



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: November 18, 2021 – Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: S-22-021

SUBJECT: A special exception for a rural event center on Prime Agriculture (A-1) zoned property

LOCATION: 1325 Pell Road, Osteen

APPLICANT(S): Mark A. Watts, Esquire, Cobb Cole Attorneys at Law

OWNER(S): Terry Knight, Junior

I. SUMMARY OF REQUEST

The applicant requests a special exception for a proposed rural event center on an 11.21-acre parcel that is zoned Prime Agriculture (A-1). The property is currently developed with an unpermitted wedding venue and several unpermitted accessory structures. If this special exception is approved, the property owner will be required to apply for building permits for the unpermitted structures and a change of use from a pole barn to a commercial assembly structure. The facility will be used to host weddings and other special events.

Staff Recommendation:

Forward the special exception, case number S-22-021, to County Council for final action with a recommendation of denial.

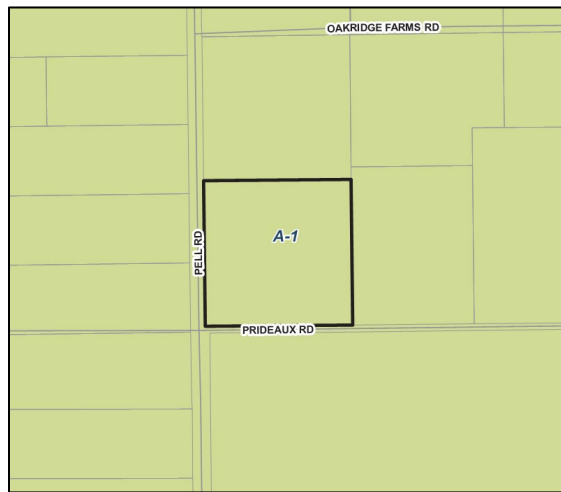
II. SITE INFORMATION

- 1. Location: Pell Road at the intersection of Prideaux Road
- 2. Parcel Number(s): 8330-00-00-0160
- 3. Property Size: +/- 11.21 acres
- 4. Council District: 3
- 5. Zoning: Prime Agriculture (A-1)
- 6. Future Land Use: Agricultural Resource
- 7. Overlays: Natural Resource Management Area
- 8. Local Plan Area: Not Applicable
- 9. Adjacent Zoning and Land Use:

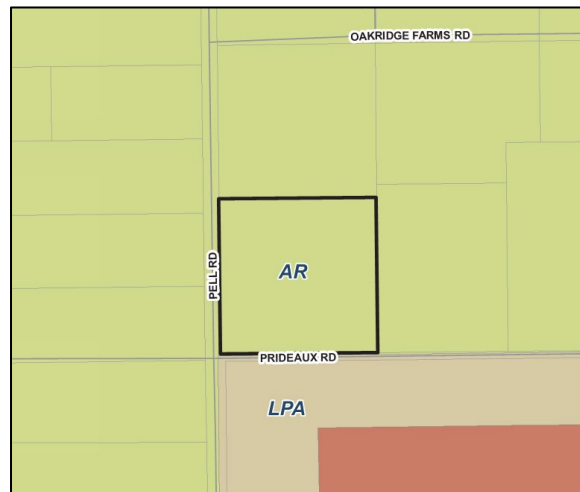
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	A-1	Agricultural Resource	Mobile Home
East:	A-1	Agricultural Resource	Agriculture
South:	A-1	Local Planning Area (Farnton Local Plan)	Timberland
West:	A-1	Agricultural Resource	Mobile Home; Agriculture

10. Location Maps:

ZONING MAP



FUTURE LAND USE MAP



III. BACKGROUND AND OVERVIEW

The applicant requests approval of a special exception for a rural event center on an 11.21 acre parcel in the Osteen area. The property is situated at the intersection of Pell and Prideaux Roads. The parcel is zoned A-1, which requires a minimum lot size of 10 acres and a minimum lot width of 150 feet. The parcel meets these requirements. The majority of the site is pasture, with a man-made pond located centrally on the property. According to the Property Appraiser's website, the parcel is developed with a 3,000-square-foot pole barn, a 192-square-foot porch, a 168-square-foot porch, a 900-square-foot porch, and a 264-square-foot storage building. These structures are clustered near the southwest corner of the property. The current owner purchased the property in 2006 and subsequently made unpermitted building improvements to begin operation of a wedding barn venue named the Enchanting Barn (<https://www.theenchantingbarn.com/>).

There are currently three code violations on the property including, 1) unpermitted accessory structures in the setback, 2) events held without a special exception, and 3) conversion of a pole barn and accessory buildings to create a rural event center. There are two pending building permit applications for plumbing and electrical and one expired mechanical permit that have been filed with the county's permitting center. However, a hold has been placed on the permits by the zoning official because a special exception is required to operate a rural event center. The county's Code Enforcement Board issued a final order imposing fines/liens on September 15, 2021.

