

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 13, 2023
Board of County Commissioners: April 11, 2023

APPLICANT: Achilles Thomas AXI VIO Land Holdings, Inc.

FILE NUMBER: H-22-85

REQUEST: Master Plan Revision on Property Zoned PDP(HC)/Planned Development Project (Highway Commercial)

GENERAL LOCATION: North side of Ayers Road, approximately 975' east of US Hwy 41 and the north side of Old Ayers Road, approximately 1,350' from Ayers Road

PARCEL KEY NUMBER: 1088655

APPLICANT'S REQUEST

On November 17, 2020, the Board of County Commissioners approved a Master Plan Revision and a rezoning from AG/(Agricultural) and C-2/(Highway Commercial) to PDP(HC)/Planned Development Project (Highway Commercial). The petitioner's request at the time included a master plan revision and a rezoning of a 2.4 acre commercial (C-2) parcel (key number 1088628) along Ayers Road and the remaining 41.92 acre (key number 1088655) agricultural parcel (AG) to PDP(HC)/Planned Development Project (Highway Commercial).

According to the petitioner, over the past two years events have been held in accordance with the prior approval. The master plan revision currently submitted will provide the necessary changes to ensure the project as originally presented is developed. The current request is being made to address the relocation of certain uses – primarily the drag strip - due to flood plain mitigation needs for the site. As part of the master plan revision, the petitioner has relocated the previously approved drag strip from the east property line to the western property line (adjacent to train tracks) and shortened the track. As part of this relocation the petitioner is requesting the elimination of the eastern berm and sound barrier fencing as previously required. Since its approval, the development timeline has been updated as follows:

- Motorsport areas (drag strip, racetrack, drift pad), restrooms, concessions, and other supporting facilities are currently in use and are expected to be fully developed within the next 12-18 months.
- The Concert/amphitheater facility is currently in use. Expanded/permanent facilities are expected to be completed within the next 60-74 months.
- Event center, retail shops, restaurants, and other supporting facilities completed within the next 60-74 months.

SITE CHARACTERISTICS

Site Size: 54.2 acres

**Surrounding Zoning;
Land Uses:** North: AG; Undeveloped
South: AG; Undeveloped, Single Family Home
East: PDP(SF); Undeveloped
West: C-2, PDP(HC); Undeveloped

Current Zoning: PDP(HC)/Planned Development Project (Highway Commercial)

**Future Land Use
Map Designation:** Commercial

ENVIRONMENTAL REVIEW

Soil Type: Nobleton Fine Sand, Masaryk Fine Sand and Kendrick Fine Sand

Comments: Property has commercial development with previous agriculture uses with the northern portion wooded; it is shown as successional hardwood forest, feeding operations, and unimproved/woodland pasture according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional prior to clearing or development activities. The petitioner is required to comply with all applicable FWC regulations and permitting.

The survey shall include exotic invasive plant species. If present, invasive species shall be removed during development. If invasive species occur within the north-eastern zone following development or within vegetated buffers, they shall be removed/controlled as routine maintenance.

Protection Features: The property contains no Wellhead Protection Areas (WHPA) according to County data resources.

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

Habitat: The property contains "Feeding Operations" on a majority of the property; The northern most 5.8 acres (mol) is designated "Successional Hardwood Forest" according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines

- Florida Land Use Cover and Classification System with fish and wildlife data).
- Water Quality:** The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group.
- Comments:** The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.
- Hazardous Materials:** There is potential for proposed activities to result in leaks or small spills of vehicle fluids and use of substances that are contaminants or classified as hazardous or corrosive substances. There will need to be a pollution/ hazard prevention plan or equivalent (developing procedures for operations later). Final project design should implement elements of the plan that relate to construction, containment, or collection.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) has indicated they currently do not provide water or sewer services to the subject site. HCUD has no objection to the submitted master plan revision.

AIRPORT REVIEW

The Airport Manager has reviewed the petitioner's request and indicated the subject property is located within proximity to the approach of Runway 3 (0.8 miles). The Airport will require a 48-hour prior notification of any night-time events in which outdoor tower lighting will be utilized. This will allow appropriate safety advisories to be issued to based and transient aircraft at the airport.

Any person proposing to construct, alter, or allow an obstruction in an airport hazard area, as required by Appendix A, Article X, Section 5 (Airport Zoning Ordinance), shall apply for an airport permit, as applicable. Additionally, all applicable FAA forms shall be completed, and a determination letter shall be filed with the application for a permit.

ENGINEERING & TRANSPORTATION REVIEW

The subject site is located on the north side of Ayers Road, approximately 975' east of US Hwy 41 and on the north side of Old Ayers Road, approximately 1,350' from Ayers Road. The petitioner has proposed utilizing the existing access drive along Old Ayers Road for the main facility. Parking will also be available from Old Ayers Road. The petitioner has further indicated utilizing the out-parcel (key number 1088628) along Ayers Road for event parking and exiting of events.

