

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 10, 2008
Board of County Commissioners: December 10, 2008

APPLICANT: Linda K. Miller, Mary E. Rich, and Lonzie Goodson

FILE NUMBER: H-06-110

REQUEST: Rezoning from AR/(Agricultural Residential) to PDP(RUR)Planned Development Project (Rural) with AR/(Agricultural/Residential) uses and a specific AG/(Agricultural) use for commercial vehicle parking

GENERAL

LOCATION: North side of Olympia Road, approximately 3,000' south of Cortez Boulevard

LEGAL

DESCRIPTION: A portion of Section 4, Township 23 South, Range 20 East of Hernando County, FL

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

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from AR/(Agricultural Residential) to PDP(RUR)/Planned Development Project (Rural) with AR/(Agricultural/Residential) uses and one (1) specific AG/(Agricultural) use for commercial vehicle parking. The subject parcels are a portion of a five (5) acre property rezoned from AG/(Agricultural) to AR/(Agricultural Residential) in 1978. The rezoning was in order to create minimum one (1) acre lots. The current subject parcels are three (3) of the four (4) AR/(Agricultural Residential) parcels created after the rezoning and subdivision.

According to County LDRs permitted uses within PDP(RUR)/Planned Development Project (Rural) include all special exception uses allowed in the AG, AR, AR2, Country 2.5 and AC zoning district which have been specially designated or specified in the narrative or on the master plan. The petitioner is requesting to maintained all allowable uses within the AR district, including minimum lot size and is requesting one (1) specific use for commercial vehicle parking, an allowable use in the AG/(Agricultural) District.

SITE CHARACTERISTICS:

Site Size: 3.65 acre total

**Surrounding Zoning;
Land Uses:** North: AR & AG; Single Family, Mobile Home
South: AG; Single Family, Mobile Home
East: AG; Single Family, Mobile Home
West: AG; Single Family, Mobile Home

Current Zoning: AR/(Agricultural Residential)

**Future Land Use
Map Designation:** Rural

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Blichton Loamy Fine Sand and Candler Fine Sand.

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

**Protection
Features:** No Well Head Protection Areas (WHPA) according to County data resources.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Gopher tortoise now qualifies for reclassification from species of special concern to threatened species status. 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 construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

ENGINEERING & TRANSPORTATION REVIEW:

The three (3) subject lots have individual driveway access to Olympia Road (a paved road). Parking of the commercial vehicle is proposed along the front of a home, on an unpaved area.

The County Engineer reviewed the subject request and indicated no concerns.

UTILITIES REVIEW:

The Utilities Department indicated that central water and sewer are not available for the subject sites.

LAND USE REVIEW:

A special exception use permit may be applied for pursuant to Article V, Section 8. Special Exception Use Regulations of this ordinance on parcels zoned AR, AR-1 or AR-2 in order to park one (1) commercial vehicle, operated by the legal residents of the parcel, provided the property is a minimum of 2 ½ acres in size.

Due to the size of the existing lots, the petitioner is requesting to rezone to PDP(RUR) with a specific use from the AG/(Agricultural). The requested zoning does not specify a minimum lot size for commercial vehicle parking, and would allow for one (1) commercial vehicle, operated by the legal residents of the parcel, to be parked on the property. The deed provided indicates the petitioner is the legal owner of the subject property.

Commercial vehicles are defined in the ordinance as:

- a. A vehicle with a gross vehicle weight in excess of 10,000 pounds and utilized for commercial purposes; or,
- b. A van with a width of more than eighty (80) inches and utilized for commercial purposes; or,
- c. A vehicle with a gross vehicle weight of less than 10,000 pounds that has been modified with a utility body, tank or other similar commercial attachments, and utilized for commercial purposes.

The application includes three (3) parcels and the master plan illustrates the location of the commercial vehicle parking on a single parcel (key # 00733255). The parking is proposed along the front yard on an unimproved (15' x 60') parking area. If the request is approved, parking of the commercial vehicle will only be permitted on the lot designated on the master

plan. Any request for additional parking of commercial vehicles will require a revision to the approved master plan.

The petitioner has indicated that a three (3) foot landscape strip will be provided along the south property line. However, as shown on the master plan, the buffer is located within the 15' ingress/egress easement. If the request is approved, the petitioner would need to provide appropriate buffering in accordance with the County LDRs on their property, and not within the existing easement.

COMPREHENSIVE PLAN REVIEW:

The subject properties are located within a Rural Land Use classification as identified on the adopted Comprehensive Plan. The Rural land use classification would allow farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses. However, the parcels are not large enough to support active agricultural uses.

The rezoning from AR/(Agricultural Residential) to PDP(RUR)Planned Development Project (Rural) with AR/(Agricultural/Residential) uses and a specific AG/(Agricultural) use commercial vehicle parking is appropriate and based on the following conclusions:

1. The request is consistent with the County's adopted Comprehensive Plan, is compatible with the surrounding land uses, and is not adverse to the public interest.
2. The request for PDP(RUR)Planned Development Project (Rural) with AR/(Agricultural/Residential) uses and a specific AG/(Agricultural) use commercial vehicle parking is appropriate subject to compliance with all recommended performance conditions.

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. 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AR/(Agricultural Residential) to PDP(RUR)Planned Development Project (Rural) with AR/(Agricultural/Residential) uses and a specific AG/(Agricultural) use for commercial vehicle parking, with the following performance conditions:

1. The petitioner shall 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. Parking shall be provided on the premises as designated by the master plan and no parking shall be located within the roadway ROW and/or existing easements.
3. Parking shall be limited to a single commercial vehicle and only permitted on the lot designated on the master plan (key # 00733255).
4. The petitioner shall provide a five (5) foot landscape buffer at 80% opacity along the southeast portion of the property adjacent to the vehicle parking area not located within the ingress/egress easement (key # 00733255).
5. The petitioner shall be responsible for maintaining the 15' ingress/egress easement from Olympia Road to the commercial vehicle parking area.