

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 11, 2023
Board of County Commissioners: January 9, 2024

APPLICANT: Michael Oliveica on behalf of Oliveira Holdings LLC

FILE NUMBER: H-23-60

REQUEST: Rezoning from C-2 (Highway Commercial) to PDP(HC)/ Planned Development Project (Highway Commercial) with a specific C-4 use

GENERAL LOCATION: Northeastern corner of the intersection of Broad Street and Stefanik Street

PARCEL KEY NUMBERS: 197753

APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from C-2 (General Commercial) to PDP(HC)/ Planned Development Project (Highway Commercial) with a specific C-4 use of Heavy Landscaping Service Establishment to store/park landscaping vehicles and trailers, to chip wood, grind stumps, store mulch, prepare wood for resale and operate a burn pit. On the application, the petitioner requested a rezoning to C-4 Heavy Commercial. Staff changed the application to PDP(HC) because the uses the petitioner requests are allowed in C-4 only as a special exception, which means a simple rezoning would not fulfill the needs of the petitioner.

Staff also feels that not all the uses permitted in the C-4 zoning district are appropriate for the site or the neighborhood. Changing the application to a PDP can allow specific uses for the parcel without allowing all potentially incompatible uses on the property. It also allows the County to place conditions on the property to lessen the impact of the use on the surrounding properties.

SITE CHARACTERISTICS

Site Size: 0.7 acres (19,132 square feet)

**Surrounding Zoning;
Land Uses:**

North:	R-1A (Residential); Undeveloped
South:	C-1 (Commercial); Undeveloped
East:	R-1A (Residential); Single Family Residence
West:	R-1A (Residential); Undeveloped

Current Zoning: C-2 (Commercial)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW

- Soils:** Masaryk Very Fine Sand
- Protection Features:** A small portion of the property falls within the Wellhead Protection Area (WHPA) 2. There are no Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.
- Comment:** The proposed use is allowed in a Wellhead Protection Area (WHPA) 2.
- Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
- Habitat:** The subject property is designated Residential Medium Density 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 Outstanding Florida Springs (OFS) Group, and the Weeki Wachee Springs Priority Focus Area (PFA).
- Comment:** Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida’s waters is required. This will be addressed during the permitting phase of development.
- Flood Zone:** The subject property is not in a flood zone.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comments:

- HCUD does not currently supply water and sewer service to this parcel.
- Water and sewer service are not available to this parcel.

Comment: HCUD has no objection to the requested zoning change from C2 to C4 with heavy landscape use.

TRANSPORTATION

The subject property is on Broad Street (U.S. 41) approximately 2,500' north of its intersection with County Line Road. The area is historically known as Masaryktown. The portion of Broad adjacent to the petitioner’s property is 2-lanes, each lane being approximately 10' wide. A project widening this portion of Broad Street to a 4-lane divided roadway is identified in the Long-Range Transportation Plan 2045 on

the Cost Feasible list for 2025-2035. When designing the widening of Broad Street, the Florida Department of Transportation (FDOT) includes the installation of sidewalks on either side of the road as a matter of policy. There are no transit routes or stops on this portion of Broad Street.

ENGINEERING REVIEW

The County Engineer reviewed the petitioner's request and provided the following comments:

- This property is outside the 1% annual chance storm floodplain.
- Proposed fire pit use requires Forestry Dept. permit.
- This project abuts Broad Street, and a frontage Road is required along the entire frontage of Broad Street (US-41). Washington Street has been deemed as the Frontage Road for this area and will need to be brought up to a Frontage Road Standard.

Refer to Hernando County Facility Design Guidelines IV-04.

- A sidewalk is required along one side of the frontage road.
- A sidewalk must be constructed from the building to the future sidewalk along Broad Street.
- The gates on Stefanik Street and Washington Avenue shall meet Hernando County Standards.
- The gate shall be set back from the closest edge of pavement 1 ½ times the length of the longest proposed vehicle to regularly use the gate. The gates cannot open out onto the Right-of Way, they will have to swing into the property.

Refer to Hernando County Facility Design Guidelines V-18.

- The site plan provided shows a firepit across from gate; the driving aisle will need to be located away from fire pit.
- Driveway aprons must be constructed to Hernando County Commercial Connection Standards.
- FDOT access management and FDOT drainage permits required.
- A Traffic Access Analysis may be required, pending more information on the daily operations of the site being open to the public.
- If the site is open to the public, the parking lot design, parking spaces and handicap spaces must be designed to Hernando County Standards.

Comment: The petitioner shall work with the County Engineer to negotiate the investment required for sidewalks and bringing the frontage road (Washington Avenue) up to County standards. There is no building proposed for the property, and no other sidewalks along Broad St, Stefanik St, and Washington Avenue.

