

STAFF REPORT

Planning & Zoning Commission: July 12, 2004

APPLICANT: Michael and Rita Penson **FILE NUMBER:** SE-04-12

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

GENERAL

LOCATION: North side of Centralia Road, approximately 1,000' east of Kildeer Road, approximately 1,800' west of Lelani Drive

LEGAL

DESCRIPTION: A portion of Section 32, Township 21 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

Surrounding Land Uses

North: AG

Undeveloped

South: AG

Undeveloped

East: AG

Undeveloped

West: AG

Undeveloped

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a bed and breakfast establishment. The subject property is located on the north side of Centralia Road, approximately 800' east of Kildeer Road, approximately 2,000' west of Lelani Drive.

FACTUAL INFORMATION

1. The property is zoned AG.
2. The subject property contains approximately 10 acres.
3. The subject property is undeveloped.
4. The site is wooded and appears to contain no specimen and majestic trees.

5. The site has access from Centralia Road.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. 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.
8. The property is located in flood zone C.
9. The subject property contains no WHPAs, wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by rural residential and agricultural uses, and undeveloped parcels.
13. The petitioners request an unpaved parking area which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioners have submitted a request for a special exception use permit for a bed and breakfast establishment on a 10 acre parcel. County development regulations permit bed and breakfast establishments in the AG district as a special exception use.

The subject property is undeveloped. The petitioners propose developing the site with a house containing four (4) bedrooms, three (3) of which are to be guest rooms. The plan shows an approximately 2,700 square foot house located in the rear portion of the property. The narrative indicates that if the request is approved, the petitioners intend to permanently reside in Hernando County. The LDRs indicate a bed and breakfast establishment is to be occupied by the owner or a lessee.

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 subject property is located in a rural area. The narrative indicates the site provides access to local golf facilities, beaches and the Weeki Wachee and Crystal River recreational areas. The narrative indicates the petitioners intend to build stable facilities on the property to accommodate guests' horses. The narrative indicates the petitioners do not intend to provide horses for the guests. If the petitioner were to provide horses, a special exception use permit for a commercial riding stable would be required.

The plan indicates that access to the property will be via an unpaved driveway. The plan shows four (4) parking spaces located near the house at the rear of the property. The parking area is proposed to be unpaved, with the exception of the 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 establishment is intended to convey a feeling of being in a home rather than an institutional environment. The Planning & Zoning Commission (P&Z) 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 P&Z were to approve this special exception request, the 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 subject property has access from Centralia Road, a collector roadway. The County Engineer had no comments.

The narrative indicates the subject property will be served by the existing private well and septic system. Central water and sewer are not available to serve the site. The petitioner will be required to receive the appropriate health department standards for their well and septic system.

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 Development Department has indicated that the bed and breakfast will be considered a rooming house under the County's building code. The proposed single family home will have to meet the rooming house standards. Additionally, all handicap requirements will have to be met. The development regulations stipulate that bed and breakfast signage shall not exceed four (4) square feet in size.

FINDINGS OF FACT

The surrounding area is characterized by rural residential and agricultural uses, with the immediately adjacent parcels being undeveloped.

The subject property is located within a rural land use classification as identified on the adopted Future Land Use Map. 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.

A special exception use permit is an additional use which may be granted by the P&Z 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 the nature of the 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 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 development are imposed in addition to those imposed by the ordinance.

The subject property contains 10 acres and is allowed to be developed with one residential unit. It is the staff's opinion that the parcel is sufficiently sized to accommodate the additional intensity of three (3) sleeping rooms.

The LDRs indicate the use shall be of a similar architectural scale to the existing neighborhood development or take advantage of an existing building for its purpose. The petitioner proposes to construct a SF house on the property. The Planning staff is of the opinion a SF house on the property will be compatible with the surrounding area.

The LDRs' standards for special exception uses indicate that the proposed use shall not attract inappropriate traffic volumes, noises or congestion. The standards also indicate that 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. Additionally, the LDRs indicate visual and functional conflict between the proposed use and nearby uses, if existent, shall be minimal. The subject property is located on Centralia Road, a collector roadway. The Transportation Planning Coordinator has indicated the intensity of the proposed project will have minimal impact on Centralia Road.

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

The staff is of the opinion that the proposed special exception use is appropriate based on the following conclusions:

1. The proposed special exception use would be consistent with the Comprehensive Plan and consistent with the County's Land Development Regulations with the appropriate performance conditions.
2. The proposed property is sufficiently sized to accommodate the request.

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 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 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, and complete all applicable development review processes.
2. The Bed and Breakfast Establishment is limited to a maximum of three (3) guest rooms.
3. The driveway and parking spaces, with the exception of the handicapped parking space, may be unpaved.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 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, and complete all applicable development review processes.

2. The Bed and Breakfast Establishment is limited to a maximum of three (3) guest rooms.
3. The driveway and parking spaces, with the exception of the handicapped parking space, may be unpaved