

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 8, 2024

APPLICANT: Dallas Latham Jr. & Michelle A Latham

FILE NUMBER: SE-24-01

PURPOSE: Revision to a Special Exception Use Permit for the Parking of Commercial Vehicles and Equipment

GENERAL LOCATION: South side of Sorrel Street, approximately 830' east of Salome Street

PARCEL KEY NUMBER: 423107

APPLICANT'S REQUEST:

On February 12, 2018, the Planning and Zoning Commission voted to approve the petitioners request for a Special Exception Use Permit for Parking of Commercial Vehicles and Equipment in order to store 12 roll-off containers (12 and 20 yards in size) onsite associated with their business. The petitioner has indicated they operated a dumpster business in which they delivered roll-off containers to customers for the disposal of household items (not regular garbage), yard debris, and construction and demolition material. No hazardous material is allowed. The containers were typically rented out in four (4) day cycles in which the petitioner would then pick up the containers and dispose of items prior to returning to their property for storage. The Planning and Zoning Commission approved the Special Exception Use permit with performance conditions, specifically the storage area size and location and based on the petitioner's testimony limited the number of containers to 12 roll-off containers.

The petitioners current request is to expand the operations from 12 roll-off containers to 60 dumpsters. The petitioner has indicated that they have dedicated a 65' x 122' area on their 4.8 acre parcel. The request included no employees and no customers on the site. The petitioner has not indicated whether the new request includes employees and/or customers.

SITE CHARACTERISTICS:

Site Size: 4.8 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:

The Hernando County Utilities Department has indicated that water and sewer are not available to the site. The site is served by well and septic.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the south side of Sorrel Street, approximately 830' east of Salome Street. The petitioner has indicated no changes to the existing access. The County Engineering Department has reviewed the request and indicated, if approved, the driveway must be brought up to commercial standards, obtain right of way use permit.

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. The petitioner's business is not associated with a bona fide agricultural operation. The previous approval was based on a Limited at Home Occupation, hence the justification and limiting of the roll-off units to twelve (12).

The petitioners proposed expansion to 60 dumpster exceeds the standards of the agricultural zoning district and the intensity of the use is considered a commercial use with outdoor storage which requires a C-2 (Highway Commercial) use with a Special Exception Use for outdoor storage or a PDP(GC)/Planned Development Project with a specific C-2 use for outdoor storage. Both commercial districts are not permissible at the current location due to compatibility and comprehensive plan strategies which protect against encroachment of incompatible uses.

Screening

The petitioner has indicated screening the dumpsters with a chain-link fence and fabric mesh. If approved, the storage area shall be screened by a 6' opaque fence.

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 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 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.

Land Use Compatibility

Objective 1.10B: The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

Strategy 1.10B(1): Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.

Strategy 1.10B(2): Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

Comments: The proposed increase is considered too intense for the rural nature of the area. Furthermore, the use at the proposed intensity is not considered part of Bona Fide agricultural operation.

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

Comments: The use is considered a commercial use and poses an encroachment into a rural residential area.

FINDING OF FACTS:

The request to revise Special Exception Use Permit for Parking of Commercial Vehicles and Equipment, for an increase of the previously approved roll-off dumpsters is inappropriate based on the following conclusions:

1. The increase in dumpsters is excessive and presents a commercial use in a rural area. Furthermore, the use is not associated with Bona Fide agricultural operation and is too intense and incompatible with the surrounding area.

2. The request is inconsistent with the County's adopted Comprehensive Plan and is incompatible with the surrounding land uses and is adverse to the public interest.

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 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 deny the petitioner's request to for a revision to Special Exception Use Permit for the Parking of Commercial Vehicles and the increase of allowable roll-off dumpsters from 12 dumpsters to 60 dumpsters.