When the violations were issued, there was no approved agricultural classification issued by the Property Appraiser's office. After the applicant met with county staff to discuss resolving the violations, the owner applied for an agricultural classification, and it was issued for a portion of the property to allow for cattle grazing leases. The agricultural classification does not cover the southwest portion of the property where the wedding venue has been operating. Florida's agritourism statute does not apply in this case because the barn is not being used for a bona fide agricultural use. The original farm building was converted for full-time use as a wedding venue (see attached photographs). The county's zoning ordinance has a provision for rural event centers that could remedy one of the code violations. Special exception approval for a rural event center is needed in order to get building permits and continue operations. If the special exception is approved, the applicant will need to obtain a change of use to a commercial assembly structure for the existing building and must meet current commercial fire and building code requirements prior to reinstating the business use. If the special exception use is approved by the County Council, the item will be required to go through the site plan review process prior to the applicant being allowed to resume operations.

As part of the special exception process, the applicant was asked to attend a staff review meeting to help them understand what additional environmental and engineering information would be required to comply with county regulations. The meeting was held on October 14, 2021. Comments addressed fire safety, building code, site improvements, landscaping, storm water, off-street parking, and environmental regulations. A copy of the comments is attached to this report.

IV. REVIEW CRITERIA AND ANALYSIS

Rural Event Center Criteria – Rural event centers are subject to specific criteria pursuant to Section 72-293(26) of the zoning ordinance. Criteria include minimum acreage, off-street parking and loading requirements, lighting controls, access, landscape buffers, minimum yard requirements, hours of operation, loudspeaker controls, overnight stays, and site plan requirements:

(a) *The minimum lot area shall be ten (10) acres.*

A special exception for a rural event center requires 10 acres and is limited to the A-1, A-2 and FR zoning classifications. This A-1 parcel meets the required size requirement.

(b) *The site must be served by a public road. If located on an unpaved road, a maintenance agreement shall be required.*

The parcel is served by Pell Road, a county maintained, paved road. The parcel meets this requirement.

(c) *A 20-foot wide landscaped buffer shall be provided between the facility, or any area used for an event, including but not limited to parking areas, and adjacent properties. Landscaping shall be in accordance with Section 72-284(2), Table 1 Landscape Buffer Requirements, item 31d.*

The applicant is proposing to designate a 20-foot-wide landscape buffer along Pell Road and along Prideaux Road. There is currently an existing wooden gazebo located within the proposed Pell Road landscape buffer. The county's zoning ordinance does not allow permanent structures in the landscape buffer area. The applicant is requesting a variance to allow this structure to remain in its current location. Additionally, there is a recorded county roadway easement along Prideaux Road. The landscape buffer in this area will need to be measured from the edge of the easement instead of from the property line. A 185-square-foot pole barn and a 277-square-foot restroom are situated within the proposed Prideaux Road landscape buffer. The applicant is requesting variances to allow the buildings to remain in this location. Variance V-22-020 will be heard concurrently with the special exception application. Without approval of the variances, the applicant cannot meet this criterion.

(d) *All permanent and temporary structures such as tents, stages, and dance floors shall be located a minimum of 50 feet from the property line.*

The parcel is located on two rights-of-way, which require a 100-foot setback in the A-1 zoning classification. Additionally, the rural event center ordinance requires that all permanent and temporary structures be located at least 50 feet from the property line. The gazebo, the restrooms, and the small pole barn being utilized for the rural event center do not meet the 50-foot setback requirement. The wedding barn itself and the outdoor dance floor can meet the 50-foot setback requirement; however, they do not meet the 100-foot setback requirement of the A-1 zoning classification. The applicant is requesting a total of 12 variances to meet the zoning requirements. Without the approval of variances, the applicant cannot meet this criterion.

(e) All permanent structures that will be used by the public for events shall be constructed and maintained in accordance with the Florida Building Code and Florida Fire Prevention Code.

The Fire Marshall and the County Building Official visited this site to determine how to bring the building into compliance with the current building and fire code for commercial uses. Permits will need to be obtained for the unpermitted structures. A change of use must be processed to allow the conversion of the pole barn to its intended use as a rural event center. This cannot be done unless the special exception use and the variances are approved. The entrance and the driveway on Pell Road will need to be improved and widened to accommodate emergency vehicles. A dry hydrant will need to be installed to draw water from the existing pond for fire suppression. The applicant will be required to go through the final site plan process, and the facility will not be allowed to resume operations until the officials have signed off on the required improvements. The applicant has indicated that he plans to cap attendance at 99 guests. However, a review of the active website for the Enchanting Barn advertises a capacity of 180-200 guests. TRS comments were based on the applicant's written request for limiting the operation to 99 guests. A copy of the TRS comments is attached. In their current, unpermitted state, the buildings may not be constructed and maintained in accordance with the Florida Building Code and the Florida Fire Prevention Code for public assembly buildings.

(f) No events shall be held between the hours of 11:00 p.m. and 8:00 a.m.

The applicant is planning to hold events on Fridays and Saturdays between the hours of 11:00am and 10:00pm. Sunday hours will be from 10:00am to 9:00pm. There will be a maximum of 12 events per month. If the special exception is approved, no events are allowed to be held between the hours of 11:00pm and 8:00am. The applicant has committed to operate within the allowable hours of operation.

(g) No outdoor loudspeaker or call system shall be audible on adjoining property.