LAND USE REVIEW

The land uses requested are mostly covered in the special exception C-4 use of "Heavy Landscaping Service Establishments.

Setbacks for the C-2 district:

- Front: 125'
- Side: 20'
- Rear: 35'

Requested Uses

The petitioner requests a rezoning to permit a Heavy Landscaping Service Establishment to store landscaping vehicles and trailers, to chip wood, grind stumps, store mulch, prepare wood for resale and operate a burn pit. The proposed hours of operation for the site are Monday through Saturday from 8:00 a.m. to 6 p.m. The applicant proposed two access points, one on Stefanik Street and the other on Washington Street.

Comments: Staff recommend approval of all uses except for the burn pit. Due to the location of the subject property in a primarily residential area, with a single-family structure within 80' of the property, staff feels the burn pit would significantly impact the air quality for the surrounding residents. Staff also recommend the outdoor storage material shall not exceed the height of the fence (6'); the outdoor storage of landscape material shall be neatly stacked and organized; the material shall be located on pervious surface (asphalt or concrete); and no material shall be stored within any drainage retention area.

Screening and Buffers

The entire property shall be screened with a 6' opaque fence. A 10' planted landscape buffer is required along the outside of the screen/fence on the perimeter of the property. Screening may include landscape plantings, berms, fences, or walls. The opaque screening shall be set back from the roadway enough to provide a clear-sight or vision triangle for access to Broad Street. Clear-sight triangle shall be demonstrated on the site plan for the fence application.

Due to the Single-Family Residential zoning district on the southern property line, the subject parcel shall be subject to the residential protection standards when applicable.

Comment: A 6' tall opaque fence shall be installed around the perimeter of the property. The screening shall be angled or set back far enough from the surrounding streets to preserve the clear-sight triangle. A 10' planted landscape buffer shall be installed on the outside of the perimeter screening.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map, Residential Category

The future land use for the subject parcel is "Residential". It is important that the commercial uses within the residential future land use are conditioned to as to minimize the impact of the commercial activity on the surrounding residential property.

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort, and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Comments: The commercial activity on the property is being conditioned with opaque screening, a landscape buffer, and clearly defined hours of operation to reduce the potential impact of the activity on the surrounding residential properties.

FINDING OF FACTS

1. Commercial activities are permitted in the residential future land use provided steps are taken to minimize the impact on the surrounding area.

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. 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 C-2 (Highway Commercial) to PDP(HC)/ Planned Development Project (Highway Commercial) with a specific C-4 use of Heavy Landscaping Service Establishment.

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. Uses permitted on the property: Heavy Landscaping Establishment activity excluding the burning of any materials. This includes the outdoor storage of mulch, wood and other landscaping materials.
3. No on-site sale of materials is permitted.

4. Planning:

- a. Setbacks:
 - Front: 125'
 - Side: 20'
 - Rear: 35'
- b. Hours of Operation: Monday through Saturday, 8:00 a.m. to 6:00 p.m.
- c. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
- d. The petitioner shall provide a 6' high opaque fence along the perimeter of the property.
- e. Outdoor storage shall not exceed the height of the fence.
- f. The outdoor storage of landscape material shall be neatly stacked and organized. The material shall be located on a pervious surface (asphalt or concrete).
- g. Residential protection standards shall be adhered to when applicable.
- h. Any lighting installed on-site must be full cut-off.

5. Environmental:

- a. The petitioner is required to comply with all applicable FWC regulations and copies of any required permits shall be provided to Hernando County.
- b. A 10' planted landscape buffer shall be provided along the perimeter of the property external to the fence. Existing vegetation shall be retained and enhanced to provide the buffer.

6. Engineering:

- a. The petitioner shall obtain all required permits and meet the requirements of the SWFWMD and the Facility Design Guidelines for all required stormwater and floodplain mitigation. All required stormwater and floodplain improvements shall commence upon the issuance of the requested zoning and appropriate permits.
- b. No material shall be stored within any drainage retention area.
- c. The petitioner shall work with the County Engineer to coordinate the provision of sidewalk.
- d. The petitioner shall work with the County Engineer to determine the required investment in bringing Washington Street.
- e. The gates on Stefanik Street and Washington Avenue shall meet Hernando County Standards.

- f. The gate shall be set back from the closest edge of pavement 1 ½ times the length of the longest proposed vehicle to regularly use the gate. The gates cannot open out onto the Right-of Way, they will have to swing into the property. *Refer to Hernando County Facility Design Guidelines V-18.*
 - g. Driveway aprons must be constructed to Hernando County Commercial Connection Standards.
 - h. FDOT access management and FDOT drainage permits required.
 - i. A Traffic Access Analysis may be required, pending more information on the daily operations of the site being open to the public.
 - j. If the site is open to the public, the parking lot design, parking spaces and handicap spaces must be designed to Hernando County Standards.
- 7. 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.**