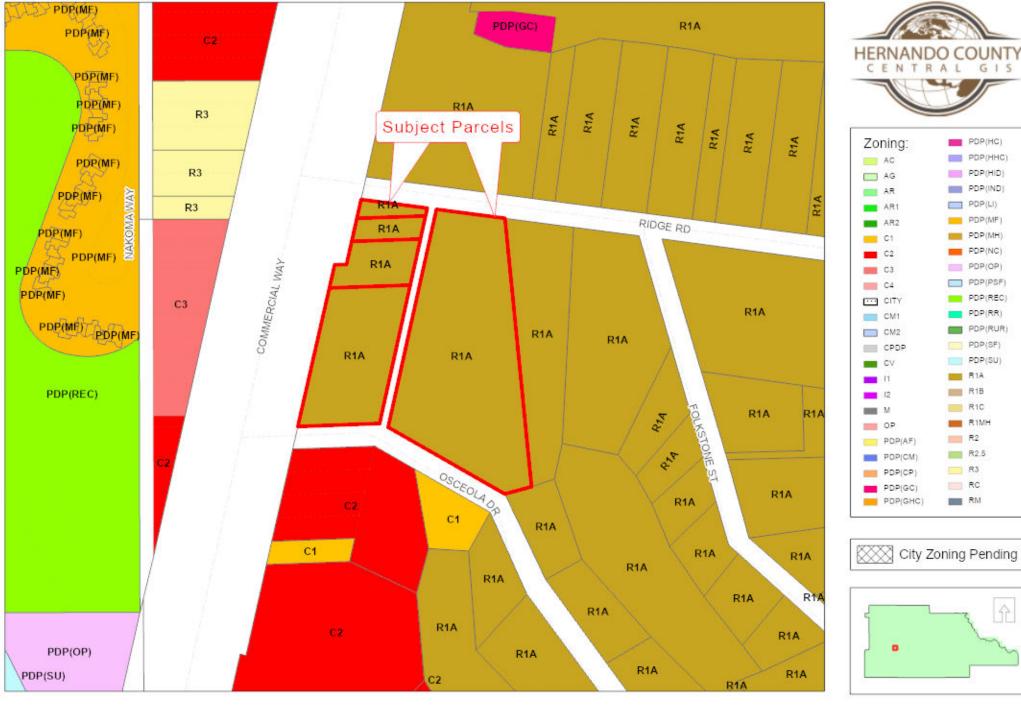
# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-23-08 Version Date: 07/14/2022



H-23-08

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



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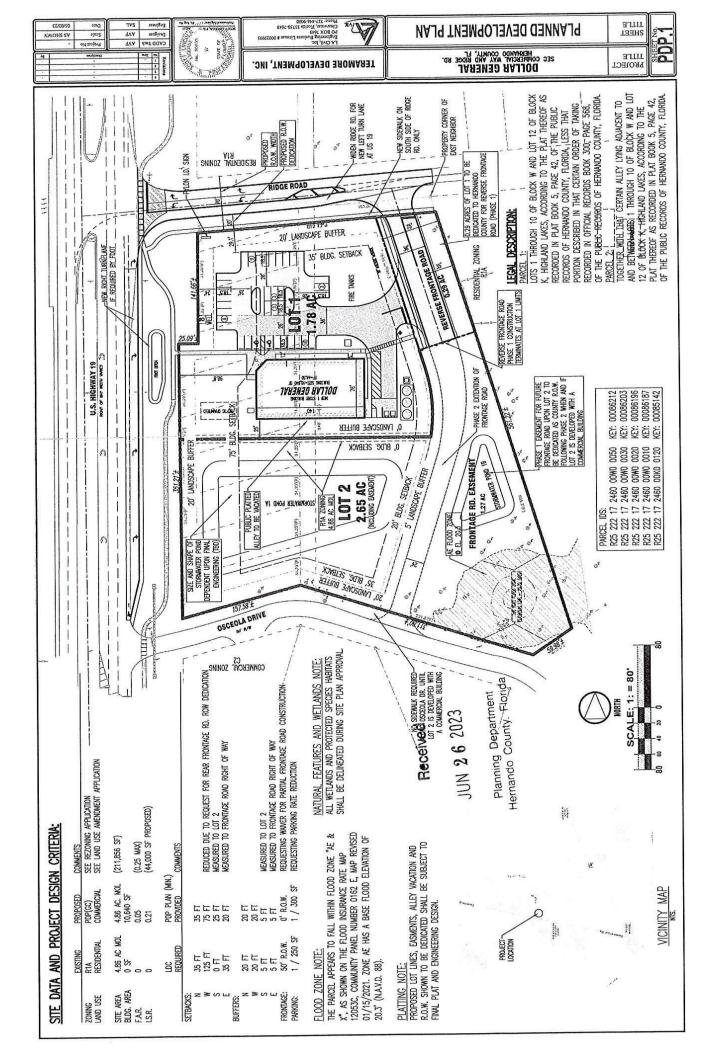
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Hernando County Planning Department Project date: 04/11/2023



HEI	RNANDO CO	UNTY ZONING AMENDMENT PETITIO	)N	File No.	- 03 - DB Official Date Stamp:
	NDO CO	Application to Change a Zoning Classification			
A	50	Application request (check one):			Received
ER	The A	Rezoning $\Box$ Standard $\mathbf{Z}$ PDP		1	AN <b>31</b> 2023
(H)	STATISTICS STATISTICS	Master Plan Z New  Revised		٦Ļ	AN 91 2023
$\langle \cdot \rangle$	ORIDE	PSFOD Communication Tower Other <b>PRINT OR TYPE ALL INFORMATION</b>			anning Department ando County, Florida
	Date: 01/30/2023	3			and county, rionau
APP		Teramore Development, LLC			
	Address: 165 Big	Star Drive			
	City: Thomasville		Sta	te: GA	Zip: <u>31757</u>
	Phone: 229-516	-4289 Email: cwest@teramore.net name: (if not the applicant) Balasa V. Lakshmi Prasad and	Vasant	ha Prasad	
REP	RESENTATIVE/	CONTACT NAME: Jennifer C. Rey, Esq.			
	Company Name:	The Hogan Law Firm LLC			
	Address: PO Box City: Brooksville	485 / 20 S. Broad Street	Sta	te: Fl	Zip: 34605
	Phone: 352-799	-8423 Email: irev@hoganlawfirm.com	51a		2.ip. <u>04000</u>
HON		SOCIATION: 🗆 Yes 🗹 No (if applicable provide name)			
	Contact Name:			<u></u>	7'
r		City:		Stat	.e: Zıp:
	PERTY INFORM				
1. 2.	PARCEL(S) <u>KEY</u> SECTION	NUMBER(S): <u>86187, 86196, 86203, 86212, 85142</u> , TOWNSHIP		RANGE	
3.	Current zoning cla	ssification: Residential - R1A		_, IUIII (02	
4.	Desired zoning cla	assification: PDP (NC)			
5. 6.	Size of area covere Highway and stree	ed by application: <u>4.9 +/- acres</u> et boundaries: <u>US Highway 19 and Ridge Road / Osceo</u>	la Drive		
7.	<b>.</b>	ng been held on this property within the past twelve months			
8	Sector Contraction Action (1997) and the Action	s(es) be utilized during the public hearings?			, identify on an attached list.)
9.	Will additional tin	he be required during the public hearing(s) and how much?	□ Ye	s 🗹 No (Time	needed:)
PRO	PERTY OWNER	AFFIDIVAT			
. Po	leee V. Lekehmi D	read		• 1.1	
applic		affirm that all information submitted within this petition are public record, and that (check one):			instructions for filing this best of my knowledge and
		the property and am making this application <b>OR</b>			
	I am the owner of	the property and am authorizing (applicant): Teramore Dever (applicable): Jennifer C. Rey, Esq.	elopmer	nt, LLC	
		cation for the described property.		~ / \ /	
		b. V. Las	<u>i p</u>	Property Owner	asanthe Trasa
	TE OF FLORIDA	Decas	Signature of	Property Owner	
COU	NTY OF <del>HERNAN</del>	DO PUSCO	h		20 073 1
Da	oregoing instrument	was acknowledged before me thisday of <u>fl</u>	e or proc	luced Driver	7  (ICH  identification.
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Æ	and (		HAVI C. P y Public	AIEL	
signa	ture of Notary Publ	State	of Florida		
Effec	tive Date: 11/8/16		n# HH351 es 1/19/20		Notary Seal/Stamp

1.

Teramore Development, LLC cc:

Ms. Michelle Miller Planning Administrator

Planning Department

Dear Ms. Miller:

RE:

Sincerely,

If you should have any questions regarding the information contained herein, please feel free to

/s/ Jennifer C. Rev

Jennifer C. Rey, Esq.

contact me.

rezoning designation is consistent with the comprehensive plan, is compatible with the adjacent and surrounding properties, and otherwise meets the requirements of the Hernando County Land Development Code. Therefore, we respectfully request approval of the rezoning request from Residential to PDP(NC) with a specified C-1 use for a comparison goods store with approval of the requested deviations.

20'alley, and to provide for the plat of Lot 1 and Lot 2 as set forth in the Amended Master Plan. Based on the information, data and analysis submitted with this correspondence, the requested

road. 3. It should be noted that upon approval of the application and amended master plan, the applicant will seek to re-plat the existing plat as applied to the subject parcel to vacate the existing

- plan and the requested deviations include setback deviations to the east and west, landscape buffer deviation to the east, parking rate reduction, and modifications to frontage road requirements. 2. An amended Exhibit A – Amended Master Plan which provides two lots and a reverse frontage
- consideration. In support of the amended request, the following are being submitted:
- - 1. A revised supplemental narrative has been included to address the amendments to the master
- We are in receipt of Staff Feedback in correspondence dated May 1, 2023, and have completed a meeting with County staff as of May 16, 2023. Enclosed is an amendment to the current application under
- Hernando County Board of County Commissioners 1653 Blaise Drive Brooksville, Florida 34601

June 14, 2023

Amended Request RE: H-23-089; Hernando County Rezoning Application

THE HOGAN LAW FIRM®

We mean business\*

Received

JUN 2 6 2023

Planning Department Hernando County. Florida

#### **Amended Rezoning Application Narrative**

#### June 12, 2023

## **REQUESTED ACTION:**

The applicant requests approval to rezone the subject property, a 4.86 +/- acre parcel, from Residential (R1A) to Planned Development District - Neighborhood Commercial / PDP (NC) with a specified C-1 use for a comparison goods store with the following deviations: (a) a 75' setback on the west of the subject property, (b) a 20' setback to the east of the subject property, (c) a parking rate reduction, and (d) a 50' right-of-way for a reverse frontage road across the entire parcel with construction of only that portion of the reverse frontage road on Lot 1. A proposed master plan is attached hereto and incorporated herein as Exhibit A.

#### **OWNER/APPLICANT INFORMATION:**

**Property Owner(s) of Record:** 

Balasa V. Lakshmi Prasad and Vasantha Prasad 28582 Picana Lane Wesley Chapel, FL 33543

Proof of Ownership: The following deeds of record are referenced for establishing proof of ownership: Warranty Deed at OR Book 482 Page 0803, Warranty Deed at OR 554 Page 1373, and Warranty Deed at OR Book 481, Page 823. See Composite Exhibit B.

**Applicant:** 

Teramore Development, LLC 165 Big Star Drive Thomasville, GA 31757

# SITE LOCATION:

Parcel Key No. / Parcel No.:	86187 / R25-222-17-2460-00W0-0010
alexane halalandar hundrar 📭 is a mana kana sharekana analayan ka sa a	86196 / R25-222-17-2460-00W0-0020
	86203 / R25-222-17-2460-00W0-0030
	86212 / R25-222-17-2460-00W0-0050
	85142 / R25-222-17-2460-00K0-0120

Plat Book 5 Page 42. See Exhibit C. Su

Pre al Way, Weeki Wachee, Hernando County, Florida, 34613

ıbdivision Plat:	Highland Lakes Plat, recorded at F
operty Address	: TBD Ridge Rd and Commercia

01001220

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**General Location:** The southeast corner of the intersection of U.S. Highway 19/Commercial Way and Ridge Road, along the east side of Commercial Way south to Osceola Drive.

Legal Description: A survey and full legal description of the property is attached hereto and incorporated herein as *Exhibit D*.

Lots 1 through 10 of Block W and Lot 12 of Block K, Highland Lakes, according to the plat thereof as recorded in Plat Book 5, Page 42 of the Public Records of Hernando County, Florida less that portion described in that certain order of taking recorded in Official Records Book 300, Page 568, of the Public Records of Hernando County, Florida.

Together with that certain alley lying adjacent to and between lots 1 through 10 of Block W and Lot 12 of Block K, Highland Lakes, according to that plat thereof as recorded in Plat Book 5, Page 42 of the Public Records of Hernando County, Florida.

Said parcel being more particularly described as and surveyed as follows:

Beginning at the northeast corner of Lot 12, Block K, Highland Lakes, according to the plat thereof as recorded in Plat Book 5, Page 42, of the Public Records of Hernando County, Florida; thence along the easterly line of said Lot 12, S 05°01'26" E, 581.76 feet to the southeast corner of said Lot 12; thence along the southerly line of said Lot 12, S 68°28'45" W, 59.98 feet to a point of the northerly right-of-way line of Osceola Drive; thence along the northerly right-of-way line of Osceola Drive; thence along the s87°30'35" W, 157.58 feet to a point on the easterly right-of-way line of U.S. Highway 19 per O.R. Book 300, Page 568 of the Public Records of said U.S. Highway 19, N 12°13'40" E, 351.12 feet; thence S 77°30'03" E, 25.09 feet; thence N 12°41'31" E, 161.72 feet to the southerly right-of-way line of Ridge Road; thence along the southerly right-of-way line of said Ridge Road, S 81°48' 52" E, 301.10 feet to the point of beginning.

# SITE CHARACTERISTICS:

Property Size/Size of Area to Be Rezoned: 4.86 +/- acres

Property Square Footage: 211,856 square feet

Current Future Land Use Designation: Residential

Current Zoning: Residential (R1A)

Current Use: Vacant

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#### Surrounding Future Land Use Designation:

North	Residential	
East	Residential	
South	Residential	
West	Residential	

#### Surrounding Zoning:

North	Residential	
East	Residential	
South	Commercial	
West	Residential	

#### Surrounding Uses:

North	Vacant
East	Residential/Vacant
South	Mini Storage
West	US 19 / Golf Course / Vacant

See *Exhibit E* and *Exhibit F* for adjacent parcel land use and zoning map depictions.

**Utilities:** The Hernando County Utilities Department does not currently supply water or sewer service to this parcel. The project site has no reasonably available access to public water or sewer service, so a domestic well and on-site septic system will be installed.

# **ENVIRONMENTAL CHARACTERISTICS:**

**Flood Zone:** A small portion of the southeast corner of the property falls within the AE Flood Zone. All other portions of the property fall within the X Flood Zone.

**Hydrologic/Water Features:** The subject property is in the Tooke Lake Watershed. There is a natural pond to the southeast of the property with flood elevation 24.4'.

**Drainage/Storm Water Features:** At its northern property line, the subject site is between 50' and 51' elevation, with a gradual reduction in elevation to 29' in elevation at is southern center property line. The natural drainage flow is to the southeast corner of the property where the elevation is between 17' and 19'. The master plan provides for on-site storm water retention and infiltration pond. See *Exhibits A and G*.

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**Habitat:** There are protected trees and gopher tortoises apparent on the subject site; a detailed protected species report will be conducted and any required permitting through the Florida Fish and Wildlife Conservation Commission will be obtained.

**Conditions and Impacts on Natural Features:** The master plan uses the entire parcel, but contemplates a site plan with two (2) lots; and maximizes the natural elevation changes of the property to account for storm water drainage; and protected tree or animal species, if any, will be removed or relocated as permitted or required.

# **PROJECT DESCRIPTION:**

**Site Plan:** The proposed master plan contemplates a split of the parcel into two (2) lots – Lot 1 on which the current proposed development will occur, and Lot 2 which contain drainage and stormwater retention areas, and a right-of-way for a reverse frontage road across Lot 2 should it be developed. The entire reverse frontage road will be dedicated to the County, however, only that portion of the reverse frontage road on Lot 1 is to be constructed at this time.

**Building Description:** The proposed use of the subject property includes the construction of a 10,640 square foot, one-story commercial retail building.

Building Setbacks: The master plan provides for the following setbacks:

	Requirement	Master Plan 35'	
North	35'		
East*	35'	20'	
South	0'	25'	
West*	125'	75'	

\* requested deviation

Landscape/Buffering: The master plan provides for the following buffers:

	Requirement	Master Plan 20'	
North	20'		
East*	5'	5'	
South	5'	5'	
West	20'	20'	

\* requested deviation

**Lighting:** Parking lot light poles and wall pack lights are proposed with cut-off fixtures to control glare and spillover up to property line. Detailed lighting features will be address during the site planning approval process.

**Parking:** The master plan provides for thirty-six (36) parking spaces; a ratio of 1 per 300 square feet. This is a requested deviation.

**Transportation/Access:** To the west of the property lies U.S. Highway 19/Commercial Way, a four-lane divided highway. To the north of the property lies Ridge Road, a 2-lane undivided local road. To the south of the property lies Osceola Drive, a 2-lane undivided local road. All three of these roads are situated within the Urbanized Area (*see Exhibit H*); however, none are identified as areas in which frontage road needs are prioritized as set forth in the Hernando County 2040 Roadway Plan Map (*see Exhibit 1*) Access to the subject property shall be from the north via Ridge Road with a single-entrance drive to be constructed. The project contemplates the addition of a right turn lane from U.S. Highway 19/Commercial Highway on to Ridge Road, and a grant of right-of-way for the widening of Ridge Road to 36 feet to add a left turn lane on to U.S. Highway 19/Commercial Highway for a reverse frontage road along the east of the subject property. Only that portion of the reverse frontage road on Lot 1 will be constructed, and subsequently conveyed to the County. The remainder of the right-of-way on Lot 2 will be reserved, but not constructed unless further development occurs on Lot 2.

# **REZONING REQUEST:**

**Requested Zoning:** The applicant seeks approval of a rezoning from R1A Residential District to a PDP (NC) / Planned Development Project – Neighborhood Commercial for specific C-1 uses with deviations for: (a) a 75' setback on the west of the subject property, (b) a 20' setback, from the right-of-way, to the east of the subject property, (c) a reduced landscape buffer to the east of the subject property, (d) a parking rate reduction, and (e) a 50' right-of-way for a reverse frontage road across the entire parcel with construction, and conveyance, of only that portion of the reverse frontage road on Lot 1. A proposed master plan is attached hereto and incorporated herein as *Exhibit A*.

