

April 14, 2025

MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

VIA: Jeffry Rogers, County Administrator
County Administrator's Office

FROM: Omar DePablo, Development Services Director 
Planning and Zoning Department

SUBJECT: **Special Exception Actions by the Planning and Zoning Commission
on April 14, 2025**

For the Board's information, on April 14, 2025, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Special Exception(s). Attached to this memorandum are the staff reports and actions of the P&Z on the special exception requests at that scheduled public hearing.

A notification letter was sent on Wednesday, April 16, 2025, to inform the petitioners of the P&Z actions. According to Appendix A, Zoning, Article V, Section 8(1) of the Hernando County Code of Ordinances, the Board of County Commissioners (BOCC), by a majority vote, may decide to review any special exception decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Wednesday, May 14, 2025, the P&Z decision shall be deemed final and subject only to review by the circuit court. The review of the decision by the BOCC shall be at a public hearing held within sixty (60) days of the P&Z decision. The board has the authority to continue, on its own motion, to a later date a final decision on any special exception matter pending before it for review.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, June 13, 2025, (calculated from the date of P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify, or reverse the decision of the P&Z at the hearing.

Copies: Applicant's File

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 14, 2025

APPLICANT: CM Home Builders, Inc. and Victor Molina

FILE NUMBER: SE-25-01

PURPOSE: Special Exception Use Permit for the Parking of 2 additional Commercial Vehicles

GENERAL LOCATION: Northwest Corner of Culbreath Road and Ayers Road

PARCEL KEY NUMBER: 384514 and 1165811

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for Commercial Vehicles to park (2) two additional Commercial Vehicles on their parcel. The subject site is a 4.2-acre AG (Agricultural) parcel. County LDRs make provisions for the parking of a single commercial vehicle on an AG (Agricultural) when the commercial vehicle is operated by the legal residents of the parcel; however, it requires a Special Exception Use Permit for any additional commercial vehicles.

SITE CHARACTERISTICS:

Site Size: 4.2 Acres

**Surrounding Zoning;
Land Uses:**

North:	AG; Single Family
South:	AG; Single Family
East:	AG; Single Family
West:	AG; Single Family

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Rural

UTILITIES REVIEW:

HCUD does not currently supply water or sewer service to this parcel. Water and sewer are not available to these parcels. HCUD has no objection to the requested Special Exception use permit for parking of commercial vehicles on the subject property.

ENGINEERING & TRANSPORTATION REVIEW:

The County Engineer has reviewed the petitioner's request and has the following comments:

- This project lies within basins within the Squirrel Prairie watershed. Base flood elevations (BFEs) range from 87.3' to 87.4' NAVD 88. Though the application refers to the two parcels as having been merged, though they show as two separate parcels on the Hernando County Property Appraiser (HCPA) website. elevation ranges from 81' to 93'. Approximately the entire western parcel (key 1165811) lies within the floodplain.
- The driveway for this project, will need to be relocated further North to accommodate the redesign of the Culbreath Road at Ayers Road/Hayman Road intersection into a Round-A-Bout.
- The driveway will need to be paved from the travel-way of Culbreath Road to the property line, meeting the requirements of Hernando County Facility Design Guideline commercial connection standards and designed to handle the large equipment.
- A dedication of right of way will be required for the Culbreath Road at Ayers Road Round-A-Bout.
- Meet with the County Engineer to determine driveway location and amount of right way needed.
- Any access to Ayers Rd. shall be a right in / right out only.

Comments: The applicant met with the County Engineer and DPW staff to discuss the access to the subject site and relocated the driveway in accordance with the DPW comments. Prior to the right-of-way use permit for the site, the petitioner shall coordinate with the County Engineer on the right of way needed for the round-a-bout at the Culbreath Road/Ayers Road intersection.

LAND USE REVIEW:

Minimum Building Setbacks:

- Front: 75'
- Side: 35'
- Rear: 50'

One (1) commercial vehicle, operated by the legal resident(s) of the parcel, is allowed to be parked on an agriculturally zoned parcel, provided the property is a minimum of 2½ acres in size. A special exception use permit may be applied for pursuant to

Appendix A, Article V, Section 8 for the additional parking of commercial vehicles and/or equipment.

Comments: This section is not intended to limit the parking of commercial vehicles and/or equipment in the AG district when the vehicles are associated with a permitted AG use on the property.

If approved, any commercial vehicle and/or equipment must meet the building setbacks of the AG(Agricultural) zoning district.

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 has the ability to 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 be in compliance with the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Rural land use classification on the adopted Future Land Use Map. The area is characterized by rural residential uses.

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

Comments: The addition of 2 vehicles would not negatively impact the rural nature of this parcel.

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 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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for the Parking of 2 additional Commercial Vehicles 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. The driveway for this project will need to be constructed in accordance with the requirements of the County Engineer to accommodate the redesign of the Culbreath Road at Ayers Road/Hayman Road intersection into a Round-A-Bout.
3. The driveway will need to be paved from the travel-way of Culbreath Road to the property line, meeting the requirements of Hernando County Facility Design Guideline commercial connection standards and designed to handle the large equipment.
4. A dedication of right of way will be required for the Culbreath Road at Ayers Road Round-A-Bout. The amount of right-of-way needed will be determined at the time of the driveway permit application.
5. The subject site shall be limited to the parking of (2) two additional commercial vehicles.
6. Any future expansion or changes related to the uses shall require an amendment to the Special Exception Use Permit.

P&Z Action:

At the April 14, 2025, meeting the Planning and Zoning Commission voted 5-0 to deny the petitioner's request for a Special Exception to park 2 additional commercial vehicles.