


June 13, 2022

MEMORANDUM

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

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

FROM: Cesar Omar DePablo, Senior Planner 
Planning Department

SUBJECT: Conditional Use Actions by the Planning and Zoning Commission on Jun 13, 2022

For the Board's information, on June 13, 2022, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Conditional Use Permit(s). Attached to this memorandum is (are) the staff report(s) and action(s) of the P&Z on the Conditional Use Permit request(s) at that scheduled public hearing.

A notification letter was sent on Tuesday, June 14, 2022, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 4(H) of the Hernando County Code of Ordinances, the Board of County Commissioners, by a majority vote, may decide to review any conditional use permit 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, July 13, 2022, (calculated from the date of the P&Z decision), the P&Z decision shall be deemed final and subject only to review by the circuit court.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, August 9, 2022, (calculated from the date of the 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: June 13, 2022

APPLICANT: Arielle Fox

FILE NUMBER: CU-22-03

REQUEST: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: West side of Poppas Pass, approximately 350' south of its intersection with Robb Road

PARCEL KEY

NUMBER: 1290221

APPLICANT'S REQUEST:

The petitioner has submitted a request for a conditional use permit to place a doublewide manufactured home on the subject site. The petitioner's grandmother currently lives on the site alone and is precluded from doing many things on her own. The petitioner will be installing a new well and septic system on the site if the conditional use permit is approved.

SITE CHARACTERISTICS:

Site Size: 2.4 acres

Surrounding Zoning & Land Uses:

North: AG; existing residential uses
South: AG; existing residential uses
East: AG; existing residential uses
West: AG; existing residential uses

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Rural

Flood Zone: X

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the requested conditional use permit.

ENGINEERING & TRANSPORTATION REVIEW:

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

- This well drained site is located outside the 1% annual chance floodplain.
- Poppas Pass is an unpaved road with Emergency Maintenance only.
- There are no traffic issues identified with this request.

LAND USE REVIEW:

The minimum setbacks in the AG/(Agricultural) district are as follows. The manufactured home, when installed, shall be required to meet these setbacks.

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

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY:

The conditional use permit process is a land use determination and does not constitute a permit for either construction, 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. 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 request for a Conditional Use Permit for a Second Residence for a period of up to two (2) years with the following performance conditions:

P&Z CONDITIONAL USE RESULTS FROM JUNE 13, 2022, PG. 4

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 newly placed manufactured home shall meet the following minimum setbacks of the AG/(Agricultural district):
 - Front: 75'
 - Side: 35'
 - Rear: 50'
3. The petitioner shall be responsible for meeting all Florida Department of Health requirements for the new septic tank and well to be located on the site.
4. The Conditional Use Permit shall expire on June 13, 2024

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Second Residence for a period of up to two (2) years with the following unmodified 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 newly placed manufactured home shall meet the following minimum setbacks of the AG/(Agricultural district):
 - Front: 75'
 - Side: 35'
 - Rear: 50'
3. The petitioner shall be responsible for meeting all Florida Department of Health requirements for the new septic tank and well to be located on the site.
4. The Conditional Use Permit shall expire on June 13, 2024.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022

APPLICANT: David S. Christman

FILE NUMBER: CU-22-04

REQUEST: Conditional Use Permit for a Temporary Security Residence

GENERAL LOCATION: 7407 Gettysburg Drive, Weeki Wachee Gardens

PARCEL KEY NUMBER: 849416

APPLICANT'S REQUEST:

The petitioner is requesting the temporary placement of a travel trailer on the subject site while his home is being built. The property currently has potable water service through the Hernando County Utilities Department but is not connected to sewer. The petitioner received approval through the zoning office for a 6-month provisional permit for the travel trailer on October 29, 2021; he is seeking additional time to complete construction of his permanent home due to construction costs and monetary hardship.

SITE CHARACTERISTICS:

Site Size: 0.2 acres

Surrounding Zoning & Land Uses:

North:	AG; undeveloped property
South:	R-1A; existing residential development
East:	AG; undeveloped property
West:	R-1A; existing residential development

Current Zoning: R-1A

Future Land Use Map Designation: Residential

Flood Zone: AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) provides water service to this parcel. Sewer service is currently inactive. HCUD has no objection to the conditional use permit allowing a travel trailer on the site until a permanent home is built, subject to the reactivation of the sewer service.

Comments: On April 25, 2022, the Hernando County Utilities Department re-connected both the water and sewer service for the subject site. The petitioner is to retain service on the site for the length of the conditional use permit.