#### Compliance with Rezoning Requirements / Analysis in Support of Request:

Pursuant to Objective 1.04(B) of the Hernando County Comprehensive Plan (HCCP), certain commercial uses may be allowed within the Residential land use category subject to the locational criteria and performance standards of the comprehensive plan. Strategy 1.04(B)(1), of the HCCP, provides that,

"Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include **neighborhood commercial**, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed." (emphasis added)

This rezoning request is for a PDP (NC) which is a permitted zoning within the Residential land use category as outlined above.

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Article IV Zoning District Regulations, Section 1. Establishment of Zoning Districts, A. Zoning District Designations, paragraph (23) of the Hernando County Land Development Code establishes the Planned Development Project District as follows:

The planned development project (PDP) is a specialized zoning district which provides a level of density and/or intensity, and a list of permitted uses. A narrative description and a master plan are part of the PDP zoning. The master plan is a visual depiction of the general layout of the project in conformance with the PDP rules with any additional performance standards or specific deviations requested. The process for approval of a PDP zoning is through the zoning amendment process as provided for in this ordinance. This master plan must be reviewed and approved by the governing body. The list of permitted PDP districts are contained in Section 5 of this article and the requirements related to PDP districts are contained in article VIII of this Code.

The PDP (NC) zoning district is established pursuant to Article IV Zoning District Regulations, Section 5. Planned Development Districts, paragraph A(10) of the Hernando County Land Development Code. Pursuant to Article VIII Planned Development Project, Section 5 Permitted Uses, the following are permitted uses within a PDP (NC) Zoning District:

"[a]ll permitted uses in the C-3 zoning district. Any special exception uses allowed in the C-3 zoning district which have been specifically designated or specified in the narrative or on the master plan. Any permitted and special exception uses from the C-1 zoning district specifically designated in the narrative or on the master plan."

PDP (NC) is a permitted zoning designation within a Residential Land Use classification, and the PDP (NC) allows for a specified C-1 use. This application seeks PDP (NC) with a specified use of C-1(a) for a comparison goods stores. A master plan is included with this narrative as *Exhibit* A. The rezoning request is consistent with the current land use designation, is compatible with the surrounding property, and is consistent with the permitted uses for a PDP(NC) zoning district.

#### **Requested Deviations:**

The applicant seeks four deviations from requirements including a (a) a 75' setback on the west of the subject property, (b) a 20' setback, from the right-of-way, to the east of the subject property, (c) a parking rate reduction, and (d) a 50' right-of-way for a reverse frontage road across the entire parcel with construction, and conveyance, of only that portion of the reverse frontage road on Lot 1.

#### Reduced Setback from 125' to 75' to the West; and from 35' to 20' to the East

Article VIII, Section 1 (B) sets forth the requirements for perimeter setbacks. The standard setbacks for a PDP (NC) are 20 feet side setbacks, and 35 feet rear setbacks. However, for parcels located along U.S. Highway 19/Commercial Way, front setbacks shall be 125 feet. The master

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plan for this request provides for the required setback on the north, east and south of the property. A deviation from the requirement of 125' setback from the western property is requested. The master plan provides for a 75' setback from western property line along U.S. Highway 19/Commercial Way. Since the master plan provides for a 50' reverse frontage road along the east of the subject property, a deviation of the building setback to 20' to the east is being requested. The setback deviations are necessary due to the inclusion of the reverse frontage road and the planned location of the storm water and drainage facilities which are designed to maximize the natural contours of the property.

#### Reduced Landscape Buffer from 30' to 5'

In light of the 50' reverse frontage road and providing for a 20' building setback from the east property line, a reduced landscape buffer of 5' is requested to the east and south.

#### Parking Space Reduction from 1 / 250 sf to 1 / 300 sf

Article VIII, Section 1(H) of the Hernando County Land Development Code provides as follows with respect to parking standards:

"All required parking shall meet the requirements of the land development regulations. The developer may suggest alternative design standards for parking areas to the county engineer and may suggest reduced parking standards to the planning department, submit data supporting the alternative design, and request approval of the alternative design and reduced parking standards by the governing body."

The master plan provides an alternative design standard for this request which includes thirty (36) parking spaces based on a ratio of 1 / 300 s.f. The applicant seeks approval of the deviation from the parking space requirement of 1 / 250 s.f.

#### Waiver of Frontage Road Requirement

Section 24-2(c) of the Hernando County Code provides that,

"Developers of properties adjacent to the major arterial highway grid must provide at the developer's expense a frontage road from property line to property line parallel to the arterial highway upon demonstration of need and demand by the county."

The applicant seeks a deviation from the frontage road requirement. The amended master plan provides for a 50' reverse frontage road across Lot 1 and Lot 2. That portion of the frontage road along Lot 1 will be constructed, and subsequently conveyed to the County. That portion of the frontage road along Lot 2 will be reserved as an easement for a future reverse frontage road to be dedicated upon the development of Phase 2. There is neither a demonstrated need nor demand for such a frontage road based on the location of the subject property. The subject property is conveniently served by several network of local roads; and the subject property is not located on

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a transportation facility where a frontage road has been established as a priority need as identified on the Hernando County 2040 Roadway Plan Map. The subject property is located along an arterial highway and is situated between two local roads with direct access to that arterial highway. Nonetheless, the amended master plan provides a 50' reverse frontage road to address potential future use of subject property. The amended master plan contemplates a single development on the entire subject property, therefore, there will be no need for cross access within the subject property. However, the amended master plan provides a reverse frontage road across Lot 1 that will be constructed, and subsequently conveyed to the County, with a dedicated easement for the reverse frontage road across Lot 2 in anticipation of potential future need and demand. See *Exhibit A*, *I*, *K*, and *L*.

It should be noted that any frontage road requirement must meet the legal standard as set forth in *Hernando County v. Budget Inns of Florida, Inc.* 555 So. 2d 1319 (Florida 5<sup>th</sup> DCA). *Budget Inns* sets forth the notion that a proposed action of a developer will either forthwith or in the *demonstrably immediate future* so burden an abutting road, through increased traffic or otherwise, as to require its accelerated improvement. A frontage road requirement for this project does not meet the rational nexus test established under *Budget Inns* given the available capacity of U.S. Highway 19/Commercial Way, the availability of not less than two local roads to the subject property, the use of the entire property for a single development, and the fact the County itself has not identified this location as one in which a frontage road need exists through 2040, or as a location within any priority for road projects as set forth in the 2045 Long Range Master Transportation Plan.

#### **Conclusion:**

The criteria for application and the established master plan demonstrates compliance with all requirements of the Land Development Code for the requested rezoning from Residential to PDP (NC). Therefore, we respectfully request Hernando County grant approval of the requested rezoning from Residential to PDP(NC) with a specified C-1 use for a comparison goods store and with the four requested deviations from setback (east and west), landscape buffer, parking and frontage road requirements.

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# **Robin Reinhart**

From: Sent:	Jennifer C. Rey <jrey@hoganlawfirm.com> Wednesday, July 19, 2023 12:27 PM</jrey@hoganlawfirm.com>
То:	Michelle Miller
Cc:	Cayce Dagenhart; Robin Reinhart; Kyle Benda
Subject:	Application H-23-08 Teramore Development; County Failure to Meet 180 Day Statutory Deadline for Final Action Fla. Stat. 125.022

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

#### Michelle,

I appreciate your email of July 13, 2023, explaining the County's practice of processing applications in batches. Not knowing when the Applicant's feedback to County staff was distributed for agency review, and not having been provided with a date as to when agency feedback is to be completed, I have no way of advising my clients on when the County will have completed its consideration of the application. I do know however that since the application was not heard at the July 2023 Planning and Zoning Commission meeting, there is no way for the county to take Final Action within the 180 days required by statute. As noted in my email of May 3, 2023, I am concerned that the County's current process for addressing the Teramore Application (Case No. H-23-08) is not consistent with statutory timeframes under Fla. Stat. 125.022. To recap:

Stage	Deadline	Date Achieved	Comment/ Note
Application Submitted		February 1, 2023	
Letter of Completeness	March 3, 2023	March 29, 2023	
Agency Feedback	April 2, 2023	May 1, 2023	Included a request for a conference with staff.
Request for Conference	N/A	May 3, 2023	First available date for conference provided by the County was May 15
Conference with County Staff	N/A	May 16, 2023	15 days following agency feedback.
Applicant Response	May 31, 2023	June 14, 2023	When no acknowledgment of receipt was received, Applicant resubmitted on June 26, June 28, and July 7; additional follow up on July 10 and July 12. No acknowledgement from the County until July 13.
Confirmation of Receipt of Applicant Response		July 13, 2023	We were advised that the Applicant's response was distributed for agency feedback but not as to when that action was taken or when the deadline for a response would be.
County Response to Additional Information	July 14, 2023	No Response to Date	Fla. Stat. 125.022 provides for 30 days from receipt of additional information
Public Notice – Mail	July 2, 2023	Did not occur	10 days before hearing; VI. Sec. 7
Posting Notice	July 2, 2023	Did not occur	10 days before hearing; VI. Sec. 7
Planning and Zoning Commission Meeting	July 12, 2023	Did not occur	
County Commission Meeting	July 25, 2023	Did not occur	

County Deadline for Final Action	<mark>July 31, 2023</mark>	Did not occur	180 days from date of application; Fla. Stat. 125.022
Public Notice – Mail	August 4, 2023		10 days before hearing; VI. Sec. 7
Posting Notice	August 4, 2023		10 days before hearing; VI. Sec. 7
Planning and Zoning Commission Meeting	August 14, 2023		
County Commission Meeting	August 22, 2023		

As I outlined in my email of May 3, 2023, included below, given the County's untimely notice regarding completeness, I expected that the County would move forward on a timelier basis with its consideration of the application in order to meet the statutory deadline for final action as of July 31, 2023. As of May 3, 2023, the County was on notice of the applicant's expectation regarding this deadline. Since there is no way for the County to meet the 180 days for Final Action as required by statute, moving forward with the next available meeting would mean the application being included on the August Planning and Zoning Commission on August 14, 2023, and the Commission on August 22, 2023.

I have not been provided any details as to the internal dates and deadlines that County staff have been held accountable to. This is not a complicated application or project – it's a single site, and a single structure – so I am unclear as to why it has taken so long to consider. In addition, I understand that it is the County's practice to "process" applications in batches, but if that process is not consistent with achieving final action within statutory requirements, then I must ask for a deviation from that process. The timeline has also not been interrupted by any matters qualifying as force majeure or extenuating circumstances.

My clients have every right to expect that the County meets its statutory obligations, the County's failure to do so is costing my clients time, money and resources. At this point, we ask that we be provided with agency feedback, the County's staff report, and any public input the County may have received as soon as possible, that the application be heard on the August 14, 2023 Planning and Zoning meeting agenda, and the August 22, 2023 Commission agenda. If the County contends that is not possible, I'd like to be provided a detailed reply as to why.

Sincerely,

Jennifer

From: Jennifer C. Rey
Sent: Wednesday, May 3, 2023 11:44 AM
To: 'Michelle Miller' <MLMiller@co.hernando.fl.us>
Cc: 'Kyle Benda' <KBenda@co.hernando.fl.us>
Subject: Question: Development Review Time Periods

Michelle,

As you are aware, I represent Teramore Development, and their application was filed with development services on February 1, 2023. The letter confirming completeness of the application is dated March 29, 2023. Pursuant to Fla. Stat. 125.022, "Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient." So, the letter of completeness was untimely. The letter of completeness indicates that my client was to receive agency feedback on or around April 26, 2023; however, agency feedback was not provided until May 1, 2023. We are working to set a meeting with County staff to discuss the

agency feedback, but that is not yet scheduled; and my client will work diligently to get this accomplished as soon as possible.

My concern is that the letter of completeness, by my count, should have come as of March 3, 2023, and allowing for thirty days for agency review that would have put us at the end of April 2, 2023; which would have set up the application for a possible May or June hearing before P&Z. In planning out the hearing timeline based on where things are at now, under Fla Sta. 125.022, the County has 120 days after it has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, to approve, approve with conditions, or deny the application for a development permit or development order. Calculating from March 29, 2023, those deadlines are July 27, 2023 / September 25, 2023; calculating from March 3, 2023, those deadlines would be July 1, 2023, and August 30, 2023. I believe the latter set of deadlines are what is statutorily applicable.

Given that (1) the County requires agenda items to be completed three weeks in advance, (2) our request requires a hearings before P&Z and the Commission, and (3) P&Z only meets once per month, I'm concerned about how the application will move forward in a timely fashion. The remaining P&Z dates for either timeframe outlined above are as follows: May 10, 2023, June 14, 2023, July 12, 2023, Aug 9, 2023, Sept 13, 2023.

It is unlikely that the application will make the May 10, 2023 agenda, however, I would expect that the June 14, 2023 meeting is still feasible. I've copied Kyle with the County Attorney's Office, as I am raising a legal issue, but it would be greatly appreciated if the County would reply with an anticipated hearing schedule. With the application having been filed February 1, 2023, we expected that it would could be heard as early as May 2023, or the latest June 2023. I want to be sure that the nearly 30 day delay in issuing the letter of completeness, and in the added delay in receiving staff feedback is not going to needlessly further delay the application process.

Understanding that there is agency review/feedback that was presented this past Monday, I would appreciate a commitment from the County on the expected hearing schedule, and any effort to expedite staff availability to meet to address agency feedback. My client will need to alter its project schedule, and incur the costs of doing so, if the County fails to meet it statutory deadlines for review of development orders.

Sincerely,

Jennifer

Jennifer C. Rey, Esq.



We mean business"

20 S. Broad Street Post Office Box 485 Brooksville, Florida 34605 (352) 799-8423 Telephone (352) 799-8294 Facsimile jennifer@hoganlawfirm.com www.hoganlawfirm.com

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# **Robin Reinhart**

From:	Kyle Benda
Sent:	Monday, July 31, 2023 1:12 PM
То:	Michelle Miller
Cc:	Omar DePablo; Robin Reinhart
Subject:	Terramore

Hey Michelle,

I talked with Jennifer Rey this morning, who got word from her client that they don't want to proceed to the Planning and Zoning meeting with a recommendation of denial for lack of information. They now want to be on the agenda we originally proposed. I let her know that they would need to pay all readvertising costs. She said she'd talk to the client and let me know if they are in agreement with that.

Let me know if you have any questions about any of this.

Kyle

Sent from my iPhone





AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12726 Legal Request Number: Bid/Contract Number:

# TITLE

H-23-24 - Big Sky: Rezoning from AG (Agricultural) to AR (Agricultural/Residential); Southwest corner of Powell Rd and Burns Rd

# **BRIEF OVERVIEW**

Request:

Rezoning from AG (Agricultural) to AR (Agricultural/Residential)

# **General Location:**

Southwest corner of Powell Rd and Burns Rd

# **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Zoning District Amendment must be consistent with the Comprehensive Plan.

# 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 rezoning from AG (Agricultural) to AR (Agricultural/Residential).

# **REVIEW PROCESS**

Omar DePablo	Approved	08/29/2023	5:22 PM
Michelle Miller	Approved	08/31/2023	1:50 PM
Victoria Anderson	Approved	09/01/2023	9:06 AM

HEARINGS:	Planning & Zoning Commission: September 11, 2023 Board of County Commissioners: October 10, 2023
APPLICANT:	Big Sky Club
FILE NUMBER:	H-23-24
REQUEST:	Rezoning from AG (Agricultural) to AR (Agricultural/Residential)
GENERAL LOCATION:	Southwest corner of Powell Road and Burns Road
PARCEL KEY NUMBER:	1184346

### APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG (Agricultural) to AR (Agricultural/Residential) in order to ultimately split the 31.97-acre parcel into ten (10) 3.0-acre parcels. The 10-parcel rural subdivision will be gated and will have an HOA restricting home size and architecture.

If the rezoning is approved, the petitioner shall be required to submit for a Class C subdivision through the Planning and Zoning Division to subdivide the parcel.

#### SITE CHARACTERISTICS

Site Size:	3.61 acres
Surrounding Zoning; Land Uses:	North:R-1C; Residential South:R-1C; Residential East:R-1C; Residential West:R-1C; Residential
Current Zoning:	AG (Agricultural)
Future Land Use Map Designation:	Rural

#### UTILITIES REVIEW

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the requested zoning change.

#### **ENGINEERING REVIEW**

The subject property is on the southwest corner of Michigan Avenue and Gladstone Street and has an existing home and driveway on the property. The County Engineer has reviewed the petitioner's request and indicated the following:

- This site contains an existing drainage channel. Provision must be made to allow continued discharge at the historical low point.
- The driveway apron from the paved edge of Powell Road to the property line is to be paved per County Standards.
- The width of the right-of-way and roadway is to meet Hernando County standards for a Class "C" Subdivision.
- A sixty-foot access and utility tract with a cleared and maintained right-of-way width of thirty (30) feet improved to the following minimum standards: a compacted lime rock travel surface, or other surface acceptable to the county engineer, twelve (12) feet in width, and four (4) inches thick.
- The access and utility tract shall meet the following minimum standards: a 95-foot radius to provide a 20-mph horizontal curve design speed, and vertical curves designed to meet a 30-mph site distance. They shall have intersection angles at no less than seventy (70) degrees.
- The design of the Cul-De-Sac is to meet Hernando County Standards to allow for a Pierce 105' Aerial Ladder Fire Apparatus to safety turn around.
- The proposed gate is to be designed per County Standards.
- The petitioner will be required to provide a stop sign (30" x 30"), 24" stop bar and centerline (double yellow) pavement markings from the stop bar to property line.

## LAND USE REVIEW

Minimum AR (Agricultural/Residential) Building Setbacks:

- Front: 50'
- Side: 10'
- Rear: 35'

The AR district is designed to allow the continued development of low-density, single-family housing. The Hernando County Code of Ordinances, Appendix A, Article IV, Section 13 identifies the permitted uses within the AR zoning district as follows:

- A. The following regulations apply to agricultural/residential districts as indicated:
  - (1) Permitted uses:
    - (a) All agricultural/residential districts:
      - i. Aquaculture
      - ii. Grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre.
      - iii. Poultry and swine for home consumption maintained at least seventy-five (75) feet from adjacent property.

