

STAFF REPORT

Planning & Zoning Commission: January 10, 2005

APPLICANT: Ann L. Royer **FILE NUMBER:** SE-05-01

PURPOSE: Special Exception Use Permit to Park a Commercial Vehicle

GENERAL

LOCATION: South side of Wiscon Road, approximately 360' east of Fort Dade Avenue

LEGAL

DESCRIPTION: The east 1/2 of Lot 12, Section J, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Page 37, of the Public Records of Hernando County, Florida in Section 36, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: AR-2
East: AR-2
West: AR-2

Surrounding Land Uses

Undeveloped
Mobile home
Single family, mobile home
Undeveloped

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 Wiscon Road, approximately 360' east of Fort Dade Avenue.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The property comprises approximately 2.5 acres.
3. The site contains a mobile home.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from Wiscon Road.
6. The subject property is located within a rural 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 and a SPA, but no wetlands, according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by rural residential uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a special exception use permit in order to park a commercial vehicle on the property. 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 resident of the parcel, provided the property is a minimum of two and a half (2 ½) acres in size. The subject property meets the minimum size requirement. The deed provided indicates the petitioner and the driver of the tractor trailer dump truck are the legal owners of the property.

The narrative and plan indicate the petitioners propose to park the commercial vehicle adjacent to the mobile home on the subject property. The parcel contains a mobile home and a shed. The commercial vehicle would be visible from the roadway if parked as indicated on the plan. The staff is of the opinion that if the request is approved, the petitioner should locate the vehicle farther from the roadway.

Several years ago, the County's LDRs were modified to allow an Agricultural Residential (AR) property owner to apply for a special exception use permit to park a commercial vehicle on their

property if the property was a minimum of 2.5 acres in size. The minimum lot size for the AR district is one (1) acre. The thought process was that areas with oversized AR lots could potentially be able to accommodate the parking of a commercial vehicle with minimum intrusion to an area and should be allowed to be reviewed through the special exception use process. It is the staff's opinion the proposed area would be consistent with the intent of the ordinance in terms of areas where the parking of commercial vehicles should be considered.

The subject property has access from Wiscon Road, a collector roadway. The County Engineer has no comments.

The subject property contains both a WHPA-2 and a SPA according to County data resources. The proposed special exception is allowable within these designations.

The City of Brooksville has no concerns about the request.

FINDINGS OF FACT

The surrounding area is characterized by a mixture of mobile homes, single family homes and undeveloped parcels. The surrounding area is zoned for rural residential uses.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. Land uses allowed in the rural land use category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

A special exception use permit is an additional use which may be granted by the Planning & 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 the nature of the 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 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 development are imposed in addition to those imposed by the ordinance.

The special exception use is a land use determination only, all applicable development rules would have to be met if the permit is approved.

The staff is of the opinion that the proposed special exception use 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 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:

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 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 commercial vehicle shall be parked a minimum of 150' from Wiscon Road.

P&Z ACTION:

On January 10, 2005, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit to Park a Commercial Vehicle, 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 commercial vehicle shall be parked a minimum of 150' from Wiscon Road.