

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: August 13, 2007  
Board of County Commissioners: September 12, 2007  
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: March 10, 2008  
Board of County Commissioners: April 9, 2008

**APPLICANT:** Jeryl D. Weithorn and Mark Weithorn

**FILE NUMBER:** H-07-36

**PURPOSE:** Rezoning from PDP(GC)/Planned Development Project (General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses, a reduction in setbacks and a waiver of the frontage road

### GENERAL

**LOCATION:** South side of Cortez Boulevard, approximately 680' west of Spring Lake Highway

### LEGAL

**DESCRIPTION:** A portion of Section 4, Township 23 South, Range 20 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 petitioner is requesting a rezoning from PDP(GC)/Planned Development Project (General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses, a reduction in setbacks and a waiver of the frontage road. The petitioner proposes three (3) buildings totaling 72,000 square feet; designed as a single 24,000 square foot retail building and two (2), 24,000 square foot buildings with limited C-2 uses.

The petitioner has requested the following specific C-2 uses:

1. Publishing and Printing Service Establishments
2. Light Construction Service Establishment
3. Light Landscaping Service Establishment
4. Mini-Warehouse (Self Storage)

The petitioner is requesting a waiver of the frontage road due to the environmental limitations and the existing use of the property to the west. The property to the west is utilized as a wetland/drainage area. To access Cortez Boulevard and Spring Lake Highway, the petitioner has indicated that they would construct a frontage road network to the north and east, along a County owned access tract.

**SITE CHARACTERISTICS:**

**Site Size:** 8.40 acres

**Surrounding Zoning; Land Uses:** North: AG; Undeveloped  
South: AG; Undeveloped  
East: C-1; Commercial, Developed  
West: AG; Undeveloped

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

**Future Land Use Map Designation:** Commercial

**Flood Zone:** A and C

**SITE CIRCUMSTANCES:**

This application was postponed by both the Planning and Zoning Commission and the Board of County Commissioners to allow the applicant time to provide information regarding the environmental limitations on the site, and to revise the request to limit intensity of the proposed C-2 uses.

On January 10, 2007, the Planning and Engineering Department met with the petitioner on-site to discuss the floodplain elevation and wetland boundaries. At such time the petitioner accepted the Dames and Moore floodplain elevation and also submitted a wetland survey by a qualified professional. Furthermore, the petitioner submitted a revised narrative and site plan, reducing the project's intensity and floodplain encroachment.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Sparr fine sand and Floridana variant loamy fine sand. These soils generally exhibit a high water table and have moderate limitations for construction of commercial buildings.

**Hydrologic**

**Features:** The subject property contains wetlands, but no Special Protection Areas (SPA), according to County data resources. All wetlands shall be delineated on future plans and any removal, alteration, or encroachment into the wetlands shall adhere to state and federal permitting and mitigation.

**Protection**

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

**Habitat:** The site appears to contain specimen trees, but not majestic trees.

**Flood:** The petitioner accepted the Dames and Moore floodplain elevation, and also submitted a wetland survey by a qualified professional. The extent of the floodplain encroachment has been accurately delineated on the master plan, and the necessary encroachments are limited.

**UTILITIES REVIEW:**

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. There is an existing 16" water line on the south side of Cortez Boulevard at the intersection of Spring Lake and Cortez Boulevard. There is an existing 4" sewer force main on the south side of Cortez Boulevard at the intersection of Cortez Boulevard and Ogburn St.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and 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 & TRANSPORTATION REVIEW:**

The petitioner has indicated two (2) access points to the adjacent County owned access tract on the east. Access to Cortez Boulevard will be along the County owned access tract and will be limited to a right-in/right-out. A second full access point is proposed onto Spring Lake

Highway. The petitioner has indicated that they will construct the required access using the County owned access tract which will become the frontage road.

The petitioner has requested a waiver of the frontage road extension to the west due to environmental limitations (drainage retention area/wetland). The County Engineer has indicated that a frontage road extension to the west, through a drainage/wetland area, would be impractical, and any approval should include appropriate performance conditions for the proposed frontage road extension to the north and east.

**LAND USE REVIEW:**

The petitioner is proposing a 5' minimum buffer along the project's perimeter and a 20' buffer along Cortez Boulevard. It is the intent of the petitioner to retain as many of the trees as possible in order to preserve the integrity of the property.

**Proposed Perimeter Building Setbacks:**

Cortez Blvd:	75' (125' required, reduction requested)
South:	35'
East:	20'
West:	20'
Frontage Road:	35'
Buffer:	20' (along Cortez Boulevard)

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must meet the County's LDR requirements for commercial lighting. In addition, the development will have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs..

The plan depicts parking, but no specific number of spaces. If the request is approved, the petitioner will be required to meet the minimum County parking requirements.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by nodal commercial development at the existing intersection of SR 50 and Spring Lake Highway, along with agricultural uses undeveloped parcels.

**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.

The subject property is located on Cortez Boulevard, an arterial roadway. Conditions regarding the coordination of the frontage road and access will need to be addressed in order for traffic to operate efficiently in the developing node.

The rezoning from PDP(GC)/Planned Development Project (General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses, 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, the requested uses are consistent with the County’s adopted Comprehensive Plan designation as a commercial node, and compatible with the surrounding area subject to compliance with recommended performance conditions.
2. The proposed development would be compatible with surrounding development trends with recommended performance conditions.
3. The request for certain limited C-2 uses is compatible with the surrounding area, and consistent with site characteristics.

**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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the rezoning from PDP(GC)/Planned Development Project (General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses, 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 C-2 uses shall be limited to the two (2) southern buildings as generally designated on the master plan, and shall be limited to the following C-2 uses:
  1. Publishing and Printing Service Establishments
  2. Light Construction Service Establishment
  3. Light Landscaping Service Establishment
  4. Mini-Warehouse (Self Storage)
3. The petitioner shall provide a minimum 20' landscape buffer along Cortez Boulevard (SR 50) and 5' perimeter buffer along all other sides.
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. The project shall be limited to a maximum of 72,000 square feet of commercial development.
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. Access shall be limited along to the County owned access tract, which will be developed by the petitioner and coordinated with the County Engineer.

9. The waiver of the frontage road extension to the west is approved subject to the requirement that the development construct the frontage road to the north and east in accordance with the requirements of the County Engineer.
  
10. Minimum Perimeter Building Setbacks:

Cortez Blvd:	75'
South:	35'
East:	20'
West:	20'
Frontage Road:	35'
  
11. 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.
  
12. 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 shall also be required.
  
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 within 30 business days from BCC approval will result in the zoning becoming null and void.