- iv. Horticultural specialty farms, including the cultivation of crops.
- v. Accessory structures related to the principal use of the land.
- vi. Pigeon aviaries with a maximum of 1,500 square feet of area devoted to housing pigeons per acre.
- vii. Sales on the premises of permitted agricultural products produced on the premises: provided that where such products are sold from roadside stands, such stand shall be set back a safe distance from any public street right-of-way and shall provide for automobile access and off-street parking space in such a manner so as to not create an undue traffic hazard on the street on which such roadside stand is located.
- (b) Agricultural/Residential:
  - i. Single-family dwellings

## COMPREHENSIVE PLAN REVIEW

#### 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.
- **Comment:** The parcel is within the Rural land use classification and is surrounded by residential parcels ranging in size from 3.2 to 35.0 acres. The proposed rezoning is consistent with the strategies for rural density and the pattern of land development on the surrounding parcels.

## **FINDINGS OF FACT**

The request for a rezoning from AG (Agricultural) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and the surrounding area.

## 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 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 rezoning from AG (Agricultural) to AR (Agricultural/Residential).

# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-23-24 Version Date: 12/09/2022



# H-23-24

This map was prepared by this office to be used as an ald in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



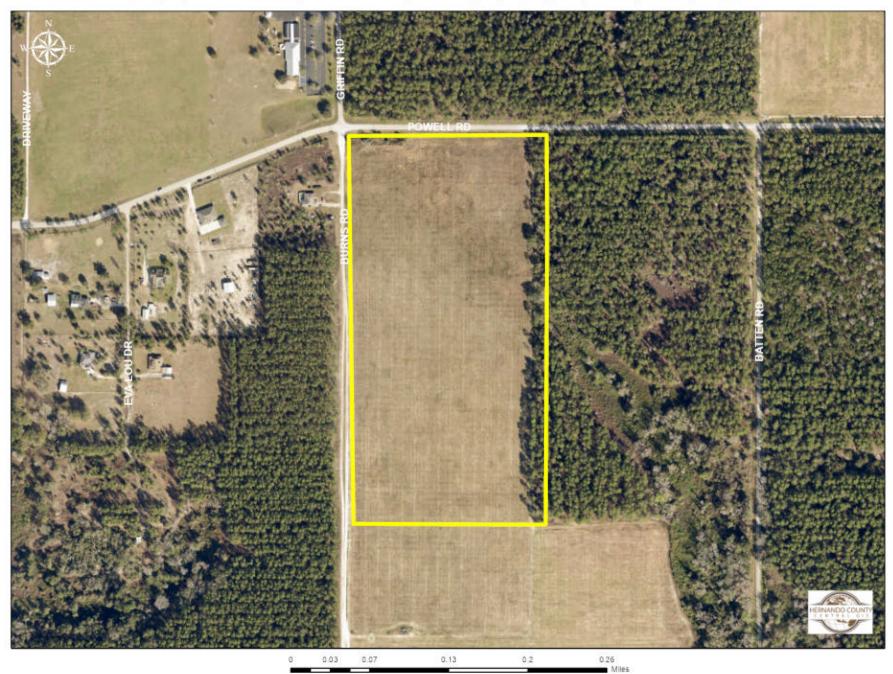
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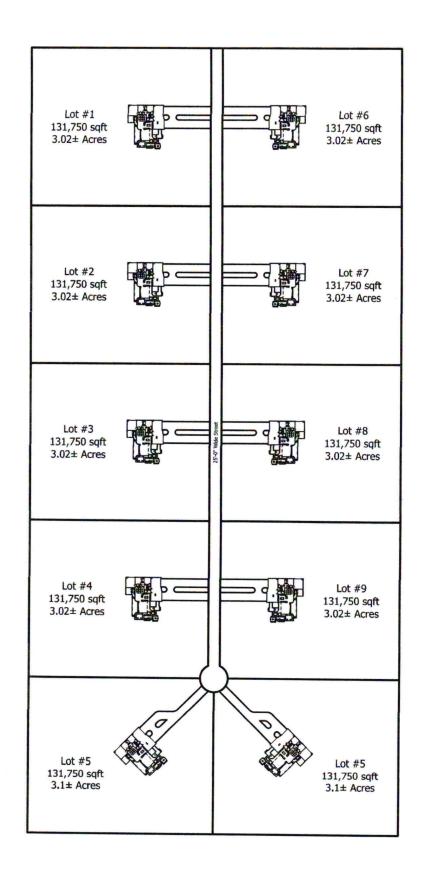
Hernando County Planning Department Project date: 06/05/2023

H-23-24

Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.





# Received

APR 2 1 2023

Planning Department Hernando County. Florida

UFDNANDO CO	UNTY ZONING AMENDMENT PETITION	<b>F</b>
		File NoOfficial Date Stamp:
ANDO CO	Application to Change a Zoning Classification	H-00-04
E C	Application request (check one):	Received
HH	Rezoning 💋 Standard 🗆 PDP Master Plan 🗆 New 🗆 Revised	
A CONTRACT	PSFOD Communication Tower Other	APR 2 1 2023
ORIO	PRINT OR TYPE ALL INFORMATION	Planning Department
Date:		Hernando County, Florida
	BIG SKY CLUB LLC	L
	HEATHWOOD AVE	
City: SPRING	HILL 18-1542 Email: HEATHER DONO HEATHE	State: FL Zip: 3460 8
Phone: <u>352-42</u>	8-1542 Email: HEATHER DONO HEATHE	ROYAHOO.COM
	s name: (if not the applicant)	······
	CONTACT NAME: HEATHER DOND BIG SKY CLUB LLC	
Address: 109	HEATHWOOD ANC	
City: SPRING	HILL 8-1542 Email: DONOHEATHER @YAHOO.	State: FL Zip: 34608
Phone: <u>359-42</u>	8-1542 Email: DONOHEATHER @ YAHOO.	COM
	SOCIATION: 🛛 Yes 🗆 No (if applicable provide name)	
Address:		State: Zıp:
PROPERTY INFORM	[ATION:]	11842410
1. PARCEL(S) <u>KEY</u> 2. SECTION 12	NUMBER(S): <u>R12 423 19 0000 0150 0010</u> TOWNSHIP <u>23 South</u>	RANGE 19 EAST
<ol><li>Current zoning cla</li></ol>	ssification: AG	
4. Desired zoning cla	assification: AK	
<ol> <li>Size of area cover</li> <li>Highway and street</li> </ol>	ed by application: 30.97 et boundaries: POWELL RD	
	ng been held on this property within the past twelve months?	Ves V No
		□ Yes □ No (If yes, identify on an attached list.)
9. Will additional tin	he be required during the public hearing(s) and how much?	□ Yes Ø No (Time needed:)
PROPERTY OWNER	AFFIDIVAT	
Jloolloo	Dobre	
I, TRATIEV		oughly examined the instructions for filing this
	affirm that all information submitted within this petition are true public record, and that (check one):	ie and correct to the best of my knowledge and
	the property and am making this application <b>OR</b>	
	the property and am authorizing (applicant):	
and (representative, ij	(applicable):	
to submit an appli	cation for the described property.	
		T(A)
	Signo	tture of Property Owner
STATE OF FLORIDA COUNTY OF HERNAN		
	t was acknowledged before me this day of	2023 by
Heather lyr	who is personally known to me or	r produced FL DL as identification.
/		
$\bigcirc$		
Holorn Roi	mhart	
Signature of Notary Publ	ic A	ROBIN ANDREA REINHART MY COMMISSION # HH 309051
Effective Data 11/0/14		EXPIRES: September 6, 2026
Effective Date: 11/8/16	Last Revision: 11/8/10	Notary Seal/Stamp

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~

Received APR 1 4 2023 Planning Department Hernando County, Florida

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Narrative for Powell Rd property Parcel R12 423 19 0000 0150 0010 Big Sky Club LLC

We purchased this 31.97 acre property as agricultural, our plan is to rezone it to agricultural residential and develop the property into 10 equal 3 acres parcels. Our design plan is to have one road running down the center into a cul de sac, a beautiful gate at the front, and an HOA that will require large homes only with an architectural committee that will ensure the houses are all within the same style.

As the developer we will be keeping one of the properties as our personal home.

APR 21 2023

Planning Department Hernando County, Florida



AGENDA ITEM

# TITLE

H-23-27 - Daryl Senica:

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 Deviation; North side of County Line Rd, approximately 1,500' west of Peach Tree Dr.

# **BRIEF OVERVIEW**

# **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 Deviation

# **General Location:**

North side of County Line Rd, approximately 1,500' west of Peach Tree Dr

# **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VIII. The Zoning District Amendment to the Planned Development District and applicable PDP master plan must be consistent with the Comprehensive Plan.

# 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 performance conditions.

# **REVIEW PROCESS**

Cayce Dagenhart	Approved	09/05/2023	10:03 AM
Omar DePablo	Approved	09/05/2023	10:32 AM
Michelle Miller	Approved	09/05/2023	11:44 AM
Victoria Anderson	Approved	09/05/2023	3:43 PM

## 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	6	
Surrounding Zoning & Land Uses:	North:	North: AR; Single-Family, Undeveloped	
	South:	Pasco County	
	East:	PDP(GHC), (REC); Family Entertainment	
	West:	AR; Undeveloped	
Current Zoning:	PDP(GHC) Highway Developme	/Planned Development Project (General Commercial) and PDP(REC)/Planned ent 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 <sup>™</sup> 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<sup>™</sup> 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

<u>Strategy 1.04A(6):</u> 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

- <u>Objective 1.04G:</u> 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 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 RECOMMENDATION:

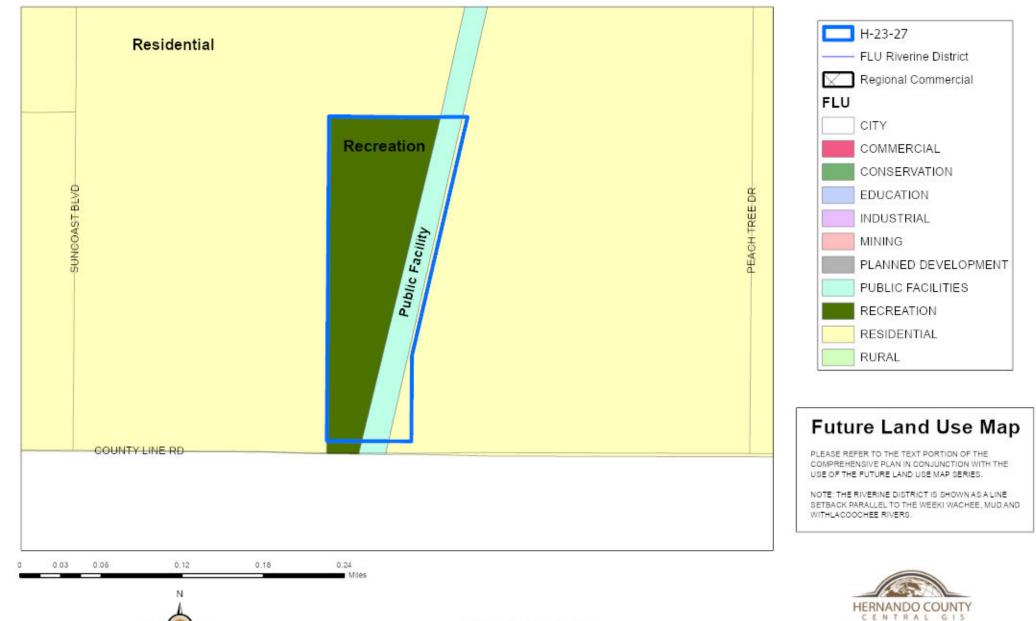
It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(REC)/Planned Development Project (Recreation) to PDP(GC)/Planned 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.

# Hernando County Comprehensive Plan Map

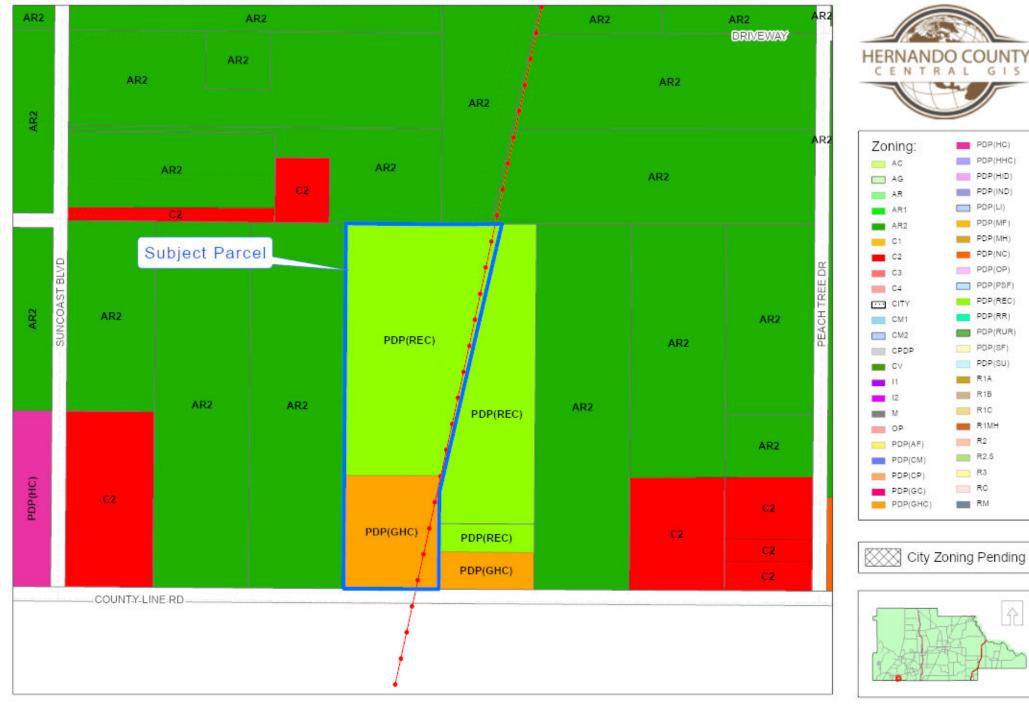
Existing Future Land Use: H-23-27 Version Date: 12/09/2022



Date of mapping: 06/08/2023

H-23-27

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



Hernando County Planning Department Project date: 06/08/2023

0.03 0.1 0.15 0.2 0.05 Miles 167

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# H-23-27

Photo date: 2020

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HERNANDO COU	JNTY ZONING AMENDMENT PETITION	File NoOfficial Date Stamp:
NDO CO.	Application to Change a Zoning Classification	
WHH CORIDORI	Application request (check one):         Rezoning ☑ Standard ☑ PDP         Master Plan □ New □ Revised         PSFOD □ Communication Tower □ Other         PRINT OR TYPE ALL INFORMATION	Received MAY 3 2023
Date: 5/3/2023	FRINT OR TITE ALL INFORMATION	Planning Department Hernando County, Florida
APPLICANT NAME:	Daryl Senica	
Address: Angora		
City: Spring Hill	Sta	te: FL Zip: 34608
	-2454       Email: dsenica@senicaair.com         name: (if not the applicant)       BM Star Enterprises, LLC	
		2154
Company Name: <u>F</u> Address: 12 S. Ma		
City: Brooksville		te: <u>FL</u> Zip: 34601
	4255 Email: permitting@procivil360.com	Zip: <u>54601</u>
HOME OWNERS ASS	OCIATION: Ves Z No (if applicable provide name)	
Contact Name:	City:	
Address:	City:	State: Zip:
PROPERTY INFORM	ATION:	
1. PARCEL(S) KEY	NUMBER(S): 189879	
2. SECTION <u>35</u>	, TOWNSHIP <u>23</u>	, RANGE 17
	ssification: <u>PDP (GHC) and PDP (Rec)</u> ssification: <u>PDP (GHC) with specail exception for outside s</u>	4
	d by application: 11.865 acres	torage
	boundaries: County Line Road	
	g been held on this property within the past twelve months? $\Box$ Ye	No
		s 🗹 No (If yes, identify on an attached list.)
	e . e	$s \blacksquare$ No (Time needed:)
PROPERTY OWNER A		
$\overline{\mathbf{D}}$		
1, Kobert (-	have thoroughly	examined the instructions for filing this
application and state and a	iffirm that all information submitted within this petition are true and	d correct to the best of my knowledge and
	public record, and that (check one):	
	he property and am making this application <b>OR</b>	
	he property and am authorizing (applicant): Daryl Senica	
to submit an applica	ation for the described property.	
	A M	
	Simulture of	Property Owner
STATE OF FLORIDA	Signature of	Froperty Owner
COUNTY OF HERNANI		- 2
	was acknowledged before me this day of	
KODENT JOME	who is personally known to me or prod	uced as identification.
	1	
MATI	/ halo	
guincia	graersan	
Signature of Notary Public	Y	
Effective Date: 11/8/16	Last Revision: 11/8/16 PATRICIA ANDERS MY COMMISSION # GG	
Rezoning Application Form_11-0	EXPIRES: January 3.	2024

# NARRATIVE FOR SENICA A/C AND STORAGE FACILITY

**Project Location:** The property in question is **11.865** acres. It is located on the north side of County Line Road, between Suncoast Blvd., and Peach Tree Lane. It is the former site of Beef O' Brady's, and the golf driving range. The County key number is 189879.

#### Present Zoning: The land is presently zoned PDP (GHC) and PDP (Rec)

Present Land use: The land is currently designated as Recreation.

**Desired Zoning:** The applicant is desirous to rezone the property to PDP(GHC) with a special exception for outside storage.

**Summary of Request:** The applicant, (Buyer) is planning on moving his business headquarters and warehouse to this location, and have outside vehicle storage on the site quite away from County Line Road. There may be some other smaller buildings to be designated as flex space on the master plan. The old restaurant site is to sub-divided out of this larger tract upon approval of the master plan.

Setbacks:	Front:	75' (County Line Road- South)
	Sides:	20' (East and West)
	Rear:	35' (North )

**Buffers:** The master plan calls for a 15' buffer on the west side. A 5' buffer is shown the vacant land to the north. The eastern boundary is the power line easement, so no buffer is necessary there. No buffer is required against County Line Road, but sufficient area has been planned for landscaping in the front.

**Access:** The site is accessed from County Line Road. An existing driveway connects the previously Beef O' Brady's to County Line. The master plan proposes an additional driveway to the west to serve as the access to the proposed improvements. We feel this is necessary as this driveway will be utilized by the public, employees, and larger trucks delivering equipment and supplies to the Air Conditioning business. A crosseasement drive is proposed to connect the sites once one is off County Line.

**Soils:** According to information found on the NRCS database, the existing soils are Candler fine sand. The soils are well drained soils, this is typical in this area.

**Sanitary Sewer:** HCUD may have sewer in the area, but the project will not generate enough sewerage to justify a pressured connection. Ample green space has been left to install a septic system for each of the new buildings. The existing restaurant site already has its own sewage disposal.

