

STAFF REPORT

Planning & Zoning Commission: January 9, 2006

APPLICANT: Pulte Home Corporation **FILE NUMBER:** CU-06-03

PURPOSE: Conditional Use Permit for a temporary sales trailer and associated parking

GENERAL

LOCATION: Approximately 4800' north of County Line Road, 150' west of Trillium Boulevard

LEGAL

DESCRIPTION: A portion of Section 35, Township 23 South, Range 18 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

Surrounding Land Uses

North: PDP(SF)

Undeveloped

South: PDP(SF)

Undeveloped

East: PDP(SF)

Undeveloped

West: PDP(SF)

Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit in order to operate a sales center. The proposed sales center is a modular building. The property is located within Trillium, a developing residential subdivision.

FACTUAL INFORMATION

1. The property is currently zoned PDP(Single Family).
2. The property comprises approximately .7 acre.
3. The property is located within a developing residential subdivision.
4. The site contains no majestic or specimen trees.

5. The subject property has access to Wake Robin Drive and Nodding Shade Drive.
6. The subject property is located within a residential 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 contains a WHPA-2 but no wetlands or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity and service are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is currently under development with a single family subdivision.
13. The proposed temporary sales center is allowable only through approval of a conditional use permit.

STAFF DISCUSSION

The petitioner has submitted a request for a temporary sales center for a period of two (2) to three (3) years. The Planning and Zoning Commission may approve the CUP for up to two (2) years. The site is located in the Trillium single family residential subdivision, currently under construction. The plan shows a 42' x 56' modular building containing the sales center and two (2) associated parking lots located on five platted lots. The final plat for this portion of Trillium has been approved. The plan indicates the parking lots are for the use of employees and model center visitors, respectively. The plan indicates the parking lots will be paved with concrete. The plan shows the two (2) parking lots contain a total of 31 parking spaces. If the request is approved, the petitioner will be required to provide parking and landscaping as required per the LDRs.

The petitioner indicates the sales center will employ approximately 6 to 10 employees. The sales center is anticipated to be open Monday through Saturday from 10 a.m. to 6 p.m. and on Sunday from noon to 6 p.m.

The Health Department notes any plumbing would need to be connected to available central sewer. If sewer is not available, the petitioner must apply for a septic system installation permit. The plan

provided indicates central water and sewer will serve the site. The Utilities Department has indicated that central water and sewer capacity and service are available to serve the subject site.

Access to the two (2) parking lots as proposed from Nodding Shade Drive. The County Engineer had no comments regarding the request.

The subject property lies within a WHPA-2 for a public supply well. The proposed use is allowable within this designation.

The Florida Turnpike Headquarters and Pasco County have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

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. It is the staff's opinion the proposed use is not inconsistent with the land use designation.

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

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 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 Conditional Use Permit for a temporary sales center 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

single-family neighborhood. 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 sales within Trillium will be allowed from the temporary sales center.
3. The temporary sales center will be removed upon termination of the conditional use permit.
4. Development shall occur generally in conformance with the plan submitted.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to approve the Conditional Use Permit for a temporary sales center for a period of 2 years 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 sales within Trillium will be allowed from the temporary sales center.
3. The temporary sales center will be removed upon termination of the conditional use permit.
4. Development shall occur generally in conformance with the plan submitted.