

May 13, 2024

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 Administrator
Planning Department

**SUBJECT: Special Exception Actions by the Planning and Zoning Commission on
May 13, 2024**

For the Board's information, on May 13, 2024, 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 are the staff reports and actions of the P&Z on the special exception requests at that scheduled public hearing.

A notification letter was sent on Wednesday, May 15, 2024, to inform the petitioners of the P&Z actions. According to Appendix A, Zoning, Article V, Section 8(1) 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, June 12, 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, July 9, 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: May 13, 2024

APPLICANT: Pa-Auk Tawya Budda – Dhamma-Dipaka
Meditation Center Hernando Inc.

FILE NUMBER: SE-23-14

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

GENERAL LOCATION: North side of Power Line Road, approximately 1,400' east of Kettering Road

PARCEL KEY NUMBER: 1342452

APPLICANT'S REQUEST:

The petitioner has submitted a request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment and Retreat, in order to develop the 5.0 acre subject site with a gated Buddhist Temple and Retreat Center. The retreat will provide a manmade pond, walking trail and other outdoor amenities for its residence and visitors. The petitioner has indicated that the facility will provide for the following structures:

- Sima Hall (Temple) Phase 1 – 1,500 square feet
- Meditation Hall – 3,000 square feet
- Sayadaws Kuti (Property Manager Residence) – 600 to 800 square feet
- Sanghas Kuti (Dorm Rooms) – 3,000 square feet (two stories)
- Kitchen & Dining Hall Phase 2 – 3,000 square feet
- Male Yogis Kuti (lodging) – 2,000 square feet
- Female Yogis Kuti (lodging) – 2,500 square feet

SITE CHARACTERISTICS:

Site Size: 5.0 acres

**Surrounding Zoning;
Land Uses:** North: AG; Undeveloped
South: Pasco
East: AG; Single Family
West: AG; Single Family

Current Zoning: AG (Agriculture)
Future Land Use
Map Designation: I-75 and SR 50 Planned Development District

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand and Arredondo Fine Sand

**Resources/
Features:** The property does not contain any Wellhead Protections Area's (WHPA), Special Protection Area's (SPA), wetlands or archaeological sites according to County data resources.

Comments: Candler and Arredondo Fine Sands provide habitat suitable for gopher tortoises and commensal species. Narrative states gopher tortoises are present.

Flood Zone: C; with a small area in the AE floodplain

Comments: The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated it currently does not supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the request, subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the north side of Power Line Road, approximately 1,400' east of Kettering Road. The petitioner has proposed a single gated access to Power Line Road. The County Engineer has reviewed the request and indicated the following:

- A Traffic Access Analysis may be required for the total Land Use of the project. Petitioner shall coordinate with the County Engineer during development and provide a Trip Generation for project.
- Driveway/Access Drive and Parking areas shall meet Hernando County standards.
- A single driveway shall be permitted for this parcel.

LAND USE REVIEW:

Places of public assembly are included as special exceptions in all approved zoning districts, Appendix A, Article V, Section 8, subsection C(1)(f) of the Hernando County Code of Ordinances.

Setbacks

Minimum Building Setbacks:

Front: 75'

Side: 35'

Rear: 50'

Buffers

The petitioner has not indicated buffers against the neighboring agricultural parcels along the south and east property line. If approved, the petitioner must provide a 15' buffer natural vegetative buffer along the perimeter of the parcel.

Parking

The petitioner has proposed a mixed use campus with both dorm units for extended stays and facilities for visitors. The LDRs indicate that places of public assembly may have up to fifty percent of the required parking spaces (including aisles) surfaced with grass, lawn or other materials as designated in the County parking lot standards; however, if parking demand is such that said grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator

Comments: If approved, the petitioner must meet the minimum parking requirements of the County LDRs for each of the uses at the time of development.

Lighting

The petitioner has not indicated any provisions for lighting. If approved, the petitioner must provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring uses.

Special Exception Use Permits

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 Land Development Regulations (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 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 site is located within the I-75/SR 50 Planned Development District on the County's adopted comprehensive plan. The area is currently in transition with large residential projects coming online and several industrial uses being approved along Kettering Road. The subject site is surrounded by medium to large agricultural parcels.