**Potable Water:** HCUD water can be extended from County Line, and back to the proposed buildings where each would have fire protection and their own separate meter upon demand.

**Environmental:** The existing soils and vegetation support habitat for gopher tortoise. The Developer, prior to any construction, shall conduct a wildlife assessment.

2302123021Rezoning Narrative.docx

Page 1 of 2

# NARRATIVE FOR SENICA A/C AND STORAGE FACILITY

**Floodplain:** The project is located within the Spring Hill Lakes Basin. The FEMA map indicates most of the project is located in a Zone X. There are two areas identified as flood plain nodes on the flood plain study. One is in the northwest area, and the other lies within the power line easement. The master plan proposes two retention areas to provide for the excess runoff generated by this project. Once permitted and constructed, the volume below the flood plain elevation will not be decreased.

**Traffic:** Based on the latest tables from the ITE manual, the proposed project (light industrial) may generate up to **25 Peak PM Trips**. This will be further addressed at the time of concurrency when a traffic study may be required. The parking of vehicles would add approximately **22 peak hour trips**.

The present zoning of the property allows for GHC and recreational. A reasonable yield of square footage for the PDP GHC area would be 32,000 sf of retail space, which would generate approximately **120 peak hour trips**. In addition, the golf driving range would generate approximately **15 peak hour trips**.





# AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12728 Legal Request Number: Bid/Contract Number:

# TITLE

H-23-20 - Solterra Land, LLC c/o Jon Kattke:

Rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with Deviations; Northwest corner of Anderson Snow Rd and Amero Ln

# **BRIEF OVERVIEW**

# **Request:**

Rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with Deviations

# **General Location:**

Northwest corner of Anderson Snow Rd and Amero Ln

# FINANCIAL IMPACT

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Zoning District Amendment must be consistent with the Comprehensive Plan.

# 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 AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations and performance conditions.

# **REVIEW PROCESS**

Cayce Dagenhart Omar DePablo Approved Approved

09/05/2023 10:39 AM 09/07/2023 11:02 AM

# **STAFF REPORT**

HEARINGS:	Planning & Zoning Commission: September 11, 2023 Board of County Commissioners: October 10, 2023
APPLICANT:	Solterra Land, LLC c/o Jon Kattke
FILE NUMBER:	H-23-20
REQUEST:	Rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with devations
GENERAL LOCATION:	Northwest corner of Anerson Snow Road and Amero Lane
PARCEL KEY NUMBERS:	565819, 1377496, 565855, 196442

## **APPLICANT'S REQUEST:**

The petitioner's is requesting a rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations, to develop four parcels into a 200-unit (15 DU/AC) multifamily development. The proposed project will consist of multiple structures not to exceed 35' in height.

#### **Requested Deviation**

The petitioner is requesting a deviation to reduce the front setbacks along Anderson Snow Road from the required 75' to 55'.

# SITE CHARACTERISTICS:

Site Size:	13.45 acr	res
Surrounding Zoning & Land Uses:	North: South: East: West:	AG; Undeveloped AR, PDP(OP); Undeveloped, Veternary Clinic PDP(REC); Anderson Snow Park AR, R-1C; Single Family
Current Zoning:	AR (Agricultural/Residential)	
Future Land Use Map Designation:	Residential	

#### **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 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:	The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.
Protection Features:	The property is located within a Wellhead Protection Area 2 (WHPA) according to County data resources.
Comments:	The WHPA-2 designation will not affect the proposed use
Resources/ Features:	The developer shall be responsible with coordinating with the Department of Historical Resources to ensure there are no archaeological sites on the subject site.
Comments:	The petitioner must meet the minimum requirements of Florida Friendly Landscaping <sup>™</sup> publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
	The developer must provide geotechnical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including any proposed drainage retention areas (DRA) within the project required to test for karst features or voids.
	Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.
Flood Zone:	C

## SCHOOL BOARD REVIEW

No comments were received from the Hernando County School District on the subject application.

The applicant 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.

# AIRPORT REVIEW

The subject property is located within the airport influence zone as identified in the County's LDRs. The petitioner shall be required to provide an avigation easement.

## **UTILITIES REVIEW:**

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 20-inch water main that runs along the west side of Anderson Snow Road. There is an existing 4-inch sewer force main that runs along the north side of Amero Lane, turning south to run along the east side of Anderson Snow Road for approximately 650 feet where it connects to a 20-inch sewer force main. HCUD has no objection to the submitted rezoning, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

## **ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the northwest corner of Anderson Snow Road and Amero Lane. The petitioner has indicated the project will be served by to access points along Anderson Snow Road. No access is being proposed to Amero Lane.

The County Engineer reviewed the request and indicated the following:

- This site is located outside the 1% annual chance floodplain.
- A Traffic Access Analysis will be required. Traffic Access Analysis shall include a queuing analysis.
- Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.
- Should the Traffic Access Analysis indicate that Turn Lanes are required, Turn Lanes and Transitions will have to meet Hernando County Standards.
- Anderson Snow Road is going to be widened to a four-laned roadway in the future and the dedication of 25' of Right-of-Way is required to accommodate the widening.
- Anderson Snow Road is Classified as a Collector Roadway, and a sidewalk will be required along the entire frontage of Anderson Snow Road.
- Sidewalk is required the length of parcel along Amero Lane.
- The access driveways, parking layout and disabled parking spaces will be required to meet Hernando County Standards.

## LAND USE REVIEW:

#### **Building Setbacks**

Minimum Building Setbacks:

- Anderson Snow Road: 55' (deviation from 75')
- Amero Lane:
- West: 35'
- North: 10'
- Maximum Building Height: 35'

## Buffer

The petitioner has indicated a 55' wide buffer along Anderson Snow Road, however no other specifics on buffers have been provided.

35'

*Comments:* If approved, the developer shall provide a 55' wide buffer along Andreson Snow Road, a 10' landscape buffer along Amero Lane and northern property line, along with a 6' high opaque fence along the entire western property line. The western buffer shall also include 8' trees at planting.

# 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 two access points onto Anderson Snow Road.

## Landscape

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

# **COMPREHENSIVE PLAN REVIEW:**

The area is characterized by single-family homes parcels to the west and a County park to the east. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

# Public School Facilities Element:

<u>Strategy 8.01C(2)</u> Hernando County shall encourage development to locate in areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School District, provided such location of the development is consistent with the land use polices of the Hernando County Comprehensive Plan.

## Future Land Use Element; Residential Mapping Criteria:

The Residential Category is designed to accommodate a variety of residential and support uses at varying densities and types located in areas primarily clustered in and around the Adjusted Urbanized Area and those areas that maximize the efficient use of existing and planned infrastructure.

<u>Objective 1.04B:</u> The Residential Category allows primarily single family, duplex, resort, and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

## Multi-Family Housing

<u>Strategy 1.04B(4):</u> The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22

dwelling units per gross acre to provide for a diversity of housing choices. Multifamily housing should be located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

- <u>Strategy 1.04B(5):</u> 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.
  - *Comments:* The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 200 units on 13.45 acres. The proposed density is 15 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

## FINDINGS OF FACT:

A request for rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations is appropriate based on the following:

- 1. The proposed front building setback from the required 75' to 55' is not considered adverse to the public interest due to the height of the proposed structure being limited 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 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 approving the petitioner's request for a rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with 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<sup>™</sup> publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
- 4. The developer shall provide a 55' buffer along Anderson Snow Road along with a 6' high opaque fence or wall along the western property line. The western buffer shall include 8' trees at planting. A 10' landscape buffer shall be provided along Amero Lane and the northern property line.
- 5. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.
- 6. A Traffic Access Analysis Que Stacking study will be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- 7. A 25' wide of right-of-way dedication shall be required to accommodate the widening Anderson Snow Road.
- 8. Sidewalks shall be installed, by the developer, along the entire frontage of Anderson Snow Road and Amero Lane.

- 9. Minimum Building Setbacks:
  - Anderson Snow Road: 55' (deviation from 75')
    - Amero Lane:
  - West: 35'
  - North: 10'
  - Maximum Building Height: 35'
- 10. 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.

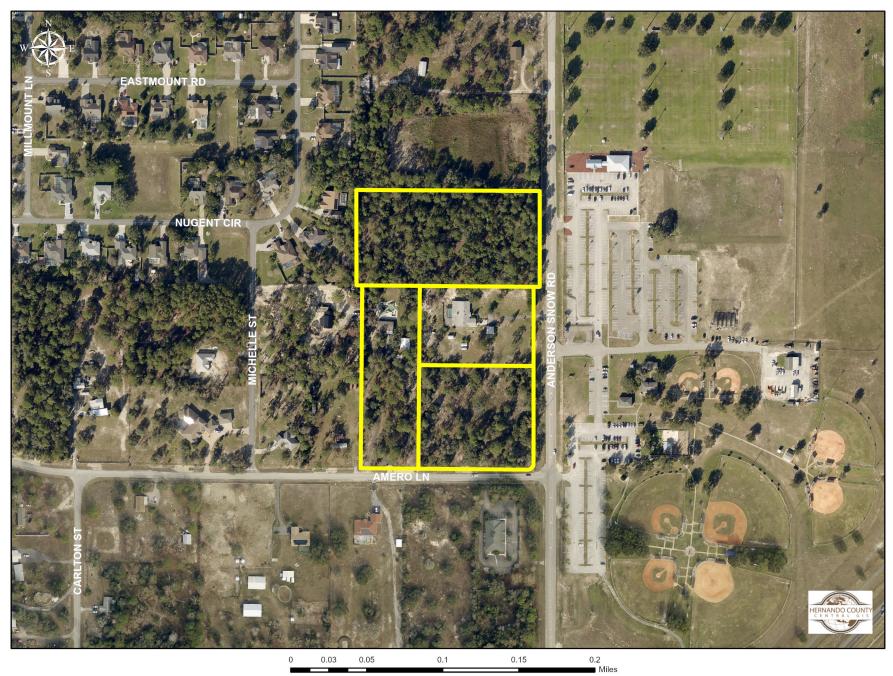
35'

- 11. 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.
- 12. The petitioner shall provide a master plan in compliance with all 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.

# H-23-20

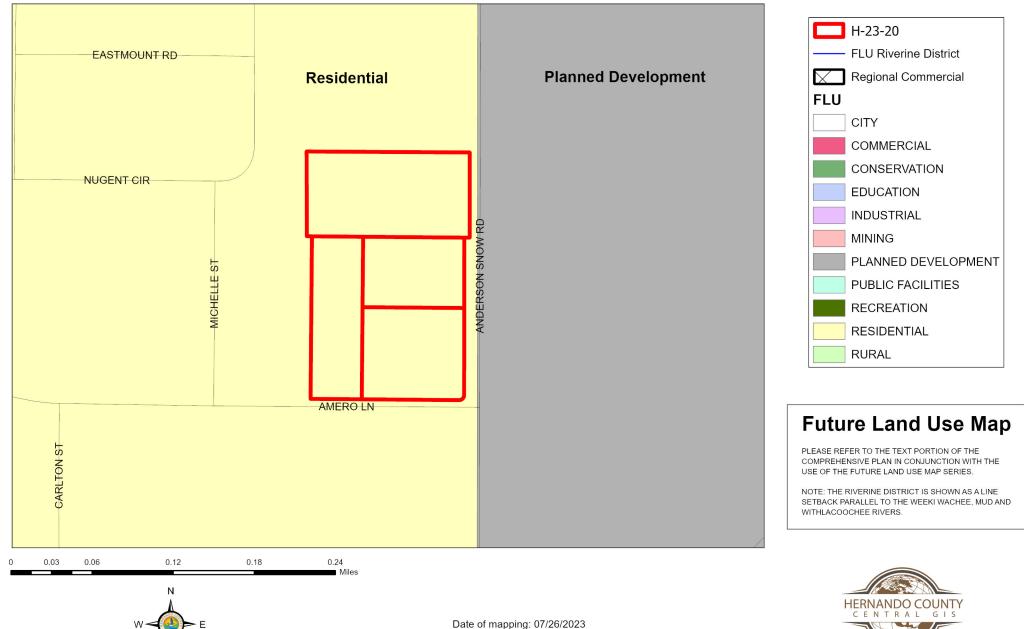
# Photo date: 2023

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-23-20 Version Date: 12/09/2022



H-23-20

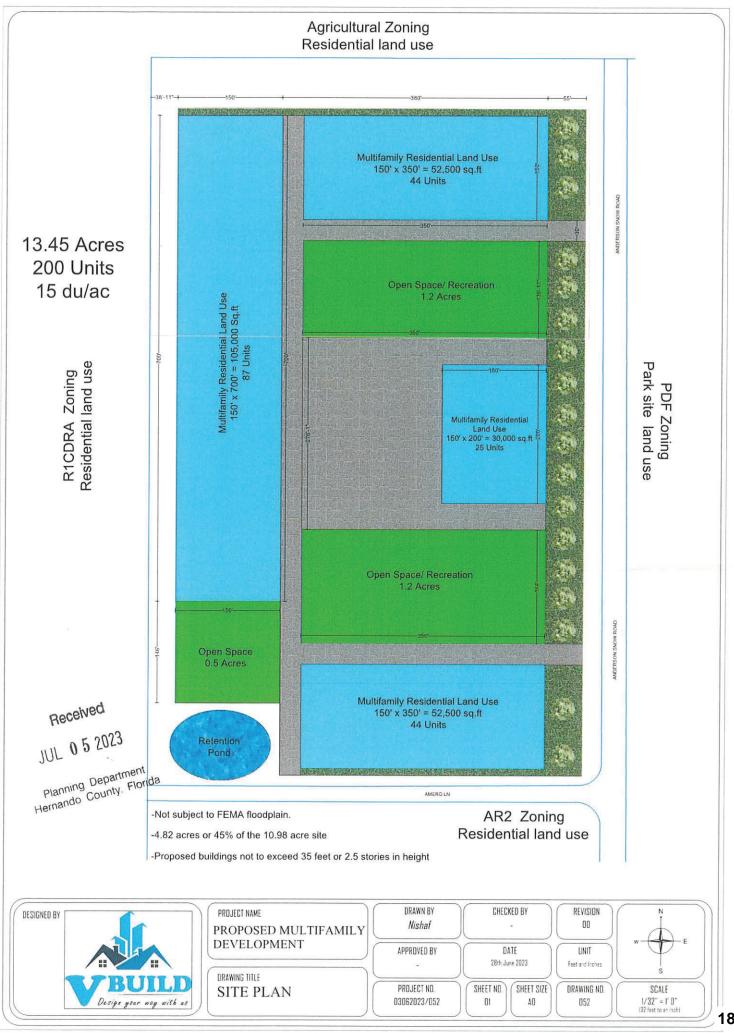
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Hernando County Planning Department Project date: 07/26/2023



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#### HERNANDO COUNTY ZONING AMENDMENT PETITION

File No. 1+2320 Official Date Stamp:

□ Yes V No (If yes, identify on an attached list.)

□ Yes 🗹 No (Time needed:

Received

111 0 5 2023

Planning Department

Hernando County, Florida

NDO CO 0 ORI

Application to Change a Zoning Classification

Application request (check one): Rezoning Z Standard D PDP Master Plan D New D Revised PSFOD □ Communication Tower □ Other PRINT OR TYPE ALL INFORMATION

Date: June 14, 2023

#### APPLICANT NAME: Solterra Land, LLC c/o Jon Kattke

Address: 2 Carlson Parkwa	y #155		
City: Plymoth		State: MN	Zip: 55447
Phone: 612-207-6526	Email: jon@solterraproperty.com		1
Property owner's name: (if )	ot the applicant) Frank McDowell (565819 and	1377496); Nicolas Oli	iva (565855)

#### REPRESENTATIVE/CONTACT NAME: Mike Marshall

REPRESENTATIVE/CONTACT NAME: Miller Marshall		
Company Name: Tolosa Property Group		
Address: 3843 Wheatland Trail		
City: Heartland	State: TX	Zip:75126
Phone: (972) 323-9226 Email: mike@tolosapropertygroup.com		
HOME OWNERS ASSOCIATION: 🛛 Yes 🗹 No (if applicable provide name)		
Contact Name:		
	Stat	te: Zip:
PROPERTY INFORMATION:		

1.	PARCEL(S)	KEY	NUMBER(S):	565819, 1377496, 56585	5	, 10	164	142
						-		

2.	SECTION See Attached	, TOWNSHIP See Attached	, RANGE See Attached	1119nº	ľ
2		Agricultrual Desidential (ECEQ10 and E	CEPEE) Agricultural (127740C) 10/2/11/1	7 1.1	

- Agricultrual Residential (565819 and 565855), Agricultural (1377496), 196442 3. Current zoning classification: Planned Development Project (Multifamily) 4.
- Desired zoning classification: Size of area covered by application: The acres 13.45 5.

Highway and street boundaries: Anderson Snow Road and Amero Lane 6.

- 7. Has a public hearing been held on this property within the past twelve months?  $\Box$  Yes  $\blacksquare$  No
- Will expert witness(es) be utilized during the public hearings? 8

9. Will additional time be required during the public hearing(s) and how much?

### PROPERTY OWNER AFFIDIVAT

I, O VIC , have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

IIIOIII

□ I am the owner of the property and am making this application **OR** 

) Olterra I am the owner of the property and am authorizing (applicant): and (representative, if applicable): to submit an application for the described property.

Signature of Property Owner

Notary Public State of Florida Kaitlyn Leigh Fratianni My Commission HH 179913

Exp. 9/28/2025

# STATE OF FLORIDA

COUNTY OF HERNANDO The foregoing instrument was acknowledged before me this  $\underline{4}^{HN}$ day of Nicholas Glivia who is personally known to me or produced Octivers junites identification.