The applicant has not included a proposal for the use of outdoor speakers or a call system as part of the special exception operation. If these items are used, they shall not be audible on adjoining properties. Violation of this requirement may result in the revocation of the special exception approval.

(h) All artificial lights shall be directed away from adjoining properties.

All artificial lights are required to be directed away from adjoining properties. The applicant will be required during the final site plan process to submit an illumination plan for review and approval.

(i) The property must have adequate space available for on-site parking. Parking off-site is prohibited. Parking shall be prohibited within the twenty (20') foot wide buffer between the facility and adjacent properties. The number of parking spaces provided shall be in accordance with section 72-286 of the zoning code, including accessible parking spaces.

The zoning ordinance requires rural event centers to provide one parking space per three seats. The applicant has requested to cap attendance at 99 guests for each event and has provided a site plan with 41 parking spaces. Two of the spaces are proposed to be ADA compliant. None of the spaces are located within the 20-foot wide landscape buffer. No off-site parking is proposed. The applicant's website advertises a capacity of between 180-200 guests. The proposed concept plan will not meet the zoning requirements for parking if the capacity exceeds 99 guests. It is unclear whether the applicant meets the required off-site parking requirement.

(j) Overnight stay is prohibited unless approved as a special exception under the requirements for a bed and breakfast per section 72-293(19) of the zoning code.

No overnight stays are proposed as part of this special exception application.

(k) As part of the application for a rural event center, the owner/operator shall submit a Site Plan in accordance with section 72-415(1)d, and include the following information:

1) A copy of the site plan, indicating the location, size, and maximum capacity of all existing or proposed permanent and temporary structures, parking areas, and ingress/egress points.

Ingress and egress to the property will be from Pell Road. The site plan shows the location, size, and capacity of proposed and existing structures, parking areas, driveways for fire trucks and other large vehicles, and stormwater retention. The conceptual site plan meets the special exception requirement.

2) A traffic control plan that identifies sufficient ingress/egress for emergency vehicles and provides for the orderly and safe arrival, parking, and departure of vehicles using means such as parking attendants, shuttle service, law enforcement service, directional signage, etc. Additional traffic control measures may be required.

A traffic control plan identifying ingress/egress for emergency vehicles, arrival, parking, and departure of vehicles was provided. The County's technical review team provided written comments to the applicant regarding additional engineering data that will need to be provided during the final site plan process.

3) Plans for sanitation and public health protection including bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling as required by the Florida Department of Health.

According to the applicant, sanitary measures will include bleach cleaning between events, as well as Lysol disinfecting. Hand sanitizer stations will be placed throughout the property. Food will be provided by licensed caterers, prepared off site, and delivered at serving time. Food temperatures will be maintained with chaffing dishes. Trash cans will be placed throughout the site and removed nightly by the catering service. No food or litter will be left on site after an event. There is a restroom facility on site that is served

by an on-site septic system. The Florida Department of Health will require a construction permit for on-site sewage treatment and a well drilled to public use standards.

Special Exception Criteria - Under Section 72-415(8), Code of Ordinances, the commission may recommend denial of any application for a special exception, and the County Council may deny the application for one or more of the following reasons:

(a) It is inconsistent with the purpose or intent of this article.

Rural event centers are allowed by special exception on properties of 10 acres or more in the A-1 zoning classification. However, without the approval of 12 variances, this application is inconsistent with the intent of this article.

(b) It is inconsistent with any element of the comprehensive plan.

The Agricultural Resource (AR) future land use designation consists of lands suited for intensive cultivation, ranching, aquaculture, and timber farming. This parcel currently has an agricultural classification and has active cattle grazing leases. To facilitate a diversification of land uses within AR areas, non-agricultural uses, such as agritourism, recreation, disposal, and extractive uses may be allowed.

(c) It will adversely affect the public interest.

The facility will be operating in an agricultural setting. It will provide a venue for weddings and other celebrations that will be limited to a maximum of 99 seats. As long as the applicant meets the conditions of the special exception, the requirements of the final development order, and completes the change of use with the building department, the facility is not anticipated to affect the public interest. This special exception approval is in the public interest because it will allow the applicant to make life/safety improvements to a publicly-accessible building. Any violations of the special exception requirements or the final development approval may result in revocation of the special exception.

(d) It does not meet the expressed requirements of the applicable special exception.

The applicant has submitted all of the documents required to meet the expressed requirements of the special exception for a rural event center. Without the approval of 12 variances, the application does not meet the expressed requirements of the applicable special exception.

(e) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the County Council.

The applicant must meet all the requirements imposed by federal and state governments and the County Council. Refusal to meet the requirements could result a revocation of the special exception approval.

(f) Notwithstanding the provisions of division 14 of the land development code [article III], it will generate undue traffic congestion.

The traffic memorandum submitted by the applicant indicates that between 50 and 90 new trips will be generated by the new use. This number of trips will not generate undue traffic congestion. The county's traffic engineering staff concurs with this analysis.

(g) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.

This facility will provide a rural venue for weddings and other events. The impacts of the rural event center will be mitigated through the use of landscape buffers, sound and lighting restrictions, and limited hours of operation. However, a change of use to a commercial assembly building that meets the current building and fire codes will also be required. If the requirements of the special exception and the requirements of the final development approval are not met, this facility may create a hazard or public nuisance or be dangerous to individuals or the public due to the fire safety and building code violations.

