



## STAFF REPORT

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<b>HEARINGS:</b>	Planning & Zoning Commission: Board of County Commissioners:	November 10, 2025 January 12, 2025
<b>APPLICANT:</b>	Medhat Kodsi	
<b>FILE NUMBER:</b>	H-24-77	
<b>REQUEST:</b>	Rezoning from R1-C (Residential) to PDP(GC) Planned Development Project (General Commercial) and PDP(MF) Planned Development Project (Multifamily) and to Establish an Associated Master Plan with deviations	
<b>GENERAL LOCATION:</b>	East side of Commercial Way approximately 0.14 miles south of Zebrafinch Avenue.	
<b>PARCEL KEY NUMBER(S):</b>	62345, 634353, 634406	

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### APPLICANT'S REQUEST

The Petitioner has applied to rezone from R1C (Residential) to PDP(GC) Planned Development Project (General Commercial) and PDP(MF) Planned Development Project (Multifamily) and to establish an Associated Master Plan with deviations. The petitioner wants to develop the property with two story buildings with commercial/retail/restaurant uses on the ground floor and 12 apartments on the second floor.

### SITE CHARACTERISTICS

<b>Site Size</b>	2.0 Acres
<b>Surrounding Zoning; Land Uses</b>	North: R1-C; Residential South: R1-C; Residential East: AG; Agricultural West: R1-C; Residential
<b>Current Zoning:</b>	Residential
<b>Future Land Use Map Designation:</b>	Commercial

### ENVIRONMENTAL REVIEW

The petitioner shall be required to comply with all applicable Southwest Florida Water management district and Florida Fish and Wildlife Conservation Commission (FWC) permits.

## UTILITIES REVIEW

Hernando County Utilities Department does not currently supply water or sewer service to these parcels. Water and sewer service are not available to these parcels. HCUD has no objection to the requested zoning change subject to Health Department approval of an appropriate onsite sewage treatment and disposal system for the development.

## ENGINEERING REVIEW

The subject site is located on the West side of Commercial Way approximately 0.14 miles south of Zebra Finch Avenue. The County Engineer has reviewed the petitioner's request and had the following comments:

- Parcel is in the Chassahowitzka Watershed.
- Flood plain compensation shall be provided and reviewed with the site plan/construction drawing submittal.
- A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis is the responsibility of the developer.
  - Update the Trip Generation to the current edition (11<sup>th</sup>) (2019).
  - Engineering Narrative is showing 11,529 GFA, but the Trip Generation is showing a total Area of 15,500 K.
- This property abuts Commercial Way (US-19), a Frontage Road for the entire length of frontage on Commercial Way is required per Ordinance.
  - Frontage road is required to be 50-feet in width, refer to Hernando County Facility Design Guideline IV-04.
- Applicant has requested a deviation to width of "service road" to be 20-feet, this request is not supported by Dept. of Public Works.
- Cross Access agreements with parcels to the North and South are required.
- FDOT Access management permit required. FDOT drainage permit may be required.

**Comments:** The petitioner shall be required to revise the master plan in accordance with the requirements of the County Engineer.

## LAND USE REVIEW

The petitioner is proposing a mixed-use development incorporating multi-family and general commercial. The plan includes general commercial along Commercial Way and multifamily apartments above the commercial units. The petitioner is proposing 15,529 square feet of retail to include one drive through restaurant on the lower level with 12 one- and two-bedroom apartments on the top floor.

### Floor Area Ratio

• 1 <sup>ST</sup> Floor Retail	15,529 square feet Gross Floor Area
• 2 <sup>nd</sup> Level Multifamily	15,529 square feet Gross Floor Area
• Total Gross Floor Area	31,058
• Floor Area Ratio	36% (Deviation from 35')

**Perimeter Setbacks:**

- West: 55'
- North: 40'
- South: 143'
- Rear: 47'

**Buffers:**

The petitioner has proposed the following perimeter buffers for the subject site:

- West (Commercial Way): 5'
- East: 5'
- North: 5'
- South: 5'

**Lighting:**

County Land Development Regulations require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles.

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

**Parking:**

The Petitioner is requesting to reduce the multifamily from 2 spaces per dwelling unit to 1.5 spaces per dwelling unit. They are also requesting to reduce onsite parking from 4 spaces per 1000 square feet of gross floor area to 3 spaces per 1000 square feet of gross floor area. They are proposing 52 lots total with 3 dedicated to delivery vehicles only as well as 8 stalls for bicycle parking.

**Comments:** The petitioner shall be required to provide a parking analysis at the time of site development to justify the reduction in parking spaces requested.

**RESIDENTIAL PROTECTION STANDARDS**

The subject site shall be subject to the following Residential Protection Standards, in accordance with Appendix A, Article VIII, Section 6.

- There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
- There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.