Signature. Notary Public

Effective Date:	11/8/16	Last Revision:	11/8/16

Notary Seal/Stamp

Application request (check one):         Rezoning ☑ Standard □ PDP         Master Plan □ New □ Revised         PSFOD □ Communication Tower □ Other         PRINT OR TYPE ALL INFORMATION         Date: June 14, 2023         APPLICANT NAME:         Solterra Land, LLC c/o Jon Kattke         Address: 2 Carlson Parkway #155         City: Plymoth         Phone: 612-207-6526       Email: jon@solterraproperty.com         Property owner's name: (if not the applicant)       Frank McDowell (565819 and 137         REPRESENTATIVE/CONTACT NAME:       Mike Marshall	F Her	Received JUL 0 5 2023 Planning Department mando County, Florida Zip:55447 va (565855)
Company Name: Tolosa Property Group Address: 3843 Wheatland Trail City: Heartland Phone: (972) 323-9226 Email: mike@tolosapropertygroup.com	State: TX	Zip: <u>75126</u>
HOME OWNERS ASSOCIATION:       □ Yes ☑ No (if applicable provide name)         Contact Name:		
	□ Yes <b>t</b> No □ Yes <b>t</b> No (If yes,	e Attached 377496), 196442 ( 196442 ( 19644
PROPERTY OWNER AFFIDIVAT		
I, <u>FRANK MC DOWERL III</u> , have thoro application and state and affirm that all information submitted within this petition are tru- belief and are a matter of public record, and that (check one): Lam the owner of the property and am making this application OR I am the owner of the property and am authorizing (applicant): <u>Solferr</u> and (representative, if applicable): to submit an application for the described property.	and correct to the b	instructions for filing this best of my knowledge and
COUNTY OF HERNANDO	nure of Property Owner TUNC r produced <u>VIVevs</u>	, 20 23, by
Signature of Notary Public	tary Public State of Flor itlyn Leigh Fratianni Ay Commission HH 179913 Exp. 9/28/2025	rida Notary Seal/Stamp

HERNANDO COUNTY ZONING AMENDMENT PETITION

\_Official Date Stamp:

# Project Narrative Parcel Keys 565819, 196442, 1377496, and 565855 Existing Zoning: Agricultural Residential (565819, 196442 and 565855) Agricultural (1377496) Proposed Zoning: Planned Development Project (Multifamily)

1. Proposal

JUL 0 5 2023

a. Proposed land uses and their specific acreage

Planning Department Hernando County, Florida

b. Proposed density level of residential uses

c. Proposed square footage of development and building height(s) of commercial uses

d. Proposed deviations from code Please provide a list of any proposed deviations to the Land Development Regulations (LDRs). Cite specific code requirements and clarify the justification.

The proposed rezoning of the subject parcels from a Agricultural and Agricultural Residential zoning designation to a Planned Development Project (Multifamily) zoning designation consists of a conceptual site design that incorporates 200 multifamily units on an 13.45 acre project site which equates to a residential density of 15 dwelling units per acre. Although no physical development is proposed as a part of this application, conceptually, each unit would be approximately 1,200 square feet in size. In concept, the 200 multifamily units would be dispersed between multiple buildings that would not exceed 35 feet or 2.5 stories in height. No deviations from the Land Development Regulations are proposed as a part of the rezoning request.

- 2. Site Characteristics
- a. Site size (acres)
- b. Existing land uses and their specific acreage
- c. Known activities or uses on-site

The subject properties are approximately 13.45 acres in size. Two parcels (1377496 and 565819 are currently vacant with no known land uses occurring on site. Parcels 196442 and 565855 currently consist of one single family residential use on each parcel.

- 3. Environmental Considerations
- a. Flood Zone
- b. Drainage Features
- c. Water Features d. Habitats e. Conditions and Impacts on Natural Features

If a Wildlife Survey and/or a Wetland Jurisdictional Survey has been completed for the subject site, please submit said survey(s) with the master plan/rezoning application at time of submittal.

The subject properties are located outside of any FEMA designated flood zones and are absent of any notable water or drainage features. It is unknown if the subject properties are known to consist of sensitive species habitat of any kind. The proposal to rezone the subject properties does not include a proposal to physically develop the site, however, upon submittal for site plan approval, the applicant will submit an application package that demonstrates compliance with all applicable development standards and environmental guidelines.

4. Site Plan Discussion in the Narrative (See section on Required Master Plan or Site Plans shown later in this document.)

- a. A description of the concept of the development plan
- b. Proposed buffer sizes and separation widths between proposed land uses
- c. Proposed Setbacks and Minimum Sizes for Individual Lots
- d. Impacts and Improvements to infrastructure
- e. Proposed uses within pods

The proposed rezoning of the subject parcel from a Agricultural and Agricultural Residential zoning designation to a Planned Development Project (Multifamily) zoning designation consists of a conceptual site design that incorporates 200 multifamily units on a 13.45 acre project site which equates to a residential density of 15 dwelling units per acre. Conceptually, each unit would be approximately 1,200 square feet in size and would not exceed 35 feet or 2.5 stories in height. Proposed buildings would be separated by drive aisles up to 25 feet wide and landscape buffer areas. All proposed setbacks would be consistent with the development standards of the underlying zone. The development of the property would result in site improvements that would include, but would not be limited to, the extension of all required utility systems at the front and throughout the site.

#### 5. Impacts to Public Facilities

a. Discussion of the impact on infrastructure, including but not limited to transportation, water, drainage, sanitary sewer, parks, recreation, solid waste and public school facilities, along with any necessary data and analysis required to demonstrate that adequate public facilities will be available;

b. Discussion on any improvements proposed to the infrastructure to maintain and demonstrate adequate public facilities;

The proposed project consists of a request to rezone the subject parcel from a Agricultural and Agricultural Residential zoning designation to a Planned Development Project (Multifamily) zoning designation only, and does not include a proposal for physical development at this time. A request for the approval of a formal site plan will be considered under a separate application. Therefore, any potential impacts to public facilities and potential mitigation would be provided at the time of formal submittal.

#### 6. Water and Sewer Services

The county subdivision regulations require the dedication of sewer and water systems to the county in planned residential or commercial development projects and provides for the obtaining of water and sewer service from the county, payment of connection fees, and commitments for service. In preparing an application for rezoning, a developer should be aware of these provisions and shall take initial steps toward water and sewer agreements. In all cases, a developer must request water and sewer service from the county. If the county is to provide water and/or sewer, the developer must acknowledge in writing understanding of ordinance requirements and that the developer will comply with the provisions. The County may require that the applicant prepare a capacity study later in the development process to confirm infrastructure availability. If the project is located adjacent to or within the City of Brooksville Utility Department's First Right to Serve Area, the developer can request service from the City and provide a letter from the City stating service is available.

The proposed project consists of a request to rezone the subject parcel from a Agricultural and Agricultural Residential zoning designation to a Planned Development Project (Multifamily) zoning designation only, and does not include a proposal for physical development at this time. A request for the approval of a formal site plan will be considered under a separate application. Therefore, any potential impacts to public facilities and potential mitigation would be provided at the time of formal submittal. However, the applicant does recognize that the county subdivision regulations require the dedication of sewer and water systems to the county for planned residential projects and that specific fees and commitments may apply. Further, the applicant recognizes that a capacity study may be required later in the development process to confirm infrastructure availability.

7. Senior, Age-Restricted or Affordable Housing If the project or any portion involves dedicated senior or age-restricted housing or is restricted to affordable housing as defined in section 420.0004, Florida Statutes, or workforce housing as defined in section 420.5095, Florida Statutes, as such statutes may be amended or renumbered from time to time, then a description of such housing shall be included in the narrative. The county shall require a separate development agreement with the applicant and/or evidence of recordable deed restrictions or such other recordable instrument acceptable to the county which memorializes and enforces such commitment to provide senior or age-restricted housing, affordable housing, and/or workforce housing. Note: This shall be considered a preliminary narrative at time of submittal of the request for zoning amendment petition. The Governing Body may requires such a revision, the applicant must submit a revised narrative, meeting all conditions following the action by the Governing Body. In no event shall the applicant receive any subsequent development approval

from the county until such time the applicant has submitted a revised narrative meeting the requirements of this provision.

At the time of submittal, Senior, Age-Restricted, or Affordable Housing is not a part of the proposal to rezone the subject property. However, the applicant recognizes that if Senior, Age-Restricted, or Affordable Housing is a part of the project into the future, that compliance with Florida statutes and the submittal of a separate development agreement is required.



AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12729 Legal Request Number: Bid/Contract Number:

# TITLE

H-23-18 - 75 Cortez:

Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP (Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with Deviations; North of Cortez Blvd, approximately 2,000' west of I-75

# **BRIEF OVERVIEW**

## **Request:**

Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP (Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with Deviations.

## **General Location:**

North of Cortez Blvd, approximately 2,000' west of I-75

### Hearing Detail:

On February 9, 2021, the Board of County Commissioners voted 4-0 to adopt Resolution 2021-19 approving a Master Plan Revision on property zoned CPDP (Combined Planned Development Project) and a Rezoning to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with unmodified performance conditions.

# **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VIII. The Zoning District Amendment to the Planned Development District and applicable PDP master plan must be consistent with the Comprehensive Plan.

# RECOMMENDATION

It is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a Master Plan Revision on property zoned CPDP (Combined Planned Development Project) and a Rezoning to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with unmodified performance conditions.

# **REVIEW PROCESS**

Omar DePablo	Approved	09/01/2023	3:49 PM
Michelle Miller	Approved	09/05/2023	9:31 AM

Victoria Anderson

Approved

09/05/2023 3:11 PM

#### STAFF REPORT

HEARINGS:	Planning & Zoning Commission: September 11, 2023 Board of County Commissioners: October 10, 2023
APPLICANT:	75 Cortez LLC, c/o Cardinal Point Management LLC
FILE NUMBER:	H-23-18
REQUEST:	Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, <u>Recreational</u> and Congregate Care with deviations
GENERAL LOCATION:	North of Cortez Boulevard, approximately 2,000' west of I-75
PARCEL KEY NUMBERS:	372974

#### **APPLICANT'S REQUEST:**

On February 9, 2021, the Board of County Commissioners approved a Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with Deviations to develop 950,000 square feet of warehouse/distribution space and a convenience store with gas pumps. Since the rezoning was approved, no development has occurred on the subject site.

The petitioner's current request is for a master plan revision and a rezoning to CPDP/(Combined Planned Development Project) to reconfigure the subject site into 16 parcels with each parcel having specific uses. The project would consist of 800,000 square feet of industrial on 27.4 acres and 150,000 square feet of commercial on 15.0 acres. However, the petitioner has also proposed the option of utilizing the entire 42.4 acres of developable property for 350,000 square feet of commercial, should the industrial use not be viable. Due to the proposed intensity, the project will be considered a Large Retail Development.

#### **Proposed Use Allocations:**

The proposed use allocations are as follows:

Lots 1-10:PDP(HC)/Planned Development Project (Highway Commercial)Lots 11-16:PDP(HC)/Planned Development Project (Highway Commercial)with specific C-4 uses for Light Manufacturing, Light Wholesale<br/>& Storage, Monopole towersPDP(CP)/Planned Development Project (Corporate Park)PDP(REC)/Planned Development Project (Recreation) with a<br/>Special Exception for Congregate Care.

#### **Deviations Requested:**

The petitioner has also requested a deviation from the required 125' SR 50 building setback, to 75' due to the proposed reverse frontage road.

#### SITE CHARACTERISTICS:

Site Size:	57.9 acres
Surrounding Zoning: Land Uses:	North: CV; Withlacoochee State Forest South: AG, PDP(HC); Undeveloped East: C2; Hotels West: AG, C1; Undeveloped
Current Zoning:	PDP(GC)/Planned Development Project (General Commercial)
Euture Land Llas	

Futu	ire Land Use	
Мар	Designation:	

Commercial

#### ENVIRONMENTAL REVIEW:

Soil Type:	Candler Fine Sand
Hydrologic Features:	The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.
Protection Features:	The property contains no Wellhead Protection Areas (WHPA) according to County data resources.
Flood Zone:	С
Habitat:	Candler 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 (Drymarchon corais), Florida mouse (Podomys floridanus), Florida pine snake (Pituophis melanoleucus mugitus), and gopher frog (Rana areolata). Since there is the potential for these 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:	Given the presence of the Candler Fine Sands, gopher tortoises have a low potential for occurring on the project site. A gopher tortoise burrow survey shall be conducted to determine presence or absence of the species. If present, the petitioner is required to

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comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

#### UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer to the subject site. There is an existing 16-inch water main that runs along the south side of Cortez Boulevard, and a 12-inch water main that crosses Cortez Boulevard at LaRose Road to the north. There is an existing 8-inch sewer force main that also runs along the south side of Cortez Boulevard. HCUD has no objection to the request, subject to a water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.

#### **ENGINEERING & TRANSPORTATION REVIEW:**

The site is located on the north side of Cortez Boulevard, approximately 2,000' west of the I-75 and SR 50 interchange. The petitioner has proposed two (2) main access points to SR 50.

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

- 1. A Frontage Road shall be required per ordinance.
- 2. A Traffic Access Analysis shall be required and shall include the proposed convenience store.

#### LAND USE REVIEW:

#### Large Retail Development Standards

The LDR's require certain retail development standards for all projects in excess of 25,000 square feet. The large retail standards will ensure a cohesive and harmonious development. The standards include, but are not limited to, architectural style, parking design, internal pedestrian circulation, and buffering. The project will be required to meet the Large Retail development standards of Article III of Appendix A (zoning).

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 mound 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.
- (6) The master plan shall meet the following increased setbacks and buffering requirements:
  - (a) <u>Setbacks</u> 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) <u>Buffering</u> A thirty-five (35) foot wide buffer screened at 80% opacity at a height of six (6) feet above finished made 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.

#### **Building Setbacks**

Proposed Minimum Required Building Setbacks: Front (Cortez Blvd/SR 50): 75' (Deviation from 125') Side: 50' Rear: 50' Building Height: 45'

### <u>Lighting</u>

The petitioner has not indicated any lighting provisions. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage.

### <u>Buffer</u>

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.

Large Retail Developments of over 25,000 square feet shall be required a buffer along the full length of all streets serving a large retail development. The buffer shall be a minimum of thirty-five (35) feet in width and comprised of retained natural vegetation or planted with native plant species.

*Comments:* The petitioner has indicated a 35' buffer along Cortez Blvd/SR 50.

### <u>Signage</u>

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

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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.

**Comments:** If approved, all signs shall be designed as an integral part of the development and predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. Signs should also be limited to ground mounted monument type signs.

#### Landscape

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

#### **COMPREHENSIVE PLAN REVIEW:**

The subject site is located adjacent to the SR 50/I-75 commercial node and considered an extension of the Commercial node as designated on the County's adopted Comprehensive Plan. The petitioner's request for a distribution and logistics center is an allowable use in the existing node.

#### **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 SR 50 corridor and part of commercial node at the SR 50 and I-75intersection.

#### 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 developments. commercial designated use 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.

#### Specialty Commercial Strategy

- **1.04G(11):** Specialty Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and specialized function. The County will provide for land use regulations that recognize and encourage specialty commercial uses important to the traditional economic base, including Agricultural Commercial, Marine Commercial and Heavy Commercial uses.
- **Strategy 1.04G(14):** Heavy Commercial uses may be established to accommodate those uses that have potential impacts too significant for a standard commercial district and shall meet the following criteria:
  - a. not to be located proximate to residential housing;
  - b. be accessible to arterial or major collector roadways without requiring the use of residential roads;
  - c. provide for adequate buffers, screening and transition;
  - d. minimize negative impacts to adjoining properties.
  - e. minimize the visual impacts of outdoor storage
- **Comments:** The subject property is considered an extension of commercial node at the SR 50 and I-75intersection. The area is characterized by commercial (east and south), agricultural (west) and conservation (north) uses. There are two (2) hotels to the east and the Withlacoochee State Forest is to the north which also is utilized

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as the Croom ATV Park. The request is consistent with the Hernando County Comprehensive Plan Mapping Criteria.

#### Land Use Compatibility

- **Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.
- **Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.
- *Comments:* The proposed use is compatible subject to compliance with all recommended performance conditions.

#### Planned Development Projects and Standards

**Objective 1.10D:** Design criteria for Planned Development Projects (PDP) shall address as applicable building placement and height, parking, multi-modal circulation, drainage, landscaping, architectural standards, public space amenities, and energy efficiency. The PDP process allows flexibility in standards for projects that provide environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits, or features that promote quality community design and land use compatibility.

#### **Transportation Element**

- **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.

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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):	<ul> <li>The County should encourage land use patterns that optimize the function of frontage roads and similar access management strategies through:</li> <li>a. clustering of development to enhance the establishment of viable frontage road links;</li> <li>b. application of site-specific standards and techniques at Centers and Corridors outlined in the Future Land Use Element of this Plan.</li> </ul>
Comments:	The petitioner has requested a reverse frontage road. The County Engineer has reviewed the petitioners request and indicated SR 50 is a Major Arterial Road requiring a frontage road network. The proposed project will be required to provide a frontage road per the requirements of the Facility Design Guidelines upon development. If the master plan is approved, the petitioner shall be required to redesign the master plan to provide for the required frontage road

#### FINDING OF FACT:

A Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care with deviations is appropriate based on the following conclusions:

in accordance with these guidelines.

- 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 recommended performance conditions.
- 2. The requested deviation to reduce the setback along SR 50 is not supported due to the requirement for the frontage road in accordance with the Facility Design Guidelines.
- 3. The request for the Special Exception Use for Congregate Care is not supported at this time due to the lack of information provided by the applicant for that use. If the petitioner seeks to utilize this use, a master plan revision must be submitted to provide details on the size, scale and location of that use on the site.

#### 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.

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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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving a Master Plan Revision on Property PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with a rezoning to CPDP/(Combined Planned Development Project) to include Industrial, Corporate Park, Recreational and Congregate Care 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. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
- 3. The development of common areas and landscape plans must comply with the Florida-Friendly Landscaping<sup>™</sup> principles.
- 4. The developer shall provide a minimum of two (2) access points for the proposed warehouse/distribution center.

5.	Minimum Building Setbacks:	
	Front (Cortez Blvd/SR 50):	125'
	Side:	50'
	Rear:	50'

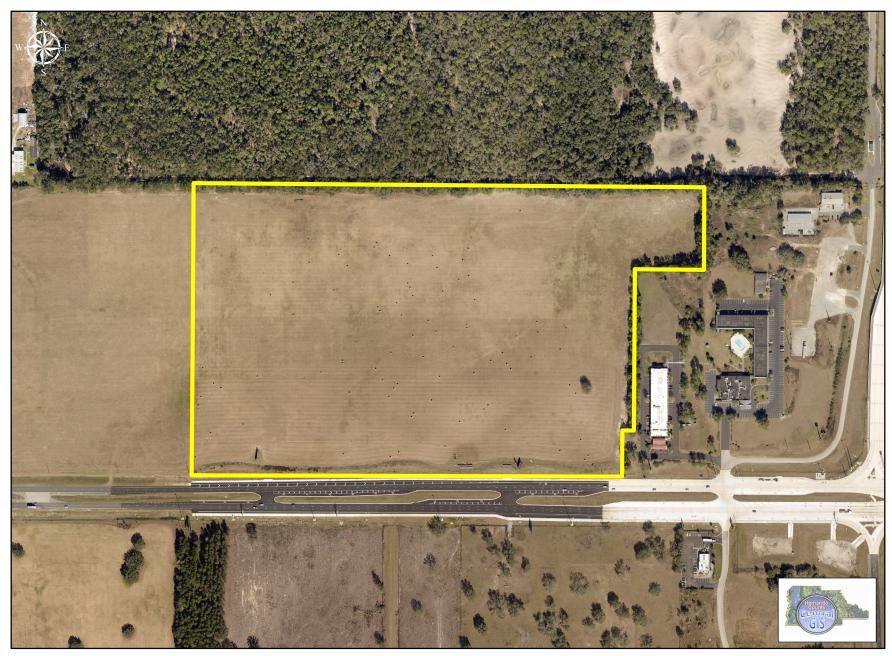
- 6. There shall be a minimum landscape buffer of 50' along Cortez Blvd/SR 50.
- 7. A frontage road shall be required per the Facility Design Guidelines upon development. If the master plan is approved, the petitioner shall revise the master plan to provide for this frontage road to be approved by the County Engineer.
- 8. A Traffic Access Analysis (TAA) pursuant to the Hernando County Facility Design Guidelines is required at the time of development for review and approval by the County Engineer.
- 9. A water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.

