

STAFF REPORT

Planning & Zoning Commission: July 11, 2005

APPLICANT: Susan S. Lewis **FILE NUMBER:** SE-05-15

PURPOSE: Special Exception Use Permit for an Automobile and Truck Repair Establishment, including a Body Shop

GENERAL

LOCATION: East side of Nicasio Jay Avenue, east side of US 19, west side of Necklace Warbler Avenue, approximately 250' south of Wood Owl Avenue

LEGAL

DESCRIPTION: Lot 4, Block 111, Royal Highlands, Unit 3-B, as per plat thereof recorded in Plat Book 12, Pages 60-61, of the Public Records of Hernando County, Florida in Section 12, Township 21 South, Range 17 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C-2	Undeveloped
South: C-2	Undeveloped
East: C-2	Undeveloped
West: C/PDP, R-1C	Undeveloped

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for an automobile and truck repair establishment, including a body shop. The subject property is located on the east side of Nicasio Jay Avenue, east side of US 19, west side of Necklace Warbler Avenue, approximately 250' south of Wood Owl Avenue.

FACTUAL INFORMATION

1. The property is currently zoned C-2.
2. The property comprises approximately a third of an acre.
3. The site is undeveloped.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Nicasio Jay Avenue and Necklace Warble Avenue, both of which are unpaved limerock roads.
6. The subject property is located generally within the commercial 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 contains some residential and commercial uses; the area is largely undeveloped.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a special exception use permit in order to operate a body shop to restore antique automobiles on the subject property. The petitioner proposes developing the site with an approximately 2,500 square foot body shop. An auto body shop is allowable through the issuance of a special exception use permit in the C-2 district after review and approval by the Planning and Zoning Commission. Due to the potential for the operation to produce dust, fumes and noise which could be offensive to adjacent properties, a special exception use permit is required to ensure compatibility with the surrounding area.

The narrative submitted by the petitioner indicates that the proposed operation will restore antique automobiles with paint and body work. The narrative indicates the average restoration will take approximately nine (9) months to complete. The narrative notes that the antique vehicles will be stored inside due to their high value. No outside storage is proposed. The narrative anticipates

having three (3) employees. The hours of operation are indicated to be approximately 7:00 a.m. to 5:00 p.m., Monday through Saturday.

The LDRs indicate automobile and truck repair establishments are required to provide 1.5 parking spaces per person regularly employed on the premises plus five (5) spaces per one thousand (1,000) square feet of building area devoted to retail selling of merchandise, goods and products. If the request is approved, the petitioner will be required to provide the minimum parking spaces as required by the LDRs. The plan indicates nine (9) spaces provided on the subject property.

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

The Health Department indicates the developer would need to apply for an onsite sewage treatment and disposal system permit prior to permitting of construction.

The plan provided indicates one access point on Nicasio Jay Avenue and one access point on Necklace Warbler Avenue. The County Engineer does not object to the proposed access. The roadways are both unpaved limerock roads. The County Engineer notes the petitioner will be required to participate in any assessment to pave the two limerock roads in the future.

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

FINDINGS OF FACT

The area contains some residential and commercial uses; the area is largely undeveloped. C-2 zoned parcels are located to the north, south and east of the subject property. The subject property is located generally within the commercial land use classification on the adopted Future Land Use Map.

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.

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 Nicosia Jay Avenue, which functions as a frontage road for US 19, a principal arterial roadway.

The LDRs indicate the use shall be of a similar architectural scale to existing neighborhood development or take advantage of an existing building for its purpose. The LDRs indicate visual and functional conflict between the proposed use and nearby neighborhood uses, if existent, shall be minimal. The subject property is located in an area of C-2 zoned parcels. The Planning staff is of the opinion any cars which are visibly damaged should be kept within the proposed building or within an enclosed area where they are not visible from the street or surrounding properties.

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 special exception use 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 conclusions:

1. Potential visual and functional conflict generated by a body shop use could be mitigated with appropriate performance standards limiting the intensity of the use.
2. 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.

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 an Automobile and Truck Repair Establishment, including a Body Shop, 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. Cars which are visibly damaged shall be kept within the proposed building or within an enclosed area where they are not visible from the street or surrounding properties.
3. The petitioner shall meet all federal and state guidelines for the operation of a body shop.
4. The petitioner shall provide a letter to the BCC indicating the petitioner will participate in any assessment to pave Necklace Warbler Road and/or Nicosia Jay Avenue.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for an Automobile and Truck Repair Establishment, including a Body Shop, 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. Cars which are visibly damaged shall be kept within the proposed building.
3. The petitioner shall meet all federal and state guidelines for the operation of a body shop.
4. The petitioner shall provide a letter to the BCC indicating the petitioner will participate in any assessment to pave Necklace Warbler Road and/or Nicosia Jay Avenue.