(h) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.

The surrounding area will retain its agricultural and rural nature. The rural event center will not materially affect the character or value of the surrounding properties as long as the applicant follows the requirements imposed by the county for such a venue.

(i) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

The environmental permitting staff reviewed the special exception application and participated in the technical review process. Staff determined that the facility will not adversely affect the natural environment or cause excessive pollution. The applicant will need to work with the Florida Department of Health to bring the potable water and sewage treatment systems into compliance with state statutes.

V. STAFF RECOMMENDATION

Forward the special exception, case number S-22-021, to County Council for final action with a recommendation of denial.

Should the PLDRC recommend approval, the following staff conditions are provided for consideration:

1. The rural event center shall be constructed and maintained in accordance with the Florida Building Code and the Florida Fire Prevention Code.
2. The applicant must apply for a change of use to a commercial assembly structure within 30 days of approval of any required variances.

3. Building permits must be obtained for all unpermitted structures.
4. All code violations must be remedied within 30 days of approval of any required variances.
5. The rural event center will not be allowed to operate until the applicant obtains final site plan approval, pursuant to Section 72-291, Zoning Ordinance. Violation of this requirement may result in revocation of the special exception and additional code violations.
6. Special exception approval is based on the conceptual site plan prepared by EPI, dated 10/18/21.
7. The seating capacity of the proposed rural event center building shall not exceed 99 seats. Occupancy of greater than 100 seats may require additional life/safety improvements to meet the Florida Fire Prevention Code and the Florida Building Code.
8. Any proposed expansion of the proposed use or increase in seating will require approval of a new special exception.
9. No loudspeaker or call system shall be audible on adjoining properties.
10. Hours of operation shall be between the hours of 8:00am and 11:00pm.
11. All exterior lighting shall be directed away from adjoining properties.
12. The applicant shall be required to provide and maintain a 20-foot wide landscape buffer around the perimeter of the rural event center area. No additional structures beyond those identified in Variance V- 22-020 are allowed in the landscape buffer area.
13. All permanent structures and temporary structures such as tents, stages and dance floors, with the exception of those approved through Variance V-22-020 shall be located a minimum of 50 feet from the side and rear property lines and shall not be located in the front yard. All future structures will need to meet the 100-foot front yard setback required by the A-1 zoning classification.
14. Failure to obtain the required permits and approvals will result in a revocation of the special exception use.

VI. ATTACHMENTS

- Survey/Site Plan
- Staff Comments
- Traffic Letter
- Environmental Permitting Memo
- Photographs
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

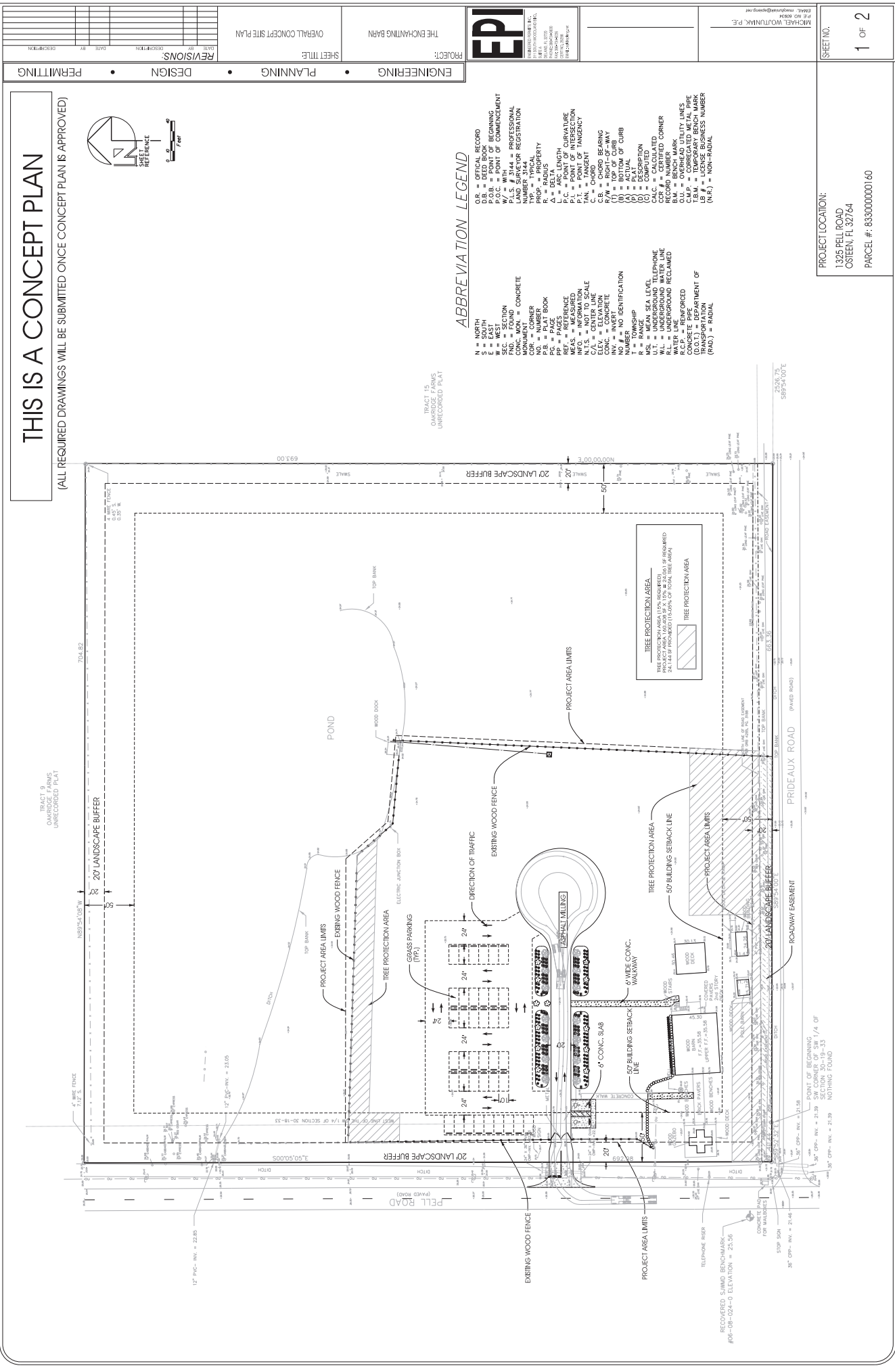
The Commission shall hold a public hearing on each application after due public notice. The Commission may accept, reject, modify, retain or seek additional information from the department. No recommendations for approval of any amendment to this section, amendment to the official zoning map, or special exception application may be made unless a majority of members present concur.

