

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022
Board of County Commissioners: July 12, 2022
Planning & Zoning Commission: August 8, 2022
Board of County Commissioners: September 13, 2022

APPLICANT: Richard Doskoez/Bruce Wilt

FILE NUMBER: H-22-25

REQUEST: Rezoning from AG/(Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with Deviations

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

PARCEL KEY NUMBERS: 1088637

APPLICANT'S REQUEST:

On June 13, 2022, the Planning and Zoning Commission voted to postpone the petitioners request to provide the petitioner time to discuss deviations with staff and readvertise the request from a Euclidean zoning to a PDP/Planned Development Project zoning.

The petitioner's current request is to rezone from AG/(Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with deviations to build a 40'x160' (6,400 square foot) metal commercial building on the 2.7-acre subject site. The petitioner has proposed a two-bay garage with four total doors (2 on each side). The petitioner has indicated the site currently has an existing residence, small office, storage building and barn that is utilized in conjunction with an agricultural operation. The proposed building would be leased.

As part of the request, the petitioner is requesting a deviation from the commercial standards as it refers to the following standard:

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.

The petitioner is requesting that the existing, currently occupied single-family residence remain on the site, but not be required to be attached to the proposed metal structure.

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).
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.

Flood Zone: AE

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 subject site is located on the south side of Old Ayers Road, approximately 950' east of Broad Street. The petitioner has indicated utilizing the existing access points to Old Ayers Road and Ayers Road.

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.

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 petitioner is specifically asking for a deviation to the following requirement:

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

Comments: The petitioner is requesting that the existing occupied single-family residence remain on the site and not be required to attach to the proposed commercial metal building. Staff has reviewed the request and does not consider the deviation adverse to public interest.

Minimum Required Setbacks:

- Old Ayers Road: 35'
- Ayers Road: 75'
- Side: 20'
- Rear: 35'

Buffers:

The minimum commercial buffer shall consist of a five-foot landscaped separation distance. 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.

Lighting

The petitioner has not indicated any lighting provisions for the proposed uses. If approved, the petitioner will be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels.

Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use.

Comments: The petitioner shall meet the minimum parking requirements of the County LDRs.

Landscaping

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 site was included as part of the County-wide Comprehensive Plan Amendment (CPAM2006). The area is characterized by commercial, manufacturing and a large event venue. The uses allowed in the C-2/(Highway Commercial) zoning district are consistent with this designation.

Commercial Category

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 are required where needed in accordance with the provisions of this Plan and adopted land development regulations.

Comments: The subject property is in a Commercial land use designation according to the Future Land Use Map. The proposed use is consistent with the Hernando County Comprehensive Plan.

FINDINGS OF FACT:

A rezoning from AG/(Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with Deviations is appropriate based on the following:

1. The petitioner's requested C-2 uses are appropriate and compatible with the surrounding area.
2. The petitioner is requesting that the existing occupied single-family residence remain on the site and not be required to attach to the proposed commercial metal building. Staff as reviewed the request and does not consider the deviation adverse to public interest.
3. 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.

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.

P&Z RECOMMENDATION:

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request to the August 8, 2022, hearing date with the applicant incurring all re-advertising costs.

BOCC Action:

On July 12, 2022, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request to the September 13, 2022, hearing date with the applicant incurring all re-advertising costs.

REVISED 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 PDP(HC)/Planned Development Project (Highway Commercial) with 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. All onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring properties. Security lighting shall be shielded from the neighboring residential use to the north.
3. The petitioner shall be required to install paved aprons along driveways.
4. A sidewalk shall be required along Ayers Road.
5. The proposed building shall not be required to be attached to the residence.
6. Minimum Perimeter Building Setbacks:
 - Old Ayers Road: 35'
 - Ayers Road: 75'
 - Side: 20'
 - Rear: 35'
7. 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.
8. The petitioner shall coordinate with the Health Department for approval of any Onsite Sewage Treatment and Disposal System upgrades that might be required.
9. 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.