

**STAFF REPORT**

Planning & Zoning Commission: June 9, 2003

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**APPLICANT:** Beck Weaver and Denise Metcalf **FILE NUMBER:** SE-03-13

**PURPOSE:** Special Exception Use Permit for a Bed and Breakfast Establishment

**GENERAL**

**LOCATION:** North side of Osage Street, approximately 1700' west of Seminole Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 15, Township 21 South, Range 20 East, Hernando County, FL

**FILE STATUS:** All legal obligations have been completed.

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

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: AG

Undeveloped, mobile home

South: CV

Istachatta Nobleton Park

East: AG

Pasture

West: AR-2

Single family, undeveloped

**SUMMARY OF REQUEST**

The petitioners have submitted a request for a Special Exception Use Permit to operate a bed and breakfast establishment on this property. The subject property is located on the north side of Osage Street, approximately 1700' west of Seminole Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned Agricultural (AG).
2. The property comprises approximately 16 acres.
3. The site has been cleared for pasture.
4. The subject property has access from Osage Street.

5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The on-site soil types include Arredondo fine sand, Candler fine sand and Lake fine sand. The soils and habitat are suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site development.
7. The property is located in flood zone C.
8. The Utilities Department has indicated central water and sewer facilities are not available to serve the subject site.
9. Adequate public facilities are available to serve a limited development on the property.
10. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
11. The area is characterized by rural residential and agricultural uses.
12. The petitioners are requesting a non-paved driveway and parking area which is a deviation from County LDRs.

#### **STAFF DISCUSSION**

The petitioners have submitted a request for a Special Exception Use Permit for a bed and breakfast establishment on a sixteen (16) acre parcel. County development regulations permit bed and breakfast establishments in the AG district as a special exception use.

The subject property is the subject of a Class D subdivision request, which is currently undergoing review.

The subject property is currently utilized as pasture. The petitioners indicate in the narrative they intend to build an approximately 3,000 square-foot two-story log home with five (5) bedrooms, offering four (4) bedrooms as guest rooms. The LDRs indicate a bed and breakfast establishment is to be occupied by the owner or a lessee. The site plan provided indicates the proposed building would meet the setback requirements for the AG district.

According to the County regulations defining bed and breakfast establishments, such establishments are to be situated where resources unique to the area are located and shall be compatible with any adjacent dwellings in the neighborhood. The proposed location is in a rural residential area of Hernando County. The proposed building would be compatible with the rural homes in the surrounding area. The subject property is across the roadway from the County-maintained Istachatta Nobleton Park, which contains a horse and hiking trail. The property is proximate to the Withlacoochee State Forest and approximately a mile west of the Withlacoochee State Trail, part of the state rails-to-trails program,

providing trails for hiking, biking, and horseback-riding. The subject property is proximate to Nobleton, where a canoe business and a County-maintained boat ramp are located.

The site plan indicates the parking and driveways will be surfaced with wood chips, with the exception of the paved handicapped parking space. County parking regulations for bed and breakfast establishments stipulate that the petitioners would need to provide parking at the rate of one space per sleeping room and the parking area shall be buffered to blend into the area. One paved handicapped parking space must be provided. The zoning regulations indicate that the appearance and atmosphere of a bed and breakfast is intended to convey a feeling of being in a home rather than an institutional environment. The Planning & Zoning Commission may grant a reduction in the parking lot paving standards, allowing the parking area to be unpaved, by a majority vote provided the proposed deviation would serve the public interest. If the Planning & Zoning Commission were to approve this special exception request, staff would have no objection to an unpaved parking area. It is the staff's opinion that an unimproved parking area would be in character with the rural nature of the area and would not be detrimental to the public interest, provided it is maintained in a stabilized condition.

The parcel has access from Osage Street, a two-lane paved roadway. The site plan indicates that access to the property will be via a circular driveway.

The narrative indicates the subject property will be served by well and septic. Central water and sewer are not available to serve the site. The Health Department has indicated the well and septic will be required to meet commercial standards.

