

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 10, 2023
Board of County Commissioners: August 8, 2023

APPLICANT: Victor Jesus Molina Rodriguez

FILE NUMBER: H-23-01

REQUEST: Rezoning from AG (Agriculture) to C-4 (Heavy Highway Commercial)

GENERAL LOCATION: Northwest corner of Ayers Road and Culbreath Road

PARCEL KEY NUMBERS: 384514, 1165811

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of the subject property from AG (Agricultural) to C-4 (Heavy Highway Commercial) for the development of a tree recycling facility. There is an existing single family residential structure on the property which will be removed. The petitioner has indicated the facility will operate Monday through Saturday from 7:00AM to 5:00PM, with an average of 30 trucks per day. Grinded material will be sold wholesale and retail and transported from the facility. No burning of debris is proposed, and the facility will have four (4) employees onsite. No permanent structures are proposed at this time. The petitioner proposes a portalet for employees.

SITE CHARACTERISTICS

Site Size: 4.2 acres

**Surrounding Zoning;
Land Uses:** North: AG; Single Family
South: AG; Undeveloped
East: AG; Undeveloped
West: AG; Mobile Homes

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Rural

ENVIRONMENTAL REVIEW

- Soils:** Micanopy Loamy Fine Sand, Nobleton Fine Sand
- Protection Features:** There are neither Protection Features (Wellhead Protection Areas (WHPA) nor Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.
- Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
- Habitat:** Coniferous plantation and 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:** X

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. Water and sewer service are not available to these parcels. HCUD has no objection to the request.

ENGINEERING REVIEW

The subject site is located at the northwest corner of Culbreath Road and Ayers Road. The petitioner has proposed access to Ayers Road only and has set the driveway further west of the intersection to avoid traffic conflicts. The County Engineer has reviewed the petitioner's request and provided the following comments:

- The driveway apron at Ayers Road is required to be paved with asphalt or concrete to the property line and meet Hernando County Facility Design Guideline IV-25 standards for a Commercial Driveway Connection.
- Due to the type of use and vehicles utilized, turn lanes and deceleration lanes will be required to be installed by the developer.
- If a gate is used, it will need to be set back from Ayers Road 1 ½ times the length of the largest vehicle accessing the property. The gate must open into the property not out into the Right-of-Way.
- Hernando County would like to make roadway improvements at the intersection of Ayers Road and Culbreath Road and will require donation of right-of-way of property Key # 384514, adjacent to the intersection. The amount of right-of-way required is undetermined at this time. The petitioner will be required to coordinate with the County Engineer to set aside the appropriate amount of right-of-way for these improvements.

LAND USE REVIEW**Building Setbacks**

Minimum Building Setbacks:

- Ayers Road and Culbreath Road: 35'
- Side: 20'
- Rear: 35'

Screening:

In the heavy commercial districts, screened outside storage shall be permitted behind the building line as an accessory use to a permitted use. Screening shall be required from adjoining and contiguous properties by a wall, fence, or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.

Comments: The petitioner has proposed a 10' buffer along the perimeter with a 6' high opaque fence. If approved, an 8' high opaque fence shall be provided along the west and north property lines. Furthermore, Dump Pile and Grind Pile shall not exceed the height of the fence.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Rural land use classification on the adopted Future Land Use Map. The area is characterized by undeveloped and AG residential development. C-4 uses are considered specialty commercial and permitted in the Residential land use designation with appropriate performance conditions.

Specialty Commercial

Strategy 1.04G(11): Specialty Commercial areas are recognized but generally not depicted on the Future Land Use Map due to their small size and specialized function. The County will provide for land use regulations that recognize and encourage specialty commercial uses important to the traditional economic base, including Agricultural Commercial, Marine Commercial and Heavy Commercial uses.

Strategy 1.04G(14): Heavy Commercial uses may be established to accommodate those uses that have potential impacts too significant for a standard commercial district and shall meet the following criteria:

- a. not to be located proximate to residential housing;
- b. be accessible to arterial or major collector roadways without requiring the use of residential roads;
- c. provide for adequate buffers, screening and transition;
- d. minimize negative impacts to adjoining properties.
- e. minimize the visual impacts of outdoor storage.

Land Use Compatibility

Objective 1.10B: The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

Strategy 1.10B(2): Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

Comments: The petitioner has proposed adequate perimeter buffering for the proposed use. The request is compatible with the surrounding land uses subject to compliance with all performance conditions.

FINDING OF FACTS

A rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial), is inappropriate and should be considered as a PDP(HHC)/ Planned Development Project (Heavy Highway Commercial) for a Recycling Facility based on the following conclusion:

- 1. Although C-4 (Heavy Highway Commercial) are considered Specialty Commercial areas, suitable consideration should be taken regarding the specific impact of the proposed use. Any impacts should be mitigated through the PDP/Planned Development Project process with appropriate performance conditions.
- 2. The use shall be limited to a Recycling Facility specific to tree and yard debris.

3. While the petitioner submitted a request for C-4, a Euclidian zoning district, site development requirements make the development of the site with this district unfeasible. Converting the request to a Planned Development Project, Planned Development Project (Heavy Highway Commercial), with specific performance conditions, is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all 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. 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 deny the request for C-4 (Heavy Highway Commercial) and adopt a resolution approving a rezoning from AG (Agricultural) to PDP(HHC)/ Planned Development Project (Heavy Highway Commercial) for a Recycling Facility subject to 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 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.
3. Building Setbacks:
 - Front: 35'
 - Side: 20'
 - Rear: 35'

4. The driveway apron at Ayers Road shall be paved with asphalt or concrete to the property line and meet Hernando County Facility Design Guideline IV-25 standards for a Commercial Driveway Connection.
5. Due to the type of use and vehicles utilized, turn lanes and deceleration lanes will be required to be installed by the developer.
6. Any gate installed shall be setback from Ayers Road 1½ times the length of the largest vehicle accessing the property. The gate shall be designed to open into the property not out into the right-of-way.
7. The petitioner shall coordinate the dedication of right-of-way from property Key # 384514, upon need and demand of intersection improvements. The petitioner shall coordinate with the County Engineer to set aside the appropriate amount of right-of-way for these improvements.
8. Any future structures shall require a revision to the master plan.
9. Hours of operation shall be limited to Monday through Saturday from 7:00 AM to 5:00 PM.
10. The C-4 (Heavy Highway Commercial) is limited to a Recycling Facility for trees and yard debris.
11. Onsite burning shall be prohibited.
12. A 10' buffer and 6' high opaque fence shall be provided along the east and south property lines. A 10' buffer and 8' high opaque fence shall be provided along the west and north property lines.
13. Dump pile and grind pile shall be located in general conformance with the master plan and shall not exceed the 8' high fence.
14. The petitioner shall provide a revised plan in compliance with all 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.