

March 13, 2023

**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: Special Exception Actions by the Planning and Zoning Commission on March 13, 2023**

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For the Board's information, on March 13, 2023, 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 is (are) the staff report(s) and action(s) of the P&Z on the special exception request(s) at that scheduled public hearing.

A notification letter was sent on Wednesday, March 13, 2023, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 8(l) of the Hernando County Code of Ordinances, the Board of County Commissioners, 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, April 12, 2023, the P&Z decision shall be deemed final and subject only to review by the circuit court. The review of the decision by the BCC 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, May 9, 2023, (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**

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

**APPLICANT:** Great Life Church, Inc.

**FILE NUMBER:** SE-22-16

**REQUEST:** Revision to a Special Exception Use Permit to expand the existing Special Exception Use Permit to include a second parcel and to allow Educational Facilities, specifically portable classrooms

**GENERAL LOCATION:** South side of Cortez Boulevard, approximately 550' west of Grove Road

**PARCEL KEY NUMBERS:** 346897, 346904

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**APPLICANT'S REQUEST**

The petitioner is requesting the expansion of an existing Special Exception Use Permit to include a second parcel (parcel key 646904) and to add Educational Facility to allow for the construction of portable classrooms. The current Special Exception Use Permit applies to Parcel Key 346897 and is for a Place of Public Assembly, specifically a church. As their Private Christian Day School grows and the need arises, the petitioner would like the opportunity to move the school to the subject parcels.

In a companion request, the petitioner applied to rezone parcel key 346897 from a split zoning of R-1A (Residential) and C-1 (General Commercial) to C-1 (General Commercial) for the entire property. If the rezoning request is approved, both parcels listed in this application would be C-1 (General Commercial).

**SITE CHARACTERISTICS**

**Site Size:** 9.7 acres

**Surrounding Zoning & Land Uses:**

North:	PDP(GHC)/ Planned Development Project (General Highway Commercial); Partially developed
South:	AR-2 (Agricultural/Residential-2), Special Exception Use overlay for Medical/Hospital
East:	C-2 (Commercial-2); Pinebrook Medical Facility
West:	C-1 (Commercial), Outdoor Commercial Activity, and undeveloped. PDP(SF)/ Planned Development Project (Single Family); Undeveloped

**Current Zoning:** R-1A (Residential) and C-1 (General Commercial)

**Future Land Use Map Designation:** Commercial

**Flood Zone:** X with small portions of parcel key 346904, along the northwest parking area within the AZ flood zone.



## **UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and has indicated that central water and sewer is currently provided to the subject site. HCUD has no objection to the requested Special Exception Use Permit for education to allow construction of portable classrooms on both parcels based on growth/demand for the private day school.

The expansion/development of parcel key 346904 requires a utility capacity analysis and connection to the existing central water and sewer systems (12-inch water main and 6-inch sewer force main that run along Cortez Boulevard in front of parcel) at time of vertical construction.

## **ENGINEERING & TRANSPORTATION REVIEW**

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

- The easterly of the two sites (parcel key 346904) contains an area of floodplain and a stormwater mitigation area. These do not impact the proposed portable classroom location.
- Development must comply with the Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit design requirements.
- A Traffic Access Analysis may be required for this project. Refer to Hernando County Facility Design Guidelines IV-18.
- A Frontage Road is required across the entire frontage of Cortez Boulevard. Refer to Hernando County Facility Design Guideline IV-04.
- Parking area and driveway will need to meet County standards. This includes improving the existing rock drive as shown on the submitted site plan/survey. Refer to Hernando County Facility Design Guideline IV-28.

## **LAND USE REVIEW**

### **Minimum Building Setbacks:**

- Front (North): 125'
- Side (East and West): 20'
- Rear (South): 35'

A special exception use 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 authority to assign reasonable conditions to the approval.

Places of Public Assembly and Educational Facilities are both allowable special exception uses in any zoning district provided the appropriate land use approvals are obtained. A special exception use permit shall be granted only for those buildings, uses, and accessory buildings specifically indicated by the Commission.

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

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comply with the minimum Special Exception Use General Standards, in Article V, Section 8(B) of the County's Zoning regulations.

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

### **COMPREHENSIVE PLAN REVIEW**

The area is characterized by commercial and institutional uses. The subject property is located within the Commercial land use classification on the adopted Future Land Use Map. A Place of Public Assembly and Educational Facilities are allowable uses in the Commercial Land Use category.

### **FINDING OF FACTS**

1. Both requested Special Exception Uses are allowable in C-1 zoning districts.
2. The request is consistent with the County's adopted Comprehensive Plan, is compatible with the surrounding land uses, and is not 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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a revision to a Special Exception Use Permit to include a second parcel and add Educational Facilities, specifically portable classroom buildings, 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. Minimum Building Setbacks:
  - Front (North): 125'
  - Side (East and West): 20'
  - Rear (South): 35'
3. Access to the site is limited to the existing driveway.
4. Any future development of the site with additional structures shall require an amendment to the special exception use permit.



