

STAFF REPORT

Planning & Zoning Commission: June 9, 2003

APPLICANT: Lester Kent **FILE NUMBER:** SE-03-11

PURPOSE: Special Exception Use Permit to Park a Commercial Vehicle

GENERAL

LOCATION: South side of Orchard Way, east side of Suncoast Boulevard

LEGAL

DESCRIPTION: Lot 11, El Pico, an unrecorded subdivision, located in a portion of Section 35, Township 23 South, Range 17 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0 PETITION IN FAVOR: 1 with 20 signatures

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: AR-2

Undeveloped

South: AR-2

Undeveloped

East: AR-2

Undeveloped

West: AR-2

Mobile home

SUMMARY OF REQUEST

The petitioner requests a special exception use permit to park a commercial vehicle. The subject property is located on the south side of Orchard Way and on the east side of Suncoast Boulevard.

FACTUAL INFORMATION

1. The subject property is currently zoned AR-2.
2. The property comprises approximately 3.46 acres.
3. The site has been developed with a mobile home.
4. The subject property has access from Orchard Way and Suncoast Boulevard; both are limerock roads.

5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sands. The soils and habitat are 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 development.
7. The property is located in flood zone C.
8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
10. Adequate public facilities are available to serve limited development on the subject property.
11. The surrounding area is rural residential in nature, characterized by a mixture of mobile homes, single family houses and vacant parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a special exception use permit to park a commercial vehicle on the subject property zoned AR-2. At the present time, the applicant has a tri-axle dump truck. A special exception use permit may be applied for on a parcel zoned AR-2 in order to park one commercial vehicle, operated by the legal residents of the parcel, provided the property is a minimum of two and a one-half (2 ½) acres in size. The petitioner owns two (2) parcels that taken together meet the minimum area requirement. The deeds provided indicate the petitioner is the legal owner of the property.

The site plan submitted indicates the truck will be parked on a driveway to the west of the residence. The staff observed the parked commercial vehicle from Orchard Way.

The subject property is located at the southeast corner of the intersection of Orchard Way and Suncoast Boulevard; both are limerock roads. The County Engineer has indicated grading on the roadways is adequate. The County Engineer did not object to the request. The property is approximately a half-mile west of Peachtree Drive, which is paved. County Line Road, a minor arterial roadway, is located approximately three-quarters of a mile south of Orchard Way via Suncoast Boulevard and Peachtree Drive.

Pasco County has been notified of the petitioner's request. No response has been received.

FINDINGS OF FACT

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Per Policy 1.01F(1) of the Comprehensive Plan, potential uses in the residential land use category include single family residential densities up to 5.4 units/acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units/acre, rural residential and neighborhood commercial.

The surrounding area is rural residential in character. The parcels in the area are zoned AR-2 and range in size from approximately one (1) acre to seven (7) acres. The surrounding parcels are developed with single family homes and mobile homes. The Planning staff observed other commercial trucks in the area on Orchard Way. In 2002, the Planning & Zoning Commission approved a special exception to park a commercial vehicle on property located approximately a half-mile to the east of the subject property on Orchard Way.

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 required standards and regulations for special exception uses require that the proposed uses not attract inappropriate traffic volumes, noise or congestion. The Planning staff is of the opinion parking a commercial vehicle in this location will not attract inappropriate traffic volume, noise or congestion.

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.

It is the staff's opinion that the proposed use would not be incompatible with the surrounding area because of similar uses in the area.

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 use, which may include review by the Development Review Committee (DRC).

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 petitioner's request for a Special Exception Use Permit to Park a Commercial Vehicle, with the following performance condition:

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, including review of the proposed use through the DRC process.

P&Z ACTION:

The P&Z acknowledged the withdrawal of the petition by the petitioner.