

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 14, 2023

APPLICANT: Great Life Church, Inc.

FILE NUMBER: SE-22-16

REQUEST: Revision to a Special Exception Use Permit to expand the existing Special Exception Use Permit to include a second parcel and to allow Educational Facilities, specifically portable classrooms

GENERAL LOCATION: South side of Cortez Boulevard, approximately 550' west of Grove Road

PARCEL KEY NUMBERS: 346897, 346904

APPLICANT'S REQUEST

The petitioner is requesting the expansion of an existing Special Exception Use Permit to include a second parcel (parcel key 646904) and to add Educational Facility to allow for the construction of portable classrooms. The current Special Exception Use Permit applies to Parcel Key 346897 and is for a Place of Public Assembly, specifically a church. As their Private Christian Day School grows and the need arises, the petitioner would like the opportunity to move the school to the subject parcels.

In a companion request, the petitioner applied to rezone parcel key 346897 from a split zoning of R-1A (Residential) and C-1 (General Commercial) to C-1 (General Commercial) for the entire property. If the rezoning request is approved, both parcels listed in this application would be C-1 (General Commercial).

SITE CHARACTERISTICS

Site Size: 9.7 acres

Surrounding Zoning & Land Uses:

North:	PDP(GHC)/ Planned Development Project (General Highway Commercial); Partially developed
South:	AR-2 (Agricultural/Residential-2), Special Exception Use overlay for Medical/Hospital
East:	C-2 (Commercial-2); Pinebrook Medical Facility
West:	C-1 (Commercial), Outdoor Commercial Activity, and undeveloped. PDP(SF)/ Planned Development Project (Single Family); Undeveloped

Current Zoning:	R-1A (Residential) and C-1 (General Commercial)
Future Land Use Map Designation:	Commercial
Flood Zone:	X with small portions of parcel key 346904, along the northwest parking area within the AZ flood zone.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and has indicated that central water and sewer is currently provided to the subject site. HCUD has no objection to the requested Special Exception Use Permit for education to allow construction of portable classrooms on both parcels based on growth/demand for the private day school.

The expansion/development of parcel key 346904 requires a utility capacity analysis and connection to the existing central water and sewer systems (12-inch water main and 6-inch sewer force main that run along Cortez Boulevard in front of parcel) at time of vertical construction.

ENGINEERING & TRANSPORTATION REVIEW

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

- The easterly of the two sites (parcel key 346904) contains an area of floodplain and a stormwater mitigation area. These do not impact the proposed portable classroom location.
- Development must comply with the Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit design requirements.
- A Traffic Access Analysis may be required for this project. Refer to Hernando County Facility Design Guidelines IV-18.
- A Frontage Road is required across the entire frontage of Cortez Boulevard. Refer to Hernando County Facility Design Guideline IV-04.
- Parking area and driveway will need to meet County standards. This includes improving the existing rock drive as shown on the submitted site plan/survey. Refer to Hernando County Facility Design Guideline IV-28.

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 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. Both requested Special Exception Uses are 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 revision to a Special Exception Use Permit to include a second parcel and add Educational Facilities, specifically portable classroom buildings, 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 (North): 125'
 - Side (East and West): 20'
 - Rear (South): 35'
3. Access to the site is limited to the existing driveway.
4. Any future development of the site with additional structures shall require an amendment to the special exception use permit.
5. A utility capacity analysis shall be performed at the time of vertical construction/development of parcel key 346904.
6. A connection to the existing central water and sewer systems (12-inch water main and 6-inch sewer force main that run along Cortez Boulevard in front of parcel) is required at the time of vertical construction. The petitioner shall coordinate with the Hernando County Utilities Department and provide all required utility easement(s) for the site at this time.
6. The petitioner shall construct a frontage road, upon demonstration of need and demand, at no cost to the County.