

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 14, 2022

APPLICANT: Donald Whitehead, Jr.

FILE NUMBER: SE-22-11

REQUEST: Special Exception Use Permit for a Place of Public Assembly, namely, a Venue for Special Events

GENERAL LOCATION: South of Cortez Boulevard (SR 50) across from Dorsey Smith Road

PARCEL KEY NUMBER: 1791341

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for a Place of Public Assembly, namely, a venue for Special Events. The subject site is a 30.0-acre parcel which will host concerts, weddings, food trucks and various community events. The petitioner is requesting 52 events per year, of which six (6) would be concert events (attendance may vary). Concert events will be limited to Fridays and Saturdays and would not start earlier than 3:00 PM. All other events will be based on customers' preferred dates and times but would not exceed County Noise Ordinance regulations. All parking will be contained onsite; off-duty deputies will be utilized for traffic control. No permanent structures are proposed at this time.

SITE CHARACTERISTICS:

Site Size: 30.0 acres

Surrounding Zoning & Land Uses: North: AG, AR; Undeveloped, Mobile Homes
South: AG; Undeveloped
East: AG; Undeveloped
West: AR; Undeveloped, Mobile and 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. Water and sewer service are not available to this parcel. HCUD has no objections subject to Health Department approval of any upgrades/improvements necessary to the existing Onsite Sewage Treatment and Disposal System due to the increased usage.

Comments: The petitioner proposes utilizing portable restrooms.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located at the southeast corner of Cedar Lane and Cortez Boulevard (SR 50). The petitioner has proposed two (2) access points to provide adequate egress/ingress for all events. A location driveway is proposed at Cedar Lane and the second along Cortez Boulevard. The County Engineer has reviewed the request and indicated the following:

- This site contains three areas of 1% annual chance floodplain. Development within the floodplain requires specific permitting and mitigation to preserve floodplain volume.
- Development on the site must conform to the stormwater design requirements of Hernando County Facility Design Guideline and Southwest Florida Water Management District Environmental Resource Permit process.
- Cedar Lane driveway access is currently a residential connection, (installed with right-of-way Use permit #21-297). The driveway must be upgraded to commercial connection standard and may require paving from the edge of the roadway to the property line. Driveway will require a right-of-way use permit. Refer to Hernando County Facility Design Guideline IV-25.
- The petitioner must provide traffic control before, during and after all events.

LAND USE REVIEW:**Setbacks**

Existing Building Setbacks:

Front: 125'

Side: 35'

Rear: 50'

Comments: The proposed tent and any other amenities related to the special events must meet the minimum setback requirements of the Agricultural District. The petitioner has not proposed any additional

structures at the present time. Any future expansions related to the special events must meet the minimum building setbacks and will require an amendment to the Special Exception Use Permit.

Parking

County LDRs require minimum off-street parking ratios based on the type of use and/or overall square footage.

Comment: The parking ratio for Public Assembly & Recreation use is 0.3 spaces per seat/person. The petitioner has indicated a large open field for parking. The petitioner shall ensure that attendance does not exceed the ability of the property to adequately provide parking. No parking shall be allowed in the right-of-way.

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 indicated the use of portable light towers for the subject property. If approved, lighting should be designed with cutoff fixtures in order to 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 and is characterized by agricultural lots.

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 by large agricultural tracts and is located adjacent to Cortez Boulevard. The proposed number of events (52) is compatible with the surrounding area subject to appropriate performance conditions.

FINDING OF FACTS:

The request for Special Exception Use Permit for a Place of Public Assembly, a venue for Special Events, 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.

2. The proposed use is compatible with the area and not adverse to the public interest subject to compliance with all 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 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 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. Minimum Building Setbacks:
Front: 125'
Side: 35'
Rear: 50'
3. The petitioner shall designate on-site areas for parking. Parking areas may include alternative paving techniques as approved by the Zoning Administrator.
4. Cutoff fixtures shall be used so that all light is retained on-site and spillage onto neighboring residential uses is avoided.
5. The number of events shall be limited to fifty-two (52) per calendar year.
6. Concerts shall be limited to Friday and Saturday.
7. No overnight stays shall be permitted.

8. Any future expansions or changes related to the special events, or the construction of any future new buildings shall require an amendment to the special exception use permit.
9. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.
10. The Driveways shall be required to meet County Standards.
11. Cedar Lane driveway access is currently a residential connection, (installed with right-of-way Use permit #21-297). The driveway must be upgraded to commercial connection standard and may require paving from the edge of the roadway to the property line. Driveway will require a right-of-way use permit. Refer to Hernando County Facility Design Guideline IV-25.
12. The petitioner shall utilize of duty officers for traffic control before, during and after all events.