Pursuant to Section 72-415, the County Council shall hold a public hearing after due public notice on all recommendations from the Commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the County Council concur. The County Council will thereafter forward its decision to the applicant.

Any new information to be presented at the Planning and Land Development Regulation Commission meeting for any application will be grounds to continue an application to the next Planning and Land Development Regulation Commission meeting. Applicants shall inform and provide staff with the new information prior to the Planning and Land Development Regulation Commission meeting.

THIS IS A CONCEPT PLAN

(ALL REQUIRED DRAWINGS WILL BE SUBMITTED ONCE CONCEPT PLAN IS APPROVED)



ABBREVIATION LEGEND

- S = SOUTH
- E = EAST
- W = WEST
- SEC. = SECTION
- FND. = FOUND
- MON. = MONUMENT
- MOR. = NUMBER
- P.B. = PLAT BOOK
- P.C. = POINT OF BEGINNING
- P.O.B. = POINT OF BEGINNING
- W/2 = WITH
- P.A.S. # 3144 = PROFESSIONAL NUMBER 3144
- PROG. = PROGRAM
- R. = RADIUS
- Δ = ARC LENGTH
- P.C. = POINT OF CURVATURE
- INT. = INTERSECTION
- P.T. = POINT OF TANGENCY
- CH. = CHORD BEARING
- 7/4 = 7/4 OF CURVE
- NO. = NO IDENTIFICATION
- R. = RANGE
- U.T. = UNDERGROUND TELEPHONE
- W.L. = UNDERGROUND WATER LINE
- WATER LINE
- CONC. = CONCRETE
- C.M.P. = CORRUGATED METAL PIPE
- T.B.M. = TEMPORARY BENCH MARK
- (M.R.) = NON-RADIAL
- NO. = NO IDENTIFICATION
- T. = TOWNSHIP
- R. = RANGE
- U.T. = UNDERGROUND TELEPHONE
- W.L. = UNDERGROUND WATER LINE
- WATER LINE
- CONC. = CONCRETE
- C.M.P. = CORRUGATED METAL PIPE
- T.B.M. = TEMPORARY BENCH MARK
- (M.R.) = NON-RADIAL