ENGINEERING & TRANSPORTATION REVIEW:

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

- The proposed site falls within the Coastal Floodplain, and is shown as Flood Zone "AE, 11". Zone "AE" construction requirements apply. Finished floor must be raised 1 foot above the BFE (11 + 1 = El. 12).
- No Traffic issues.

LAND USE REVIEW:

The minimum setbacks in the R-1A/(Residential) district are as follows. The travel trailer shall be required to meet these setbacks.

- Front: 25'
- Side: 10'
- Rear: 20'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY:

The conditional use permit process is a land use determination and does not constitute a permit for either construction, 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. 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 request for a Conditional Use Permit for a Temporary Security Residence for one (1) year with the following performance conditions.

5. 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.
6. The petitioner must retain potable water and sewer service through the Hernando County Utilities Department throughout the duration of the conditional use permit.
7. The Conditional Use Permit shall expire on June 13, 2023.

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Conditional Use Permit for a Temporary Security Residence for one (1) year with the following unmodified 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 petitioner must retain potable water and sewer service through the Hernando County Utilities Department throughout the duration of the conditional use permit.
3. The Conditional Use Permit shall expire on June 13, 2023.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022

APPLICANT: Windy Southall

FILE NUMBER: CU-22-05

REQUEST: Conditional Use Permit for a Portable Roadside Stand, namely, a Produce Stand

GENERAL LOCATION: South side of Wiscon Road, approximately 750' west of Lykes Dublin Road

PARCEL KEY NUMBER: 01778455

APPLICANT'S REQUEST:

The petitioner is requesting a Conditional Use Permit for a temporary use to operate a produce stand on a 3.9-acre vacant parcel. The petitioner has indicated that the produce to be sold is not grown or produced on the premises. All fruits and vegetables are bought at markets and will be sold under a 140' x 80' pavilion. Hours of operation are proposed as 11:00 AM to 5:00 PM, Monday through Saturday.

SITE CHARACTERISTICS:

Site Size: 3.9 acres

**Surrounding Zoning;
Land Uses:**

North:	PDP(RUR); Undeveloped
South:	AG; Single Family
East:	AG; Undeveloped
West:	AG; Undeveloped

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Rural

Flood Zone: AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated it does not currently supply water or sewer service to this parcel. Sewer service is not available to this parcel. There is an existing 12-inch water main that runs along Wiscon Road in front of this parcel. HCUD has no objection to the request subject to connection to the central water system at such time that a habitable structure would be constructed.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the South side of Wiscon Road, approximately 750' west of Lykes Dublin Road. The petitioner proposes two access point to Wiscon Road. The property will have a U-shaped access driveway providing for one-way traffic circulation. The County Engineer has indicated the following:

- Driveways will be required to install paved aprons to protect the roads when vehicles enter or exit.
- This property is mostly within the floodplain. Any future residential development within a floodplain will require specific permitting and mitigation. Residential structures must be raised 1 foot above the floodplain. This floodplain is at 68.6 feet, finished floor must be at 69.6 feet. Any enclosures below the floodplain require flood vents.

LAND USE REVIEW:

In addition to those conditional uses permitted in all zoning districts of the ordinance, the following conditional use is required and permitted in the agricultural district:

Retail sales of permitted agricultural products not produced on the premises: provided that where such products or services are sold from roadside stand, such stand shall be set back from any public street right-of-way at least seventy-five (75) feet and shall be provided with automobile access and off-street parking space in such a manner to not create an undue traffic hazard on the street on which such roadside stand is located.

The petitioner has proposed that a large pavilion will be constructed along Wiscon Road for the proposed use. County LDRs requires a Conditional Use Permit for the retail sales of agricultural products not produced on the premises.

Minimum Building Setbacks:

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

P&Z CONDITIONAL USE RESULTS FROM JUNE 13, 2022, PG. 12

The County's LDRs allow for temporary uses and structures subject to meeting the following development review standards:

1. A site plan depicting the proposed use in relation to the overall parcel on which it is to be located must be provided.

Comments: The petitioner has proposed placing the produce stand along Wiscon Road. The property will have a U-shaped access driveway providing for one-way traffic circulation.

2. Driveway access permits shall be obtained.

Comments: The subject site has access via Wiscon Road. Access to Wiscon Road will require a Right-of-Way use permit.

3. Adequate parking shall be provided in conformity with the required standards for the use without reducing the required parking for the established permitted activity.

Comments: The subject site is approximately 3.9 acres. The petitioner has indicated that the site will have a designated parking area. The proposed parking will be unimproved.

4. A covered trash or garbage receptacle with a plastic liner will be kept on site.

Comments: The petitioner has not indicated how garbage disposal will be handled on days of operation. If approved, the petitioner must meet the minimum County requirements for garbage disposal.

