

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 14, 2022
Board of County Commissioners: December 13, 2022

APPLICANT: Sobel Fund VII, LLC

FILE NUMBER: H-22-71

REQUEST: Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations

GENERAL LOCATION: Southwest corner of Lake in the Woods Drive and Commercial Way (US Hwy 19)

PARCEL KEY NUMBERS: 376042

APPLICANT'S REQUEST:

On March 10, 2009, the Board of County Commissioners approved a rezoning on the subject site from AG/(Agricultural) and R-1B/(Residential) to CPDP/Combined Planned Development Project to include General Commercial with limited C-2 uses, Multifamily, Office Professional with limited C-1 uses, and a Congregate Care Facility. The request also included several setback deviations. At the time the petitioner proposed a large retail development of 394,000 square feet of mixed commercial uses and 225 units of multifamily. Since approved, no development has occurred on the property and the master plan has expired.

The petitioners current request is to revise the previously approved master plan on the subject 72.5 acre site. The proposed revision includes increase to the multifamily units and the overall commercial square footage. The proposed development is as follows:

- Retail Plaza with 14 out-parcels: maximum 450,000 Sq. Ft.
- Four Story Hotel: 150 room, located on the north portion of the site west of Walgreens and adjacent to existing commercial.

- Climate Controlled Self-Storage Facility: 120,000 Sq. Ft.; located on the south portion of the site
- Multifamily: 500 units; located on the north end of development
- Specific C-2 Uses: Mini Warehouse, Drive-In Restaurants and Tire and Automotive Accessory Establishment
- Commercial Way Deviation: From 125' to 75' to accommodate reverse frontage road.

SITE CHARACTERISTICS:

Site Size: 72.5 Acres

Surrounding Zoning;

Land Uses: North: PDP(SF), (GC); Single Family, Medical, Publix/Target Plaza
South: PDP(GC); Self Storage, Office/Warehouse
East: PDP(GC); Misc. Commercial Uses
West: AG; Conservation

Current Zoning: CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily

Future Land Use Map Designation: Residential

Flood Zone: X; with small portions of AE

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand and Mayakka 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 prior to the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Protection Features: There are two Special Protection Areas (labeled picks) on this parcel next to Commercial Way. The rear of the property is

within a Karst sensitive area. The site does not contain Wellhead Protection Areas (WHPAs).

Comments: An assessment of the Special Protection Areas (SPAs) is required to determine if they are vulnerable features with the potential to discharge directly to the groundwater or expose the aquifer. Provide field analysis and geotechnical assessment to determine if the SPAs require abandonment under the Groundwater Protection Ordinance prior to development. Prohibited uses within the 500' buffers around SPAs include but are not limited to major and minor automotive and tire repair, maintenance and commercial car washes, new underground storage tanks, oil change stations, and marine repair shops/paint shops. The petitioner shall provide updated GIS shape files to the County that reflect any abandoned SPAs to update the County Central GIS system.

**Hydrologic
Features:**

There is a Class II Wetland on the northwest corner of the property.

Comments: Wetlands shall be delineated on all plats and plans (Strategy 10.03B(1)).

The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland (Strategy 10.03B(4)).

A vegetated buffer averaging a minimum of 25'~~X~~ in width (and no part of the buffer being less than 15' wide) shall be maintained by development adjacent to Class II wetlands. No development is allowed in the wetlands buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)).

Habitat:

Sandhill, Cypress and Mesic Flatwoods.

Water Quality:

The proposed project is located within the Weeki Wachee Basin Action Management Plan (BMAP), the Weeki Wachee Priority Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springshed (OFS) identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

Comments: 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.

A wildlife survey shall be prepared by a qualified professional to identify listed species present prior to any development activities. The petitioner is required to comply with all applicable FWC regulations.

UTILITIES REVIEW:

The Hernando County Utilities Department does not currently supply water or sewer service to this parcel. There is an existing 16-inch water main that runs along the west side of Commercial Way. There is an existing 15-inch sewer gravity main that also runs along the west 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.

