

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 11, 2024
Board of County Commissioners: April 9, 2024

APPLICANT: Stripe A Lot of America Corp – Gregg Kay

FILE NUMBER: H-23-79

REQUEST: Rezoning from AG (Agriculture) to PDP(HHC)/Planned Development Project (Heavy Highway Commercial)

GENERAL LOCATION: Southwest corner of Sunshine Grove Road and Star Road

PARCEL KEY NUMBER: 107208

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from AG (Agriculture) to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) in order to utilize the 8.4 acre parcel for their asphalt paving contractor business. PDP(HHC)/Planned Development Project (Heavy Highway Commercial) is equivalent to the euclidean C-4 (Heavy Highway Commercial) district which allows for semi-industrial and heavy contractor uses. The request for a PDP district limits the subject site to the proposed use via the master plan and narrative and allows the governing body to place performance conditions to mitigate any potential impacts.

The petitioner has indicated the subject site has an existing 1,800 square foot double wide mobile home with some accessory structures. The proposed use would demolish all existing structures and construct two (2) 100'x60' building 26' in height. One of the buildings will provide for three (3) offices and a restroom. Furthermore, the petitioner has indicated that all storage of equipment will be contained indoors and there will be no outdoor storage of material. No deviations are being requested.

SITE CHARACTERISTICS:

Site Size: 8.4 acres

**Surrounding Zoning;
Land Uses:** North: AR; Mobile Homes

South: AG; Mobile Homes
East: CPDP; Sunshine Grove road, Powerlines
West: AG; Mobile Homes

Current Zoning: AG (Agriculture)

**Future Land Use
Map Designation:** Rural

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

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

**Hydrologic
Features:** The property contains no Wellhead Protection Areas (WHPAs), according to County data resources.

Habitat: A comprehensive wildlife/gopher tortoise survey, prepared by a qualified professional shall be conducted prior to any development occurring on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit will be required prior to land clearing or commencement of construction. The petitioner is required to comply with all applicable FWC regulations.

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

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.

Water Quality: Since the project falls within the Weeki Wachee Priority Focus Area for the FDEP Basin Management Action Plan

(BMAP), the following is applicable: The proposed project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

Comment: The petitioner shall meet the minimum requirements of the Florida Yards & Neighborhoods (FYN) Program. Landscape plans must comply with the Florida-Friendly Landscaping™ principles and design techniques for all required landscaping.

UTILITIES REVIEW:

The Utilities Department has indicated it does not currently supply water or sewer service to these parcels. There is an existing 2-inch water main that runs along the south side of Star Road, and a 16-inch water main that runs along the west side of Sunshine Grove Road. There is an existing 16-inch sewer force main that also runs along the west side of Sunshine Grove Road. HCUD has no objection to the request, subject to connection to the central water and sewer systems as necessary, per Ordinance, at time of vertical construction.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this project. Existing water and sewer upgrades may be required to supply the proposal. The applicant will have to demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits. Any cost to upgrade the system will be the responsibility of the developer.

ENGINEERING REVIEW:

The subject site is located on the southwest corner of Sunshine Grove Road and Star Road. The petitioner has indicated access will be obtained from Star Road. No access is proposed to Sunshine Grove Road

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

- The proposed project may be required to submit a Traffic Access Analysis if Trips generated exceed 50 or more. Trip Generation data to be provided at time of construction drawings. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- A sidewalk will be required along Star Road.
- Improvements to Star Road may be required.

- Access driveway to Sunshine Grove Road must be improved to current commercial standards.
- Considerations shall be made by the construction vehicles of this company while the nearby schools are in the start and dismissal time frames.

LAND USE REVIEW:

Building Setbacks and Lot Sizes

Minimum Building Setbacks:

Sunshine Grove Road:	50'
Star Road:	35'
West:	35'
South:	20'

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 any provisions for lighting of the subject property. If approved, any security lighting shall be retained on-site, preventing any light spillage onto neighboring properties.

Landscaping

The petitioner must meet the minimum recommendations of the Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping.

Buffer

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

The buffer shall consist of a minimum five-foot landscaped separation distance. The 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 5 feet, a maximum height of 8 feet, or an evergreen hedge with a minimum height of 5 feet at the time of planting.

