

December 11, 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, Planning Manager
Planning Department

**SUBJECT: Special Exception Actions by the Planning and Zoning Commission on
December 11, 2023**

For the Board's information, on December 11, 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 Thursday, December 14, 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, January 10, 2024, 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, February 13, 2024, (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:	December 11, 2023
APPLICANT:	Calvary Chapel Fellowship of Hernando County, Inc.	
FILE NUMBER:	SE-23-09	
REQUEST:	Special Exception Use Permit for Public Assembly and Educational Facilities	
GENERAL LOCATION:	Northwest corner of the intersection of Sunshine Grove Road and Harrison Street	
PARCEL KEY NUMBER(S):	1121903, 107716	

APPLICANT'S REQUEST

The petitioner's request is for a Special Exception Use Permit for Public Assembly and an Educational Facility. The petitioner proposes the construction of a multipurpose building that will consist of an interior Gymnasium, a church sanctuary able to accommodate 300+ people, and classrooms. Outdoor activities will take place in and around a pavilion located on the northern parcel.

SITE CHARACTERISTICS

Site Size:	5.2 acres
Surrounding Zoning;	
Land Uses:	North: AG (Agricultural); Single Family Residence
	South: AG (Agricultural); Undeveloped
	East: CPDP (Combined Planning Development Project) H-72-0; Undeveloped
	West: AG (Agricultural); Single Family Residence being built
Current Zoning:	AG (Agricultural) and C-1 (Commercial)
Future Land Use	
Map Designation:	Rural

ENVIRONMENTAL REVIEW

Soils:	Candler Fine Sand 0-5% slope
Comments:	Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
Protection Features:	There is evidence the subject property is in a Wellhead Protection Area (WHPA), there are no Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.
Comments:	None of the requested uses are prohibited in the Wellhead Protection Area (WHPA).

- Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.
- Habitat:** The subject property is designated Sandhill according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).
- Comments:** "Sandhill" contains upland with deep sand substrate; xeric; panhandle to central peninsula; frequent fire (1-3 years); open canopy of longleaf pine and/or turkey oak with wiregrass understory. "This longleaf pine ecosystem has experienced a 98 percent decline in acreage throughout its range and is considered critically endangered¹".
- There is the potential for rare plant and animal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
- Water Quality:** This project is located within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Springs Priority Focus Area (PFA) and the Weeki Wachee Outstanding Florida Springs area, as identified by the Florida Department of Environmental Protection (FDEP) as contributing nutrients to the Weeki Wachee Riverine System.
- Comments:** Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This will be addressed during the permitting phase of development.
- Flood Zone:** The subject property is in the X flood zone.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comments:

- HCUD does not currently supply water or sewer service to these parcels.
- There is an existing 16-inch water main that runs along the west side of Sunshine Grove Road.
- There is an existing 16-inch sewer force main that also runs along the west side of Sunshine Grove Road.

Comments: HCUD has no objection to the requested Special Exception Use Permit for parcel key #1121903 (currently zoned residential) to allow a multi-purpose 2-story church building (330 seats) to be used for church services, gymnasium, after school sports and ministry to include classrooms and study rooms, subject to connection to the central water and sewer systems as necessary, per Ordinance, at time of vertical construction.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing