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

- The site contains four areas designated as floodplain. Development within the floodplain will require specific permitting and mitigation and must conform to the Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permit requirements.
- A Traffic Access Analysis is required for this project. Traffic Access Analysis can be phased or include the entire project. It is to include all aspects of this development. Currently the Department of Public Works Engineering is in discussions with the traffic consultant for this project. Refer to Hernando County Facility Design Guidelines IV-18.
- Parcel Key # 01088628 must be included in this master plan, because this area is used as the exit area for the events and over-flow and Handicap Parking.
- All Driveway connections to County Roads are required to be paved from the travel-way to property line.
- All previous master plan (H2034) performance conditions are still applicable.

LAND USE REVIEW:

The petitioner's request for PDP(HC)/Planned Development Project (Highway Commercial will facilitate all the petitioner's proposed uses. The specific use categories are as follows:

Permitted uses in the C-1 Commercial District:

- Retail Uses: Comparison goods stores
- All Events: Places of Public Assembly (Events)

Permitted uses in a C-2 Highway Commercial District:

- Any use permitted in a C-1 General Commercial District

Permitted uses in a C-4 Heavy Highway Commercial District:-

- Light manufacturing with or without outside storage.

Building Setbacks:

Previously Approved Building Setback Requirements:

Old Ayers Road: 35'
Ayers Road: 75'
Side: 20' (deviation to 5' for existing building along the railroad track) All others must meet the minimum required setback
Rear: 35'

Parking

The petitioner has indicated that a 3.5 acre grassed area of the subject site has been dedicated to event parking (cars and RV's). The proposed parking area can accommodate approximately 354 parking spaces. Additionally, parcel key # 01088628, previously approved (H2034) is utilized for overflow parking.

Comments: If approved, all parking shall be maintained on site and no parking shall be permitted along the right-of-way (Old Ayers Road or Ayers Road). Additionally, any extended RV parking shall be directly associated with events and no RV's shall be parked longer than three (3) consecutive days.

The petitioner is proposing grassed parking for all events. Alternative paving materials including, but not limited to, gravel, millings, porous concrete, shell, stabilized vegetation, and pervious parking areas may be approved by the administrative official based upon certification from a professional engineer that the use/intensity and frequency of use on the alternative paving material will not contribute to erosion or sedimentation. If approved, the petitioner shall coordinate the proposed grassed parking with the administrative official.

County LDRs allow for grassed parking; however, if parking demand is such that said grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving or repair of the damaged or destroyed area may be required by the administrative official.

Buffer

The Hernando County LDR's require that buffers be provided 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.

Comments: The subject site is adjacent to commercial along the west, undeveloped agricultural tracts to the north and an undeveloped property with master plan approval for 752 single family units to the east. The petitioner has requested the removal of the required berm and acoustic fence since the drag strip has been relocated to west along the train tracks. Along the east property line a 20' undisturbed buffer with drainage retention ponds and flood mitigation will be provided. While the property to the east is currently undeveloped, the proposed 20' buffer shall be provided to assist with visual and noise (events, drag strip, racecourse) in the event of future development. Buffer will consist of the natural vegetation and supplemented where necessary.

Noise

Sources of sound shall conform to the sound level limits by receiving land use as set forth in the County LDR's. The minimum measurement period shall be ten (10) minutes. Sound shall be measured at or within the real property line of the receiving land use. Exceedances accumulating to more than ten (10) percent of the measuring period shall constitute a violation.

Sources of sound shall also conform to the "instantaneous" maximum sound levels by receiving land use as set forth in County LDR's. The minimum measurement period shall be ten (10) minutes. Sound shall be measured at or within the real property line of the receiving land use. A single "instantaneous" occurrence above the maximum sound level shall constitute a violation.

Sound level limits:

Receiving Land Use

Receiving Land Use	Time	Sound Level Limit (DbA)
Residential, institutional, public space, or recreational district areas for sound levels measured at the property line	7:00 AM-9:00 PM	60
Agricultural, agricultural/residential, conservation, or rural district areas for sound levels measured at the residence	9:00 PM-7:00 AM	55
Commercial district areas	7:00 AM-9:00 PM	65
	9:00 PM-7:00 AM	60
Agricultural, agricultural/residential, conservation, industrial, mining, or rural district areas for sound levels measured at the property line	At all times	75

(For defining receiving land use within the C/PDP (combined) mixed use zoning district, C/PDP will be classified according to the area land use in question – residential, commercial, industrial, and so forth.)