Comment: The petitioner has indicted the property will provide the minimum buffer requirements of the County's LDRs.

Screening:

In the heavy commercial districts, screened outside storage shall be permitted behind the building line as an accessory use to a permitted use. Screening shall be required 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: The petitioner has indicated no outdoor storage of equipment or material is proposed. Outdoor storage shall require a revision to the master plan.

COMPREHENSIVE PLAN REVIEW:

The subject site is located in the Rural Land Use Category where land uses allowed are: 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. C-4 uses are considered specialty commercial and permitted in the Residential land use designation with appropriate performance conditions.

**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.

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 petitioner request meets the requirements of Strategy 1.04G(14), furthermore no outdoor storage is proposed. The surrounding zoning districts are not considered residential districts. The request is compatible with the surrounding land uses subject to compliance with all performance conditions.

FINDINGS OF FACT:

A rezoning from AG (Agriculture) to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) is appropriate based on the following conclusions:

1. No outdoor storage is proposed. Any request for outdoor storage would require a master plan revision.
2. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with 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 Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use

request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) 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. Minimum Building Setbacks:

Sunshine Grove Road:	50'
Star Road:	35'
West:	35'
South:	20'
3. Security lighting shall be shielded from neighboring uses.
4. A comprehensive wildlife survey shall be updated in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit will be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.
5. The petitioner shall meet the minimum recommendations of the Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping.
6. The proposed project may be required to submit a Traffic Access Analysis if Trips generated exceed 50 or more. Trip Generation data to be provided at time of construction drawings. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
7. A sidewalk shall be required along Star Road.
8. The petitioner shall coordinate improvements to Star Road with the County Engineer.

9. Access driveway to Sunshine Grove Road shall be improved to current commercial standards.
10. The petitioner shall coordinate with the County Engineer construction vehicle traffic from the subject site while the nearby schools are in the start and dismissal time frames.
11. The development is subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.
12. Outdoor storage shall require a revision to the master plan.
13. 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.

P&Z ACTION:

On March 11, 2024, 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 AG (Agriculture) to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with 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. Minimum Building Setbacks:
 - Sunshine Grove Road: 50'
 - Star Road: 35'
 - West: 35'
 - South: 20'
3. Security lighting shall be shielded from neighboring uses.
4. A comprehensive wildlife survey shall be updated in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit will be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.
5. The petitioner shall meet the minimum recommendations of the Florida Friendly Landscaping™ publications and Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping.
6. The proposed project may be required to submit a Traffic Access Analysis if Trips generated exceed 50 or more. Trip Generation data to be provided at time of construction drawings. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
7. A sidewalk shall be required along Star Road.
8. The petitioner shall coordinate improvements to Star Road with the County Engineer.
9. Access driveway to Sunshine Grove Road shall be improved to current commercial standards.

10. The petitioner shall coordinate with the County Engineer construction vehicle traffic from the subject site while the nearby schools are in the start and dismissal time frames.
11. The development is subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.
12. Outdoor storage shall require a revision to the master plan.
13. 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.

BOCC ACTION:

On April 9, 2024, the Board of County Commissioners voted 5-0 to adopt a resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with 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. Minimum Building Setbacks:
 - Sunshine Grove Road: 50'
 - Star Road: 35'
 - West: 35'
 - South: 20'
3. Security lighting shall be shielded from neighboring uses.
4. A comprehensive wildlife survey shall be updated in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit will be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.
5. The petitioner shall meet the minimum recommendations of the Florida Friendly Landscaping™ publications and Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping.
6. The proposed project may be required to submit a Traffic Access Analysis if Trips generated exceed 50 or more. Trip Generation data to be provided at time of construction drawings. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
7. A sidewalk shall be required along Star Road.
8. The petitioner shall coordinate improvements to Star Road with the County Engineer.
9. Access driveway to Sunshine Grove Road shall be improved to current commercial standards.

10. The petitioner shall coordinate with the County Engineer construction vehicle traffic from the subject site while the nearby schools are in the start and dismissal time frames.
11. The development is subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.
12. Outdoor storage shall require a revision to the master plan.
13. 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.