

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022
Board of County Commissioners: July 12, 2022

APPLICANT: Richard Doskoez/Bruce Wilt

FILE NUMBER: H-22-25

REQUEST: Rezoning from AG (Agricultural) to C-2 (Highway Commercial)

GENERAL LOCATION: South side of Old Ayers Road, approximately 950' east of Broad Street

PARCEL KEY NUMBERS: 1088637

APPLICANT'S REQUEST:

The subject site is currently zoned AG (Agricultural). The petitioner has submitted a request to rezone the site to C-2 (Highway Commercial) to build a 6,400 square foot metal commercial warehouse. The petitioner has proposed a two-bay garage with four total doors (2 on each side) to provide employment for the local community.

The petitioner is requesting that the existing, occupied single-family residence remain on the site. For this residence to be consistent with the permitted uses in the C-2 (Highway Commercial) district, the petitioner must show that the residence is an integral part of the principal business. This can be done through a connection from the home to the proposed garages via breezeway.

SITE CHARACTERISTICS:

Site Size: 2.7 acres

Surrounding Zoning:

Land Uses: North: PDP(HC); Existing Drag Strip and Event Center
South: AG; Existing Residential
East: AG; Existing Residential
West: PDP(HC); Vacant Commercial

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Commercial

ENVIRONMENTAL REVIEW:

- Soil Type:** Masaryk Very Fine Sand; Nobleton Fine Sand
- Features/
Resources:** The property does not contain WHPAs, SPA, wetland or archaeological resources
- Habitat:** Partially developed and altered, shown as low density residential 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).
- Flood Zone:** AE
- Water Quality
Review:** This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Implementation of Florida Friendly Landscaping™ principles, techniques, and materials are designed to conserve water and reduce pollutant loading to Florida’s waters.
- Comments:** The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. The HCUD has no objection to the request subject to Health Department approval of any Onsite Sewage Treatment and Disposal System upgrades that might be required due to the increased use.

ENGINEERING REVIEW:

- The County Engineer has reviewed the petitioner’s request and has the following comments:
- The petitioner shall be required to install paved aprons along the driveway to protect the edge of the road when vehicles enter or exit;
 - There was no parking shown on the master plan. Parking spaces and layout must meet Hernando County Standards.
 - No ADA accessibility shown has been shown on plans. The site must be designed to accommodate ADA-parking and connectivity.

- A sidewalk is required along Ayers Road (Collector).
- A portion of this property is identified as 1% annual chance floodplain. Development within a floodplain requires specific permitting and mitigation.
- Development must meet SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permit) and Hernando County Facility Design Guidelines drainage design requirements.

Comments: As the petitioner has submitted a Euclidian rezoning request to C-2, no master plan is required. All site development comments shall be addressed at the time of building and site development permitting.

LAND USE REVIEW:

The Hernando County Code of Ordinance, Appendix A (Zoning), Article IV (Zoning District Regulations), Subsection 2 provides for the permitted uses in the C-2 district.

Permitted uses in a C-2 Highway Commercial District include any use permitted in a C-1 General Commercial District. The lists of C-1 and C-2 uses are as follows:

C-1 General Commercial District

- (a) Comparison goods stores
- (b) Convenience goods stores with a limit of 12 vehicle fueling stations
- (c) Personal service establishments
- (d) Domestic and business service establishments
- (e) Domestic and business repair establishments
- (f) Business, professional and nonprofit organization offices
- (g) Public offices
- (h) Business training schools
- (i) Restaurants with or without alcohol dispensation
- (j) Indoor commercial amusement establishments
- (k) Indoor motion picture theaters
- (l) Motels
- (m) Hotels
- (n) Automobile parking establishments
- (o) Gasoline service stations with a limit of 12 vehicle fueling stations
- (p) Light building material establishments
- (q) Mortuaries, funeral homes
- (r) Antique stores
- (s) Alcoholic beverage dispensation package and restaurants only
- (t) Retail food stores
- (u) Veterinary clinics with air conditioned, sound-attenuated runs
- (v) Light marine establishments
- (w) Fire stations and state, county and municipal police stations
- (x) Light domestic rental establishments

- (y) Auto parts establishments
- (z) Dry cleaning establishments
- (aa) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public
- (bb) Day care centers and preschools
- (cc) Automobile service establishments limited to four (4) service bays
- (dd) Places of Public Assembly
- (ee) Fraternal organizations
- (ff) Secondhand stores
- (gg) Retail plant nurseries with outside storage limited to plants and packaged products
- (hh) Auto glass establishments
- (ii) Aircraft parts establishments
- (jj) Nursing care homes
- (kk) Light construction service establishments
- (ll) Call Centers

C-2 Highway Commercial District

- (a) Any use permitted in a C-1 General Commercial District
- (b) Drive-in restaurants
- (c) Automotive dealer establishments, including the principal selling of used cars
- (d) Tire and automotive accessory establishments
- (e) Automotive specialty establishments
- (f) Automotive and truck rental establishments
- (g) Automobile dealer establishments for the principal selling of new cars with service establishments including body shops
- (h) Automobile and truck repair establishments excluding body shops
- (i) Veterinarian and animal clinics or hospital service establishment
- (j) Alcoholic beverage dispensation
- (k) Publishing and printing service establishments
- (l) Domestic rental establishments
- (m) Crematories
- (n) Public transportation terminals for buses and taxis only
- (o) Light construction service establishments
- (p) Retail plant nurseries
- (q) Mini-warehouses
- (r) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an

integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public

- (s) Boat sales and service with or without outside display
- (t) Light farm equipment and supply establishments
- (u) Light landscaping service establishments
- (v) Automobile service establishments

Comments: The petitioner is requesting that the existing occupied single-family residence remain on the site. For this residence to be consistent with the permitted uses in the C-2 (Highway Commercial) district, the petitioner must show that the residence is an integral part of the principal business. This can be done through a connection from the home to the proposed garages via breezeway.

Minimum Required Setbacks:

- Front: 35'
- Side: 20'
- Rear: 35'

Buffers:

All commercial uses in all commercial districts which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of thirty-five (35) feet in the side or rear yard adjacent to the residential district. The outermost portion of the thirty-five-foot setback bordering the parcel and adjacent to the residential district shall consist of a five-foot landscaped separation strip. The commercial use located on such lot shall be permanently screened from the adjoining and contiguous residential properties by a wall, evergreen hedge and/or other approved enclosures. Such screening shall be located within the required separation strip and shall have a minimum height of five (5) feet and maximum height of eight (8) feet.

Landscaping:

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.

COMPREHENSIVE PLAN REVIEW:

The subject site was included as part of the County-wide Comprehensive Plan Amendment (CPAM2006). The uses allowed in the C-2 (Highway Commercial) zoning district are consistent with this designation.

FINDINGS OF FACT:

A rezoning from AG (Agricultural) to C-2 (Highway Commercial) is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

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. Homeowner 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 rezoning from AG (Agricultural) to C-2 (Highway Commercial) in accordance with the staff report.