ENGINEERING REVIEW:

The subject site is located at the southwest corner of Lake in the Woods Drive and Commercial Way (US Hwy 19). The proposed reverse frontage road and access drives from US Hwy 19 will provide access to the commercial and residential areas within the project. Direct access to US Hwy 19 will be available at three locations, including one full median intersection (southernmost entrance) which will be extended to the reverse frontage road and will be emphasized as the projects primary point of access. This intersection can also function as an “alternative” route for existing traffic on The Lake in the Woods Drive (via reverse frontage road). One access point is proposed to Lake in the wood Drive which will align with Rachel Boulevard.

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

- Development on the site must conform to the stormwater design requirements of Hernando County Facility Design Guideline and Southwest Florida Water Management District Environmental Resource Permit process.
- A Frontage Road is required for the entire frontage of Commercial Way/US Hwy 19. The Frontage Road shall connect into the Frontage Road south of this project.
- Concerns are noted with the southernmost access with property to the south.
- A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines Sheet IV-18.
- Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
- If the Traffic Access Analysis triggers a traffic signal, the developer shall be responsible for the installation of the signal.

- The Parking and Layout shall meet Hernando County Standards.
- Only two driveways are allowed on Commercial Way or Lake in The Woods Drive, conceptually no concerns, an Administrative Design Variance will be required to be submitted for approval.
- Parcels along Commercial Way/ US Hwy 19 will require FDOT Access and Drainage permits.
- This property contains four floodplains in the front (US Hwy 19) half of the site and one larger area at the west end of the site. Development within the floodplain requires specific permitting and mitigation to preserve floodplain volume. Certifications of “no net rise” will be required for floodplains that extend off site.

LAND USE REVIEW:

Setbacks

Proposed Perimeter Setbacks:

US Hwy 19:	75' (Deviation from 125')
Frontage Road:	35'
Lake in the Woods Drive:	75'
West Property Line:	20'

Comments: Internal setbacks for the outparcels have not been provided.

Large Retail Development Standards

Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet of gross floor area 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. All applicable LDRs relating to large retail development must be met at the time of permit review.

The petitioner is proposing a Large Retail Development of approximately 570,000 square feet of commercial square footage. 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.

Comments: The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the buildings developed on the subject property.

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

Signage Standards

The petitioner has not indicated the sizes or heights of the projects proposed signs. 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 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. The petitioner must meet the minimum sign standards as required by the County LDRs.

Minimum County Required Sign Setbacks (based on total sign surface area):

Up to 75 Sq Ft in area:	5' from property line
75 Sq Ft and up to 150 Sq Ft in area:	10' from property line
150 Sq Ft or greater:	20' from property line

Commercial Buffering

The petitioner must provide a 20' landscape buffer with 80% opacity along Lake in the Woods Drive and provide the minimum buffer requirements for the remainder of the project as required by the Large Retail Development and Commercial Design standards.

Multifamily

The master plan submitted is conceptual in nature. The final design and development of the site will have to comply with the County's LDRs relating to multifamily development. The standards address the provision of minimum open space, internal setbacks, separation between buildings, building design, pedestrian connections, sidewalks, parking, etc.

Setback

Proposed Building Setbacks:

Access Drive:	20'
Lake in the Woods Drive:	75'
North Property Line	20'
West Property Line:	20'

Comments: To provide a transition from the multifamily to the Lake in the Woods subdivision, the multifamily development shall be designed to avoid multistory structures immediately adjacent to the Lake in the Woods Subdivision and Lake in the Woods Boulevard.

Buffer

The County LDRs have design standards for buffering. The buffer shall consist of a minimum five (5) foot landscaped separation. 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. The petitioner has indicated that they will meet the minimum requirements of the County LDRs and enhance and fence the easterly 5' buffer along the Suncoast Parkway.

Comments: The petitioner has not indicated any proposed buffers for the multifamily portion of the development. If approved, a 20' buffer at 80% opacity shall be provided for the extent of key #1699969 along the Lake in the Woods property line and continuing east until it merges with the commercial buffers along Lake in the Woods Boulevard. Natural vegetation shall be utilized and supplemented as necessary to meet the required opacity.

