

November 13, 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, Senior Planner
Planning Department



SUBJECT: Special Exception Actions by the Planning and Zoning Commission on November 13, 2023

For the Board's information, on November 13, 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 Tuesday, November 14, 2023, 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, December 13, 2023, 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, January 9, 2023, (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: November 13, 2023
APPLICANT: Great Life Church, Inc.
FILE NUMBER: SE-23-06
REQUEST: Special Exception Use Permit for Educational Facility
GENERAL LOCATION: South side of Cortez Boulevard, approximately 550' west of Grove Road
PARCEL KEY NUMBER: 347084

APPLICANT'S REQUEST

The petitioner is requesting a Special Exception Use Permit for an Educational Facility for an existing structure. The facility will be used as a workspace and a training center as the need arises.

SITE CHARACTERISTICS

Site Size: .69 acres

Surrounding Zoning & Land Uses:

North:	PDP(GHC)/ Planned Development Project (General Highway Commercial); Partially Developed
South:	C-1 (General Commercial) with a Special Exception Overlay for a Place of Public and Educational Assembly (SE-22-84); Church and associated educational facilities
East:	C-2 (Commercial-2); Pinebrook Medical Facility
West:	C-1 (General Commercial) with a Special Exception Overlay for an Educational Facility (SE-22-16); Undeveloped

Current Zoning: C-1 (General Commercial) with a Special Exception Overlay for Commercial Activity (SE-82-03).

Future Land Use Map Designation: Commercial

Flood Zone: Site contains an area of Flood Zone "AE, (EI.54.5)" in the parking lot and retention pond. The structure is above the flood elevation.

UTILITIES REVIEW

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

- HCUD currently supplies commercial water only to this parcel via a 12-inch water main that runs along the south side of Cortez Boulevard.
- There is an existing 6-inch sewer force main that also runs along the south side of Cortez Boulevard.
- HCUD has no objection to the requested Special Exception Use Permit for Education on this C1 zoned parcel to allow for future use as a workspace and training center as the Church (property owner) grows and the need arises.

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

Comment: The note above will be included as a performance condition.

ENGINEERING & TRANSPORTATION REVIEW

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

- A Frontage Road is required.
- Cross Access is required to the main Church property.
- A sidewalk is required to the main Church Property

Comment: The request for a frontage road seems unusual for such a small property in normal circumstances. The subject property, however, lies between two larger parcels owned by the applicant. The property to the west is 3.9 acres and the property to the east and south is 5.8 acres. Both parcels have a special exception for educational facilities approved in 2022 (SE-22-16). Construction of a frontage road is a performance condition of SE-22-16. Adding the frontage road requirement to this application ensures that the road connects across all three properties. The comments provided by the County Engineer will be included in the performance conditions.

LAND USE REVIEW

Minimum Building Setbacks:

- Front (North): 125'
- Side (East and West): 20'
- Rear (South): 35'

A special exception use 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

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use proposed, by virtue of its location, shape, topography, and nature of surrounding development. The P&Z has the authority to assign reasonable conditions to the approval.

Places of Public Assembly and Educational Facilities are both allowable special exception uses in any zoning district 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.

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 comply with the minimum Special Exception Use General Standards, in Article V, Section 8(B) of the County's Zoning regulations.

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 area is characterized by commercial and institutional uses. The subject property is located within the Commercial land use classification on the adopted Future Land Use Map. A Place of Public Assembly and Educational Facilities are allowable uses in the Commercial Land Use category.

FINDING OF FACTS

1. The requested Special Exception Use is allowable in C-1 zoning districts.
2. The request is consistent with the County's adopted Comprehensive Plan, is compatible with the surrounding land uses, and 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 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. 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 an Educational Facility, with the following performance conditions:

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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 (North): 125'
 - Side (East and West): 20'
 - Rear (South): 35'
3. Access to the site is limited to the existing driveway.
4. Cross Access is required to the main Church property.
5. A sidewalk is required between the building on the subject property and the main Church Property.
6. Any future development of the site with additional structures shall require an amendment to the special exception use permit.
7. Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing 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.
8. The petitioner shall construct a frontage road, upon demonstration of need and demand, at no cost to the County.

P&Z ACTION:

On November 13, 2023, the Planning and Zoning Commission approved the petitioner's request for a Special Exception Use Permit for an 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:
 - Front (North): 125'
 - Side (East and West): 20'
 - Rear (South): 35'
3. Access to the site is limited to the existing driveway.
4. Cross Access is required to the main Church property.
5. A sidewalk is required between the building on the subject property and the main Church Property.
6. Any future development of the site with additional structures shall require an amendment to the special exception use permit.
7. Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing 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.
8. The petitioner shall construct a frontage road, upon demonstration of need and demand, at no cost to the County.