PROJECT LOCATION:
1325 PELL ROAD
OSTEEN, FL 32764
PARCEL #: 83300000160

SHEET NO.
1 OF 2

01/08/2020 9:23:01 AM

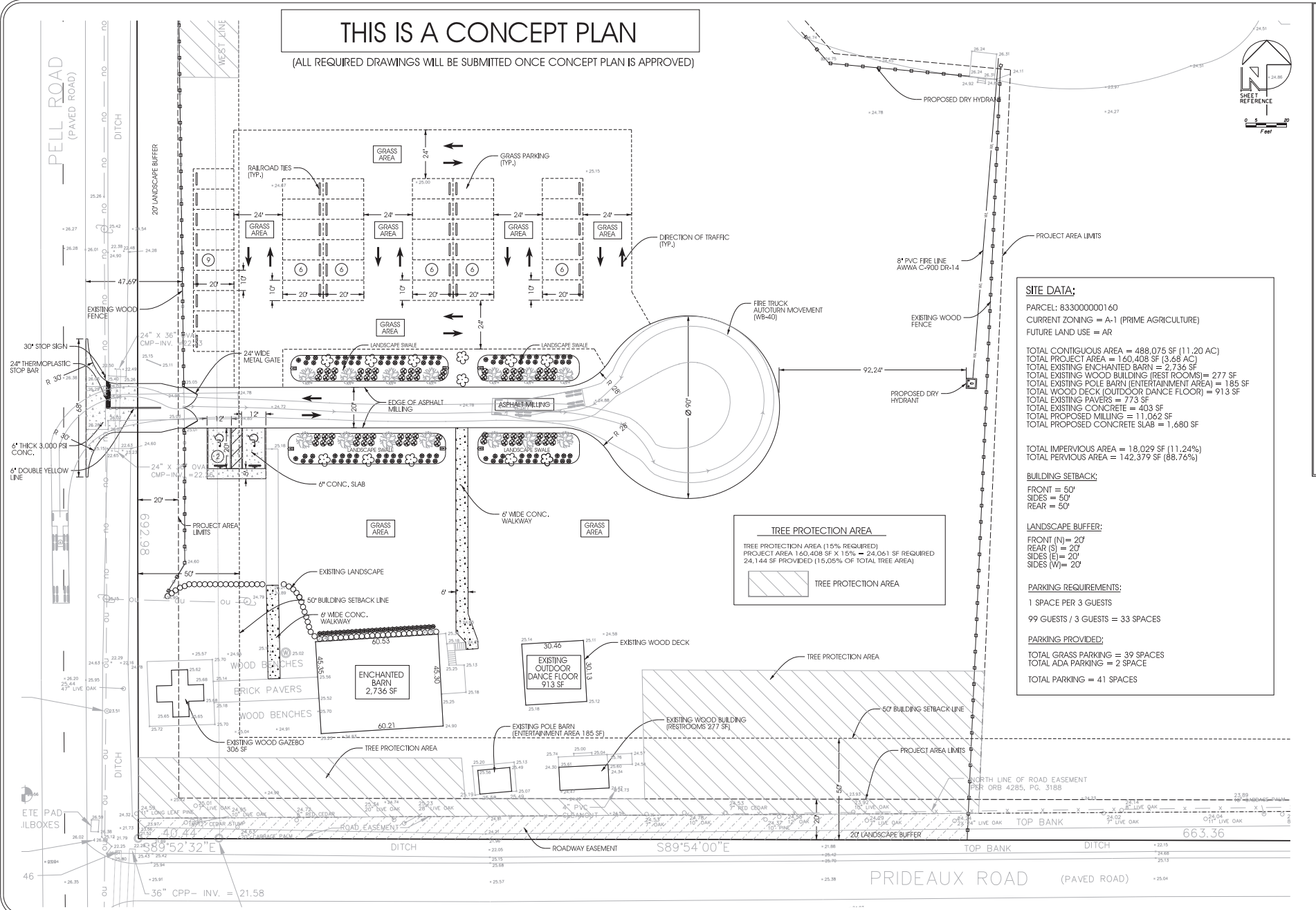
Project: THE EXCAVATING BARN
SHEET TITLE: OVERALL CONCEPT SITE PLAN
REVISIONS: [Table with columns for DATE, REVISION, and DESCRIPTION]

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MICHAEL J. WOLFF, P.E., ON 10/18/2021. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED UNLESS THE SIGNATURE AND SEAL HAS BEEN UTILIZED. ...

Michael Wolff, P.E.
1325 Pell Road
Osteen, FL 32764
813-226-8454
michael@wolffpe.com

THIS IS A CONCEPT PLAN

(ALL REQUIRED DRAWINGS WILL BE SUBMITTED ONCE CONCEPT PLAN IS APPROVED)



SITE DATA:
 PARCEL: 83300000160
 CURRENT ZONING = A-1 (PRIME AGRICULTURE)
 FUTURE LAND USE = AR

TOTAL CONTIGUOUS AREA = 488,075 SF (11.20 AC)
 TOTAL PROJECT AREA = 1,60,408 SF (3.68 AC)
 TOTAL EXISTING ENCHANTED BARN = 2,736 SF
 TOTAL EXISTING WOOD BUILDING (REST ROOMS) = 277 SF
 TOTAL EXISTING POLE BARN (ENTERTAINMENT AREA) = 185 SF
 TOTAL WOOD DECK (OUTDOOR DANCE FLOOR) = 913 SF
 TOTAL EXISTING PAVERS = 773 SF
 TOTAL EXISTING CONCRETE = 403 SF
 TOTAL PROPOSED MILLING = 11,062 SF
 TOTAL PROPOSED CONCRETE SLAB = 1,680 SF

TOTAL IMPERVIOUS AREA = 18,029 SF (11.24%)
 TOTAL PERVIOUS AREA = 142,379 SF (88.76%)

BUILDING SETBACK:
 FRONT = 50'
 SIDES = 50'
 REAR = 50'

LANDSCAPE BUFFER:
 FRONT (N) = 20'
 REAR (S) = 20'
 SIDES (E) = 20'
 SIDES (W) = 20'

PARKING REQUIREMENTS:
 1 SPACE PER 3 GUESTS
 99 GUESTS / 3 GUESTS = 33 SPACES

PARKING PROVIDED:
 TOTAL GRASS PARKING = 39 SPACES
 TOTAL ADA PARKING = 2 SPACE
 TOTAL PARKING = 41 SPACES

PERMITTING	REVISIONS	DESIGN	PLANNING	ENGINEERING
DATE	BY	REVISIONS	SHEET TITLE	PROJECT
			PARTIAL CONCEPT SITE PLAN	THE ENCHANTING BARN
EPI				
MICHAEL WOUTUNIAK P.E. 1018/2021 PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES, UNLESS THE RAISED SEAL HAS BEEN UTILIZED.				
SHEET NO.	2 OF 2			

STAFF REVIEW COMMENTS

**Meeting Date: October 14, 2021
The Enchanting Barn
2021-O-TRS-0661, RSN 1052420**

BUILDING PERMITS

Eric Gebo, AIA, CFM, Chief Plans Examiner

October 5, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

A Change of Use Building Permit will be required for conversion of the existing building into an A2 Assembly.