- No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
- No building within 100 feet of any single-family residential district property line shall be more than 20 feet in height.
- 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.
- 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.

**Comments:** The petitioner shall be exempt from the 100' height restriction due to the residences being on the second floor.

## COMPREHENSIVE PLAN REVIEW

### Future Land Use Map

#### Commercial Category

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

**Strategy 1.04G(1):** Commercial development as envisioned on the Future Land Use Map is intended primarily for locations at major intersections and along major corridors where service to local and regional markets are enhanced by transportation patterns. New commercial zoning is directed to these mapped areas. Commercial areas that are not mapped but are allowed under this Future Land Use Category include neighborhood commercial and specialty commercial uses as described in this Plan, commercial approved as part of mixed-use developments, commercial designated by planned development districts, the infill development of existing commercial areas, commercial areas extending from designated commercial nodes, and pre-existing commercially developed and designated areas. Frontage roads and cross- access between commercial uses is required where needed in accordance with the provisions of this Plan and adopted land development regulations.

**Residential Category**

**Objective 1.04B:** 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.

**Strategy 1.04B(1):** 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.

**FINDINGS OF FACT**

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

- The request is consistent with the Comprehensive Plan and is compatible with the surrounding uses.

**NOTICE OF APPLICANT RESPONSIBILITY**

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of 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 R1-C (Residential) to PDP(GC) Planned Development Project (General Commercial) and PDP(MF) Planned Development Project (Multifamily) and to Establish an Associated Master Plan 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 comprehensive listed species 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. Any listed floral species found on site shall be relocated to the vegetative buffers to the greatest extent possible.

3. 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.
4. Flood plain compensation shall be provided and reviewed with the site plan/construction drawing submittal.
5. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis is the responsibility of the developer. The petitioner shall be required to update the trip generation to the current edition (11<sup>th</sup>) (2019).
6. This property abuts Commercial Way (US-19), a Frontage Road for the entire length of frontage on Commercial Way is required per Ordinance. Frontage road is required to be 50-feet in width, refer to Hernando County Facility Design Guideline IV-04. The petitioner shall be required to revise the master plan to increase the frontage road width in accordance with these requirements.
7. Cross Access agreements with parcels to the North and South are required.
8. FDOT Access management permit required. FDOT drainage permit may be required.
9. Perimeter Setbacks:
  - West: 55'
  - North: 40'
  - South: 143'
  - Rear: 47'
10. Buffers:
  - West (Commercial Way): 5'
  - East: 5'
  - North: 5'
  - South: 5'
11. Floor Area Ratio
  - 1st Floor Retail 15,529 square feet Gross Floor Area
  - 2nd Level Multifamily 15,529 square feet Gross Floor Area
  - Total GFA 30,058 square feet
  - FAR 36% (Deviation from 35')
12. The petitioner must provide full or semi-cutoff fixtures as required by the County Land Development Regulations, to retain all light on site and prevent any light spillage onto neighboring residential uses.
13. The petitioner shall be required to provide a parking analysis at the time of site development to justify the reduction in parking spaces requested. If approved, the petitioner shall provide parking of 3 spaces per 1000 square feet of gross floor area.
14. The petitioner shall be subject to the following Residential Protection Standards:

- There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
- There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.
- No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
- 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.
- 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.

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.

**PLANNING AND ZONING COMMISSION RECOMMENDATION**

On November 10, 2025, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request for a Rezoning from R1-C (Residential) to PDP(GC) Planned Development Project (General Commercial) and PDP(MF) Planned Development Project (Multifamily) and to Establish an Associated Master Plan with deviations to December 8, 2025.

## PLANNING AND ZONING RECOMMENDATION

On December 8, 2025, 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 R1-C (Residential) to PDP(GC) Planned Development Project (General Commercial) and PDP(MF) Planned Development Project (Multifamily) and to Establish an Associated Master Plan with deviations and the following modified 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 comprehensive listed species 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. Any listed floral species found on site shall be relocated to the vegetative buffers to the greatest extent possible.
3. 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.
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8. FDOT Access management permit required. FDOT drainage permit may be required.
9. Perimeter Setbacks:
  - West: 55'
  - North: 40'
  - South: 143'
  - Rear: 47'
10. Buffers:
  - West (Commercial Way): 5'
  - East: 5'
  - North: 5'
  - South: 5'
11. Floor Area Ratio

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• 1st Floor Retail	15,529 <u>10,672</u> square feet Gross Floor Area
• 2nd Level Multifamily	15,529 <u>10,672</u> square feet Gross Floor Area <u>with a maximum of 12 residential units</u>
• Total GFA	30,058 <u>21,344</u> square feet
• FAR	36 <u>-25</u> % (Deviation from 35')

12. The petitioner must provide full or semi-cutoff fixtures as required by the County Land Development Regulations, to retain all light on site and prevent any light spillage onto neighboring residential uses.
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