


June 13, 2022

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
June 13, 2022**

For the Board's information, on June 13, 2022, 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, June 14, 2022, 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, July 13, 2022, 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, August 9, 2022, (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 9, 2022
Planning & Zoning Commission: June 13, 2022

APPLICANT: Dana Galiardo

FILE NUMBER: SE-22-02

REQUEST: Special Exception Use Permit for an Off-Road Vehicle Track for Recreational Use

GENERAL LOCATION: West side of Citrus Way, approximately 1,500' north of Ponce De Leon Boulevard

PARCEL KEY NUMBERS: 00332214

APPLICANT'S REQUEST:

The applicant is requesting a Special Exception Use Permit for an Off-Road Vehicle Track for Recreational Use on a 20.0-acre parcel. The site is currently operating as a Kids Motocross Club/Park and the applicant intends to both expand and bring the site into conformance with County LDRs. The petitioner has indicated that they live on the property. Existing structures include a home, barn and stable.

The use currently operates a 5.0-to-7.0-acre main track, a 0.25-acre warm-up, a beginner's circle and a 0.5-acre beginner track. The petitioner has indicated the desire to construct a new 5.0-to-7.0-acre wood trail track. The hours of operation are currently 9:00AM to Dusk 5 days per week (closed Monday and Thursday). Specific hours vary by season daylight hours and school schedules. The hours do not exceed 9:00AM to 8:00PM. The club is currently operated by the owners; however, two (2) employees and volunteers are anticipated in the future. Average attendance is 5-10 riders at any given time and no more than 20 in a full day. Access to the subject property is directly from Citrus Way.

SITE CHARACTERISTICS:

Site Size: 20.0 acres

Surrounding Zoning & Land Uses: North: AG; Single-Family
South: AG; Undeveloped

East: AG; Undeveloped
West: AG; Rural Residential, stables, acreage

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Rural

Flood Zone: X

UTILITIES REVIEW:

The Hernando County Utility Department has indicated they currently do not provide sewer or water services to the subject site. Water and sewer are not available at this time.

ENGINEERING REVIEW:

The subject site is located on the west side of Citrus Way, approximately 1,500' north of Ponce De Leon Boulevard. The petitioner has indicated that there is an existing driveway with electric gate to Citrus Way. No other access points are proposed at this time.

The County Engineer has reviewed the petitioners requested and indicated the following

- The existing driveway will need to be improved to a "Commercial Driveway" standard from Citrus Way to 100-feet west.
- The existing gate must allow for stacking of the largest vehicle to regularly use property, on the property, no stacking, standing of vehicles are permitted in right-of-way or upon roadway.
- The site plan did not show or provide the number of vehicles entering or exiting the site, or number this project can accommodate.
- A sidewalk is required along Citrus Way for the entire frontage along Citrus Way, as Citrus Way is a Collector Roadway.
- A handicap parking area will be required.
- This site contains a number of areas of 1% annual chance floodplain.
- Best management practices should be used to avoid pollution of runoff.
- This project must also meet the storm drainage design requirements of Southwest Florida Water Management District and Hernando County Facility Design Guidelines.

LAND USE REVIEW:

Building Setbacks

Minimum Building Setbacks:

Front: 75'
Side: 20'
Rear: 35'

Comments: The petitioner has indicated no new structures are proposed at this time. Any future development will require an amendment to the Special Exception and must meet the minimum setbacks as required by the County LDRs.

Buffer

The petitioner has not indicated any specific buffers for the proposed use; however, the property is heavily wooded. If approved, a 25' vegetated buffer must be provided along the perimeter of the subject site. Native shrubs or trees should be used to supplement existing vegetation where feasible.

Parking

The petitioner has indicated that all parking is maintained on site and 30 parking spaces are available for patrons. Number of available spaces is dependent on the time of year. During the wet season some areas are too muddy for parking vehicles. If approved, the petitioner must maintain all parking on site and provide the necessary handicap parking as required by ADA parking standards.

COMPREHENSIVE PLAN REVIEW:

The subject site is located within the Rural Future Land Use Categories on the County's adopted Comprehensive Plan. The area is characterized by large agricultural lots, rural residential, and acreage.

Rural Category

Strategy 1.04A(4): The Rural Category retains and promotes agricultural activities, retains the rural nature and countryside character of a significant portion of the County including rural residential uses with limited agricultural activities, limits residential density and infrastructure outside of recognized urbanizing areas as shown on the Adjusted Urbanized Area Map, and, may be used to recognize properties with natural physical development limitations such as floodplains.

Comments: The proposed use is a Special Exception Permit. These types of permits and uses are generally allowed in any land use category based upon the particular circumstances, area characteristics, review criteria, and land use compatibility. In this instance the primary issue is land use compatibility and measures that can be taken to ensure the neighborhood is not disrupted by the activity. Therefore, appropriate mitigation measures and performance conditions should be considered.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for an Off-road Vehicle Track Constructed for Recreational Use is consistent with the County's adopted Comprehensive Plan, is compatible

with the surrounding land uses, and is not adverse to the public interest subject to compliance with all recommended 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. 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 an Off-road Vehicle Track for Recreational Use, 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 off-road vehicle track hours and days of operation shall be limited to Tuesday through Friday from 9:00 AM to dusk.
3. A 25' vegetated buffer must be provided along the perimeter of the subject site. Native shrubs or trees should be used to supplement existing vegetation where feasible.
4. The existing driveway shall be improved to a "Commercial Driveway" standard from Citrus Way to 100-feet West.
5. The existing gate shall allow for stacking of the largest vehicle to regularly use property, on the property, no stacking, standing of vehicles are permitted in right-of-way or upon roadway.
6. A sidewalk shall be required along Citrus Way for the entire frontage along Citrus Way unless a waiver is granted by the County Engineer in accordance with Article III, Section 3.P of Appendix A.

