

**STAFF REPORT**

Planning & Zoning Commission: May 8, 2006  
Board of County Commissioners: June 14, 2006

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**APPLICANT:** Saakey LLC - Ray Patel **FILE NUMBER:** H-06-43

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

**GENERAL**

**LOCATION:** East side of US 41, north side of Old Ayers Road

**LEGAL**

**DESCRIPTION:** Lots 29 and 30, Garden Grove Farm Lot, as per plat thereof recorded in Plat Book 4, Page 53, of the Public Records of Hernando County, Florida in Section 30, Township 23 South, Range 19 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(HC)  
South: C-2  
East: C-2 and AG  
West: C-2 and AG

Surrounding Land Uses

Mobile Home  
Undeveloped  
Undeveloped  
Auction House; mobile homes

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone this approximately 7 acre site from Agricultural to C-2(Highway Commercial). The property is located on the north side of Old Ayers Road, east of US 41. If the request is approved, all of the uses in the C-2 district would be allowed.

**FACTUAL INFORMATION**

1. The property is currently zoned Agricultural.
2. The property comprises approximately 7 acres.
3. The subject property is undeveloped.

4. The site may contain majestic and specimen trees.
5. The subject property has access from US 41 and Old Ayres Road.
6. The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map.
7. The on-site soil type is masaryk very fine sands and nobleton fine sands.
8. The property is located in a flood zone x500.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The subject property is in an area with commercial uses, rural residential and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner has submitted a request to rezone this approximately 7 acre site from Agricultural to C-2 (Highway Commercial). The petitioner has not indicated a proposed use for the property. If the request is approved, all of the uses allowed in the C-2 zoning district would be allowable for development on the site.

Property to the north and south of the subject property is zoned C-2. A portion of property to the east, and west of US 41 is zoned C-2. The railroad tracks are located along the eastern boundary of the property.

The petitioner has submitted a layout which indicates two access points to the project, one on US 41, one of Old Ayers Road. US 41 is 4-lane facility in front of the project, Old Ayres Road is a narrow two laned road. The layout submitted reserves 50' along US 41 for a future frontage road. The property to the north is zoned PDP(HC)/Planned Development Project Highway Commercial. The plan approved for this property indicated a frontage road along US 41, consistent with the

petitioner's proposal. The layout submitted indicated that the site can be developed meeting the minimum dimension and area regulations for the C-2 district.

The County Engineer has reviewed the request and indicated the petitioner would have to provide a frontage road across the project upon demonstration of need and demand by the county. Access to the project would be limited to a right/in right/out. Access to the project should be limited to one driveway per lot to US 41.

The Transportation Coordinator has reviewed the request and indicated that there is no capacity of US 41 south of Ayers Road. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of construction plans for commercial development. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The Utilities Department has indicated that water and sewer capacity is available to serve the subject property. There is an existing 16" water line on the west side of US 41 approximately 2350' north of the parcel. There is an existing 12" sewer force main on the east side of the intersection of Runway Drive and American Flyer way, approximately 4865' northwest of the parcel. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The County Airport has been notified of the request and indicated that the petitioner would be required to provide an aviation easement to be recorded and provided to the Airport Office if the request is approved.

The FDOT has been notified of the requested rezoning, no comments have yet been received.

The City of Brooksville has been notified of the requested rezoning, no comments have yet been received.

### **FINDINGS OF FACT**

The subject property is located within the Airport Planned Development District. Objective 1.07C states that the Airport PDD is to maximize the use of the Hernando County Airport and surrounding lands by providing for aviation, aviation related activities, industrial uses, and other land uses not incompatible with the airport. It is the staff's position that the proposed zoning would not be inconsistent with the PDD.

Additionally, the subject property is located within a strip between two parcels zoned for highway commercial uses. The zoning on the properties north and south extend from US 41 to the same depth as the requested rezoning. It is the staff's opinion that the subject property is an appropriate

for commercial development given the existing commercially zoned land immediately north and south of the subject property.

The staff is of the opinion that rezoning from AG to PDP(HC) is appropriate, based on the following conclusions:

1. Highway commercial zoning would be compatible with the surrounding land uses along Cortez Boulevard.
2. Approval of a PDP is more appropriate to address access issues associated with the property.
3. PDP(HC)/Planned Development Project (Highway Commercial) is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.

**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:**

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to AG to PDP(Highway Commercial)

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Access shall be limited to one driveway per lot along US 41.
3. The petitioner shall provide a frontage road at no cost to the County upon demonstration of need and demand by the County.
4. The petitioner shall provide the County an avigation easement.

**P&Z RECOMMENDATION:**