I-75/SR-50 Planned Development District

Objective 1.05A: The I-75/SR-50 Planned Development District (I-75/SR-50 PDD) is hereby established for the purpose of implementing planning tools to maximize the potential economic value of the I-75 corridor through coordination of multiple land uses, roadway network configuration, new and upgraded public infrastructure and consistency of design. The PDD shall extend between the County's existing SR-50/I-75 interchange and where Lockhart Road crosses I-75 and from Lockhart Road to the Withlacoochee State Trail.

Strategy 1.05A(1): The I-75/SR-50 Planned Development District mapped area is characterized by a significant potential for future development of multiple land use types. The I-75/SR-50 PDD shall seek to create, to the maximum extent practical, a largely self-contained internally functional concentration of commercial, industrial, and mixed residential land uses supported by public infrastructure. The County intends to encourage and functionally integrate these land uses mainly through advance planning and programming of infrastructure that facilitates orderly development patterns.

Strategy 1.05A(2): Developments within the I-75/SR-50 PDD shall include a master plan utilizing the Planned Development Project (PDP) process for review. The County shall consider the following guidelines and criteria in the review of a PDP and associated master plan:

- a. Standards for a multi-modal transportation network encompassing access, circulation and connection among and between public and private properties;
- b. Planning for infrastructure needs to accommodate wastewater, potable water, fire and emergency medical service, recreation and schools;
- c. Concentration of commercial uses, mixed uses and town-center type development along and/or easily accessed from SR-50, including park and ride opportunities for future inter-county transit;
- d. Opportunities that include primary industrial uses compatible with the placement of commercial or town center areas in order to enhance employment opportunities;
- e. Attractive, convenient and safe multi-modal connections to schools, parks and other identified community focal points;

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- f. Attractive, convenient and safe bike and pedestrian connection to the Withlacoochee State Trail;
- g. Standards to create a “sense of place.”

Comments: The subject site is within the I-75/S.R. 50 PDD and is consistent with the PDD requirements for the area. Places of Public Assembly are permitted uses in all zoning districts and comprehensive plan designations.

FINDING OF FACTS:

The request for Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment and Retreat, 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 requested use is 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. 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 RECOMMENDATION:

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 and Retreat, 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: 75'
 - Side: 35'
 - Rear: 50'

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3. The petitioner must provide a 15' buffer natural vegetative buffer along the perimeter of the parcel.
4. All on-site lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage into neighboring residential uses.
5. A comprehensive wildlife survey shall be provided by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
6. The petitioner must meet the minimum requirements of Florida-Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.
7. The petitioner shall coordinate with the Hernando Health Department for the approval of an appropriate Onsite Sewage Treatment and Disposal System.
8. A Traffic Access Analysis may be required for the total Land Use of the project. Petitioner shall coordinate with the County Engineer during development and provide a Trip Generation for project.
9. Driveway/Access Drive and Parking Areas shall meet Hernando County standards
10. Development shall be limited to a single driveway onto Powerline Road.
11. The development shall meet the minimum commercial standards of the County's LDR's.
12. Alternative parking surfaces shall be coordinated with and approved by the Zoning Administrator.

PLANNING & ZONING COMMISSION ACTION:

At their May 13, 2024, the Planning and Zoning Commission voted 3-1 approving the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment and Retreat, with the following performance modified 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: 75'~~
 - ~~Side: 35'~~
 - ~~Rear: 50'~~

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- ~~3. The petitioner must provide a 15' buffer natural vegetative buffer along the perimeter of the parcel.~~
- ~~4. All on-site lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage into neighboring residential uses.~~
- ~~5. A comprehensive wildlife survey shall be provided by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.~~
- ~~6. The petitioner must meet the minimum requirements of Florida-Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.~~
- ~~7. The petitioner shall coordinate with the Hernando Health Department for the approval of an appropriate Onsite Sewage Treatment and Disposal System.~~
- ~~8. A Traffic Access Analysis may be required for the total Land Use of the project. Petitioner shall coordinate with the County Engineer during development and provide a Trip Generation for project.~~
- ~~9. Driveway/Access Drive and Parking Areas shall meet Hernando County standards~~
- ~~10. Development shall be limited to a single driveway onto Powerline Road.~~
- ~~11. The development shall meet the minimum commercial standards of the County's LDR's.~~
- ~~12. Alternative parking surfaces shall be coordinated with and approved by the Zoning Administrator.~~
2. The Special Exception Use Permit is approved for the requested use and limited to the existing structure. Any future structures shall require a revision to the Special Exception Use Permit.