

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: September 10, 2007  
Board of County Commissioners: October 10, 2007  
Planning & Zoning Commission: October 8, 2007  
Board of County Commissioners: November 14, 2007  
Planning & Zoning Commission: November 13, 2007  
Board of County Commissioners: December 12, 2007  
Board of County Commissioners: January 9, 2008  
Planning & Zoning Commission: March 10, 2008  
Board of County Commissioners: April 8, 2008

**APPLICANT:** Brooksville, LLC - Richard J. Clesen, Manager

**FILE NUMBER:** H-07-26

**PURPOSE:** Rezoning from C-2/(Highway Commercial) and PDP(GHC)/Planned Development Project (General Highway Commercial) to CPDP/Combined Planned Development Project allowing limited C-1 and C-2 uses, and a waiver of the frontage road

### GENERAL

**LOCATION:** Northwest corner of Cortez Boulevard and Emerson Road

### LEGAL

**DESCRIPTION:** A portion of Section 26, Township 22 South, Range 19 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

### CITIZEN

**RESPONSE:** Correspondence received as of the date of this report? Yes  No

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### APPLICANT'S REQUEST:

The subject 13.0 acre property is currently split zoned C-2/(Highway Commercial) and PDP(GHC)/Planned Development Project (General Highway Commercial). The petitioner is requesting a rezoning from C-2/(Highway Commercial) and PDP(GHC)/Planned Development Project (General Highway Commercial) to CPDP/Combined Planned Development Project allowing limited C-1 and C-2 uses, with a reduction in setbacks, and a waiver of the frontage road. The CPDP designation will provide for a GC (General Commercial) designation with limited C-2 uses, an NC (Neighborhood Commercial) designation with limited C-1 uses, and a SU (Special Use) designation for the drainage corridors and sensitive areas of the site.

The commercial designations will provide for a 6.2 acre, 50,000 square feet, two (2) story commercial development. The remaining 6.8 acre portion of the site will remain undeveloped and will be designated as open space.

The petitioner has requested the following specific C-2 and C-1 uses for the site:

*PDP(GC)/Planned Development Project (General Commercial) portion:*

1. Tire and Automotive Accessory Establishments
2. Automotive Specialty Establishments
3. Automotive and Truck Rental Establishments
4. Veterinarian and Animal Clinics or Hospital Service Establishment
5. Domestic Rental Establishments
6. Light Construction Service Establishment
7. Retail Plant Nurseries
8. Mini-Warehouse (Self Storage)
9. Boat Sales and Service with or without Outside Display
10. Light Farm Equipment and Supply Establishment
11. Light Landscaping Service Establishment
12. Automobile Service Establishments

*PDP(NC)/Planned Development Project (Neighborhood Commercial) portion:*

1. Domestic and Business Service Establishment
2. Domestic and Business Repair Establishment
3. Business Training School
4. Light Building Material Establishment
5. Antique Stores
6. Veterinary Clinic with Air Conditioned, Sound-Attenuated Runs
7. Light Marine Establishment
8. Light Domestic Rental Establishment
9. Auto Parts Establishment
10. Day Care and Preschools
11. Secondhand Stores
12. Retail Plant Nursery with Outside Storage Limited to Plants and Packaged Products
13. Auto Glass Establishment

The petitioner has further indicated that a large portion of the subject site consists of floodplain and wetlands with an existing ditch and drainage structure on the eastern portion of the site. Due to environmental concerns and limitations on the subject site, the petitioner

is requesting a reduction in setbacks along Cortez Boulevard from the required 125' to 75', and a waiver of the frontage road requirement.

**SITE CHARACTERISTICS:**

- Site Size:** 13.0 acres
- Surrounding Zoning; Land Uses:** North: R-1A; Undeveloped  
 South: PDP(GC); Undeveloped  
 East: PDP(GC); Undeveloped  
 West: R-1A; Undeveloped
- Current Zoning:** PDP(GHC)/Planned Development Project  
 (General Highway Commercial and C-2/(Highway Commercial)
- Future Land Use Map Designation:** Commercial
- Flood Zone:** Within the Bystre Lake 100 year floodplain

**SITE CIRCUMSTANCES:**

On September 10, 2007, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition until October 8, 2007, at 9:30 a.m. That application was for 82,200 square feet of commercial floor area and included no limitations on the requested C-1 uses. The petitioner requested a 30-day continuance in order to revise the master plan to address the concerns of the County.

