

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 11, 2024

APPLICANT: Southeastern Petroleum Contractor, Inc.

FILE NUMBER: SE-23-11

PURPOSE: Special Exception Use Permit for Outdoor Storage

GENERAL LOCATION: North side of SR 50, approximately 800' west of Cedar Lane

PARCEL KEY NUMBER: 904007

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for Outdoor Storage on a 5.0 acre portion of a 38.70 split zoned parcel. The petitioner has indicated that the proposed area for outdoor storage is zoned C2 (Highway Commercial) and the remainder is zoned AG (Agricultural) and currently utilized for cattle. The site has two existing buildings. The petitioner proposes to construct four (4) covered storage building and also provide open storage. The covered storage area will consist of four (4), 200'x40' units with a maximum storage capacity of 80 spaces.

SITE CHARACTERISTICS:

Site Size: 5.0 acres (38.70 acres total)

Surrounding Zoning and Land Uses: North: AG; Undeveloped
South: AG, AC C1; Restaurant, Retail Shed Sales
East: AG; Undeveloped
West: AG; Undeveloped, Mobile Home

Current Zoning: C-2/(Highway Commercial) and AG (Agricultural)

Future Land Use Map Designation: Commercial and Rural

Flood Zone: Half of the portion of the property requesting outdoor storage is located within an AE flood zone.

ENVIRONMENTAL REVIEW:

Soil Type: Blichton Loamy Fine Sand, Nobleton Fine Sand, Wauchula Fine Sands

Hydrologic

Features: The subject property contains a Class 1 wetland but no Special Protection Areas (SPA) according to County data resources.

Comments: A portion of the subject site along the east boundary is occupied by a Class 1 wetland. Although the proposed use is permitted in close proximity to the wetland, the petitioner shall maintain a 25' buffer along the wetland.

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies. All future plans, plats, and construction drawings shall indicate the jurisdictional wetland lines.

Invasive plant species, if present, are to be removed during the development process.

Protection

Features: The property contains no Wellhead Protection Areas (WHPA) according to County data resources.

Comment: The subject site has potential for listed species, such as Southeastern American Kestrel and Indigo Snake.

UTILITIES REVIEW:

The Utilities Department has indicated that the subject site is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

ENGINEERING REVIEW:

The subject site is located north side of SR 50, approximately 800' west of Cedar Lane. The petitioner has indicated utilizing the existing access from SR 50. The County Engineer has reviewed the petitioner's request and has the following comments:

- A Frontage Road will be required along the entire frontage of Cortez Boulevard (SR-50), per Ordinance. Applicant must install upon County request of need and demand at developers' expense.

- The driveway will need to meet Hernando County standards.
- FDOT Access Management and Drainage Permit may be required.

LAND USE REVIEW:

Setbacks:

Proposed Building Setbacks:

- Front: 125'
- Side: 20'
- Rear: 35'

Screening:

Hernando County LDRS require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.

Comments: The petitioner has indicated outdoor storage will be placed along the rear of the existing buildings. If approved, screening shall also be provided along the adjacent property to the west. Screening shall consist of a 6' opaque fence.

Lighting:

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

Comments: If approved, security lighting will need to be shielded from the neighboring uses.

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 Land Development Regulations (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 can assign reasonable conditions to the approval.

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. Furthermore, special exception use permits shall follow the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

If the special exception use is not established within a period of not more than

two (2) years from the approval date, then the Special Exception Use Permit shall be null and void.

COMPREHENSIVE PLAN REVIEW:

The portion of the site proposed for outdoor storage is located within the Commercial Land Use designation on the Hernando County Comprehensive Plan.

Strategy 1.04A(6): The **Commercial Category** provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties.

Comments: The proposed use is consistent with the Commercial Category of the Hernando County Comprehensive Plan.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for Outdoor Storage is consistent with the County's adopted Comprehensive Plan, compatible with the surrounding land uses, and is not adverse to the public interest subject to compliance with all recommended performance conditions.

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. 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 approve the petitioner's request for a Special Exception Use Permit for Outdoor Storage 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. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. The petitioner shall coordinate with the City of Brooksville Utility Department's (CBUD).
5. The petitioner shall be required to screen the outdoor storage along the western boundary with a 6' opaque fence.
6. Security lighting shall be shielded from the neighboring uses.
7. Minimum Building Setbacks:
 - Front: 125'
 - Side: 20'
 - Rear: 35'
8. Invasive plant species, if present, are to be removed during the development process.
9. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies. All future plans, plats, and construction drawings shall indicate the jurisdictional wetland lines.

10. A Frontage Road will be required along the entire frontage of Cortez Boulevard (SR-50), per Ordinance. Applicant must install upon County request of need and demand at developers' expense.

11. FDOT Access Management and Drainage Permit may be required.