

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: August 14, 2023

**APPLICANT:** Jose Andres De La Cruz, Francis Marilyn Abin

**FILE NUMBER:** SE-23-02

**PURPOSE:** Special Exception Use Permit for Truck Parking

**GENERAL LOCATION:** Southern terminus of Courts Court

**PARCEL KEY NUMBER:** 945847

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### APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for Truck Parking in order to park a single truck on their parcel. The subject site is a 2.6 acre AR (Agricultural Residential) parcel. County LDRs make provisions for the parking of a single commercial vehicle through a Special Exception Use Permit, when the commercial vehicle is owned by the property owner. The subject site is located 600' south of Courts Court and surrounded by large agricultural parcels.

### SITE CHARACTERISTICS:

**Site Size:** 2.6 acres

**Surrounding Zoning and Land Uses:**  
North: AG: Single Family  
South: AG: Single Family  
East: AG: Single Family  
West: AG: Single Family

**Current Zoning:** AR (Agricultural Residential)

**Future Land Use Map Designation:** Residential

### UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. Water and sewer service are not available to this parcel.

**ENGINEERING REVIEW:**

The site is located on the southern terminus of Courts Court. The petitioner seeks no changes to the existing access. The County Engineer has reviewed the subject request and indicated the following:

- Access to parcel is via Courts Court, a County owned and maintained, paved, 20' wide residential road.
- There is an existing concrete driveway apron from parcel to Courts Court.
- The County Engineer has no issues with the proposed use.

**LAND USE REVIEW:**

Specific Regulations

Pursuant to County LDRs, a special exception use permit may be applied for 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 2.5 acres in size. The subject site is a 2.6 acre parcel zoned AR (Agricultural/Residential).

**Comments:** The petitioner owns the subject 2.6 acre site and therefore meets the minimum requirements of Article III.

Building Setbacks

Front:	50'
Side:	10'
Rear:	35'

**Comments:** If approved, any commercial vehicle and/or equipment must meet the building setbacks of the AR-2/(Agricultural/Residential) 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.

If a developer fails to obtain a building permit for the vertical construction of the principal or primary building or the special exception use is not established within a period of not more than two (2) years from the approval date, then the special exception use permit shall be null and void.

**COMPREHENSIVE PLAN REVIEW:**

The subject property is located within the Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by large AG (Agricultural) parcels. Commercial vehicle parking is a permitted use in AR (Agricultural Residential) zoning districts and Residential land use categories.

**FINDINGS OF FACT:**

The request for a Special Exception Use Permit for Truck Parking is appropriate based on the following conclusions:

The proposed use is compatible with the surrounding area, is not adverse to the public interest; and is consistent with the County's adopted Comprehensive Plan.

**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. Homeowner 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 approve the petitioner's request for a Special Exception Use Permit for Truck Parking, 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 commercial vehicle shall be parked in accordance with the minimum setbacks of the AR (Agricultural/Residential).
3. The commercial vehicle shall be parked in a location screened from the view of adjoining right-of-way and adjacent parcels.
4. The subject site shall be limited to the parking of one commercial vehicle.