

**STAFF REPORT**

Planning & Zoning Commission: June 12, 2006

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**APPLICANT:** William T. Gould **FILE NUMBER:** SE-06-01

**PURPOSE:** Special Exception Use Permit to Park Commercial Vehicles

**GENERAL**

**LOCATION:** Approximately 1450' south of Whitman Road, west side of Jacobson Road

**LEGAL**

**DESCRIPTION:** A portion of Section 11, Township 22 South, Range 19 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Single family  
Mobile home  
Single family, mobile home  
Mobile home

**SUMMARY OF REQUEST**

The petitioner requests a special exception use permit to park commercial vehicles. The subject property is located approximately 1450' south of Whitman Road, on the west side of Jacobson Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.
3. The site has been developed with a single family house.
4. The site contains majestic and specimen trees.
5. The subject property has access from Jacobson 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 types include Arredondo fine sand, Floridana variant loamy fine sand, Kanapaha fine sand and Wauchula fine sand.
8. The property is located in a flood zones C and A.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The City of Brooksville has indicated that the property is located within the City's first right to serve area.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The area is characterized by agricultural uses, single family and mobile home 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 to park additional commercial vehicles on this Agriculturally zoned property. An agriculturally zoned property is entitled to park one commercial vehicle on the property as a matter of right. The LDRs indicate that a special exception use permit may be applied for to park additional commercial vehicles, operated by the legal residents of the parcel, provided the property is a minimum of 2.5 acres in size. The petitioner initially submitted a request to park a total of 5 commercial vehicles on the property; however, has subsequently modified the request to be for 3 commercial vehicles. If the request is approved, the petitioner would be allowed a total of 4 commercial vehicles on the submitted property (3 additional, plus the one permitted by right).

The petitioner indicates that each of the residents of the home drives a commercial vehicle. The property comprises approximately 10 acres.

Code Enforcement has indicated that the property is subject of an ongoing code enforcement case. The petitioner has been cited with operating a concrete business on the site in addition to parking commercial vehicles.

County records indicate that Gould Construction has a current occupational license as a structural concrete contractor at the subject location. The LDRs allow limited business activity to occur on

AG zoned properties provided certain criteria are met. The criteria include: that there is no outside appearance of the limited business activity, no advertising can contain the physical address of the location, no employees or customers may go to or from the residence, vehicular traffic will be consistent with normal traffic generated within the zoning category, noise will be consistent with the zoning category, no outside storage of any materials, no change in exterior appearance of the structure. If the special exception use permit to park additional commercial vehicles is approved, it in no ways sanctions any business activity occurring on the site. Any business activity would have to comply with the County's LDRs.

The subject property has access via Jacobsen Road. Jacobsen Road is a paved local street. The commercial vehicles would travel approximately 2300' from US 41, along Whitman Road to Jacobsen Road to access the property.

The plan submitted by the petitioner indicates that the commercial vehicles will be parked behind the SF residence that exists on the property.

The area is developed in a rural residential manner. Properties north and east of the subject site are zoned AR-2 which is an agricultural/residential zoning district. These AR parcels range in size from 1 acre-approximately 5 acres. The AR parcels would be allowed to apply for a special exception use permit to park one commercial vehicle if their properties were a minimum of 2.5 acres; however parking a commercial vehicle is not a matter of right. Properties south and west of the subject property are zoned AG. The two properties immediately south of the subject property comprise approximately 2.3 acres. Pursuant to the LDRs, the adjacent AG parcels would only be allowed one commercial vehicle per parcel with no ability to apply for additional commercial vehicles. It is the staff's opinion the subject property is located in an area that is predominately rural residential; consequently, the parking of one additional vehicle in addition to the permitted vehicle would be in keeping with the surrounding intensity.

The City of Brooksville has indicated that the subject property is within the City's first right to refuse area. The subject property is currently served by well and septic.

### **FINDINGS OF FACT**

The area is characterized by agricultural uses, single family and mobile home residential uses, and undeveloped parcels.

The subject property is located within a rural land use classification on the adopted Future Land Use Map.

The special exception use permit general regulations indicate criteria for review in determining whether or not a special exception use permit is appropriate. The tract of land must be suitable for

the type of special exception use proposed by virtue of its location, shape, topography and the nature of the surrounding development.

The relevant criteria for the petitioner's proposal include that visual and functional conflict between the proposed use and nearby neighborhood uses, if existent, shall be minimal. It is the staff's opinion that given the adjacent development, parcel sizes and zoning designations, the proposed request is too intense for this rural residential neighborhood. Staff would not object to the parking one additional commercial vehicle on the site as it is our opinion that a total of two on the property would be consistent with the neighborhood.

The staff is of the opinion that a special exception use permit to park 1 additional commercial vehicles is appropriate based on the following conclusions:

1. The requested special exception use permit is too intense in this rural residential neighborhood.
2. Parking 1 additional commercial vehicle would be consistent with the surrounding area.
3. Parking 1 additional commercial vehicle would be consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

**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 a special exception use permit to park one additional commercial vehicle on the subject property with the following performance standards:

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.

1. The commercial vehicles shall be parked in the area indicated on the site plan.