

STAFF REPORT

HEARINGS: Planning & Zoning Commission:

APPLICANT: M. Daniel Construction, Inc.

REPRESENTATIVE: Darryl W. Johnston, Esq.

FILE NUMBER: H-22-63

REQUEST: Expansion of a Public Service Facility Overlay District (PSFOD)

GENERAL LOCATION: West side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway

PARCEL KEY NUMBER: 344354

APPLICANT'S REQUEST:

The petitioner is requesting an expansion of an existing Public Service Facility Overlay District (PSFOD) to create a Class III landfill, as identified by Rule 62-701, F.A.C.

This application is a corresponding application to Conditional Use Permit (CU-23-01) which is requesting excavation of a 40.0-acre parcel.

SITE CHARACTERISTICS:

Site Size: 40.0 acre portion (150.1 acres)

**Surrounding Zoning;
Land Uses:**

North:	Mining; Undeveloped
South:	AG; High, Middle and Elementary School Campus
East:	AG; Single Family, Mobile Homes
West:	AG; Single Family, Mobile Homes

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Rural

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

Comments: Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to excavation, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional during the construction plan approval stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Excavation may create an environment for nuisance exotic vegetative species to begin to grow in the disturbed areas. The petitioner must provide acceptable control measures to contain and eliminate any nuisance species.

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

Protection Features: The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.

UTILITIES REVIEW:

The Utilities Department has indicated they currently do not supply water or sewer services to this parcel. Services are not available to this parcel. Well and septic are the responsibility of the property owner.

ENGINEERING & TRANSPORT REVIEW:

The site is located at the east end of Rester Drive, approximately 4,000 feet east of the Suncoast Parkway. The petitioner has indicated utilizing Rester Drive for truck traffic. Currently, sections of Rester Drive are only 15' wide and cannot support two-way traffic. The County Engineer has reviewed the request and indicated the following:

1. The petitioner shall provide appropriate dust control measures and maintenance of the road will be applicant's responsibility.

2. Dedication of right-of-way for Rester Drive will be required at the time of development permit is applied for.
3. Prior to issuance of any permits for excavation or development of the property, a traffic safety maintenance and signal plan shall be submitted for review and approval by the County Engineer.
4. There appears to be a sinkhole type disturbance on the west property line that will require investigation prior to excavation.
5. Project shall meet the stormwater permitting requirements of the SWFWMD and comply with the Hernando County Facility Design Guidelines.

LAND USE REVIEW:

All land use requirements are addressed in the correlating conditional use permit application. 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.

COMPREHENSIVE PLAN REVIEW:

The subject site is located within the Mining Future Land Use Designation on the County's adopted Comprehensive Plan. The area is characterized by Mining and a land fill to the north and a school campus to the south.

Mining Category

Objective 1.04I: The Mining Category allows mining and ancillary mining activities with an overall average gross floor area ratio of 0.50, and co-location of mining support-related or industrial uses which consume mining products where mining occurs. Agricultural uses are also allowed.

Comments: The proposed use is consistent with the Comprehensive Plan Mining Category.

FINDINGS OF FACT:

The Expansion of a Public Service Facility Overlay District (PSFOD) is appropriate based on consistency with the Comprehensive Plan. Additionally, the property does not create any adverse impact to the surrounding community.

NOTICE OF APPLICANT RESPONSIBILITY:

The rezoning 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. Homeowner 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 recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for an Expansion of a Public Service Facility Overlay District (PSFOD).