

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

APPLICANT: Robert Miller **FILE NUMBER:** SE-05-10

PURPOSE: Special Exception Use Permit for Retail Sales on the Premises of Permitted Agricultural Products and Services Produced on the Premises

GENERAL

LOCATION: West side of Cobb Road, approximately 2,080' north of Fort Dade Avenue

LEGAL

DESCRIPTION: A portion of Section 20, Township 22 South, Range 19 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: M, C-4
South: AG
East: AG, C-2, C-4
West: M

Surrounding Land Uses

Cell tower, mining
Undeveloped
Cell tower, single family, commercial
Mining

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for retail sales on the premises of permitted agricultural products and services produced on the premises. The subject property is located on the west side of Cobb Road, approximately 2,080' north of Fort Dade Avenue.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately nine (9) acres.
3. A metal warehouse building and a mobile home are located on the site.
4. The site appears to contain majestic and specimen trees.

5. The subject property has access from Cobb Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Kendrick fine sand, Micanopy loamy fine sand and Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property contains wetlands and a SPA, but no WHPAs, according to County data resources.
10. The City of Brooksville has indicated that central water is not available and central sewer is available across the street, requiring a pump station.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by a mixture of mining, commercial, residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a special exception use permit for retail sales on the premises in order to operate a tree and plant nursery. A plant nursery is a permitted use in the AG district. If the special exception use permit is approved, trees and plants produced on the premises may be sold on the property to retail customers. The narrative indicates a 7,400 metal building, to be used as a warehouse, is currently under construction. The narrative also indicates a 430 square foot mobile office is proposed; the petitioner verbally indicates this is a temporary building to be located on the property during the construction phase only. The narrative indicates hours of operation will be from 8:00 a.m. to 5 :00 p.m. daily. The petitioner has verbally indicated the operation may potentially be open seven days a week. The narrative indicates one employee will be on the site.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks for the AG district require 125' setbacks from Cobb Road, 35' setbacks from north and south lot lines and a 50' setback from the west lot line. The plan submitted shows a building meeting these setbacks. If the request is approved, the petitioner will be required to meet the applicable county LDRs.

The plan shows seven (7) parking spaces located to the north and ten (10) truck parking spaces located to the east of the metal warehouse. The petitioner has verbally clarified the parking will be paved. The Development Department indicates the parking for the proposed use will be calculated at a rate of five (5) spaces per 1,000 square feet of building area plus 1.5 spaces per person regularly employed. The petitioner verbally indicates retail activities will be limited to the 1,110 square foot “office” portion of the building as indicated on the plan. If the request is approved, the petitioner will be required to provide the number of parking spaces as required by the LDRs.

The subject property has access from Cobb Road, an arterial roadway. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The plan provided shows the front 50' of the subject property reserved for a future frontage road. The County Engineer does not object to the proposed location of the future frontage road.

The subject property has access from Cobb Road, an arterial roadway. The County Engineer notes that future development on the property will be reviewed for the need for a left turn lane on Cobb Road.

The City of Brooksville has indicated that central water is not available and central sewer is available across the street, requiring a pump station. The plan indicates that the site will be served by well and septic. If the request is approved, the petitioner will be required to obtain Health Department approval for the use of well and septic. The Department of Health notes that a site evaluation shall be performed prior to construction permitting.

If the request is approved, any signage associated with the use would have to meet the County’s LDRs.

A portion of the subject property is within a SPA associated the adjacent mine pits. The proposed land use is allowable within this designation. Land application of wastewater residuals (sludge) or septage which requires a permit from the Florida Department of Environmental Protection and/or the Florida Department of Health would be prohibited within the SPA.

The subject property contains a Class 1 wetland as defined by the Comprehensive Plan. Any future site development plans shall delineate the jurisdictional wetland lines. The removal, alteration, or encroachment within this wetland is prohibited. Stormwater originating from any intensive horticultural activities shall be treated to F.A.C. standards prior to discharging to the wetland.

The City of Brooksville has no objections regarding the request.

FINDINGS OF FACT

The area is characterized by a mixture of mining, commercial, residential uses, and undeveloped parcels. Mining activity is located to the north and west of the subject property. A cell tower is located to the north and east of the subject property. Undeveloped property is located to the south. Commercial and single family residential uses are located to the east of the subject property across Cobb Road.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. Land uses which can be located in this category with performance conditions being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools hospitals and minor public facilities. The staff is of the opinion the intensity of the proposed commercial activity on this AG zoned property is appropriate with performance conditions.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential development. The Planning staff is of the opinion that the proposed retail sales of agricultural products is appropriate in this area characterized by large parcels zoned for agricultural and mining uses, containing a mixture of mining, commercial and residential 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 prescribed reasonable time limits for the special exception use permit.

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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.

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. The subject property is located on Cobb Road, an arterial roadway. Additionally, the LDRs indicate visual and functional conflict between the proposed use and nearby uses, if existent, shall be minimal.

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.

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

1. The proposed use is compatible with the surrounding area.
2. The proposed special exception use permit is consistent with the adopted Comprehensive Plan.

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 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:

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a special exception use permit for retail sales on the premises of permitted agricultural products and services produced on the premises, 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 petitioner shall construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

3. Any future site development plans shall delineate the jurisdictional wetland lines.
4. The removal, alteration, or encroachment within the wetland is prohibited.
5. Stormwater originating from any intensive horticultural activities shall be treated to F.A.C. standards prior to discharging to the wetland.
6. The petitioner shall provide a left turn lane on Cobb Road as required by the County Engineer.
7. Development shall occur general in conformance with the plan submitted.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a special exception use permit for retail sales on the premises of permitted agricultural products and services produced on the premises, 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, and complete all applicable development review processes.
2. The petitioner shall construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. Any future site development plans shall delineate the jurisdictional wetland lines.
4. The removal, alteration, or encroachment within the wetland is prohibited.
5. Stormwater originating from any intensive horticultural activities shall be treated to F.A.C. standards prior to discharging to the wetland.
6. The petitioner shall provide a left turn lane on Cobb Road as required by the County Engineer.
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