

STAFF REPORT

Planning & Zoning Commission: December 11, 2006

APPLICANT: Robert Brue **FILE NUMBER:** SE-06-13

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

GENERAL

LOCATION: East side of US Hwy 19, approximately 2250' south of Hexam Road

LEGAL

DESCRIPTION: Lot 20, Block 343, of Royal Highlands, Unit 6, as per Plat thereof Recorded in the Plat Book 12, Pages 67 through 79, of the Public Records of Hernando County, Florida

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: C2
South: C2
East: C2
West: C2

Undeveloped
Undeveloped
Granite and Pool resurfacing
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a heavy building material establishment. The subject property is located on the east side of US Hwy 19, approximately 2250' south of Hexam Road.

FACTUAL INFORMATION

1. The property is currently zoned C2 Highway Commercial.
2. The property comprises approximately 0.49 acres.
3. The site has been developed with commercial use.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Nicasio Road and Needham Court.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Basinger fine sand.
8. The property is located in a flood zone C.
9. The subject property does not contain any Well Head Protection Areas(WHPA), wetlands or Special Protection Area (SPA), according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by commercial and undeveloped uses.
13. The petitioner has requested no deviation from the County LDRs.

STAFF DISCUSSION

The petitioner is requesting a special exception use permit for a heavy building material establishment. It the petitioner intents to utilize the commercially zoned property for the outside storage and staging of materials used for place pavers and pouring of concrete. The petitioner indicates that future development would include a 27' tall silo and 3 walled bins to store products and be accessible to a bobcat type loader.

The petitioner has stated that the hours of operation would be 7:00 am through 3:00 pm, with limited employees.

The proposed development would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 16-inch water line is located on the west side of US Hwy 19 approximately 3,350' south of the subject site. A 10-inch sewer force main is located on the east side of US Hwy 19. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development.

FINDINGS OF FACT

The area is characterized by commercial, residential and undeveloped parcels. Existing developments adjacent to subject property include a granite company and pool resurfacing establishment. The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The petitioners request for a special exception use permit for a heavy building material establishment is a special exception use under the county's C2 Highway Commercial zoning district and is consist with the county comprehensive plan.

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.

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.

The proposed special exception use permit for a heavy building material establishment 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.
2. The applicant has demonstrated the ability to meet the required parking on site.

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 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:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for special exception use permit for a heavy building material establishment, 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. The petitioner shall design a system to control and suppress fugitive dust.
3. The petitioner shall provide a 100% opacity perimeter enclosure.