1 Guide to the Natural Communities of Florida: 2010 edition – Florida Natural Inventory (FNAI). www.fnai.org.

utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

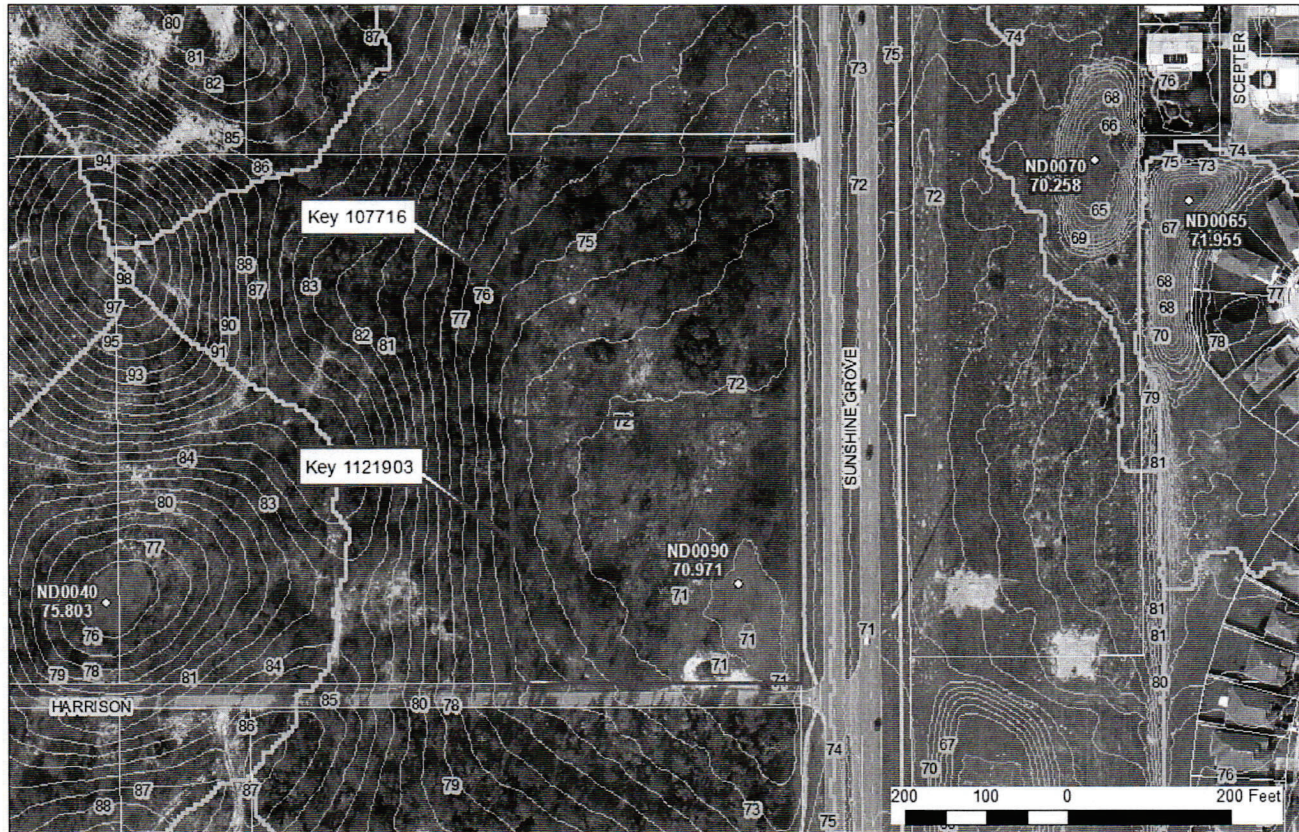
ENGINEERING REVIEW

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

- This site is in the Wiscon Watershed. The southerly parcel contains an area of 1% annual chance storm shallow flooding (< 1 foot deep), see Figure 1: Hernando County Florida, FEMA FIRM 12053C0167 Flood Map 2009, on the following page.
- The project shall be designed to comply with Southwest Florida Water Management District Environmental Resource Permit and Hernando County Facility Design Guidelines stormwater regulations.
- Any further development of the subject property may trigger the requirement for a Traffic Access Analysis.
- A sidewalk connection is required from the building to the sidewalk along Sunshine Grove Road.
- Sunshine Grove Road is a Collector Roadway, as such, driveway access is limited. Only one (1) driveway access shall be permitted, in the middle of the parcel, at Sunshine Grove Road. Additional driveway access to the project must connect to Harrison Street
- The Driveway connection(s) shall be designed per the current Hernando County Commercial Connection standards. Refer to Hernando County Facility Design Guidelines IV-25
- The Parking Lot design and layout shall be constructed to Hernando County standards. Refer to Hernando County Facility Design Guidelines IV-28.
- Handicap parking spaces shall be constructed to Hernando County Standards. Refer to Hernando County Facility Design Guidelines V-09.

TRANSPORTATION

Figure 1: Hernando County Florida, FEMA FIRM 12053C0167 Flood Map 2009



5.2 Ac. on the west side of Sunshine Grove Rd. at Harrison St., Brooksville, Key 1121903 etc.

This property is located in the Wiscon Watershed. Floodplain is shown in blue as indicated in the Floodplain Justification Study by TBE Group for Hernando County, SWFWMD and FEMA. The property contains an area of Flood Zone "X-Shaded", an area of 1% annual chance storm floodplain less than 1 foot deep. See FEMA FIRM 12053C0167D. Green lines show 1 foot changes in elevation (2007). Orange lines are drainage boundaries.

*Elevations refer to NAVD '88 datum

Scale - As shown
Mapped by: TBE Group
Map Date - 06/22/2009

Hernando County Geographic Information System (GIS)
Standard Legal Disclaimer

"The information in this database or as referenced upon a digital or hard copy thereof is compiled and/or generated for internal County purposes. It is not intended for use by any other entity. The user assumes all responsibility for the use of this information in all cases. The user assumes all responsibility for any and all damages, claims, injuries, or losses of any kind, including those caused by or resulting from the use of this information for any purpose other than that for which it was intended."

