

STAFF REPORT

Planning & Zoning Commission: May 8, 2006

APPLICANT: Creative Choice Homes XXXIII LLD **FILE NUMBER:** CU-06-11

PURPOSE: Conditional Use Permit for a Temporary Sales Trailer

GENERAL

LOCATION: West Side of Anderson Snow Road, approximately 2400' north of Amero Lane

LEGAL

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

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: PDP(IND)	Undeveloped
South: R-1C and AG	Single family
East: PDP(IND) &(CP)	Undeveloped
West: PDP(SF)	Single family homes

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a temporary sales office. The property is located on the west side of Anderson Snow Road and is currently being developed as a multifamily complex.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MF)
2. The property comprises approximately 25 acres.
3. The subject property is currently under construction and has been developed with two trailers.

4. The site does not contain majestic and specimen trees.
5. The subject property has access from Anderson Snow Road.
6. The subject property is located on the fringe of residential and Airport PDD land use classifications pursuant to the adopted Future Land Use Map.
7. The on-site soil types is Candler fine sands. 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 capacity are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is a mixture of single family, rural residential, undeveloped and park.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a conditional use permit for a temporary sales office, namely a sales trailer. The county's LDRs allow a sales office exclusively for real estate sales of property in a developing subdivision. The CUP is allowed for a period of up to two years, renewals may be obtained through reapplication.

The requested sales trailer is proposed to serve a multifamily development. The petitioner has indicated that it is their intention to convert the development into a condominium product with units for sale. The sales trailer will be utilized to conduct sales activities.

The petitioner's narrative indicates that the sales office will operate from 8:00 a.m. - 6:00 p.m. There will be 3 employees in the office. Visitors will access the sales office from the internal roads within the development, not directly from Anderson Snow Road.

The overall development includes multiple buildings and multiple paved parking pods. The plan depicts a walkway from the office area to one of the designated parking pods in the development.

The unit as proposed meets the minimum required setbacks.

The petitioner has indicated that they plan to serve the sales office with central water and a holding tank for sanitary sewer. The Utilities Department has indicated that there is an existing 12-inch water line on the east side of Anderson Snow Road and they are in the process of obtaining ownership of a pump station near the north east corner of the parcel. If ownership is obtained, this pump station will be the connection point for this parcel. Approval of the CUP does not necessarily approve the holding tank, the petitioner will be required to meet the applicable rules to serve the temporary sales office.

FINDINGS OF FACT

The proposed site is located on the fringe of an area designated as residential and Airport Planned Development District on the adopted Future Land Use Map. The surrounding properties include a mixture of uses: rural residential, single family, undeveloped and park. The subject property is a developing MF complex.

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 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 Conditional Use Permit for a temporary sales office for a period of 2 years because it is staff's opinion that

the request is consistent with development in the area and would not adversely affect the surrounding area. Approval should be conditioned upon 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. Only real estate sales of property within Anderson Terrace will be allowed.
3. Development shall occur generally in conformance with the site plan submitted.