

August 14, 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 August 14, 2023

For the Board's information, on August 14, 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, August 15, 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, September 13, 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, October 10, 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

HEARINGS: Planning & Zoning Commission: August 14, 2023

APPLICANT: Hugh Macfarlance

FILE NUMBER: SE-23-03

PURPOSE: Special Exception Use Permit for a Place of Public Assembly, namely a Meditation, Training and Meeting Hall

GENERAL LOCATION: West side of Citrus Way, approximately 2,900' north of Ponce De Leon Boulevard

PARCEL KEY NUMBER: 837241, 837250, 1493217

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for a Place of Public Assembly, namely a Meditation, Training and Meeting Hall, in order to hold mediation and training groups/sessions. The request will expand an existing nonresidential farm building to a meeting hall which will be designed as a meeting place for practitioners of the Meditation Programs.

The petitioner has indicated that their current building limits the number of participants to ten or fewer. The proposed expansion would be to provide additional facilities in order to accommodate 30 participants. The proposed expansion would also include expanding the existing pavilion from 495 square feet to a meeting hall of approximately 2,000 square feet. The pavilion would then be used as a classroom, with two large rooms for practicing meditation. Furthermore, the expansion would also provide for two bathrooms, one breakroom, and an office. In the future, the petitioner indicated an 800 square feet caretaker's cottage would be constructed to accommodate those meditators who have long travel times and who wish to work on the property for several days.

SITE CHARACTERISTICS:

Site Size: 16.22 acres

Surrounding Zoning &

Land Uses:

North: AG; Undeveloped
South: AG; Single Family, Kids Moto Cross Training Facility
East: AG; Undeveloped
West: AG; Single Family

Current Zoning:

AG/(Agricultural)

Future Land Use

Map Designation:

Rural

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. Services are not available at this time. HCUD has no objection to the request subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the west side of Citrus Way, approximately 2,900' north of Ponce De Leon Boulevard. The petitioner has indicated a single driveway to Citrus Way.

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

- This site is located within two watersheds.
- The proposed development must conform with Hernando County and Southwest Florida Water Management District Environmental Resource Permit drainage design requirements. Geotechnical testing data is required to corroborate the design parameters used.
- Access to Citrus Way is to be a paved commercial connection. Driveway apron to be installed to meet the requirements of Hernando County Facility Design Guideline IV-25.
- Site is to ensure handicap parking and ADA accessibility for the site.

LAND USE REVIEW:

Minimum Building Setbacks:

Front: 75'

Side: 35'

Rear: 50'

Comments: All proposed structures must meet the minimum building setbacks. Any future development of the site beyond those structures named herein, will require an amendment to the Special Exception Use Permit.

Parking

County LDRs require a minimum of 0.3 parking spaces per seat based on maximum occupant load for Places of Public Assembly. Grassed parking shall be permitted.

Comments: In the event increased traffic causes grassed parking areas to deteriorate, the petitioner shall be required to provide an alternative surface as approved by the County's Administrative Official.

Lighting

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles.

Comments: The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.

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, the Special Exception Use Permit 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. Uses allowed in this category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses. A Place of Public Assembly is an allowable use in all zoning districts subject to compliance with the performance conditions.

FINDING OF FACTS:

The request for a Special Exception Use Permit for a Place of Public Assembly, namely a Meditation, Training and Meeting Hall, 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 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 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 a Place of Public Assembly, namely a Meditation, Training and Meeting Hall, 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. No RVs shall be permitted on-site.
3. Minimum Building Setbacks:
 - Front: 75'
 - Side: 35'
 - Rear: 50'

P&Z SPECIAL EXCEPTION RESULTS FROM AUGUST 14, 2023, PG. 10

4. Any future expansions or changes related to the special events shall require an amendment to the Special Exception Use Permit.
5. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.
6. The Driveways shall be required to meet County Standards.
7. Grassed parking shall be permitted. In the event increased traffic causes grassed parking areas to deteriorate, the petitioner shall be required to provide an alternative surface as approved by the County's Administrative Official.
8. The petitioner shall meet all requirements of the Florida Department of Health in Hernando County for Onsite Sewage Treatment and Disposal Systems and all the requirements of the Florida Department of Environmental Protection for potable water supply.
9. Access to Citrus Way shall be paved to commercial standards and shall be installed to meet the requirements of Hernando County Facility Design Guideline IV-25.

P&Z ACTION:

On August 14, 2023, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely a Meditation, Training and Meeting Hall, 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. No RVs shall be permitted on-site.
3. Minimum Building Setbacks:
Front: 75'
Side: 35'
Rear: 50'
4. Any future expansions or changes related to the special events shall require an amendment to the Special Exception Use Permit.
5. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.

P&Z SPECIAL EXCEPTION RESULTS FROM AUGUST 14, 2023, PG. 11

6. The Driveways shall be required to meet County Standards.
7. Grassed parking shall be permitted. In the event increased traffic causes grassed parking areas to deteriorate, the petitioner shall be required to provide an alternative surface as approved by the County's Administrative Official.
8. The petitioner shall meet all requirements of the Florida Department of Health in Hernando County for Onsite Sewage Treatment and Disposal Systems and all the requirements of the Florida Department of Environmental Protection for potable water supply.
9. Access to Citrus Way shall be paved to commercial standards and shall be installed to meet the requirements of Hernando County Facility Design Guideline IV-25.