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5. A utility capacity analysis shall be performed at the time of vertical construction/development of parcel key 346904.
6. A connection to the existing central water and sewer systems (12-inch water main and 6-inch sewer force main that run along Cortez Boulevard in front of parcel) is required at the time of vertical construction. The petitioner shall coordinate with the Hernando County Utilities Department and provide all required utility easement(s) for the site at this time.
7. The petitioner shall construct a frontage road, upon demonstration of need and demand, at no cost to the County.

### **P&Z ACTION:**

On March 13, 2023, the Planning and Zoning Commission approved the petitioner's request for a revision to a Special Exception Use Permit to include a second parcel and add Educational Facilities, specifically portable classroom buildings, 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. Minimum Building Setbacks:
  - Front (North): 125'
  - Side (East and West): 20'
  - Rear (South): 35'
3. Access to the site is limited to the existing driveway.
4. Any future development of the site with additional structures shall require an amendment to the special exception use permit.
5. A utility capacity analysis shall be performed at the time of vertical construction/development of parcel key 346904.
6. A connection to the existing central water and sewer systems (12-inch water main and 6-inch sewer force main that run along Cortez Boulevard in front of parcel) is required at the time of vertical construction. The petitioner shall coordinate with the Hernando County Utilities Department and provide all required utility easement(s) for the site at this time.
7. The petitioner shall construct a frontage road, upon demonstration of need and demand, at no cost to the County.

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: March 13, 2023

**APPLICANT:** Matthews Family Limited Partnership LTD

**FILE NUMBER:** SE-22-17

**REQUEST:** Revision to a Special Exception Use Permit for a Place of Public Assembly, Namely a Venue for Special Events and Retreat

**GENERAL LOCATION:** East side of Culbreath Road, approximately 600' north of Bobwhite Drive

**PARCEL KEY NUMBER:** 383999

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**APPLICANT'S REQUEST**

On November 16, 2021, the Board of County Commissioners voted 5-0 to affirm the Planning and Zoning Commission's approval of a Special Exception Use Permit for a Place of Public Assembly, namely a venue for Special Events and Retreats. The approval included a 120-acre parcel to be utilized for hosting special events of various sizes such as retreats, weddings, private parties, and youth development activities (i.e., Boy Scout/Girl Scout), not to exceed 100 guests. In connection with the special events, camping and nature retreats would also be offered to guests, this would include 50 primitive camping sites, a maximum of 25 RV sites with hookups and four (4) 1,200 square foot cabins along the lake with a maximum stay of 180 days.

Overnight camping guests would be limited to a maximum stay of seven (7) consecutive evenings. Amenities for the proposed uses would be located along the rear portion of the property and include a large pavilion with restrooms and outdoor kitchen and a storage building. Other amenities were to include but not be limited to a fishing dock, ATV riding for overnight guests only, canoeing/kayaking, hiking, etc.

The petitioner's current request for a revision to the special exception, is to include additional buildings not previously considered, including a 2,176 square foot activity center and 2,101 square foot bathhouse. All other uses will remain; no further changes are being requested.

**SITE CHARACTERISTICS**

**Site Size:** 120 acres

**Surrounding Zoning & Land Uses:**

North:	AG; Undeveloped; rural residential
South:	AG; RV Park; rural residential
East:	AG; Undeveloped, rural residential
West:	AG; rural residential

**Current Zoning:** AG (Agricultural)



**Future Land Use  
Map Designation:** Rural

**ENVIRONMENTAL REVIEW**

- Soils:** Blichton Loamy Fine Sand/5% to 8% slopes, Wachula Fine Sand/0% to 5% slopes, Micanopy Loamy Fine Sand/2% to 5% slopes and a small portion of the property has Kendrick Fine Sand/0% to 5% slopes.
- Protection Features:** There are no Protection Features (Wellhead Protection Areas (WHPA) and Special Protection Areas (Special Protected Areas (SPAs)) on this site according to county data.
- Hydrologic Features:** The comprehensive plan identifies a large portion of the parcel as Class 1 wetlands, however the Environmental Planner has evaluated the property and determined that not all the property qualifies as Class 1 wetland.
- Habitat:** This site is designated as Mixed Hardwood Coniferous, Marshes, and Improved Pasture
- Water Quality:** The proposed development is within the Weeki Wachee River Basin Management Action Plan, the Weeki Wachee Primary Focus Area (PFA), and the and Weeki Wachee Outstanding Florida Springs (OFS) Group.

**UTILITIES REVIEW**

The Utilities Department has indicated water and sewer services are not available to this parcel.

**ENGINEERING & TRANSPORTATION REVIEW**

The site is located on the east side of Culbreath Road, approximately 600' north of Bobwhite Drive. The petitioner has indicated the property features direct access from Culbreath Road with a graded road that runs through the property to the rear. An alternate access is available from Chenoak Road.

The County Engineer has reviewed the request and indicated the following:

1. A driveway shall be provided and constructed in accordance with the Hernando County Facility Design Guidelines.
2. Chenoak Road is private and subject to flooding.
3. At the time of site development permitting, a clear site plan showing the intensity of the proposed development is required to determine if improvements to Culbreath Road will be needed.