Plans/ drawings are required for all permit applications. In general, the plans will need to be of professional grade/ quality, meet the minimum submission requirements of 107.3.5 2020 FBC (as applicable) and will need to be reviewed for code requirements, and signed / sealed by a FL registered architect or engineer.

A Life Safety Plan will be required to provide an overview of critical building components required by the building code. Items identified on a Life Safety Plan shall include:

1. Construction Type.
2. Actual and Allowable Building Area and Building Height.
3. Occupancy Classification(s), and Occupant Loads and Egress Capacities.
4. Fire Rated Walls and Hazardous Rooms.
5. Exit Stairs, Elevators, Vertical Shafts, and Atriums.
6. Travel Distances, Paths of Egress, Dead-ends, Corridors and Exits.
7. Exit Signs and Emergency Light Locations.
8. Fire Alarm or Fire Sprinkler Devices including System Criteria.

The drawings shall include a Design Statement that includes the following Design Criteria (2020 FBC, 7th Edition, 1609 / ASCE-07):

1. Ultimate wind speed for the site (minimum MPH).

- 2. Risk Category.
- 3. Project Site Exposure Category (this site is C).
- 4. Internal pressure coefficient.
- 5. Appropriate Components and Cladding design pressures (+/- PSF, Zones 1-5).

A Site Plan is required demonstrating compliance with the following:

- 1. An accessible route shall be provided with the site from accessible parking spaces to the accessible building or facility entrance they serve per FACBC 206.3.
- 2. Accessible parking spaces and access aisles serving them shall comply with the requirements of FACBC 302. Floor and ground surfaces shall be stable, firm and slip resistant and shall comply with 302.
- 3. An accessible parking space(s) complying with FACBC 502 shall be provided for the facility per FACBC 208.2.

Electrical and Plumbing Permits are currently in Zoning Review. A Mechanical Permit is currently Expired.

* * * * *

CODE COMPLIANCE

Margaret Godfrey, Code Compliance Coordinator

October 5, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comment:

- 1. There are 3 open violations on this property. One is for violation (20190923035) for unpermitted accessory structures in the setback. Another is for (202002904002) as there have been events held without a special exception. The third is for (20191003002) construction of the accessory structures and the conversion of a pole barn to a rural event center. This has been to the code enforcement board and a fine has been imposed on all 3 cases.

* * * * *

DEVELOPMENT ENGINEERING

Scott Carraro, P.E., Civil Engineer II

October 6, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

1. Per LDC Sec. 72-777(a), the proposed development shall require a stormwater management permit.
2. Per LDC Sec. 72-691, a use permit is required for any work proposed within the county right-of-way.
3. Per LDC Sec. 72-701(m)(5), driveways are required to be paved within the public right-of-way along all existing paved roadways.
4. A quit-claim deed will be required at the time of final site plan submittal acknowledging county title to the limits of the property encompassing the existing county maintained ditch located on the north side of Prideaux Road.

* * * * *

ENVIRONMENTAL PERMITTING

Keith Abrahamson, Environmental Permitting Manager, County Forester October 4, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

1. Pursuant to Land Development Code Sec. 72-837, fifteen (15) percent of the total site shall be designated for the protection of existing trees. The tree preservation areas must be clearly labeled on the plans.
2. The project must comply with County specimen tree (ST) preservation requirements per Sec. 72-843 of the Land Development Code (LDC). Please identify all STs on the entire parcel and demonstrate compliance by providing the total number of STs on site, the number of STs per acre, the number of STs required to be protected per the LDC and the number of STs that will actually be preserved within the development.
3. Please include a tree removal plan which indicates all trees planned for removal, including those with encroachment into the drip line (approximated as one foot of radius per inch of tree diameter), and label them with an X or similar notation.
4. Tree removal and replacement calculations must be submitted for all trees at least 6 inches in diameter at breast height removed on site. Existing trees between 2 inches and 6 inches may count toward replacement. Please demonstrate how replacement will be provided for the development.
5. Pursuant to Land Development Code Sec. 72-838, this site must meet the minimum tree coverage standard of one tree per 2,500 square feet of parcel area (rounded up to the nearest whole tree). Please demonstrate that there are a sufficient number of trees on site to meet this requirement.