Open Space

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

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 access of the westernmost access drive for the proposed multifamily development. The petitioner has not indicated whether multiple access points are proposed. If approved, the petitioner shall be required to provide two (2) means of access one of which must be a boulevard entrance.

The multifamily development shall provide pedestrian connectivity between adjacent properties providing for pedestrian circulation between complementary uses.

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, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential uses.

Landscape

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.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a Commercial and Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by commercial, professional office and residential uses.

Future Land Use Element:

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.

Comments: The subject property is located within both a residential land use area, and along a designated commercial corridor. Due

to the mixed use nature of the proposed development the project is consistent with the future land use designations.

In order to promote a harmonious built environment, performance standards should include cover such items as uses, access, noise, bulk, height, traffic, buffers, open space, acreage minimums or maximums, landscaping, signage, architectural and aesthetic designs.

Multi-Family Housing

Strategy 1.04B(5): 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.

Strategy 1.04B(6): Multi-family 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 500 units on approximately 25.0 acres. The proposed density is 20.0 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

Road Network – Frontage Roads

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(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.

Comments: The petitioner shall be required to provide a frontage road and interconnectivity and cross-connection between outparcels.

FINDINGS OF FACT:

A Master Plan revision on property zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations is appropriate based on the following:

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 performance conditions.
2. The petitioner request for a setbacks deviation along Commercial Way/US Hwy 19 is justified. The petitioner must coordinate the proposed reverse frontage road with the County Engineer.
3. The proposed C-2 uses for Mini Warehouse, Drive-In Restaurants and Tire and Automotive Accessory Establishment, and Automobile Service Establishments are not adverse to the public interest and are compatible with the overall scope of the proposed development.
4. Consideration should be taken on the placement of multistory structures in close proximity to Lake in the Woods Subdivision/Lake in the Woods Boulevard. The multifamily development shall be designed in such a way to avoid multistory structures immediately adjacent to Lake in the Woods Subdivision/Lake in the Woods Boulevard.

5. In order to protect the visual integrity of Lake in the Woods Boulevard a minimum of a 20' landscape buffer with 80% opacity should be provided.

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 Establishing a Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and 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™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
4. C-2 uses shall be limited to the following:
 - Mini Warehouse
 - Drive-In Restaurants
 - Tire and Automotive Accessory Establishment
 - Automobile Service Establishments

5. The wetland line shall be delineated on all plats and plans (Strategy 10.03B(1)).
6. The alteration of Class II wetlands is discouraged. If feasible alternatives are not viable, alteration should be limited to 25% of the wetland area and be designed in a manner that maintains the cross-sectional volume and primary hydrologic flow of the wetland (Strategy 10.03B(4)).
7. A vegetated buffer averaging a minimum of 25' feet in width and no narrower than 15' in width shall be maintained by development adjacent to Class I and/or Class II wetlands. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)).
8. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
9. An assessment of the Special Protection Areas (SPAs) is required to determine if they are vulnerable features with the potential to discharge directly to the groundwater or expose the aquifer. Provide field analysis and geotechnical assessment to determine if the SPAs require abandonment under the Groundwater Protection Ordinance prior to development. Specific prohibited uses apply to the 500' buffers around SPAs. Abandoned SPAs shall be updated in the Central GIS feature class.
10. A Cultural resource assessment survey shall be performed by a qualified professional and submitted to the County prior to development. In the event that archaeological artifacts are discovered during construction, the Developer shall stop construction in that area and immediately notify the Compliance Section of the Division of Historical Resources of the Florida Department of State.
11. The petitioner shall conduct a geotechnical/geophysical assessment in drainage retention areas associated with multifamily development if required by Hernando County Facility Design Guidelines.
12. Minimum Commercial Building Setbacks:

US Hwy 19:	75' (Deviation from 125')
Frontage Road:	35'
Lake in the Woods Drive:	75'
West Property Line:	20'

Minimum Commercial Internal Setbacks:

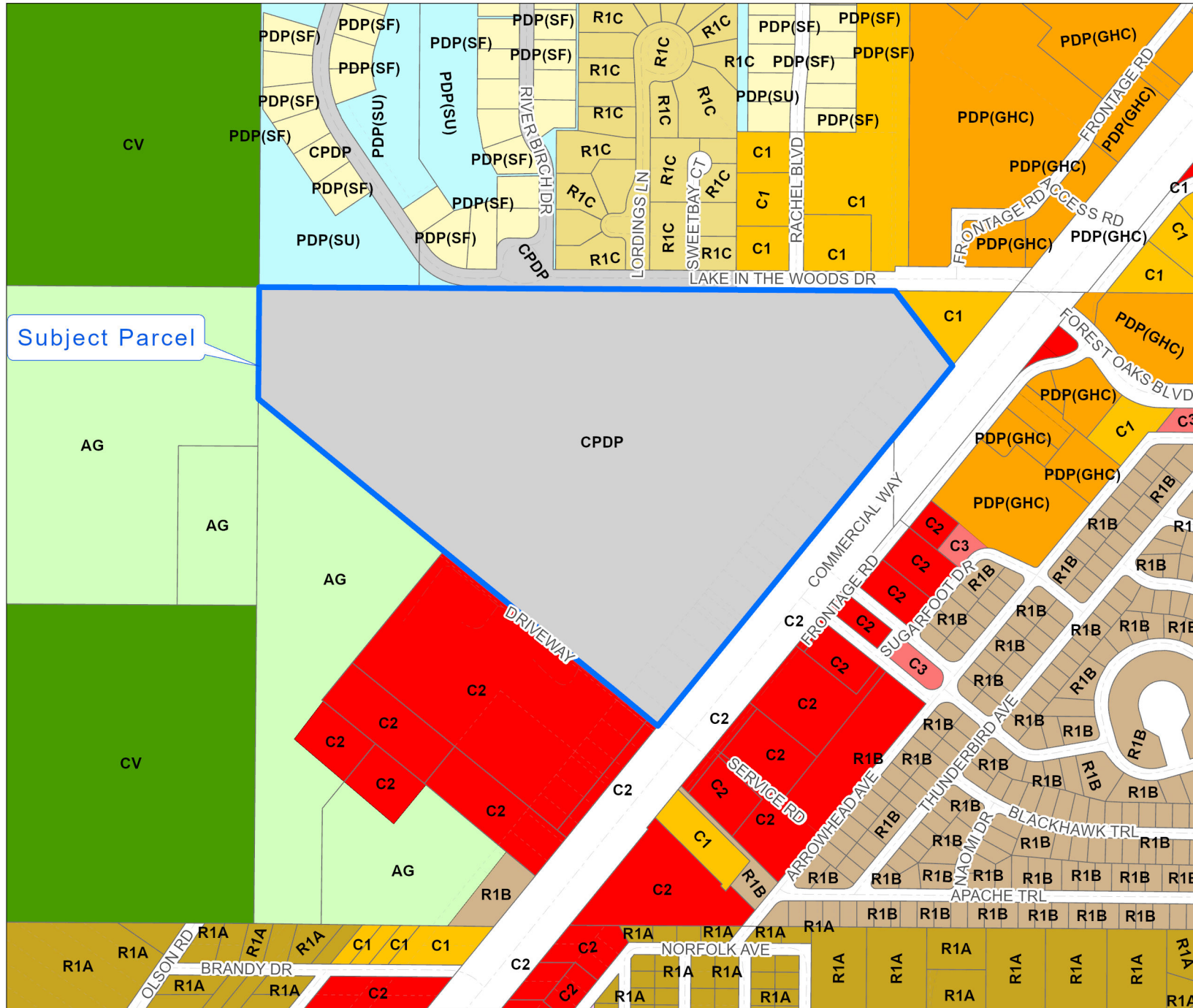
Internal Setback:	20'
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13. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency 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.
14. The Multi-Family development shall provide two means of access. One of the access points shall be a boulevard entrance.
15. The development shall be limit to a total of 500 units.
16. 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.
17. The project shall meet the minimum sign standards as required by the County LDRs. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the commercial buildings developed on the subject property. All on-site advertising signs, including outparcels and the subdivision entrance signs, shall be designed as part of a complete signage system, and shall be limited to ground 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 the Hernando County Code of Ordinances.
18. The development shall meet the minimum LDR design standards for large retail development in Article III, Appendix A (Zoning).
19. The petitioner shall be required to provide interconnectivity and cross-connection between outparcels.
20. A Frontage Road is required for the entire frontage of Commercial Way/US Hwy 19. The Frontage Road shall connect into the Frontage Road south of this project.
21. A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines Sheet IV-18. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
22. In the event the Traffic Access Analysis triggers a traffic signal, the developer shall be responsible for the installation of the signal.