- 10. A Cross Access Agreement shall be provided between the proposed gas station and distribution center and neighboring parcels.
- 11. The petitioner shall provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring parcels.
- 12. A Master Plan Revision shall be required prior to the development of any Congregate Care Facility on the site.
- 13. The petitioner shall be required to comply with all Large Retail Development Standards.
- 14. The petitioner shall provide a revised 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.

# H-23-18

# Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



0	210	420	840	1,260	1,680
					Feet

# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-23-18 Version Date: 8/28/2023

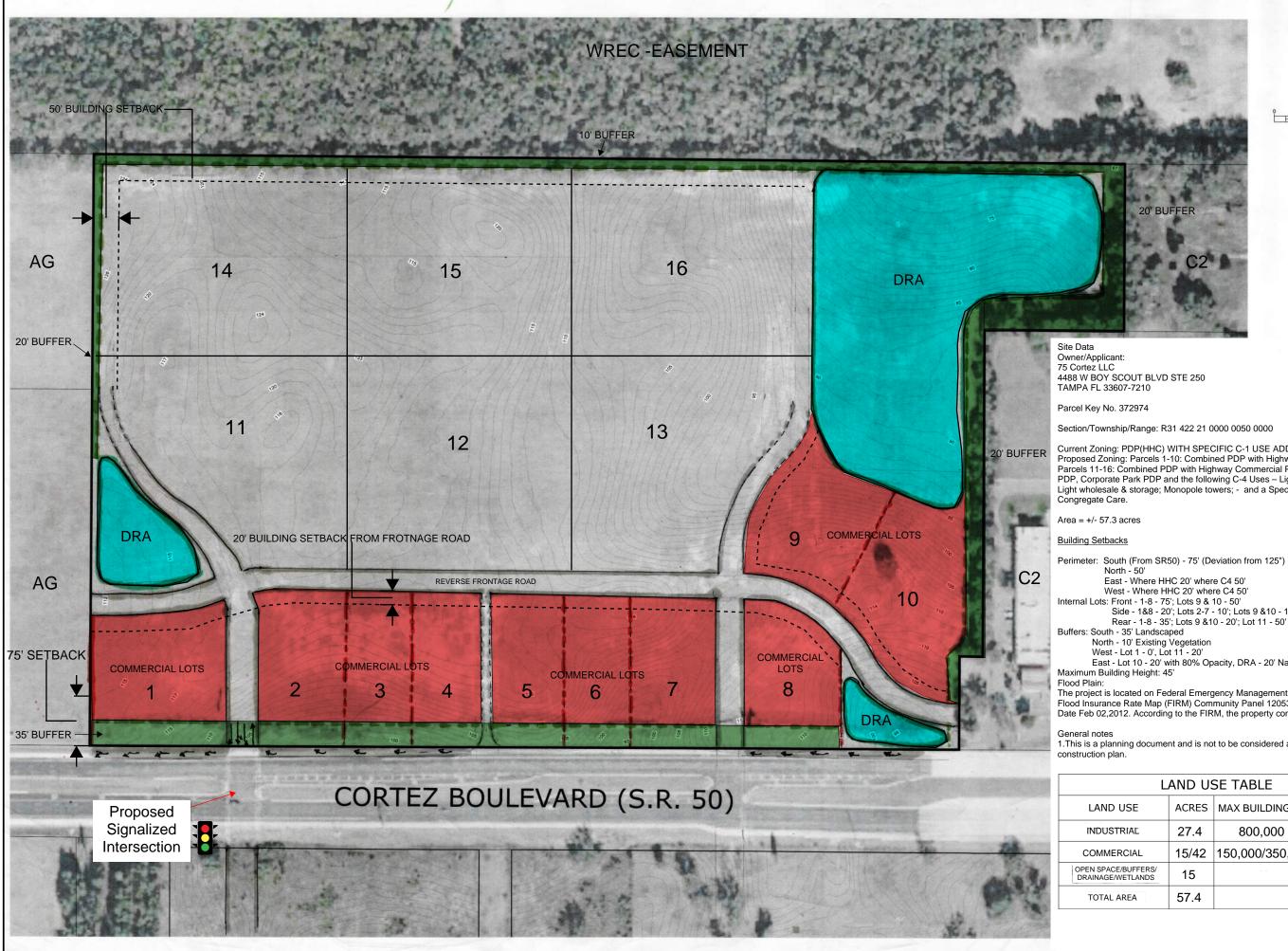




H-23-18

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.





Current Zoning: PDP(HHC) WITH SPECIFIC C-1 USE ADDED Proposed Zoning: Parcels 1-10: Combined PDP with Highway Commercial PDP Parcels 11-16: Combined PDP with Highway Commercial PDP, Recreation PDP, Corporate Park PDP and the following C-4 Uses – Light manufacturing; . 5., Corporate Fark FDF and the following C-4 Uses – Light manufacturing Light wholesale & storage; Monopole towers; - and a Special Exception for Congregate Care.

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Side - 1&8 - 20'; Lots 2-7 - 10'; Lots 9 &10 - 10', Lot 11 - 50' Rear - 1-8 - 35'; Lots 9 &10 - 20'; Lot 11 - 50'

East - Lot 10 - 20' with 80% Opacity, DRA - 20' Natural Vegetation

The project is located on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel 12053C0238D Effective Date Feb 02,2012. According to the FIRM, the property contains no flood areas.

1. This is a planning document and is not to be considered a final design or

LAND USE TABLE					
D USE	ACRES	MAX BUILDING SF			
STRIAL	27.4	800,000			
IERCIAL	15/42	150,000/350,000			
ACE/BUFFERS/ E/WETLANDS	15				
L AREA	57.4				

	ZONING MASTER PLAN				I-75 & CORTEZ BLVD	PARCEL KEY 372074	
	No saas No saas No saas Srate of Srate of						
	Engineering	Surveying	Transportation	engineering associates, inc.	966 Candlelight Boulevard - Brooksville - Florida 34601	(342)/94-9423 - TAX (342)/99-0339 EB-0000142	
REUSE OF DOCUMENT	THIS DOCUMENT, COMPRISED OF THE	AS AN INSTRUMENT OF	PROPERTY OF COASTAL ENGINEERING ASSOCIATES INC AND IS NOT TO BE	ANY OTHER PURPOSE WITHOUT THE	WRITTEN AUTHORIZATION OF COASTAL		& SEALED BY REGISTERED PROFESSIONAL
REVISION							WHEN PRINTED TO SCALE, DRAWING SIZE SHALL BE 22" X 34"
DATE REV. BY REV. NO.		1	1	1	1	1	WHEN PRINTED TO SCALE, I
SHEET 1 							

#### CARDINAL POINT – CORTEZ 57 ACRES ZONING/MASTER PLAN NARRATIVE

#### **General Description**

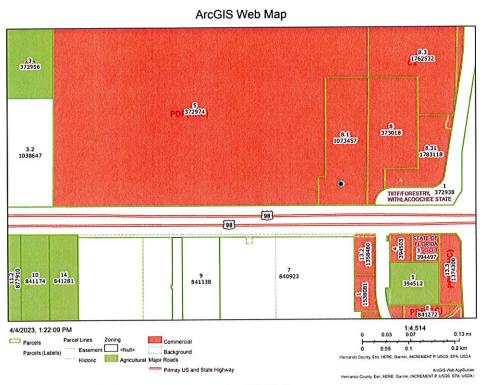
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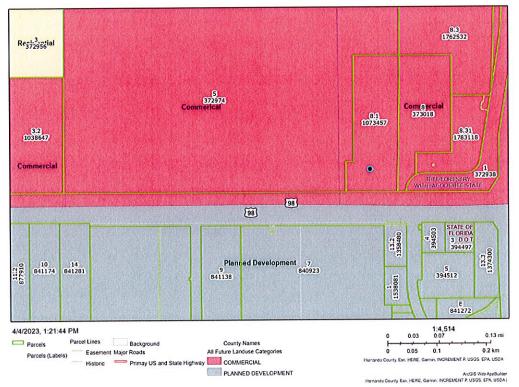
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Planning Department Hernando County. Florida



#### Hernando County GIS – Zoning Map Key 372974

ArcGIS Web Map



Hernando County GIS – FLUM Map Key 372974

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From SR 50 Right-of-Way75' (Deviation from 125')Other Property Lines50'

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Maximum Building Height: 60'

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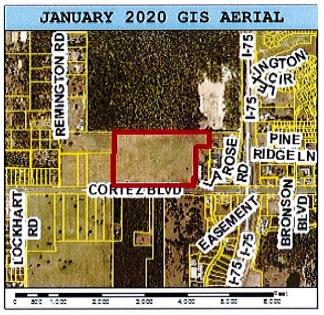
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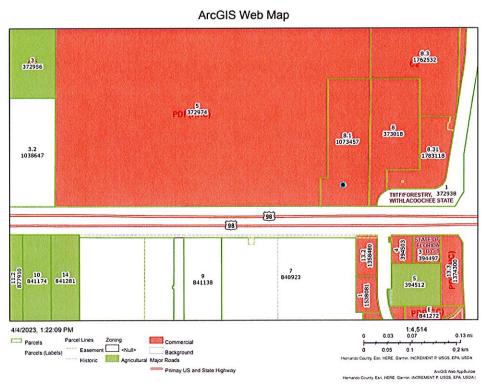
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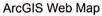
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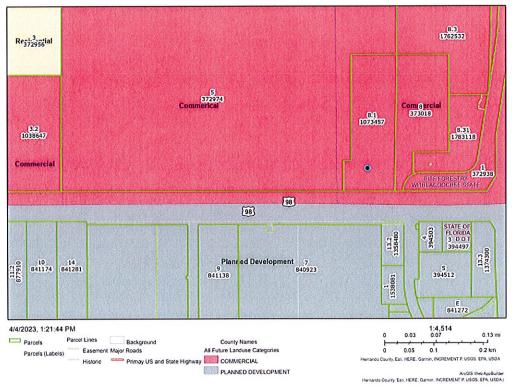


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HERNANDO CO	UNTY ZONING AMENDMENT PETITION	File No. 1238 Official Date Stamp:
HERITANDO COUZTY	Application to Change a Zoning Classification	
TANK	Application request (check one):	
H Z Z H	Rezoning $\Box$ Standard $\Box$ PDP	Received
H	Master Plan 🗖 New 🗹 Revised	
A	PSFOD □ Communication Tower □ Other	APR 04 2023
ORIO	PRINT OR TYPE ALL INFORMATION	
Date: 02/15/202	3	Planning Department Hernando County, Florida
APPLICANT NAME:	75 Cortez LLC, c/o Cardinal Point Management LLC	
	V. Boy Scout Blvd, Ste 250	
City: Tampa		State: FL Zip: 33607
	76-9308 Email: zliszt@crdpt.com	
	s name: (if not the applicant)	
warmen and the second		
	Coastal Engineering Associates, Inc.	
Address: <u>966 Ca</u> City: Brooksville		State: FL Zip: 34601
Phone: (352)84	8-3425 Email: dlacey@coastal-engineering.com	
	SOCIATION: Ves V No (if applicable provide name)	
Address:	City:	State: Zip:
PROPERTY INFORM		State Zip
	<u>A NUMBER(S):</u> 372974	
2. SECTION $31$	, TOWNSHIP 22	. RANGE 21
3. Current zoning cl	assification: PDP(HHC)	
4. Desired zoning cl		
5. Size of area cover	red by application: <u>57.3 Acres</u> et boundaries: West of Interstate 75, North of SR 50	
	ing been held on this property within the past twelve months?	
		$\Box$ Yes $\checkmark$ No (If yes, identify on an attached list.)
		$\Box$ Yes $\checkmark$ No (Time needed:)
PROPERTY OWNER	AFFIDIVAT	
belief and are a matter o □ I am the owner of ☑ I am the owner of	5 Cortez LLC, have thorough a firm that all information submitted within this petition are true f public record, and that (check one): The property and am making this application OR The property and am authorizing (applicant): 75 Cortez LLC, c/ of applicable): Coastal Engineering Associates, INC	
to submit an appl	cation for the described property.	la
	Signa	ature of Property Owner
STATE OF FLORIDA		
COUNTY OF HERNAL	NDO	20 <b>7</b> k
I ne foregoing instrumer	the was acknowledged before me this _/6 day of day of who is personally known to me o	r produced as identification
	the is personally known to me o	
1.141	hung	
Signature of Notary Pub	lic JUS	STIN MCSWEENEY
	Last Revision: 11/8/16	tary Public Ite of Florida Notary Seal/Stamp mm# HH248713 Dires 7/30/2026

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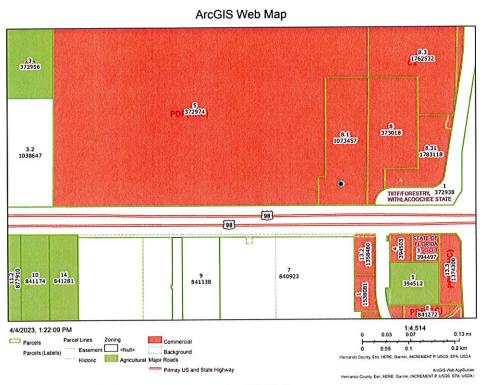
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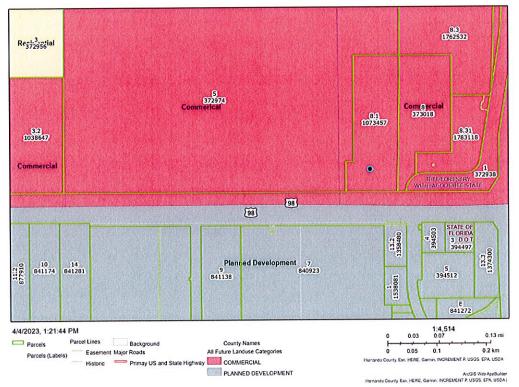
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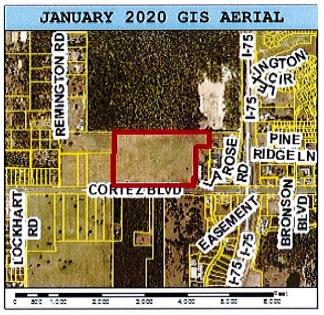
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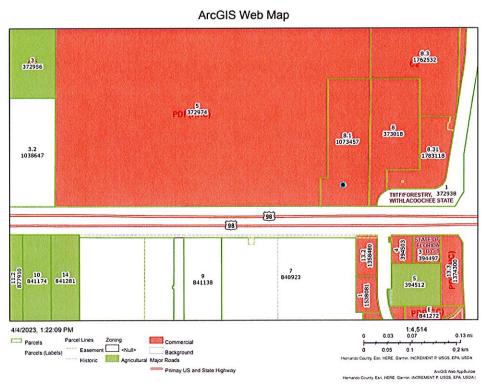
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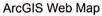
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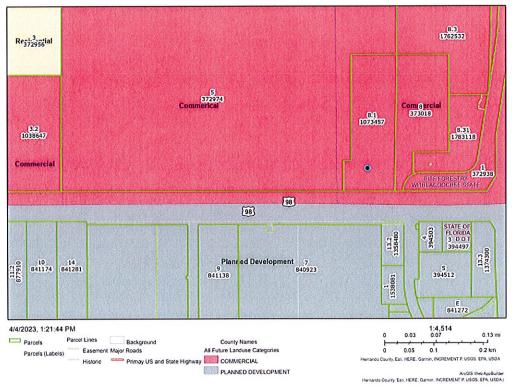


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Maximum Building Height: 60'

#### I. PROPOSED MASTER PLAN

Five copies of the rezoning/master plan are included in this submittal.

#### II. DRAFT OF PROTECTIVE COVENANTS.

None anticipated.

#### III. PRELIMINARY ENGINEERING REPORT

- A. **Topography.** The subject property is rolling in nature and generally higher in the western end, with elevations reaching 126' MSL in the northwest corner. The topography drops down to an elevation of 68' MSL in the northeast corner.
- Flood Plain. The property is physically conducive to development. It lies within Zone X according to FEMA FIRM Community Panel 12053C 0238D, effective date February 2, 2012. Zone X is an area not expected to flood in the 100-year storm event.
- **C. Soils.** According to the USDA Soil Survey for Hernando County, soils present on this property are Candler fine sand. It is described as being excessively drained soil, typical of upland sandhill areas of the County.
- **D. Environmental.** A pedestrian survey of the site was conducted, and the following was observed:
  - Confirmed the presence of gopher tortoise burrows on the property.
  - No other listed plant or animal species were observed on or adjacent to the subject property.
  - The property is primarily maintained pasture, with a narrow strip of oak and pine trees. to the north and east

## IV. DEVELOPMENT SCHEDULE

A development schedule is still to be determined.

## V. ADEQUATE ACCESS

The project anticipates three access points from SR 50, as depicted on the proposed zoning master plan. The eastern and western access points are at existing median cuts and the center access

point will be right turn entrance/exit only. The applicant will work with the County Engineer and the Florida Department of Transportation regarding intersection configuration and possible signalization (western access). With the recent widening of SR 50 to six lanes, the roadway levels of service on SR 50 and I-75 are very good.

#### VII. WATER AND SEWER

It is anticipated that the applicant will connect to nearby central water and sewer. According to the HCUD, there is an existing 16-inch water main along the south side of SR 50 and a 12-inch water line that crosses to the north side of SR 50 on the west side of La Rose Road which would have to be extended approximately 400 feet west to the subject property line. There is an existing 8-inch sewer force line along the south side of SR 50.

## **Deviations**

The applicant is requesting a reduction in the Perimeter setback requirement at SR 50 Right-of-Way from 125' to 75' to allow room for development.



