

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2022

APPLICANT: 3 Horse Distillery, LLC

FILE NUMBER: SE-22-12

PURPOSE: Special Exception Use Permit for a Distillery

GENERAL LOCATION: East side of Gobbler Run, approximately 3,000' south of Oakfork Trail

PARCEL KEY NUMBER: 1377030

APPLICANT'S REQUEST:

The petitioner is requesting a special use permit for a micro-distillery on the subject property to have a ten (10) gallon still, producing 100 gallons or less of "high-quality single malt bourbons". The petitioner is planning on selling the product through local vendors, markets, and community events. There will be no on-site vending of the product and no customer traffic. The building in which the petitioner wishes to operate has its own well and septic connections and would not be connected to central well or sewer.

SITE CHARACTERISTICS:

Site Size: 11.9 Acres

Surrounding Zoning & Land Uses:

North:	AG; Single Family House
South:	AG; Single Family House
East:	AG; Single Family House
West:	AG; Single Family House

Current Zoning: AG (Agricultural)

Future Land Use Map Designation: Rural

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has reviewed the application and indicates they do not currently supply water or sewer service to this parcel and

water and sewer service are not available to this parcel. HCUD has no objection to the requested special exception use permit.

ENGINEERINGREVIEW:

The site is in the Hidden Oaks Subdivision, between Powell Road and Ayers Road. The County Engineer has reviewed the application and indicates this site contains a large area 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 (SWFWMD) Environmental Resource Permit process.
- Any public access to the subject property in relation to the distillery use requires a commercial driveway connection and paved handicap parking.

LAND USE REVIEW:

The petitioner has not proposed any new structures at this time.

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, Appendix A, Article V, Section 8(B) of the Hernando County Code.

A special exception applies to the property for which it is granted and not to the individual who applies for it. A special exception which has not been discontinued as provided for herein, voluntarily relinquished by the property owner or has become void by operation of law is transferable to any future owner of the land, but it cannot:

- (i.) be transferred by the applicant/property owner to a different site.
- (ii.) be expanded as to size, density, intensity, number of units or other measurement or limiting factor(s) imposed in connection with its original approval.

- (iii.) be changed as to approved use, or
- (iv.) have new uses added.

Further, the special exception shall become null and void if:

- (i) the parcel of land granted the special exception is reduced in size from the original approval size (11.9 acres),
- (ii) the use for which the special exception is granted is discontinued for a period of two (2) consecutive years or
- (iii) the property owner voluntarily relinquishes the special exception use by notifying the county in writing.

Nothing herein shall prevent a property owner that has lost, discontinued, or relinquished any special exception use from reapplying by filing a new application and paying all required fees.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for a Micro-Distillery is consistent with the County's adopted Comprehensive Plan. The appearance and feel of the neighborhood will not be altered by the petitioner's proposed micro-distillery. Traffic to the neighborhood will not be increased since no on-site sales are permitted. This special exception use is compatible with the surrounding land uses and is not averse 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 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's 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 Micro-Distillery 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 special exception applies to the use of a still in the barn structure only and shall not extend to other buildings that may be on the property.
3. Any expansion of a special exception use as to size, density, intensity, number of units or other measurement or limiting factors imposed in connection with its original approval or any change of approved use or any addition of a new use will be treated as a new application, with the property owner filing a new application and paying all required fees in accordance with this article, and subject to public hearing and approval.