The special exception use permit is a land use determination only. All applicable development rules will have to be met if the permit is approved. The proposed building will have to meet the applicable commercial development standards. The petitioners will have to make the house handicapped accessible. The development regulations stipulate that bed and breakfast signage shall not exceed four (4) square feet in size.

Citrus County has been notified of the petitioner's request. No response has been received.

### **FINDINGS OF FACT**

The subject property is located within a rural land use classification on the adopted Future Land Use Map. Per Policy 1.01B(1) of the Comprehensive Plan, potential uses in the Rural Land Use Category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

The surrounding area is developed with rural residential and agricultural uses.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission in accordance with the LDRs. As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography and nature of surrounding development. The P&Z has the ability to assign reasonable

conditions to the approval, and may prescribe reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

Special exception uses shall be of a similar architectural scale to existing neighborhood development or take advantage of an existing building for its purpose. The staff is of the opinion the petitioner's proposed two-story log home would be compatible with the neighborhood.

For special exception uses on local streets, traffic generation rates and traffic distribution rates associated with the proposed use will be reviewed to determine whether they exceed those typically associated with local street traffic. The Transportation Planning Coordinator has indicated that the four (4) rental rooms will generate approximately twice the traffic associated with an average household and the impact will not negatively impact the travel characteristics of the local roadways in the area.

The special exception use permit is a land use determination only, all applicable development rules would have to be met if the permit is approved.

It is the staff's opinion that the proposed use at the proposed intensity would not be inconsistent with the adopted Comprehensive Plan nor incompatible with the surrounding area with the appropriate performance conditions.

**The special exception 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 use, which may include review by the Development Review Committee (DRC).**

**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:**

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Bed and Breakfast Establishment with the following performance conditions:

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, including review of the proposed use through the DRC process.
2. The bed and breakfast establishment shall resemble a single family residence.
3. The bed and breakfast is limited to four (4) rooms available for paying guests of the establishment.
4. The bed and breakfast establishment may utilize unpaved parking, not to exceed the number of spaces required by the LDRs. The parking area must be maintained in a stabilized condition. The petitioner shall provide handicapped parking in accordance with the applicable handicapped codes.
5. The petitioner shall obtain appropriate state and/or local permits for water and wastewater systems (DEP and/or Health Department depending on agency jurisdiction).

**P&Z ACTION:**

The Planning and Zoning Commission voted 4-1 to approve the petitioner's request for a Special Exception Use Permit for a Bed and Breakfast Establishment with the following unmodified performance conditions:

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, including review of the proposed use through the DRC process.
2. The bed and breakfast establishment shall resemble a single family residence.
3. The bed and breakfast is limited to four (4) rooms available for paying guests of the establishment.
4. The bed and breakfast establishment may utilize unpaved parking, not to exceed the number of spaces required by the LDRs. The parking area must be maintained in a stabilized condition. The petitioner shall provide handicapped parking in accordance with the applicable handicapped codes.
5. The petitioner shall obtain appropriate state and/or local permits for water and wastewater systems (DEP and/or Health Department depending on agency jurisdiction).

Note: Two letters in opposition were received subsequent to transmittal of the packet to the Planning and Zoning Commission and were distributed to the P&Z at the hearing. These letters are attached for the BCC's information.

**BCC ACTION:**

The BCC voted 3-2 to approve the petitioner's request for a Special Exception Use Permit for a Bed and Breakfast Establishment with the following performance conditions:

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, including review of the proposed use through the DRC process.
2. The bed and breakfast establishment shall resemble a single family residence.
3. The bed and breakfast is limited to four (4) rooms available for paying guests of the establishment.
4. The bed and breakfast establishment may utilize unpaved parking, not to exceed the number of spaces required by the LDRs. The parking area must be maintained in a stabilized condition. The petitioner shall provide handicapped parking in accordance with the applicable handicapped codes.
5. The petitioner shall obtain appropriate state and/or local permits for water and wastewater systems (DEP and/or Health Department depending on agency jurisdiction).
6. The Special Exception is limited to the Applicant and/or his/her spouse.