Maximum sound level

Receiving Land Use	Time	Sound Level Limit (DbA)
Residential, institutional, public space, or recreational district areas for sound levels measured at the property line	7:00 AM-9:00 PM	70
Agricultural, agricultural/residential, conservation, or rural district areas for sound levels measured at the residence	9:00 PM-7:00 AM	60
Commercial District Areas	7:00 AM-9:00 PM	75
	9:00 PM-7:00 AM	65
Agricultural, agricultural/residential, conservation, industrial, mining, or rural district areas for sound levels measured at the property line	At all times	85

Comment: The petitioner has indicated that associated noise expected from the property will be equivalent to a high-revving engine which ranges from 50 to 105 decibels. The petitioner is proposing a natural 20' vegetative buffer along the eastern property line in order act as a sound reduction barrier. If approved, the proposed buffering must be sufficient to reduce noise levels from the events and racetracks to levels that comply with the noise ordinance.

COMPREHENSIVE PLAN REVIEW:

The subject site is in an area characterized by commercial and large undeveloped tracts of land. The site is located within a Commercial node along the US Hwy 41 and Ayers Road intersection.

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(3): When reviewing requests to designate new commercial areas or zonings apart from nodes depicted on the Future Land Use Map, the County will be guided by the commercial node strategies provided herein and the need to provide for a range of commercial uses.

Comments: The site is contiguous to and can be considered an extension of the existing US Hwy 41 and Ayers Road commercial node.

Mapping Criteria: The Commercial Category includes commercial corridors along U.S. 19 and S.R. 50 and designated commercial nodes at intersections of arterial and/or collector roads intended primarily for commercial development with a wide variety of uses. Map Interpretation Guidance: Areas considered to have a Commercial Category designation but not shown on the Future Land Use Map 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.

Comments: The site is located within a commercial node. Therefore, the request is consistent with the land use strategies of the Comprehensive Plan.

FINDINGS OF FACT:

A Master Plan Revision on Property Zoned PDP(HC)/Planned Development Project (Highway Commercial) is appropriate based on the following conclusions:

- The relocation of the drag strip from the eastern property line to the west, along the train trucks, is supported and will not require the acoustic fencing along the east.
- Full cut-off lighting fixtures will not be required; however, lighting shall be designed in such a way to prevent off-site spillage.
- The master plan is consistent with the County’s adopted Comprehensive Plan and the surrounding land uses subject to 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 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 RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner’s request for a Master Plan Revision on Property Zoned PDP(HC)/Planned Development Project (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. All onsite lighting must be retained on-site to prevent any light spillage onto neighboring residential uses.
3. Minimum Building and Site Alteration Setback Requirements:
 - Old Ayers Road: 35'
 - Ayers Road: 75'
 - Side: 20' (deviation to 5' for existing building along the railroad track) All others must meet the minimum required setback
 - Rear: 35'
4. A Traffic Access Analysis is required for this project. Traffic Access Analysis can be phased or include the entire project. It is to include all aspects of this development.
5. The petitioner shall provide a wildlife survey to identify any listed species prior to clearing or development activities. Additionally, a Floral survey shall be provided to include exotic invasive plant species. If present, invasive species shall be removed

- during development. If invasive species occur within the north-eastern zone following development or within vegetated buffers, they shall be removed/controlled as routine maintenance.
6. The entire east property line shall include the installation of a 20' wide buffer consisting of natural vegetation and supplemented where necessary.
 7. All parking shall be maintained on site and no parking shall be permitted along the right-of-way (Old Ayers Road or Ayers Road).
 7. All previous conditions of approval (H2043) shall be in full force and effect with the expectation of those modified herein.
 - Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.
 - The petitioner shall provide to the County a pollution/hazard prevention plan or equivalent to address leaks or small spills of vehicle fluids and use of substances that are contaminants or classified as hazardous or corrosive. Final project design should implement elements of the plan that relate to construction, containment, or collection.
 - The petitioner shall provide 48-hour notification to the Airport Manager of any night-time events in which outdoor tower lighting is utilized.
 - The petitioner shall apply for and receive all required Airport and FAA permits in accordance with the County LDRs.
 - RV parking shall be limited to event days. RV hookups to water and electric shall be permitted.
 - All outdoor events shall end no later than 1:00 AM with complete clear-out of the property by 2:00 AM.
 - The Hernando County Sheriff's Office or Florida Highway Patrol shall be utilized for traffic control during all events.
 - Grassed parking shall be permitted. In the event increased traffic causes grassed parking areas to deteriorate, the petitioner shall be required to provide a plan for alternative surface for approval by the County's Administrative Official.
 - The petitioner shall install Handicap Parking in accordance with the Florida Accessibility Code.
 - The proposed activities contained in this master plan fit the definition of an officially authorized spectator game under Section 21.136 of the Hernando County Code of Ordinances.
 8. 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.