## **LAND USE REVIEW**

### **Building Setbacks**

Previously Approved Building Setbacks:

- Front/West: 75'
- Side/North: 35'
- Side/South: 125'
- Rear/East: 50'

#### ***Comments:***

The petitioner is requesting two (2) additional structures, an activity center and bathhouse. If approved, the two new structures must meet the previously approved building setback requirements.

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.

### **Rural Category**

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.

GOAL 1.04: Future Land Use Map Land use designations are intended to protect community character, discourage urban sprawl, promote economic growth and promote compatibility between uses. The Future Land Use



Map shall be the guiding mechanism that directs development through general category locations, descriptions, densities and intensities of future land use. [F.S. 163.3177(6)(a)]

Strategy 1.04E(3): The review of development proposals in rural lands may include identification of productive farmland and agricultural operations in close proximity to the proposed development to ensure the compatibility of the proposed development with existing and potential agricultural operations and to minimize potential land use conflicts.

### **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.

*Comments:* The addition of the activity center and bathhouse is appropriate and consistent with the primary use of the subject site.

### **FINDING OF FACTS**

The request for a Revision to Special Exception Use Permit for a Place of Public Assembly, namely a venue for Special Events and Retreats is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.

### **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. Homeowner's 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:**

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Revision to a Special Exception Use Permit for a Place of Public Assembly, namely a venue for Special Events and Retreats 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. Minimum Building Setbacks of all structures:
  - Front/West: 75'
  - Side/North: 35'
  - Side/South: 125'
  - Rear/East: 50'

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3. Minimum Trail Setbacks:
  - Front/West: 300'
  - Side/North: 35'
  - Side/South: 150'
  - Rear/East: 35'
4. The site shall be limited to fifteen (15) RV sites, four (4) cabins and twenty-five (25) Primitive camp sites.
5. All camping or RV stays shall not exceed thirty (30) calendar days.
6. Cabin Rentals shall be limited to a maximum of 180 consecutive calendar days.
7. Access to the lake shall be limited to electric motors, canoes, paddle boats or non-powered vessels. There shall be no combustible engines used on the lake.
8. A driveway shall be provided and constructed in accordance with the Hernando County Facility Design Guidelines.
9. At the time of site development permitting, a clear site plan showing the intensity of the proposed development is required to determine if improvements to Culbreath Road will be needed.
10. The petitioner shall designate the following areas on approved master plan:
  - RV Sites
  - Primitive Camping Areas
  - Fire Lines Per the Approved State Fire Plan & Riding Trials
  - OHV Riding Paths
  - Assembly Buildings & Areas
  - (4) four Cottage Sites on an Approved Site Plan for Permitting
  - Areas of Farming
  - On-site Areas for Parking
  - Activity Center
  - Bathhouse
11. There shall be no hunting or gunfire by any patrons of the dude ranch or campground.
12. Full cutoff fixtures shall be used so that all light is retained on-site and spillage onto neighboring residential uses is avoided.
13. All Combustible Engine ATV or Motorcycles shall only be operated during daylight hours.
14. Events shall be limited to 52 one-day events per year.
15. All events shall be operated between the hours of 7:00 AM and 9:00 PM.



**P&Z ACTION:**

On March 13, 2023, the Planning and Zoning Commission approved the petitioner's request for a revision to a Revision to a Special Exception Use Permit for a Place of Public Assembly, namely a venue for Special Events and Retreats 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. Minimum Building Setbacks of all structures:
  - Front/West: 75'
  - Side/North: 35'
  - Side/South: 125'
  - Rear/East: 50'
3. Minimum Trail Setbacks:
  - Front/West: 300'
  - Side/North: 35'
  - Side/South: 150'
  - Rear/East: 35'
4. The site shall be limited to fifteen (15) RV sites, four (4) cabins and twenty-five (25) Primitive camp sites.
5. All camping or RV stays shall not exceed thirty (30) calendar days.
6. Cabin Rentals shall be limited to a maximum of 180 consecutive calendar days.
7. Access to the lake shall be limited to electric motors, canoes, paddle boats or non-powered vessels. There shall be no combustible engines used on the lake.
8. A driveway shall be provided and constructed in accordance with the Hernando County Facility Design Guidelines.
9. At the time of site development permitting, a clear site plan showing the intensity of the proposed development is required to determine if improvements to Culbreath Road will be needed.
10. The petitioner shall designate the following areas on approved master plan:
  - RV Sites
  - Primitive Camping Areas
  - Fire Lines Per the Approved State Fire Plan & Riding Trials
  - OHV Riding Paths
  - Assembly Buildings & Areas
  - (4) four Cottage Sites on an Approved Site Plan for Permitting
  - Areas of Farming
  - On-site Areas for Parking
  - Activity Center
  - Bathhouse
11. There shall be no hunting or gunfire by any patrons of the dude ranch or campground.

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12. Full cutoff fixtures shall be used so that all light is retained on-site and spillage onto neighboring residential uses is avoided.
13. All Combustible Engine ATV or Motorcycles shall only be operated during daylight hours.
14. Events shall be limited to 52 one-day events per year.
15. All events shall be operated between the hours of 7:00 AM and 9:00 PM.