23. The Parking and Layout shall meet Hernando County Standards.
24. Only two driveways are allowed on Commercial Way or Lake in The Woods Drive, an Administrative Design Variance will be required to be submitted for approval.
25. Parcels along Commercial Way/ US Hwy 19 will require FDOT Access and Drainage permits.
21. All lighting for the multifamily shall be full cut off fixtures in order to prevent any light spillage into neighboring parcels.
22. Due to the scale of the proposed development, the developer shall coordinate the installation of a transit stop and/or facility for the proposed project with the Hernando County Transit Division.
23. The petitioner shall provide a master 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-22-71

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.



Zoning:

AC	PDP(HC)
AG	PDP(HHC)
AR	PDP(HID)
AR1	PDP(IND)
AR2	PDP(LI)
C1	PDP(MF)
C2	PDP(MH)
C3	PDP(NC)
C4	PDP(OP)
CITY	PDP(PSF)
CM1	PDP(REC)
CM2	PDP(RR)
CPDP	PDP(RUR)
CV	PDP(SF)
I1	PDP(SU)
I2	R1A
M	R1B
OP	R1C
PDP(AF)	R1MH
PDP(CM)	R2
PDP(CP)	R2.5
PDP(GC)	R3
PDP(GHC)	RC
	RM

City Zoning Pending

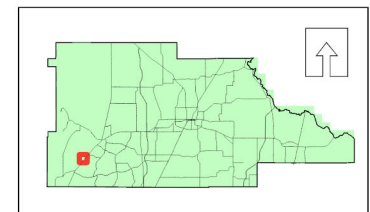


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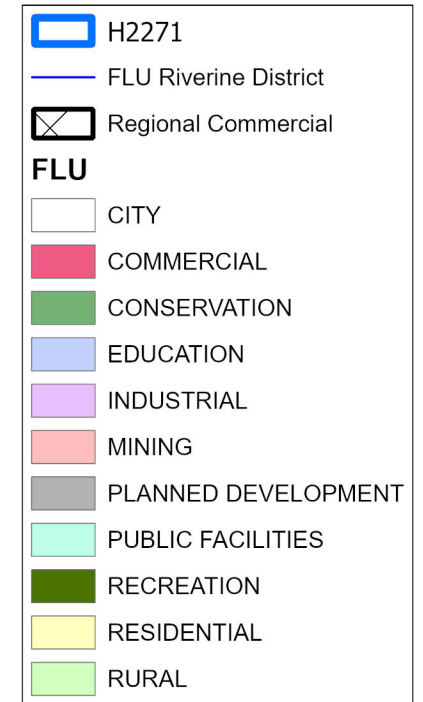
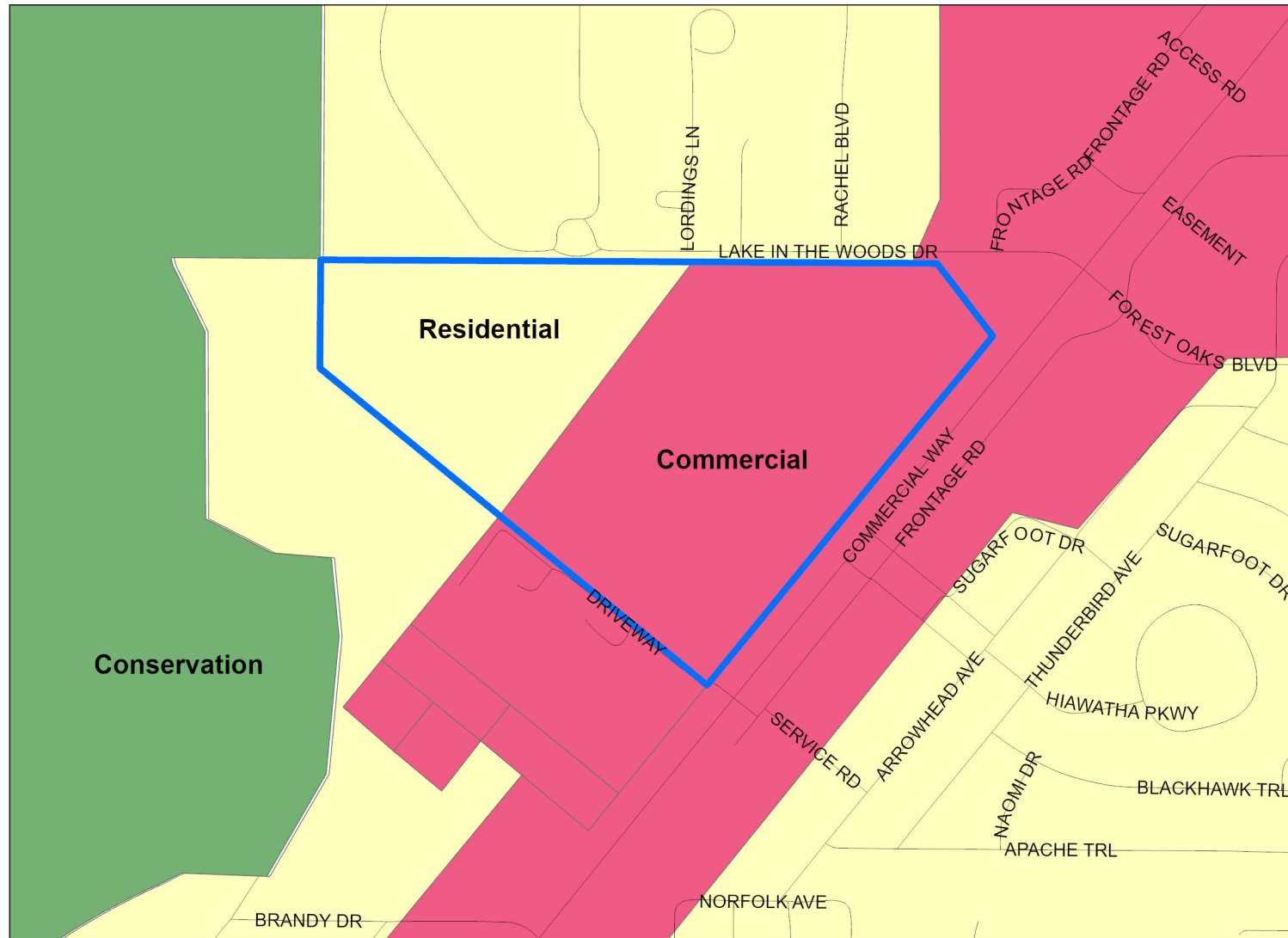
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



Hernando County Comprehensive Plan Map

Existing Future Land Use: H-22-71

Version Date: 07/14/2022



Future Land Use Map

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES.

NOTE: THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.



HERNANDO COUNTY ZONING AMENDMENT PETITION



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

Date: September 6, 2022

File No. H-22-71 Official Date Stamp:



Received

SEP 07 2022

Planning Department
Hernando County, Florida

APPLICANT NAME: Sobel Fund VII, LLC

Address: 2385 NW Executive Center Drive, Suite 370

City: Boca Raton State: FL Zip: 33431

Phone: Email:

Property owner's name: (if not the applicant)

REPRESENTATIVE/CONTACT NAME: Darryl W. Johnston, Esq.

