

STAFF REPORT

Planning & Zoning Commission: July 12, 2004

APPLICANT: Joshua M. Whitney and Gloria S. Williams **FILE NUMBER:** CU-04-09

PURPOSE: Conditional Use Permit for a Temporary Real Estate Office

GENERAL

LOCATION: East side of Gloucester Road, north side of Powell Road

LEGAL

DESCRIPTION: A portion of Section 12, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: AG
East: AR-2
West: AR-2

Surrounding Land Uses

Single Family Home
Undeveloped
Undeveloped, mobile home
Pasture

SUMMARY OF REQUEST

The petitioner is applying for a renewal of a conditional use permit for a temporary real estate office. The property is located on the northeast corner of Powell Road and Gloucester Road.

FINDINGS OF FACT

1. A conditional use permit for a temporary real estate office on the subject property was approved in May 2000.
2. The property is currently zoned AR-2.
3. The petitioner is applying on a 2.5 acre portion of a 5 acre parcel.
4. The subject property has been developed with a manufactured building.

5. The site has been cleared and contains no specimen or majestic trees.
6. Access to the site is from Gloucester Road, a paved roadway.
7. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
8. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat 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 alterations.
9. The property is located in a flood zone C.
10. The site is served by well and septic.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding development consists of a mixture of undeveloped land, single-family and mobile homes.
13. The petitioner proposes to maintain a graveled parking area, which is a deviation from the County's LDR's.

STAFF DISCUSSION

The petitioner requests to renew a conditional use permit for a temporary real estate office for sales of land in Oakwood Acres and future development of land also owned by the petitioner. The petitioner owns additional acreage (approximately 65 acres total) which is not a part of the Oakwood Acres subdivision. The subject property is part of the 65 acre property not part of Oakwood Acres. The petitioner has indicated that there will be residential development on the approximately 65 acres in the future which has not been approved at this time.

The petitioner has indicated the length of time for the request is until all of the property in Oakwood Acres and any additional lands belonging to the Gloria S. Williams family are sold. County development regulations allows a conditional use permit for temporary uses for a period of up to two (2) years. A petitioner may reapply to extend the length of a conditional use permit; however, the maximum time frame allowed is two years.

The temporary real estate office is currently operating on the site. The site has been developed with a manufactured building, an ornamental fence and graveled parking. The petitioner has indicated

the office is open from 10 a.m. until 3 p.m. Monday through Friday and evenings and weekends by appointment. The site is served by well and septic. The petitioner would be required to maintain the appropriate Health Department approvals for the well and septic tank.

The subject site is located within a Wellhead Protection Area (WHPA) 2. The proposed use is not prohibited within a WHPA 2.

Staff does not object to the renewal of the conditional use permit for an additional two (2) years to allow the petitioner to continue to operate a real estate office for sales of land in Oakwood Acres and other property owned by the petitioner. The staff would not support approval of a real estate office for general sales of property located elsewhere. The intent of the conditional use permit would be to allow a real estate office to operate for sales in a developing subdivision. The petitioner's request is consistent with the intent of this conditional use permit.

The City of Brooksville has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The proposed site is located in an area designated as residential on the adopted Future Land Use Map. The surrounding properties are largely undeveloped.

The staff is of the opinion that the proposed use at the intensity proposed is appropriate, based on the following conclusions:

1. The proposed use will be compatible with the surrounding area and consistent with the adopted comprehensive plan.

The conditional use permit process is a land use determination and does not constitute a permit for either construction, 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. 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 Conditional Use Permit for a real estate office for a period of two years because it is staff's opinion that the request

is consistent with development in the area and would not adversely affect the surrounding single-family neighborhood. Approval should be conditioned upon the following performance conditions:

1. The petitioner must maintain 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. Only real estate sales of property within Oakwood Acres or other property owned by the petitioner will be allowed.
3. The petitioner shall be required to maintain the appropriate Health Department approvals for the well and septic to serve the property.
4. A graveled parking area may be utilized.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to approve the Conditional Use Permit for a real estate office for a period of two years conditioned upon the following performance conditions:

1. The petitioner must maintain 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. Only real estate sales of property within Oakwood Acres or other property owned by the petitioner will be allowed.
3. The petitioner shall be required to maintain the appropriate Health Department approvals for the well and septic to serve the property.
4. A graveled parking area may be utilized.