AGENDA ITEM

Meeting: 09/11/2023 Department: Planning Prepared By: Robin Reinhart Initiator: Michelle Miller DOC ID: 12730 Legal Request Number: Bid/Contract Number:

# TITLE

H-23-29 - Toddy Mooney: Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations; South side of Cortez Blvd, approximately 700' east of Nightwalker Rd

# **BRIEF OVERVIEW**

## **Request:**

Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations

## **General Location:**

South side of Cortez Blvd, approximately 700' east of Nightwalker Rd

# **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

# LEGAL NOTE

The Planning and Zoning Commission has jurisdiction to make a recommendation on the subject application. The Applicable Criteria for a Zoning District Amendment are contained in Appendix A, (Zoning Code) Article VI. The Applicable Criteria for Planned Development Projects are contained in Appendix A, (Zoning Code) Article VIII. The Zoning District Amendment to the Planned Development District and applicable PDP master plan must be consistent with the Comprehensive Plan.

# RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations, with performance conditions.

# **REVIEW PROCESS**

Cayce Dagenhart	Approved	09/05/2023 12:04 PM
Omar DePablo	Approved	09/07/2023 11:03 AM

HEARINGS:	Planning & Zoning Commission: June 13, 2022 Board of County Commissioners: July 12, 2022		
APPLICANT:	Todd Mooney		
FILE NUMBER:	H-23-29		
REQUEST:	Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations		
GENERAL LOCATION:	South side of Cortez Boulevard, approximately 700' east of Nightwalker Road		
PARCEL KEY NUMBERS:	1170618, 346717		

## **APPLICANT'S REQUEST:**

On September 13, 2022, the Board of County Commissioners voted to deny the petitioner's request for a Master Plan revision with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations. The request was for a development of 20,000 square feet of retail, and a maximum of 500 units of multifamily apartments allocated across eleven (11) buildings.

The petitioner's current request is for a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with Deviations to develop an approximate 17.82-acre portion of the subject site with 350 multifamily units. The multifamily project will provide a clubhouse and 60' (4-story) high buildings. The petitioner has not proposed a specific number of buildings. The petitioner has not proposed access to the west (Brent Lawn Street) and has proposed a 40' dedicated buffer tract for the portion of the project that neighbors the existing residential homes.

## **Deviations Requested:**

- A deviation from the maximum building height (45'), to 60'. Building height within 200' of the western boundary is proposed to be limited to 45'.
- A waiver of the frontage road requirement along Cortez Boulevard.

## SITE CHARACTERISTICS:

Site Size:	44.89 acres	
Surrounding Zoning & Land Uses:	North:	AG; Undeveloped
	South:	AG; Boy Scout Camp
	East:	AG; Power Line Easement, Boy Scout Camp
	West:	PDP(SF); Single Family
Current Zoning:	PDP(SF) (MF) (OP)/Planned Development Project (Single Family, Multifamily and Office Professional)	
Future Land Use Map Designation:	Resider	ntial

## **ENVIRONMENTAL REVIEW:**

Soil Type:	Candler Fine Sand, Tavares Fine Sand
Habitat:	Wet prairie, natural lakes and ponds, freshwater non-forested wetland, and remnants of mixed hardwood-coniferous forest according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).
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. The petitioner is required to comply with all applicable FWC regulations and permitting.
Hydrologic Features:	The subject property contains a large Class 1 wetland and unmapped Special Protection Areas (SPA), according to County data resources.
Comments:	The property is karst sensitive and contains a submerged cavern system within the wetland area. It is an unmapped Special Protection Areas (SPA). According to the Groundwater Protection Ordinance (GPO), Special Protection Areas (SPA) are subject to a restriction. A SPA associated with a karst feature will consist of a setback of 500-foot measured from the outer boundary of the vulnerable feature. The proposed list of C-1 uses are permitted within the 500-foot designated SPA buffer.
	A subsurface geologic assessment (performed after the relocation of gopher tortoises present on the site), floral/faunal aquatic species

	survey and report prepared by a qualified professional shall be used in the design and layout of the project and shall be submitted to the County at the development of each phase to ascertain that efforts have been made to avoid impacts to subsurface karst sensitive features. The evaluation shall also include a stormwater design plan to prevent runoff, provide treatment, and avoid adverse stormwater impacts to the Class 1 wetland.
	A 50-foot wetland buffer shall be required measured from the jurisdictional wetland line. The buffer shall be planted with native vegetation to control erosion. Additionally, a conservation easement shall be required and must include the wetland, wetland buffer, and karst sensitive undeveloped uplands for key #346717. The proposed boardwalk is a permitted use.
	The Class 1 wetland and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.
	Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.
Protection Features:	The property is located within a Class 2 Wellhead Protection Area (WHPA) according to County data resources.
Comments:	The proposed uses are permitted within the WHPA-2
Resources/ Features:	There no archaeological sites 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. Implementation of Florida Friendly Landscaping <sup>™</sup> principles, techniques, and materials are designed to conserve water and reduce pollutant loading to the aquifer.
Comments:	The petitioner must meet the minimum requirements of Florida Friendly Landscaping <sup>™</sup> publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

Invasive plant species if present are to be removed during the development process.

Flood Zone:

C and AE (associated with wetland)

## SCHOOL BOARD REVIEW:

No comments were received from the Hernando County School District on the subject application.

The applicant 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.

## UTILITIES REVIEW:

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There are existing 20-inch and 14-inch water mains that run along the south side of Cortez Boulevard on the north property line of this project. There is an existing 6-inch sewer force main approximately 0.7 miles to the west on the north side of Cortez Boulevard, and an existing 6-inch sewer force main approximately 1.2 miles to the east on the south side of Cortez Boulevard. 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 & TRANSPORTATION REVIEW:**

The subject site is located on the south side of Cortez Boulevard, approximately 700' east of Nightwalker Road. The petitioner requesting a waiver of the frontage road requirement. Access is proposed to SR 50 with a potential emergency exit west to Brent Lawn Street)

The County Engineer reviewed the request and indicated the following:

- This property contains areas of flood Zone "AE" and Zone "A". One of the floodplain areas is directly connected to the aquifer.
- The Department of Public Works (Engineering Division) supports the petitioner's request for a waiver of the frontage road requirement.
- A sidewalk is required to connect to SR 50/Cortez Blvd. multi use path.
- A traffic access analysis is required to be submitted at the time of site development; this traffic analysis is required to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- A full connection to Brent Lawn Street is required, as it provides access to a signalized intersection.

- A Cul-De-Sac or Turn Around is required at the Eastern end of the proposed road. The design of the Cul-De-Sac is to meet Hernando County Standards to allow for a Pierce 105' Aerial Ladder Fire Apparatus to safety turn around.
- A Round-a-bout design is required at the intersection of the three internal to the project roadways.
- Parcels located along S.R. 50/Cortez Blvd. are required to obtain an FDOT (Florida Dept. of Transportation) Access Management permit and possibly a FDOT Drainage permit at the time of site development.

## LAND USE REVIEW:

## **Building Setbacks**

Parcel A Proposed Setbacks:

- North: 125'
- East: 15'
- South: 125'
- West: 125'
- Wetland: 50'

## **Building Height**

The maximum building height is forty-five (45) feet and/or three (3) stories. No building shall exceed three (3) stories, or forty-five (45) feet in the R-3 district unless one foot shall be added to the required front and side yards for each foot of building height over forty-five (45) feet in addition to the general yard requirements for the zoning district.

*Comments:* The petitioner has indicated a maximum height of 60' (4-Story). Building height within 200' of the western boundary will be limited to 45'.

## 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 five-foot 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.

#### Proposed Buffers:

- SR 50: 25'
- West: 40' landscape buffer at 80% opacity for the portion directly neighboring residential homes (west) and a 25' natural vegetative buffer on the balance of the buffer as it heads south
- Wetland: 25'

## Open Space

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

#### Landscape

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

## 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 two access points. One full access to SR 50 and potential emergency access to Brent Lawn Street. If approved, the petitioner shall be required to provide two (2) means of access in accordance with County policy and per the requirement of the County Engineer. The Brent Lawn Street access is intended to allow for access to the signalized intersection at July Avenue and SR 50.

## 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 lighting for the proposed us. If approved, all lighting should be full cut off fixtures to prevent any light spillage into neighboring parcels.

## COMPREHENSIVE PLAN REVIEW:

The area is characterized by commercial and single-family homes. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

## **Residential Category**

- <u>Objective 1.04B:</u> The Residential Category allows primarily single family, duplex, resort, and multifamily housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.
- *Comment:* The petitioner is proposing a 350-unit multifamily development on 44.89 acres which yields a density of 7.80 dwelling units per gross acre.

## Multifamily Housing

- <u>Strategy 1.04B(5):</u> 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.
- <u>Strategy 1.04B(6):</u> Multifamily 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.
  - **Comment:** The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 350-units on 44.89 acres. The proposed density is 7.8 dwelling units per acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

## Road Network – Frontage Roads

- <u>Objective 5.01B:</u> 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.
- <u>Strategy 5.01B(3):</u> 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 County Engineer supports a waiver of the frontage road based on the subject site location and inability to further connect the frontage road east. The Cunty Engineer as indicated the petitioner must connect to Brent Lawn Street towards the west in order to provide the development access to the signalized intersection of July Avene and SR 50.

Caves

- <u>Strategy 10.02B(7):</u> Land development processes in areas above cave systems will include requirements for a subsurface geologic assessment of the project and a floral/faunal survey to identify the presence of protected species, by qualified professionals, with recommendations regarding the need for mitigation and protection measures.
- Strategy 10.02B(8): In areas above cave systems, development approvals will not be issued until scientific information is provided to assure the subsurface karst geologic features and floral/faunal species will not be adversely impacted. A naturally vegetated surface setback with incentives that encourage flexible design shall be formulated to conserve karst systems underlying the property. Subsurface geologic features and their karst connections shall be studied and reviewed by appropriate state agencies with their recommendations and findings used to develop and manage the property. Protection shall be afforded new species.
- <u>Strategy 10.02B(8):</u> In areas above cave systems, development approvals will not be issued until scientific information is provided to assure the subsurface karst geologic features and floral/faunal species will not be adversely impacted. A naturally vegetated surface setback with incentives that encourage flexible design shall be formulated to conserve karst systems underlying the property. Subsurface geologic features and their karst connections shall be studied and reviewed by appropriate state agencies with their recommendations and findings used to develop and manage the property. Protection shall be afforded new species.
  - **Comments:** The property is karst sensitive and contains a submerged cavern system within the northern portion of wetland area closest to the proposed development. The area is an unmapped Special Protection Area (SPA) which will require a conservation easement for the wetland and karst sensitive area.

## FINDINGS OF FACT

Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) Deviations is appropriate based on the following conclusions:

- 1. The following deviations are justified and are not considered adverse to the public interest:
  - A deviation from the maximum building height (45'), to 60'.
  - Deviation/wavier of the frontage road requirement.

- 2. The petitioner shall be required to provide a full access connection to Brent Lawn Street.
- 3. 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. 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 approving the petitioner's request to Rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) 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. The petitioner shall meet the minimum requirements of Florida Friendly Landscaping<sup>™</sup> publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping, as applicable.
- 3. 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.

## Hernando County Planning Department

- 4. 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.
- 5. All lighting shall be full cut off fixtures to prevent any light spillage into neighboring parcels.
- 6. The maximum building height
  - 60' (deviation from 45').
  - Building heights within 200' of the western boundary shall be limited to 45'.
- 7. A setback of 500-foot measured from the outer boundary of the Special Protection Area (SPA) shall be provided.
- 8. A subsurface geologic assessment, floral/faunal aquatic species survey and report prepared by a qualified professional shall be used in the design and layout of the project and shall be submitted to the County at the development of each phase to ascertain that efforts have been made to avoid impacts to subsurface karst sensitive features. The evaluation shall also include a stormwater design plan to prevent runoff, provide treatment, and avoid adverse stormwater impacts to the Class 1 wetland.
- 9. A 50-foot wetland buffer shall be required measured from the jurisdictional wetland line. The buffer shall be planted with native non-invasive vegetation to control erosion. Wetland jurisdiction lines shall be shown on all future surveys and plats.
- 10. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.
- 11. A conservation easement shall be required and must include the wetland, wetland buffer, and karst sensitive undeveloped uplands for key #346717. Easement shall be shown on the master plan and construction drawings. The conservation easement shall be provided in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes.
- 12. A Traffic Access Analysis shall be required. Traffic Access Analysis shall include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- 13. The frontage road requirement shall be waived.
- 14. A FDOT Access management and drainage permit shall be required.

- 15. Minimum Building Setbacks
  - North: 125'
  - East: 15'
  - South: 125'
  - West: 125'
  - Wetland: 50'
- 16. The petitioner shall be required to provide two (2) means of access in accordance with County policy. Access from Brent Lawn Street shall be one of these required means of access.
- 17. Minimum Buffers:
  - SR 50: 25'
  - West: 40' landscape buffer at 80% opacity for the portion directly neighboring residential homes (west) and a 25' natural vegetative buffer on the balance of the buffer as it heads south
  - Wetland: 25'
- 18. Where stormwater runoff is directed to retention/detention areas adjacent to the direct connections to the aquifer, the developer shall use enhanced treatment methods to reduce nitrogen loading.
- 19. The petitioner shall provide a master plan in compliance with all 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.

# H-23-29

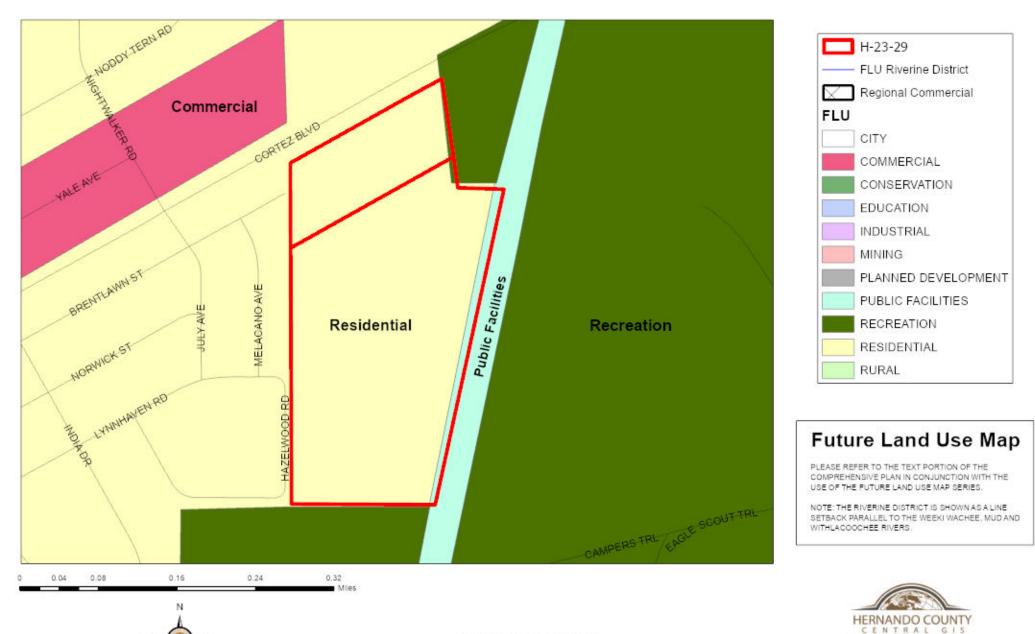
Photo date: 2020

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# Hernando County Comprehensive Plan Map

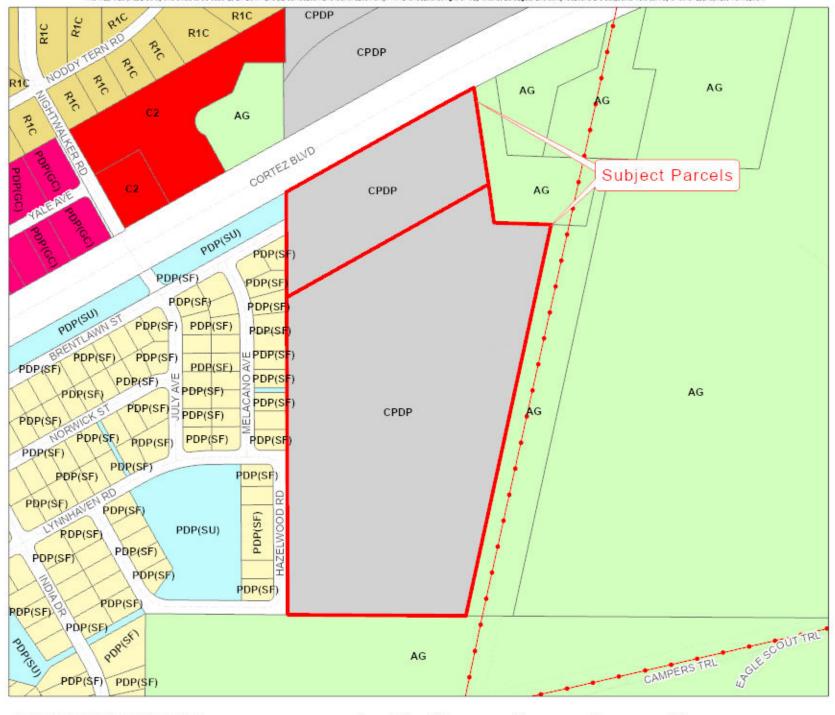
Existing Future Land Use: H-23-29 Version Date: 12/09/2022





