

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 11, 2007

APPLICANT: Denson Harrison Investment, LLC

FILE NUMBER: SE-07-09

PURPOSE: Special Exception Use Permit for a Heavy Building Material Establishment
GENERAL

LOCATION: West side of Broad Street (US 41), approximately 1,400 feet north of Broad Street and Old Crystal River Road Intersection

LEGAL

DESCRIPTION: A portion of Section 11, Township 22 South, Range 19 East, Hernando County, FL

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

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner is requesting a special exception use permit for a heavy building material establishment in order to utilize the commercially zoned 1.89 acre property for the sale of construction materials. The petitioners intent is to sell materials such as carpeting, ceiling tiles, metal roofing, lumber, shower stalls, bath tubs, toilets, windows, etc. The petitioner has indicated in their narrative, though they will use the existing 8,000 square foot building for storage of material, some of the materials will have to be stored outside.

SITE CHARACTERISTICS:

Site Size: 1.89 acres

Surrounding Zoning; Land Uses: North: C2; Distribution Warehouse Terminal
South: AR2; Undeveloped
East: C1 & AR2; Undeveloped
West: C2; Mobile Home

Current Zoning: C-2/(Highway Commercial)

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

The petitioner purchased the subject property in July 2006 from Mobile Home Enterprises, Inc. The property historically was utilized as a mobile home model center.

The site currently has building materials stored outside. The materials range from lumber to toilets and some mobile home units. The site has residential units directly behind and across the street.

On October 4, 2006, the petitioner was cited by Hernando County Code Enforcement for unauthorized outside storage. Subsequently, the petitioner has contacted the Zoning Department and was informed that the existing outside storage would require a Special Exception Use Permit.

ENVIRONMENTAL REVIEW:

Soil Type: Blichton Loamy Fine Sand and Nobleton Fine Sand

Hydrologic

Features: The subject property contains no wetlands, Special Protection Areas (SPA), or Well Head Protection Areas (WHPA), according to County data resources.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer are within the City of Brooksville First Right to Serve District.

ENGINEERING & TRANSPORTATION REVIEW:

The subject property is located on the west side of Broad Street (US 41) and has direct access to Broad Street (US 41).

The County Engineer has reviewed the request and indicated no transportation related issues with the proposal.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

LAND USE REVIEW:

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (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 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.

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 special exception use permit is a land use determination only, all applicable development rules would have to be met if the permit is approved.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by commercial, residential and undeveloped parcels. The subject property is located within a residential land use classification on the adopted Future Land Use Map.

Policy 1.01L(5) Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses.

Comment: The site is nonconforming to the Future Land Use designation of residential, and is not appropriate for intensification.

NOTICE OF APPLICANT RESPONSIBILITY:

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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission deny the petitioner's request for special exception use permit for a heavy building material establishment.