

**STAFF REPORT**

Planning & Zoning Commission: August 8, 2005  
Board of County Commissioners: September 14, 2005

---

**APPLICANT:** David W. May **FILE NUMBER:** H-05-69

**PURPOSE:** Request for a Public Service Facility Overlay District for a Lime Stabilization Plant

**GENERAL**

**LOCATION:** North side of Dusty Pine Trail, approximately 1800' south of Rester Drive

**LEGAL**

**DESCRIPTION:** A portion of Section 23, Township 22 South, Range 18 East, Hernando County, FL East

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

---

**CITIZEN RESPONSE:** FOR: 0 AGAINST: 2

**STAFF FINDINGS:**

Surrounding Zoning

North: AG  
South: AG  
East: AG  
West: AG

Surrounding Land Uses

Undeveloped  
Rural residential, undeveloped  
Tree farm  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests a Public Service Facility Overlay District for a Lime Stabilization Plant. The subject property is located on the north side of Dusty Pine Trail, approximately 1800' south of Rester Drive.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 40 acres.
3. The majority of the site has been cleared. Sludge is being spread on the site.

4. The site has been cleared and appears to contain majestic and specimen trees.
5. The subject property has access via access tracts from Rester Drive and Dusty Pine Sam C. 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 a flood zone C.
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 are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by agricultural and rural residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests a public service facility overlay district for a lime stabilization plant. A lime stabilization plant is a use classified as a domestic wastewater facility. The petitioner owns a septic tank business. The petitioner indicates the plant will consist of two (2) or three (3) 20,000 gallon tanks. The tanks treat septic tank effluent with lime to reduce pathogens and odor and kill disease-causing organisms prior to spreading on land. No buildings are proposed. The plan provided shows the proposed 100' x 80' plant located on the eastern central portion of the 40 acre property, 50' from the property line.

The petitioner is currently spreading sludge on the site. The Health Department has indicated the petitioner has permits from the County and from DEP to spread sludge on the property. The Health Department has received no complaints about odor or any other operational issues associated with the land spreading activities on the site.

The Health Department indicates the proposed lime stabilization plant will fall under the jurisdiction of DEP and will be a relocation as currently the petitioner is operating at their site on Cortez Boulevard. The facility will have to be constructed in accordance with the EPA design manual standards, will be subject to FDEP permits for compliance and will be inspected at least twice annually by the FDEP. The Health Department indicates these facilities do not typically generate odor complaints. The Health Department does not object to the location of the plant on this site.

The petitioner indicates that the proposed plant will not result in an increase of employees or vehicles on the site. The petitioner indicates currently one employee is located on the site and two (2) vehicles visit the site. The vehicles approach the site from Rester Drive, located north of the site, via an easement. Rester Drive is a local unpaved roadway, maintained on an emergency basis. If the request is approved, the County Engineer did not have any objections to the proposal.

The Utilities Department has indicated that central water and sewer are not available to serve the subject site.

The City of Brooksville had no comments regarding this request.

The Florida Turnpike have been notified of the request; no response has yet been received.

The subject property is located in an area characterized by rural residential uses, and agricultural uses. Although the land spreading operation is a permitted use on the property, addition of the lime stabilization plant is considered to be a non-agricultural use, consequently the PSFOD is required. The subject request, in the staff's opinion, would not be appropriate in this rural-residential area.

### **FINDINGS OF FACT**

The area is characterized by agricultural and rural residential uses, and undeveloped parcels. Undeveloped parcels are located to the north, west and south. A tree nursery is located to the east. Rural residential uses are located to the south.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. A lime stabilization plant is considered a public service facility use which is allowable in any future land use classification with the appropriate land use approvals.

Although the land use designation would not preclude placement of a lime stabilization plant, the mapping criteria of the comprehensive plan indicates that public facilities are allowable where compatible with adjacent land uses. It is the staff's opinion that approval of the proposed plant in this rural residential area would not be compatible or consistent with the area.

The staff is of the opinion that it is inappropriate to approve a public service facility overlay district for a lime stabilization plant based on the following conclusions:

1. The proposed public service facility for a lime stabilization plant would not be compatible with the surrounding rural residential uses.
2. The proposed public service facility for a lime stabilization plant is not consistent with the County's adopted Comprehensive Plan.

**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 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:**

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 # \_\_\_\_\_ denying the petitioner's request for a Public Service Facility Overlay District for a Lime Stabilization Plant.

**P&Z RECOMMENDATION:**

The Planning & Zoning Commission acknowledged the petitioner's withdrawal of the petition.

**BCC ACTION:**

The BCC acknowledged the petitioner's withdrawal of the petition.