Company Name: Johnston Law Group, PA

Address: 29 S Brooksville Avenue

City: Brooksville State: FL Zip: 34601

Phone: 352-796-5124 Email: dwj@djohnstonlaw.com

HOME OWNERS ASSOCIATION: ☐ Yes ☐ No (if applicable provide name)

Contact Name:

Address: City: State: Zip:

PROPERTY INFORMATION:

1. PARCEL(S) **KEY** NUMBER(S): 376042
2. SECTION 16, TOWNSHIP 23, RANGE 17
3. Current zoning classification: C/PDP (GC) with specific C2 uses, MF and OP
4. Desired zoning classification: C/PDP (GC) with specific C2 uses and MF
5. Size of area covered by application: 72 Acres +/-
6. Highway and street boundaries: US 19 and Lake in the Woods Drive
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, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? ☐ Yes ☒ No (Time needed:)

PROPERTY OWNER AFFIDIVAT

I, Jeffrey E. Sobel, as Manager of Sobel Fund VII, LLC, 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

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

and (representative, if applicable): Darryl W. Johnston

to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA

COUNTY OF ~~HERNANDO~~ Palm Beach

The foregoing instrument was acknowledged before me this 7th day of September, 20 22, by Jeffrey E. Sobel who is personally known to me or produced as identification.

Signature of Notary Public



Notary Seal/Stamp

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

LETTER OF AUTHORIZATION

September 6, 2022

Received

SEP 07 2022

Planning Department
Hernando County, Florida

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

RE: C/PDP Rezoning

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 Sobel Fund VII LLC in the rezoning petition for the above-referenced property.

Sobel Fund VII, LLC

By

Jeffrey E. Sobel, as Manager

STATE OF FLORIDA

COUNTY OF Palm Beach

The foregoing instrument was sworn to and subscribed before me by means of [] physical presence or [] online notarization, this 7th day of September 2022 by Jeffrey E. Sobel, as Manager of Sobel Fund VII, LLC, who is personally known to me or who has produced _____ (type of identification) as identification.

Seal:

Carol G. DeMare
NOTARY PUBLIC



NARRATIVE – SOBEL FUND VII, LLC

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Planning Department
Hernando County, Florida**I. GENERAL DESCRIPTION**

The applicant's approximate 72 acre project site is located on the west side of US 19 just south of Lake In The Woods Drive, in Section 16, Township 23 South, Range 17 East, in Hernando County, Florida. The existing zoning on the subject parcel is C/PDP. The uses included in the C/PDP are (GC), (GC) with additional specific C2 uses, (OP), (OP) with additional specific C1 uses, (MF) to include age restricted residential and the special exception use of Assisted Living Facility.

Surrounding zoning consists of C1, C2, RI C, PDP (SF) to the north; C2 and AG to the south; C2 and C3 to the east; and AG to the west. The Hernando County Comprehensive Plan's Future Land Use Map indicates the property is located within a Commercial and a Residential designation.

This parcel was the subject of a rezoning filed in 2008 and approved in 2009. It is effectively an "infill" parcel along the US 19 corridor, with extensive commercial development to the south and north. With the exception of the far western corner of the property, it consists of soils very conducive to development. The applicant is requesting a master plan modification for a combined planned development project (C/PDP). The uses included in the C/PDP are (GC), (GC) with additional specific C2 uses, and (MF) for multifamily development in the western side of the property.

The attached master plan shows the approximate location of anticipated uses and has been designed to accomplish several objectives:

- Transition commercial use (both depth and intensity) from south to north
- Provide for a functional reverse frontage road from Lake in the Woods Drive to the west
- Place commercial out parcels along U.S. 19 adjacent to the reverse frontage road
- Provide buffers and compatible uses (multi-family residential, drainage retention) along boundary adjacent to existing subdivisions
- Provide direct access to US 19 at three locations
- Maintain the functionality of Lake in the Woods Drive/US 19 intersection by allowing only one access point (frontage road).

