

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 14, 2022

APPLICANT: Nathan Randall

FILE NUMBER: SE-22-13

REQUEST: Revision to a Special Exception Use Permit for a Place of Public Assembly, namely a venue for Special Events

GENERAL LOCATION: Northern terminus of Karry Creek Lane

PARCEL KEY NUMBER: 1429760

APPLICANT'S REQUEST:

On February 10, 2020, The Planning and Zoning Commission approved a Special Exception Use Permit for a Place of Public Assembly on a 10.2-acre parcel, namely for a Special Events such as weddings, baby showers, birthdays, family reunions and small corporate events. No permanent structures were proposed at the time, other than developing an adjoining parcel with the petitioner's own home. At the time the use was approved for 12 events per year and hours of 9:00 AM to 9:00 PM for public and until 10:00 for vendors

The petitioner's current request is to revise the existing Special Exception Use Permit to increase the number of events to 24 events per year and extend the public hours to 10:00 PM. This would be in conformance with the noise ordinance. The petitioner has indicated that they have been successfully operating the venue for two years and the requested changes would provide flexibility for certain events throughout the year. No other changes are being requested at this time.

SITE CHARACTERISTICS:

Site Size: 10.2 acres

**Surrounding Zoning;
Land Uses:** North: R-3; Single Family
South: PDP(MH); Mobile Home Park
East: PDP(MH), R-3; Mobile Home Park, Single Family
West: CV, AR; Church, Conservation

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Residential

UTILITIES REVIEW:

The Utilities Department has indicated the subject site is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

HEALTH DEPARTMENT REVIEW:

The Health Department has reviewed the petitioner's request and indicated sanitary regulations allow for portable toilets on a temporary basis for events provided there are no permanent structures that would require inside plumbing.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located at the southern terminus of Karry Creek Lane. Karry Creek Lane is currently unimproved.

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

- This site contains areas of floodplain associated with a conveyance. Development within the floodplain requires specific permitting and mitigation to preserve floodplain volume.
- The driveway access to Yontz Road must be a commercial connection. Refer to Hernando County Facility Design Guideline IV-25.

LAND USE REVIEW:

Buffers

The petitioner has indicated that event amenities will maintain a 500' setback from the northern property line to provide adequate buffering from Damac Estates.

Setbacks

Any future expansions or changes related to the special events must meet the minimum building setbacks and will require an amendment to the Special Exception Use Permit.

Lighting

The petitioner shall continue to retain all light on-site and prevent any light spillage onto neighboring residential uses.

Parking

County LDRs require a minimum of 0.3 parking spaces per seat based on maximum occupant load for Places of Public Assembly. The petitioner has

indicated that the remaining portions of the 10.2 acres not utilized for the ceremony and reception area are dedicated to event parking.

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 Residential land use classification on the adopted Future Land Use Map and allows primarily single family, duplex, resort, and multi-family housing and associated ancillary uses such as recreational and institutional. The area is characterized by a mobile home park to the east and Damac Estates subdivision to the north.

FINDING OF FACTS:

The request for Special Exception Use Permit for a Place of Public Assembly is appropriate based on the following conclusions:

1. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.
2. The additional 12 events per year and the extended public hours from 9:00 PM to 10:00 PM are not adverse to the public interest subject to appropriate performance conditions.

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 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, 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 number of events shall be limited to twenty-four (24) per calendar year.
3. Hours of operation for events shall be limited to Friday through Sunday from 9:00 AM to 10:00 PM for the public. Vendors shall be off premises by 11:00 PM.
4. All previous performance conditions shall be in full force and effect (SE1913)