On October 8, 2007, the Planning and Zoning Commission voted 5-0 to postpone consideration of that petition until November 13, 2007, at 9:30 a.m. at the applicant's request. The petitioner submitted a revised plan for a maximum of 65,000 square feet with no limitations on the commercial uses. On November 13, 2007 the request was denied by the Planning and Zoning Commission.

On October 10, 2007, the Board or County Commissioners voted 5-0 to postpone consideration of this petition until December 12, 2007, at 9:00 a.m. On December 12, 2007, the BCC voted 5-0 to postpone consideration to January 9, 2008, at the request of the applicant. At the January 9, 2008 BCC meeting, the Board tabled the application and requested that the applicant meet with staff to revise the request. The action also required that the application be returned to the Planning and Zoning Commission, and that the applicant be responsible for all new advertising costs.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Blichton Loamy and Nobleton Fine Sands

According to the Soil Survey of Hernando County, the property contains Blichton loamy fine sand, at 0 to 2 percent slopes. The water table is at a depth of less than 10 inches for cumulative periods of 1 to 4 months during most years. This soil has medium potential for small commercial buildings if proper water control measures are used, and footings and foundations are increased in size and strength. Potential for roads and streets is low even if the unsuitable soil material is replaced.

**Hydrologic**

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

**Comment:** On the initial rezoning approved August 1, 1989, the Southwest Water Management District conducted an onsite visit and determined that the subject property contained wetlands. If approved, the conveyance/wetland must contain a 35' naturally vegetated conservation easement. The intent is that the conveyance/wetland would not be impeded with the exception of the frontage road.

**Habitat:** The Nobleton fine sand environment includes a forest of live, laurel and water oaks, slash and longleaf pines, hickory, magnolia, and sweetgum. The understory vegetation is wax myrtle, briars, and native grasses including bluestems, pineland awn, toothache grass, panicums, and lopsided indian grass.

**Flood:** According to the proposed master plan and County data resources, a large portion of the subject property is within the 100 year floodplain.

**UTILITIES REVIEW:**

The Utilities Department has indicated that the subject site is within the City of Brooksville Service area.

**ENGINEERING & TRANSPORTATION REVIEW:**

The petitioner has indicated two (2) access points for the subject site. Access to Cortez Boulevard will be limited to a right-in/right-out driveway and the second access will be along a 50' wide tract along the west.

The County's frontage road ordinance requires properties along Cortez Boulevard to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County. The petitioner has requested a waiver of the frontage road due to the environmental limitations (wetland and floodplain impacts) of the site, and has proposed a reduction of intensity by reducing floor area from the original request, and limiting the C-2 and C-1 uses to uses that generate less traffic. The County Engineer has indicated that the reduction in the projects intensity would reduce the need for a frontage road at this location provided any approval includes the appropriate performance condition to provide for inner connectivity throughout the site.

The Transportation Planning Coordinator has reviewed the request and indicated that the developer must provide a traffic analysis to determine whether the intensity of the project will impact the Jefferson Road and Emerson Road intersection. The intersection of Emerson Road and Jefferson Road is currently not signalized and any impact by the proposed development to the intersection would require the petitioner to pay their proportionate share for the signalization. In addition, the developer shall be responsible for all improvements determined by the traffic analysis.

**LAND USE REVIEW:**

Proposed Perimeter Building Setbacks:

|               |      |
|---------------|------|
| Cortez Blvd:  | 125' |
| Emerson Road: | 35'  |
| North:        | 35'  |
| West:         | 20'  |

The petitioner proposes internal building setbacks of 20' feet.

The proposed setbacks comply with the required setbacks.

The petitioner is proposing a 10' vegetative buffer along the western property line. Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where residential uses abut the subject property and along all property lines abutting public right-of-way. The vegetative buffer may include berms, fences, or walls. If approved, the petitioner must provide adequate buffering to prevent noise pollution into neighboring residential uses. A 10' wide vegetative buffer with 80% opacity should be provided on the west side of the property.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by undeveloped commercial and residential uses. The subject property is located generally within the Commercial Land Use classification on the adopted Future Land Use Map.

**Policy 1.01A(9)** The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

**Comment:** The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

**Policy 1.01L(3):** New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

**Comment:** The subject property is situated within a commercial node and therefore the request is consistent with the Commercial Land Use classification with appropriate performance conditions.

**Policy 1.01L(5):** Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

**Comment:** Any approval should include appropriate performance conditions to address potential negative impacts from the development.

**Policy 1.03B(1)** New development shall be discouraged in floodplains, flood prone areas and coastal high hazard areas. New development shall be directed to areas that do not present risks of flooding.