The proposed master plan incorporates a retail commercial area and up to fourteen (14) out-parcels, with maximum density of 450,000 sq. ft. of building square footage, including the out parcels. A four story, 150 room hotel facility is anticipated on the north portion of the site west of Walgreens and adjacent to existing commercial. A climate controlled self-storage facility of approximately 120,000 square feet is anticipated on the south portion of the site adjacent to similar uses. The proposed maximum density of for the multi-family portion is 500 units. The proposed reverse frontage road and access drives from US 19 will provide access to the commercial and residential areas within the project. Direct access to US 19 will

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be available at three locations, including one full median intersection (south entrance) that will be extended to the reverse frontage road and will be emphasized as the project's primary point of access. This intersection can also function as a "alternative" route for existing traffic on Lake in the Woods Drive (via the reverse frontage road). With the provision of a reverse frontage road and access drive, the applicant is requesting a 75' setback from US 19.

This project is consistent with the Comprehensive Plan and has been designed to be compatible with the surrounding area. It provides buffering to adjacent residential uses to the north and adjacent open space to the west. Once constructed, this project would bring businesses into Hernando County that would increase tax revenue and employment opportunities.

The specific commercial and C2 uses being requested for the property consist of: grocery store, fitness center, sporting goods store, self-storage, hotel, membership warehouse store, bank, medical, restaurants, and compatible general commercial uses. Specific C2 uses being requested include drive-in restaurants and tire and automotive accessory establishments.

Perimeter Setbacks are requested to remain consistent with the existing C/PDP and are as follows:

From US 19 = 75'

From Proposed Frontage Road = 35'

From Lake In the Woods Drive = 75'

From West Property Line (Rear) = 20'

Eighteen (18) copies of the proposed master plan are enclosed.

II. SITE AND ENVIRONMENTAL CHARACTERISTICS

- A. TOPOGRAPHY - The topography of the property ranges from a low of approximately 13' m.s.l. in the northwestern portion of the project to approximately 25.7' m.s.l. near the northeastern portion of the project.
- B. FLOOD PLAIN - According to Flood Insurance Rate Map Community-Panel 120110 0280B, the subject site falls into Zone X Indicating an area of minimal flooding.
- C. SOILS - According to the Hernando County Soil Survey (U.S. Soil Conservation Service), four (4) soil types exist on site, they include: Candler fine sand, 0 to 5 percent slopes, Candler fine sand, 5 to 8 percent slopes, Myakka fine sand and Basinger fine sand.
- D. ENVIRONMENTAL— The following is a brief description of the property:
 - The subject property is undeveloped and vacant. No buildings or structures are on the property. An abandoned road bisects the central portion of the property in a southwesterly direction.

- Most of the property has recently been cleared of timber.

- A cypress dome wetland is present within the northwestern corner of the subject property. The canopy of this wetland system is comprised of bald cypress and loblolly bay trees with an understory of fetterbush and wax myrtle. Herbaceous vegetation present includes St. John's wort, cinnamon fern, Virginia chain fern, royal fern, yellow-eyed grass, shore rush, and camphor weed.

- Gopher tortoise burrows were located during a wildlife survey conducted during the rezoning in 2008. No other protected fauna species were revealed during the last wildlife survey. An updated wildlife survey shall be provided prior to any development occurring on the property.

E. DRAINAGE — It is anticipated that stormwater will be handled on site using drainage retention areas, the exact size and location of which will be determined during engineering design.

F. POTABLE WATER AND SEWER This project is located within the Hernando County Utilities service area. Both potable water and sanitary sewer are in close proximity to the project site.

III. PLANNED PUBLIC IMPROVEMENTS AND ACCESS

The proposed reverse frontage road. Access to the project site would be gained via proposed reverse frontage road with connections to Lake In the Woods Drive on the north and US 19 adjacent to the southerly property line. Two additional access points (right-in/right-out) are also proposed to the commercial plaza from US 19 as shown on the site plan. A traffic light is anticipated at the south entry to the property.

IV. COMPREHENSIVE PLAN COMPABILITY

The Property is located within a Commercial and Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by commercial, professional office and residential homes. The site is located on an arterial road, and the proposed development is a mixed use project. The proposed deviations requested are consistent with the existing land use approval for the property.

V. CONCLUSION The proposed site plan modification is consistent with the County's adopted Comprehensive Plan and the surrounding land uses in the area. We request approval with reasonable performance conditions.

Received

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Planning Department
Hernando County, Florida