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7. Minimum Building Setbacks:
 - Front: 75'
 - Side: 20'
 - Rear: 35'

8. The petitioner shall designate on-site areas for parking. Parking areas may include alternative paving techniques as approved by the Zoning Administrator.

9. Any future development shall require an amendment to the Special Exception.

P&Z ACTION:

On May 9, 2022, the Planning and Zoning Commission voted 5-0 to postpone the request for a Special Exception Use Permit for an Off-road Vehicle Track for Recreational Use, until their June 13, 2022, hearing. This will provide the petitioner time to review site improvements required by the proposed performance conditions.

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for an Off-road Vehicle Track for Recreational Use, with the following modified 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 off-road vehicle track hours and days of operation shall be limited to Tuesday through Friday from 9:00 AM to dusk. Saturday's 11:00AM to 5:00PM and Sunday 11:00AM to dusk but for electric bikes only.
3. A 25' vegetated buffer must be provided along the perimeter of the subject site. Native shrubs or trees should be used to supplement existing vegetation where feasible.
4. The existing driveway shall be improved to a "Commercial Driveway" standard from Citrus Way to 100-feet West.
5. The existing gate shall allow for stacking of the largest vehicle to regularly use property, on the property, no stacking, standing of vehicles are permitted in right-of-way or upon roadway.
6. A sidewalk shall be required along Citrus Way for the entire frontage along Citrus Way unless a waiver is granted by the County Engineer in accordance with Article III, Section 3.P of Appendix A.
7. Minimum Building Setbacks:
 Front: 75'
 Side: 20'
 Rear: 35'
8. The petitioner shall designate on-site areas for parking. Parking areas may include alternative paving techniques as approved by the Zoning Administrator.
9. Any future development shall require an amendment to the Special Exception.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022

APPLICANT: Roman Rodriguez

FILE NUMBER: SE-22-06

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

GENERAL LOCATION: Northeast corner of Weeping Willow Street and Crowell Road

PARCEL KEY NUMBER: 00104461

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 venue will be available for weddings, anniversaries, birthdays, family reunions, graduations, and other life events. The petitioner has proposed to use a 40' x 40' tent for all events and their existing home will be open for restrooms. Vendors will be utilized for all other functions (food, music, etc). Events will be limited to 60 people per event. The petitioner is requesting 24 events per year, Friday through Sunday between 6:00PM and midnight. The petitioner is proposing no overnight stays.

SITE CHARACTERISTICS:

Site Size: 10.0 acres

Surrounding Zoning & Land Uses:
North: AR; Mobile Homes
South: AG; Single Family, Mobile Homes
East: AG; Undeveloped
West: CPDP; Undeveloped (Lake Hideaway)

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 objection to the request subject to Health Department approval of any Onsite Sewage Treatment and Disposal System upgrades that might be required due to the increased use.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located at the northeast corner of Weeping Willow and Crowell Road, a paved road. The petitioner has proposed to obtain access to the site from Crowell Road via a new driveway which would lead patrons to the grassed parking area. The County Engineer has reviewed the request and indicated the following:

- Driveways and parking areas will be required to meet County Standards.
- Handicap parking spaces will be required.

LAND USE REVIEW:

Setbacks

Existing Building Setbacks:

Front: 75'

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, which equates to 18 spaces given the indication by the petitioner that guests will be limited to 60 people. 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 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.

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. Uses allowed in this category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses. The subject site is in a rural area characterized by agricultural lots. The petitioner lives on the property.

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 5-to-10-acre agricultural tracts. The proposed number of events (24) 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 subject to compliance with all performance conditions.
2. The proposed use is compatible with the area and 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. 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.

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2. Minimum Building Setbacks:
 - Front: 75'
 - 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. Full 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 twenty-four (24) per calendar year.
6. Hours of operation for events shall be limited to Friday through Sundays from 6:00PM to 10:00PM. No overnight stays shall be permitted.
7. Any future expansions or changes related to the special events shall require an amendment to the Special Exception Use Permit.
8. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.
9. The Driveways shall be required to meet County Standards.

P&Z ACTION:

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to 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 modified 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'
3. The petitioner shall designate on-site areas for parking. Parking areas may include alternative paving techniques as approved by the Zoning Administrator.
4. Full 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 twenty-four (24) per calendar year.
6. Hours of operation for events shall be limited to Friday through Sundays from ~~6:00PM~~ 2:00PM to 10:00PM. No overnight stays shall be permitted.
7. Any future expansions or changes related to the special events shall require an amendment to the Special Exception Use Permit.
8. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided for all events.
9. The Driveways shall be required to meet County Standards.
10. The construction of any future new buildings shall require an amendment to the special exception use permit.