The subject property is on Sunshine Grove Road, which is a four-lane divided roadway. It is designated as a major collector by the Florida Department of Transportation (FDOT). Major collectors serve to link arterials with local roads or major traffic generators. They serve as transition link between mobility needs and land use needs. Collectors may include minor state roads, major county roads, and major urban and suburban streets.

LAND USE REVIEW

Places of Public Assembly and Educational Facilities are special exception uses allowable in all zoning districts. The petitioner shall be required to meet all minimum requirements of the C-1 (General Commercial) zoning district.

Minimum Building Setbacks

The subject site is split zoned AG (Agricultural) and C-1 (Commercial). Special Exception Use are required to adhere to the underlying zoning of the parcel.

Agricultural Building Setbacks:

Sunshine Grove Road:	75'
Harrison Street:	75'
Side:	35'
Rear:	50'

Commercial Building Setbacks:

Sunshine Grove Road:	50'
Side:	35'
Rear:	35'

Parking

The petitioner is proposing a maximum 300 seat sanctuary. The minimum land development regulations (LDRs) require 0.3 space per person for parking spaces.

Comments: Based on the proposed 300 seat sanctuary, 90 parking spaces will be required.

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.

Landscaping

The petitioner must meet the minimum recommendations of the Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping.

Buffer

The County LDR's require a minimum five-foot landscaped separation. The nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of 5 feet, a maximum height of 8 feet, or an evergreen hedge with a minimum height of 5 feet at the time of planting.

Comment: The petitioner has not indicated specific buffers for the proposed use. If approved all other areas must meet the minimum requirements of the County's LDRs.

A Place of Public Assembly and an Educational Facility are an allowable special exception use in any zoning category 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.

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, Article V, Section 8(B).

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 proposed use is permitted through special exception in any zoning district in the county. There is no conflict with the comprehensive plan and the presence of a church with accompanying educational facilities at this location in the County.

FINDING OF FACTS

1. The requested use is allowed in all zoning districts.
2. The subject parcels shall be built to Commercial Building standards with limited access to Sunshine Grove Road.

NOTICE OF APPLICANT RESPONSIBILITY

The rezoning 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 RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Special Exception Use Permit for A Place of Public Assembly and Educational Facility 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:
Agricultural Building Setbacks:
Sunshine Grove Road: 75'
Harrison Street: 75'
Side: 35'
Rear: 50'
Commercial Building Setbacks:
Sunshine Grove Road: 50'
Side: 35'
Rear: 35'
3. Any onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential uses.
4. A comprehensive wildlife survey shall be updated in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit will be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.
5. The petitioner shall meet the minimum recommendations of the Florida Yards & Neighborhoods (FYN) Program for design techniques and principles for all required landscaping.
6. The project shall be designed to comply with Southwest Florida Water Management District Environmental Resource Permit and Hernando County Facility Design Guidelines stormwater regulations.
7. The petitioner shall coordinate any future development with the County Engineer to ensure a Traffic Access Analysis will not be required.
8. A sidewalk connection shall be required from the building to the sidewalk along Sunshine Grove Road.
9. Sunshine Grove Road is a Collector Roadway, as such, driveway access shall be limited. Only one (1) driveway access shall be permitted, in the middle of the parcel, at Sunshine Grove Road. Additional driveway access to the project must connect to Harrison Street
10. The Driveway connection(s) shall be designed per the current Hernando County Commercial Connection standards. Refer to Hernando County Facility Design Guidelines IV-25

11. The Parking Lot design and layout shall be constructed to Hernando County standards. Refer to Hernando County Facility Design Guidelines IV-28.
12. Handicap parking spaces shall be constructed to Hernando County Standards. Refer to Hernando County Facility Design Guidelines V-09.

P&Z ACTION

On December 14, 2023, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for Public Assembly and Educational Facility 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:
Agricultural Building Setbacks:

Sunshine Grove Road:	75'
Harrison Street:	75'
Side:	35'
Rear:	50'

Commercial Building Setbacks:

Sunshine Grove Road:	50'
Side:	35'
Rear:	35'
3. Any onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage onto neighboring residential uses.
4. A comprehensive wildlife survey shall be updated in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit will be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.
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P&Z SPECIAL EXCEPTION RESULTS FROM NOVEMBER 13, 2023, PG. 10

10. The Driveway connection(s) shall be designed per the current Hernando County Commercial Connection standards. Refer to Hernando County Facility Design Guidelines IV-25
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