


July 11, 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: Special Exception Actions by the Planning and Zoning Commission on
July 11, 2022**

For the Board's information, on July 11, 2022, 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 Tuesday, July 12, 2022, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 8(I) 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, August 10, 2022, 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, September 13, 2022, (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: July 11, 2022

APPLICANT: Tampa Bay Tres Dias

FILE NUMBER: SE-22-08

PURPOSE: Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Spiritual Retreat Center

GENERAL

LOCATION: West side of Batten Road, approximately 1,500' north of Skyview Circle

PARCEL KEY

NUMBER: 1153307, 11775007

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Spiritual Retreat Center, to hold small spiritual retreats on two parcels totaling 9.8 acres. The petitioner has indicated their retreats are based on a spiritual discipleship program which was established in 1972 and later began in Central Florida in 2003. The retreats are 3½ day sessions (Thursday through Sunday), divided amongst men and women and held several times a year. The retreats have been held locally at another camp site for years and the current request will provide a permanent location for the petitioner retreats. The facility will consist of a total of five (5) buildings of which some will be dormitories to house guests. Outside activities are limited and any music utilized during the weekend events will be limited to acoustic instruments and voices.

SITE CHARACTERISTICS:

Site Size:	9.8 acres
Surrounding Zoning & Land Uses:	North: AG; Single Family South: AG; Undeveloped 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 Batten Road, approximately 1,500' north of Skyview Circle. The petitioner has indicated a single driveway to Batten Road.

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

- A Traffic Access Analysis may be required as part of the development depending on the size of the development.
- The proposed site comprising two properties and is located outside the floodplain. Documentation should be provided acknowledging the Squirrel Prairie watershed administrative floodplain area that supersedes the FEMA FIRM during the time of permitting. Development must comply with Hernando County Facility Design Guideline and Southwest Florida Water Management District Environmental Resource Permitting Design Requirements.

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 the five (5) proposed structures, will require an amendment to the Special Exception Use Permit.

Buffers

The petitioner has proposed a 50' buffer along the perimeter of the property to provide the quest with privacy and screen the use from neighboring parcels.

Comments: If approved, a 50' buffer shall be provided. Buffer shall maintain natural vegetation and be supplement where necessary.

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. 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.

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.

Agricultural Lands Retention Strategies

Objective 1.04E: Agricultural pursuits are recognized as an important part of the economy and culture of Hernando County. The retention of agriculture will be pursued through multiple strategies in order to support traditional agriculture and changes in agricultural trends.

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.

Comments: The subject site is in a rural area characterized large acre agricultural tracts. The proposed use is compatible with the surrounding area subject to appropriate performance conditions.

FINDING OF FACTS:

The request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Spiritual Retreat Center, 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 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 a Place of Public Assembly, namely a Religious Establishment with a Spiritual Retreat Center, with the following performance conditions:

P&Z SPECIAL EXCEPTION RESULTS FROM JULY 11, 2022, PG. 6

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: 75'
Side: 35'
Rear: 50'
3. The petitioner shall meet the minimum requirements of the County's Noise ordinance.
4. The petitioner shall provide a 50' natural buffer along the perimeter of the property and supplement where necessary.
5. Any onsite lighting associated with events shall utilize full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring uses.
6. No RVs shall be permitted on-site.
7. Any future expansions or changes related to the special events shall require an amendment to the Special Exception Use Permit.
8. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.
9. The Driveways shall be required to meet County Standards.
10. 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.
11. A Traffic Access Analysis may be required a time of development depending on the final size of the development.
12. The petitioner shall provide documentation acknowledging the Squirrel Prairie watershed administrative floodplain area during the time of permitting.
13. 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.

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 4-1 denying the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Spiritual Retreat Center.