**Comment:** The petitioner as provided adequate provisions for flood plain mitigation, including, moving development outside of the floodplain area and preserving the wetland and floodplain area as open space through use of the SU (Special Use) designation. In addition, the petitioner has reduced intensities to a more suitable uses for the existing site conditions.

A rezoning from C-2/(Highway Commercial) and PDP(GHC)/Planned Development Project (General Highway Commercial) to CPDP/Combined Planned Development Project

PDP(NC)/ Planned Development Project (Neighborhood Commercial) with limited C-1 and PDP(GC)/ Planned Development Project (General Commercial) with limited C-2 uses, with a reduction in setbacks, and a waiver of the frontage road, is appropriate based on the following conclusions:

1. Based upon the additional changes and commitments by the applicant to reduce intensity and limit the uses the revised request is consistent with the County’s adopted Comprehensive Plan and compatible with the surrounding area subject to compliance with recommended performance conditions.
2. The proposed development is consistent with the commercial node designation of the Future Land Use map and compatible with surrounding properties with recommended performance conditions.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

**STAFF RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the rezoning from C-2/(Highway Commercial) and PDP(GHC)/Planned Development Project (General Highway Commercial) to CPDP/Combined Planned Development Project PDP(NC)/Planned Development Project (Neighborhood Commercial) with limited C-1 and PDP(GC)/Planned Development Project (General Commercial) with limited C-2 uses, with a reduction in setbacks, and a waiver of the frontage road, 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 PDP uses shall be as shown on the master plan, and provide for a GC (General Commercial) designation with limited C-2 uses, an NC (Neighborhood Commercial) designation with limited C-1 uses, and an SU (Special Use) designation for the drainage corridors and sensitive areas of the site.
3. The petitioner shall provide a minimum 10' landscape buffer at 80 % opacity along the west boundary line.
4. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
5. The developer shall meet the County's LDR design requirements for commercial development.
6. Minimum Perimeter Setbacks and Maximum Height :

|                      |           |
|----------------------|-----------|
| Cortez Blvd:         | 125'      |
| Emerson Road:        | 35'       |
| North:               | 35'       |
| West:                | 20'       |
| Building Separation: | 20'       |
| Maximum Height:      | 2 stories |
7. The developer shall provide a transportation analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. In addition, the developer shall be responsible for all improvements necessary, as determined by the approved transportation analysis.
8. The project shall be limited to a maximum of 50,000 square feet of building.
9. The development shall be limited to one right-in/right-out access onto Cortez Boulevard, with the exact location to be coordinated with the County Engineer.
10. The frontage road waiver is approved, provided (a) the development provides for internal cross access within the site, and (b) access, along with any required improvements, is provided to the existing access tract to the west (subject to an access easement being provided by the property owner), and (c) subject to review and approval by the County Engineer.
11. The subject site shall be limited to the following C-1 uses within the PDP(NC) pod:
  1. Domestic and Business Service Establishment

2. Domestic and Business Repair Establishment
  3. Business Training School
  4. Light Building Material Establishment
  5. Antique Stores
  6. Veterinary Clinic with Air Conditioned, Sound-Attenuated Runs
  7. Light Marine Establishment
  8. Light Domestic Rental Establishment
  9. Auto Parts Establishment
  10. Day Care and Preschools
  11. Secondhand Stores
  12. Retail Plant Nursery with Outside Storage Limited to Plants and Packaged Products
  13. Auto Glass Establishment
12. The subject site shall be limited to the following C-2 uses within the PDP(GC) pod:
1. Tire and automotive accessory establishments
  2. Automotive specialty establishments
  3. Automotive and Truck Rental establishments
  4. Veterinarian and animal clinics or hospital service establishment
  5. Domestic rental establishments
  6. Light Construction Service Establishment
  7. Retail Plant Nurseries
  8. Mini-Warehouse (Self Storage)
  9. Boat Sales and Service with or without outside display
  10. Light Farm Equipment and Supply Establishment
  11. Light Landscaping Service Establishment
  12. Automobile service establishments
13. The 100-year floodplain must be delineated and shown on all site plans and all roadways, driveways, and finished floor elevations must meet the Facility Design Guidelines and adopted building codes.
14. The developer shall delineate the portion of the wetland feature within the subject property on all future plans, and abide by all state and federal wetland regulations. An average 25' buffer adjoining the wetland areas shall also be required, and designated on all future plats and plans.
15. The wetland area and associated drainage corridor shall be designated as a drainage easement.
16. 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 within 30 business days from BCC approval will result in the zoning becoming null and void.