

December 13, 2010

MEMORANDUM

PD-128

TO: Honorable Chairman and Members of the Board of County Commissioners

VIA: David Hamilton, County Administrator
County Administrator's Office

FROM: Omar De Pablo, Planner II 
Planning Department

**SUBJECT: Special Exception Actions by the Planning and Zoning Commission
on December 13, 2010**

For the Board's information, on December 13, 2010, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Special Exception(s). Attached to this memorandum is (are) the staff report(s) and action(s) of the P&Z on the special exception request(s) at that scheduled public hearing.

A notification letter was sent on Monday, December 13, 2010, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 8(I) of the Hernando County Code of Ordinances, the Board of County Commissioners, by a majority vote, may decide to review any special exception decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Wednesday, January 12, 2011, (calculated from the date of the notification letters by Staff), the P&Z decision shall be deemed final and subject only to review by the circuit court.

The review of the decision by the BCC shall be at a public hearing held within sixty (60) days of the P&Z decision, which would be Friday, February 11, 2011, (calculated from the date of the notification letter by the Staff). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify or reverse the decision of the P&Z at the hearing.

Copies: Applicant's File
PD File
Planning Department Website

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 13, 2010

APPLICANT: Darrell and Roxanne Witt

FILE NUMBER: SE-10-06

PURPOSE: Special Exception Use Permit for a Welding Shop in a C-2 (Highway Commercial) District

GENERAL LOCATION: South side of SR 50, approximately 575' east of Fort Dade Avenue

LEGAL DESCRIPTION: Lots 80 & 81, Potterfield Garden Acres, Section H, as per Plat thereof recorded in Plat Book 5, Page 28, Public Records of Hernando County, Florida

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

APPLICANT'S REQUEST:

The petitioner has submitted a request for a Special Exception Use Permit for a Welding Shop on property zoned C-2/(Highway Commercial), in order to utilize the existing site for a Welding and Fabrication shop. The petitioner has indicated that all welding and fabrication will be conducted indoors.

SITE CHARACTERISTICS:

Site Size: 0.9 acres

**Surrounding Zoning;
Land Uses:** North: R1-C; Undeveloped
South: R1-A; Mobile Homes
East: C-2; Undeveloped
West: C-2; Undeveloped

Current Zoning: C-2/(Highway Commercial)

**Future Land Use
Map Designation:** Commercial

Flood Zone: C

UTILITIES REVIEW:

The Hernando County Utilities Department currently does not serve this site and recommends connection to available services. There is a 12" waterline and a 6" sanitary sewer force main available on the south side of Cortez Boulevard.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water upgrades may be required to supply the proposed development.

ENGINEERING & TRANSPORTATION REVIEW:

The subject property is located on the south side of SR 50, approximately 575' east of Fort Dade Avenue. The petitioner has indicated utilizing the existing driveway for access. The County Engineering Department has reviewed the submittal and indicated that the subject property is located on SR 50 which has a frontage road requirement. Any redevelopment of the site would require a frontage road, at no cost to the county, a frontage road upon demonstration of need and demand.

LAND USE REVIEW:

Minimum Required Building Setbacks:

Front: 125'

Side: 20'

Rear: 35'

The existing buildings were constructed in 1972 and 1978 and do not meet the current minimum building setbacks for the commercial district. Any new structures must meet the minimum building setback as required by the County LDRs.

A special exception use permit is an additional use which may be granted by the P&Z in accordance with the LDRs. As part of the review, the P&Z must determine 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 special exception use permit is a land use determination only. All applicable development rules would have to be met if the permit is approved.

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

P&Z SPECIAL EXCEPTION RESULTS FROM DECEMBER 13, 2010 PG. 4

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 approve the petitioner's request for a Special Exception Use Permit for a Welding Shop in a C-2 (Highway Commercial) District, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No outside welding shall be permitted.

P&Z ACTION:

The Planning and Zoning Commission voted 4-0 to approve the petitioner's request for a Special Exception Use Permit for a Welding Shop in a C-2 (Highway Commercial) District, with the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No outside welding shall be permitted.