H-23-29

This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



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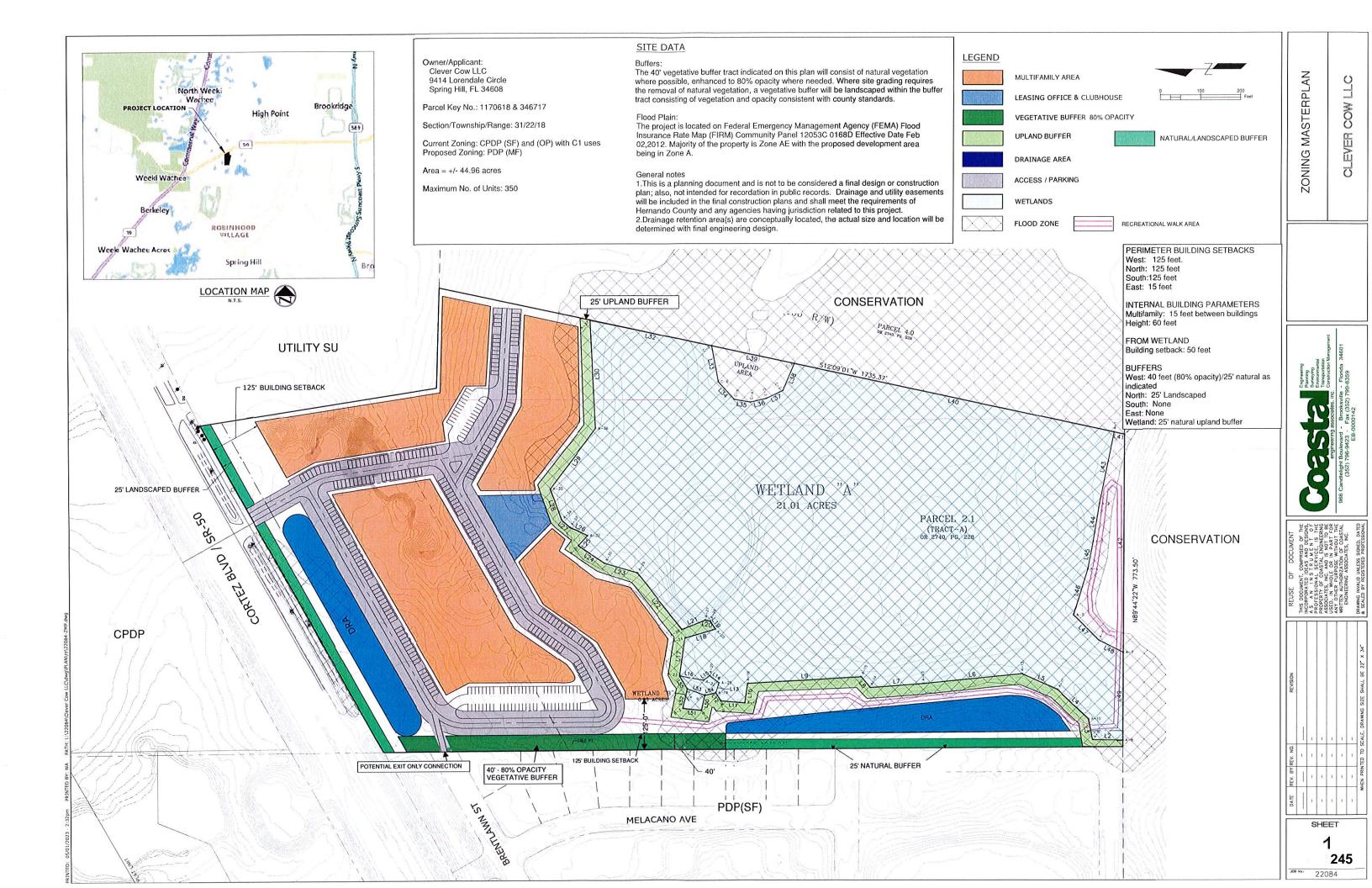
0.2

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Hernando County Planning Department Project date: 06/14/2023



HERNANDO COUNTY ZONING AMENDMENT PETITION	File No Official Date Stamp:
Application to Change a Zoning Classification	H-23-29
Application to Change a Zoning Classification Application request (check one): Rezoning  Standard  PDP Master Plan  New  Revised PSFOD  Communication Tower  Other PRINT OR TYPE ALL INFORMATION	Received MAY 3 2023
Date: April 24th, 2023	
APPLICANT NAME: Todd Mooney	Planning Department Hernando County. Florida
Address:       9414 Lorendale Circle         City:       Spring Hill         Phone:       813.817.8492         Email:       Mooney1325@yahoo.com         Property owner's name:       (if not the applicant)         Clever Cow LLC	ate: FL Zip: 34608
REPRESENTATIVE/CONTACT NAME: Jon Riley	
Company Name: Coastal Engineering Associates, Inc. Address: 966 Candlelight Blvd City: Brooksville Sta	ate: FL Zip: 34601
Phone: (352)848-3425 Email: Jriley@coastal-engineering.com	Zip: <u>54601</u>
HOME OWNERS ASSOCIATION: Set Yes No (if applicable provide name) High Point M	IHP
Contact Name:       Durelle Bryrer         Address:       12207 Fairway Ave         City:       Brooksville	State: FL Zip:
PROPERTY INFORMATION:	
1. PARCEL(S) KEY NUMBER(S):       1170618, 346717         2. SECTION 31       , TOWNSHIP 22         3. Current zoning classification:       CPDP (SF) and (OP) with C1 uses         4. Desired zoning classification:       PDP(MF)	_, RANGE <u>18</u>
5. Size of area covered by application: <u>44.96 acres</u>	
	es 🗹 No es 🗹 No (If yes, identify on an attached list.) es 🖆 No (Time needed:)
PROPERTY OWNER AFFIDIVAT	
<ul> <li>I, <u>Todd Mooney</u>, have thoroughly application and state and affirm that all information submitted within this petition are true and belief and are a matter of public record, and that (check one):</li> <li>☑ I am the owner of the property and am making this application OR</li> <li>□ I am the owner of the property and am authorizing (applicant):</li></ul>	y examined the instructions for filing this d correct to the best of my knowledge and
to submit an application for the described property.	of Property Owner
STATE OF FLORIDA COUNTY OF HERNANDO The foregoing instrument was acknowledged before me this day of	, 20 <b>_23</b> _, by duced as identification.
Michael Signature of Notary Public Effective Date: 11/8/16 Last Revision: 11/8/16	CHELLE TRAUDT OMMISSION # GG359261 PIRES: July 25, 2023 Notary Seal/Stamp

# AGENT OF RECORD LETTER

H-23-29 Received

MAY **3** 2023

Planning Department Hernando County. Florida

#### To: HERNANDO COUNTY / SWFWMD / FDEP / FDOT

I, **TODD MOONEY**, Authorized Person and Managing Member of CLEVER COW, LLC., the owner, hereby designate and appoint **COASTAL ENGINEERING ASSOCIATES, INC.**, as Agent of Record, with the authority to apply for and sign all documents; For the purpose of representing the entity during the Development Review Process, more specifically, Planning and Zoning Submittals/ Reviews/ Approvals (Rezoning, CPAM, Special Exception, and Conditional Use), Building Department Submittals/ Reviews/ Approvals (Conditional Plat, Subdivision, Construction Drawings, and Final Plat), as well as Application/Permitting Reviews/Approvals (SWFWMD/DEP/HCUD), with regard to: **H-22-13 (KEY NO. 01170618 & 00346717).** 

Date:

Authorized Person (Signature)

Authorized Person (Printed Name)

STATE OF Florida COUNTY OF Hernande

Applicant's Information: CLEVER COW, LLC. 9414 LORENDALE CIRCLE SPRING HILLS, FL 34608

Applicant's Representative: COASTAL ENGINEERING ASSOCIATES, INC. 966 CANDLELIGHT BLVD. BROOKSVILLE, FL 34601

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly qualified to administer oaths and take acknowledgments, <u>Tokk</u> <u>Hooney</u>, to me known to be the person described in and who executed the above and foregoing Agent of Record Letter and who acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this  $\frac{9^{\text{th}}}{2020}$  day of September, 2020.

NOTARY PUBLIC

State of Floride at Large

My Commission Expires:

MICHELLE TRAU MY COMMISSION # GG359261 EXPIRES: July 25, 2023

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# H-23-29

# CLEVER COW – CORTEZ BLVD REZONING APPLICATION – PROJECT NARRATIVE CLEVER COW LLC PARCEL KEY #s 1170618 & 346717



FIGURE 1: Clever Cow LLC - PARCEL KEY #s 1170618 & 346717 - Aerial SUBJECT PROPERTY

The subject property is approximately 45 acres in size, with the northern half consisting of soils conducive to development and the southern half consisting primarily of floodplain, wetlands and a water feature. The northern half has been cleared and available for development for a number of years. It has almost 1,000 feet of frontage along SR 50, a six-lane arterial roadway, on which many of Hernando County's retail, medical, service and office opportunities reside. The properties across SR 50 house the Oak Hill Hospital complex, the emerging Waterford community (approved for over 1,100 single family detached homes and casitas) and a number of parcels along SR 50 for future retail and office development. The property to the east and south is a Boy Scout camp, with a Duke Energy power line and WREC sub-station immediately to the east. The property lying to the west is Unit 22 of the Spring Hill community (Brentlawn Street) "stubs" into the western boundary of the subject property, providing a second possible egress. The property has received a Combined Planned Development Project (CPDP) zoning (H 90-05) for proposed Commercial and Residential use. It lies within a Residential designation in the County

Comprehensive Plan's Future Land Use Map (FLUM), a designation consistent with the request in this application. The zoning and FLUM maps are provided in Figures 2 and 3.

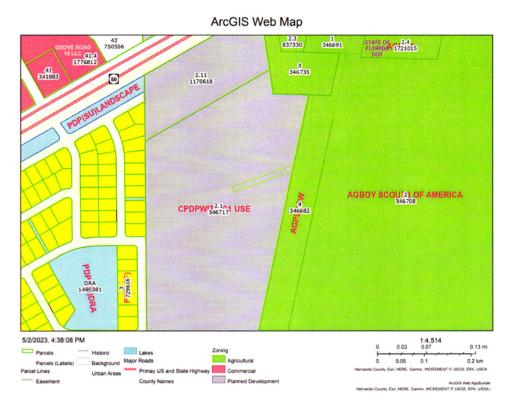


FIGURE 2: Clever Cow LLC - KEY #s 1170618 & 346717 - HERNANDO COUNTY GIS ZONING MAP

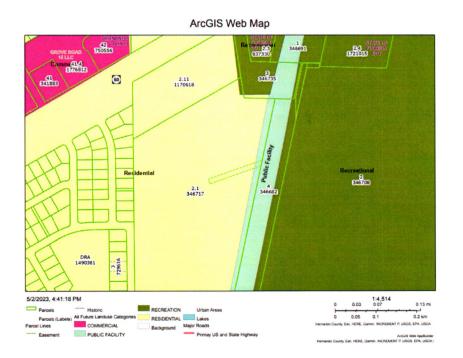


FIGURE 3: Clever Cow LLC - KEY #s 1170618 & 346717 - HERNANDO COUNTY GIS FLU MAP

## APPLICANT'S REQUEST

Given the size of the property, visibility/access from SR 50, and the abundance of commercial, services and single family residential already along this stretch of SR 50, the applicant is proposing to replace the approved CPDP, removing the commercial and developing a missing residential element - an upscale market-rate apartment complex. These apartments (maximum of 350) would provide another housing option to professionals working nearby, especially those in the medical field in and around the Oak Hill Hospital.

The subject site is advantageous for such a development, in that:

- There is significant employment in the immediate area, with very limited upscale apartment housing available;
- It has direct access to a major arterial roadway (SR 50), with a dedicated directional left turn lane already in place;
- Most attractions, employment opportunities and the Suncoast Parkway lie to the east, making good use of the available direct access;
- There is sufficient upland to develop into a viable apartment complex;
- The developer can utilize the environmental features found on the south half of the property for aesthetic appeal and recreational use; and,
- There are sufficient trees along the western boundary to help in creating a visual buffer from the adjacent Spring Hill community

## ZONING MASTER PLAN

At this point in conceptual planning, it is necessary to retain flexibility in land use and building location, however, the following development parameters are anticipated:

- A 40-foot wide 80% opacity vegetated buffer along the western boundary of the developed area, minimizing visual impact on the adjacent Spring Hill subdivision
- A 50 foot wide upland building setback with 25 foot wide upland buffer along the north side of the wetland area
- A 25-foot-wide landscape buffer along SR 50
- A 125-foot building setback from SR 50
- A 125-foot building setback from the southern boundary of the property
- The project's clubhouse and active recreation area to be no closer than 350 feet from the western boundary
- Project entrance to be located at the existing location of the SR 50 dedicated left turn lane
- Potential access to Brentlawn Street to be limited to exit only
- Recreational use of the southern half of the property to be passive in nature

## SETBACKS AND BUFFERS

PERIMETER BUILDING SETBACKS

West: 125 feet. North: 125 feet South: 125 feet East: 15 feet

#### INTERNAL BUILDING PARAMETERS

Multifamily: 15 feet between buildings Height: 60 feet (45 feet within 200 feet of western boundary)

FROM WETLAND

Building setback 50 feet

**BUFFERS** 

West: 40 feet (80% opacity) for the southern 800 feet of boundary, 25' natural buffer for remainder (as depicted on master plan)
North: 25 feet landscaped
South: None
East: None
From Wetland: 25 feet natural upland buffer

## ENGINEERING REPORT

Master Plan Enclosed

Draft of Protective Covenants

With no subdivision of lots, protective covenants are not required.

#### Development Schedule

A development schedule has not been prepared.

#### Proposed Improvements

Offsite construction will include connection to HCUD utilities and construction of access to SR 50 and a restricted exit-only connection to Brentlawn Street. The above will be accomplished in accordance with the regulations and standards of the Hernando County Engineer and the Hernando County Utilities Department.

#### Adequate Access

The project will have its entrance directly from SR 50 at the location of the dedicated let-turn lane near the eastern boundary of the property. An exit-only access is proposed at Brentlawn Street, an existing residential street in Spring Hill Unit 22, which connects to the signal at the SR 50/Nightwalker Road intersection. SR 50 has an excellent level of service at this location.

## Topography

As shown in Figure 4, site topography ranges from approximately 62' high along the eastern boundary with the WREC sub-station to an elevation of 22' in the water feature in the southern portion of the property. Stormwater will be treated and retained in conformance with SWFWMD regulations.

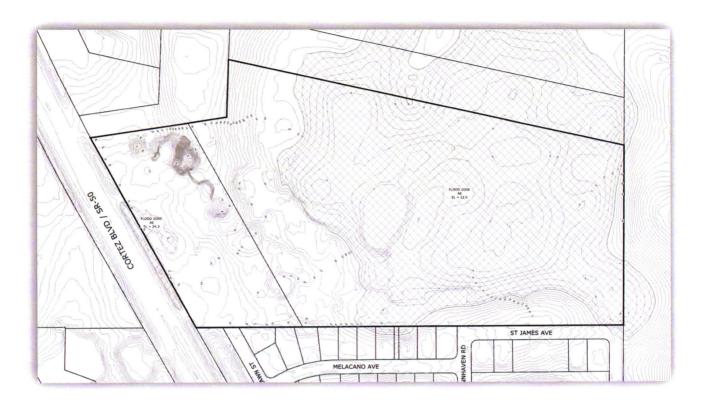


FIGURE 4: Clever Cow LLC - KEY #s 1170618 & 346717 Topography Map

## Floodplain

The property is located on Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM) community panel 12053C0168D, effective date of February 2, 2012. As depicted on Figure 5, the map shows the northern portion of the site above the 100 year floodplain, with the southern half the property being in an AE designation, with an elevation of 22 feet.

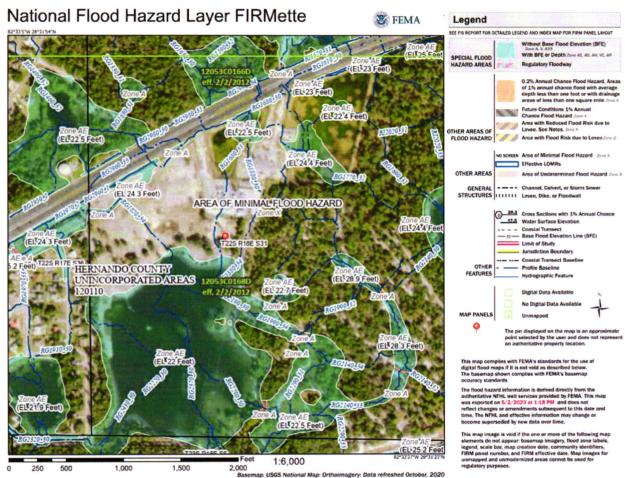


Figure 5. Clever Cow LLC - KEY #s 1170618 & 346717 Floodplain Map

Soils

Soils on the north portion of the property consist entirely of Candler and Tavares fine sands, welldrained soils conducive to development. Refer to Figure 6 for more information.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9	Basinger fine sand, 0 to 2 percent slopes	0.2	0.4%
10	Basinger fine sand, depressional, 0 to 1 percent slopes	23.4	48.1%
14	Candler fine sand, 0 to 5 percent slopes	13.2	27.0%
49	Tavares fine sand, 0 to 5 percent slopes	10.8	22.2%
99	Water	1.1	2.2%
Totals for Area of Interest		48.7	100.0%

Figure 6. Clever Cow LLC - KEY #s 1170618 & 346717 Soils Map

## Site Environmental

A preliminary site visit was conducted in April, 2023. The following are the results of the site visit:

- The proposed project site consists of uplands, currently used to graze cattle and a large wetland area containing an assemblage of herbaceous wetland vegetation and an open water area.
- Typical tree species consist of sand pine, slash pine and live oak trees.
- A few large trees (> 18" DBH) were detected, however their health rating is low. The Hernando County Tree Ordinance prohibits removal of trees four (4) inches in diameter at breast height (DBH) and larger without approval and appropriate mitigation. Tree replacement must be conducted in accordance with the Hernando County Tree and Landscaping ordinance (where applicable). Additional mitigation may be required for the removal of trees 18 inches and greater, depending on their health.
- The ground cover consists of bare sand, pine straw, ruderal vegetation, and various wetland herbaceous species.
- Two gopher tortoise burrows were detected in eastern and western fence lines (i.e. property lines).
- Herbaceous freshwater wetlands and an open water area dominate the southern half of the property.
- One wetland-dependent avian species (Little blue heron) was observed.
- No other state or federally listed species were detected.
- Listed aquatic fauna species were not detected.

## Utilities

The project will be served with central water and sewer. Discussions will be held with the Hernando County Utilities Department (HCUD) regarding capacity and points of connection. A pump station is likely to be needed and a utility analysis will be conducted prior to design and permitting.

## Drainage

This project is within Southwest Florida Water Management District. Stormwater will be handled and wetlands protected consistent with SWFWMD regulations. The exact size and location of all DRAs will be determined during the preliminary engineering design phase.

## Deviations:

## Frontage Road

We are requesting a deviation from having to construct a frontage road with the following justification:

- There is no commercial land use proposed for the property
- There is no commercial or residential land use to the east (WREC sub-station, Duke power line, Boy Scout camp).
- The land use to the west is residential and the existing connection to the property is via a residential street (Brentlawn Street)

We are requesting a deviation from the maximum building height (45'), allowing a building heights up to 60', with the following justification:

- Building height within 200' of the western boundary will be limited to 45'
- Allowing 4-story buildings elsewhere on site will provide:
  - More flexibility in the location of buildings
  - Ability to provide more green space
  - o Justification for the inclusion of elevators