5. Adequate restroom facilities shall be provided.

Comments: The petitioner has indicated that restroom will be provided via portable restroom facilities.

A Conditional Use Permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional Use Permits may be renewed or extended upon reapplication at the end of a two-year period.

FINDING OF FACTS

A Conditional Use Permit for a Portable Roadside Stand, namely a Produce Stand is appropriate based on the following conclusions:

1. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. The proposed use is compatible with the area and not adverse to the public interest.

NOTICE OF APPLICANT RESPONSIBILITY:

The conditional use permit process is a land use determination and does not constitute a permit for either construction, 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. 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 a Conditional Use Permit for a portable roadside stand, namely, a produce stand, for a period of up to two (2) years 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 temporary use must be removed if the primary business on the property ceases to operate and/or upon termination of the conditional use permit.
3. Parking shall not be permitted on the right-of-way.
4. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided.
5. Hours of operation shall be limited to 11:00 AM to 5:00 PM, Monday through Saturday.

P&Z CONDITIONAL USE RESULTS FROM JUNE 13, 2022, PG. 14

6. Minimum Building Setbacks:

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

7. Access to Wiscon Road shall require a Right-of-Way use permit.

8. The Conditional Use Permit shall expire on June 13, 2024.

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to postpone the applicants request until the July 11, 2022, hearing due to the notification signs not being posted.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022

APPLICANT: Michael A. Poindexter

FILE NUMBER: CU-22-06

REQUEST: Conditional Use Permit for a Temporary Security Residence

GENERAL LOCATION: Northeast corner of Cackleberry Drive and Northwest Avenue

PARCEL KEY NUMBER: 31147

APPLICANT'S REQUEST:

The petitioner has submitted a request for a renewal of a conditional use permit for a temporary security residence on a 1.0 acre parcel for the construction of their home. According to the petitioner, due to unforeseen issues in 2020, they were unable to complete the home in the expected timeframe; therefore, the previously approved Conditional Use Permit has expired. The original Conditional Use Permit was approved on September 10, 2018.

The petitioner's current request is a third conditional use permit for two (2) years rather than one (1) to finish the home. The petitioner has proposed to continue to utilize a 36' RV as their home/security residence during the completion of the home. The RV will provide for security and the ability for the petitioner to be near the home during construction which is scheduled for completion in spring 2024.

The petitioner has also indicated that the following improvements to the site have been completed and are in process:

- Land cleared
- Well installed
- Architecture and Engineer designs
- Building permit and impact fees
- Temporary electric installed
- 1st, rough, and final driveway inspections
- Septic system installed
- Footer inspection
- Pillars pending
- Slab pending

SITE CHARACTERISTICS:

Site Size: 1.0 acres

**Surrounding Zoning;
Land Uses:** North: R-1C; Single family
South: R-1C; Single family
East: R-1C; Single family
West: R-1C; Single family

Current Zoning: R-1C/(Residential)

**Future Land Use
Map Designation:** Residential

Flood Zone: C

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that water and sewer services are not available to the site at this time. The petitioner will be handling wastewater needs through the RV's holding tanks that will be emptied as necessary by waste pumping services.

HEALTH DEPARTMENT

The Hernando County Health Department has reviewed the petitioner's request to continue using the holding tanks in the RV as a waste management system. The Health Department has indicated that per the Florida Administrative Code 64E-6.0101(7)(a), the petitioner, with an active building permit, may continue to utilize holding tanks and portable toilets as a means of waste disposal for the duration of construction.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the northeast corner of Cackleberry Drive and Northwest Avenue. The petitioner has proposed a single driveway to Northwest Avenue for access to the RV and the future single-family home. The County Engineer has indicated a residential driveway connection to the roadway meeting the requirements of Hernando County Facility Design Guidelines will be required for the single-family home.

LAND USE REVIEW:

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a

conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplication at the end of a two year period.

FINDING OF FACTS:

The request for a Conditional Use Permit for a Temporary Security Residence is inappropriate based on the following conclusions:

The petitioner was originally approved for a one-year Conditional Use Permit for the subject site on September 10, 2018. The RV/security residence has been on the subject site for four (4) years and located in Ridge Manor Estates, a single family zoned area. The Conditional Use Permit is intended to be a temporary permit especially in the case of a security residence. The P&Z has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY:

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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 deny the request for a Conditional Use Permit for a Temporary Security Residence.

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 4-1 to approve the petitioner's request for a Conditional Use Permit for a Temporary Security Residence for two (2) years with the following modified 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 Conditional Use Permit shall expire on June 13, 2024.