- 6. This property has been identified as containing suitable habitat for the gopher tortoise (GT), a threatened species. Per Section 72-1140 of the Land Development Code, a 100% GT burrow survey is required to be conducted by an Authorized Agent to determine if GT burrows or their 25 foot buffers are located on the property. If any GT burrows are found on site and their 25 foot buffers cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required. Please be aware that Environmental Permitting may request the applicant redesign the project to avoid GT burrow impacts.
- 7. Pursuant to Section 72-300(b), of the Zoning Ordinance, and Section 72-505(i), of the Land Development Code, an environmental impact assessment (EIA) report is required for proposed developments within the NRMA. At minimum, the EIA shall include the information and findings resulting from the permitting requirements for the following: Wetland protection, tree protection, surface and stormwater management, land clearance, air quality, protection of environmentally sensitive land and critical habitat, and protection of endangered and threatened species.

Additional comments may be generated upon further reviews

* * * * *

FIRE SAFETY

Shane Lanoue, County Fire Marshal

October 4, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

- 1. Ch 18.1.1.1 Shall apply to public and privately owned fire apparatus roads at least 20FT wide with a turn around for a fire truck with a WB40. The entry road shows 15.5ft. This will need to be 20ft wide.
- 2. A road shall be built for fire department access to the dry hydrant at the pound. Road shall be 20ft wide.
- 3. A dry hydrant shall be provided on the property. A separate permit is required for the installation of the dry hydrant. Minimum fire flow is 1000GPM.

* * * * *

HEALTH

**Britt Williams, Environmental Specialist II
DOH/Volusia County Public Health Unit**

October 6, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

- 1. Will require construction permit for onsite sewage treatment system and well drilled to public use standards for limited use water system or safe drink water act depending on details of proposed use.

* * * * *

LAND DEVELOPMENT

Samantha West, Environmental Specialist III

October 10, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

- 1. The subject parcel was previously approved by Oak Ridge Farms Unrecorded (2004-S-EXM-0444) and complies with the exempt provisions of the county’s subdivision regulations.
- 2. The current version of this site plan will require Final Site Plan approval, under Division 3, of the LDC. The first step in the process is submission of a Conceptual Site Plan (CPN) pursuant to Section 72-577, of the LDC. The Special Exception must be approved by County Council prior to submitting the CPN application.
- 3. Pursuant to Section 72-618(a)(2)b., of the Land Development Code, required off-street parking areas shall be surfaced with brick, asphalt, bituminous concrete, packed shell, or marl material, and maintained in a smooth, well-graded condition. Stabilized grass or other alternate materials may be approved by the Land Development Manager (LDM). A written waiver request and demonstration from the project engineer that the parking area can accommodate the weight of an emergency and solid waste pick-up vehicle, must be provided for the Final Site Plan.

Informational:

- 1. The Land Development office retains and shall have the right to request additional plans and information required, pursuant to all applicable Sections of Article III – Land Development Regulations.
- 2. Land Development applications and fees are available on our website at the following link: <https://www.volusia.org/services/growth-and-resource-management/planning-and-development/applications-and-forms.stml>

* * * * *

ROAD & BRIDGE

Robert Falk, Civil Engineer II

October 13, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

1. This is a County maintained road, Road and Bridge Division requests asphalt pavement within the existing Pell Road travel right-of-way. Asphalt pavement shall be sloped to drain away from the existing Pell Road travel way.
2. Existing culvert shall be adjusted so that sufficient cover is provided over the top of the culvert.
3. Developer shall file with the County a Release Hold Harmless agreement for the driveway treatment.
4. The developer/owner shall work with Development Engineering to confirm stormwater flows are adequately conveyed through the driveway culvert at Pell Road.

* * * * *

SCHOOL BOARD

Stephanie Doster, Planning Coordinator

The Enchanting Barn

2021-O-TRS-0661

No comment provided at the time of printing (10.12.21).

* * * * *

SURVEY

Mark E. McClain, Engineering Supervisor

October 4, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and has no comments.

* * * * *

TRAFFIC

Anthony Taylor, Engineering Assistant

October 4, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

1. Pursuant to VCLDC section 72-293 (26) (K) (2), a traffic control plan that identifies sufficient ingress and egress for emergency vehicles will need to be provided
2. Section 72-619 requires the following items for a commercial driveway on a county maintained non-thoroughfare road:
 - a. 30" stop sign.
 - b. (1)24" white thermoplastic stop bar placed a minimum of 10 feet from the adjacent travel way.
 - c. A minimum of 25 feet of 6" double yellow centerline thermoplastic striping.
 - d. A minimum 30 foot radial driveway returns.
 - e. Driveway width of 24 feet.
3. The following comments are minimum requirements for off-street parking areas:
 - a. Section 72-618 (a) (3) (d) requires that single-lane driveways shall be a minimum of 14 feet wide and two-lane driveways shall be a minimum of 24 feet wide.
 - b. Per section 72-618 (a)(2)(f), all off-street parking areas shall be constructed and marked to provide orderly and safe loading, unloading, parking and storage of vehicles with individual stalls clearly defined. Necessary signs and striping will be required within the parking area and will need to be installed in accordance with the MUTCD.
 - c. Section 72-618 (a) (4) requires that all parking and loading areas are to be constructed with a six-inch raised curb or wheel stops.
4. Please callout the paved radius of the cul-de-sac.
5. The proposed parking area doesn't appear to allow for a complete circulation pattern adjacent to the landscaping islands. Please modify the parking area so that traffic can maneuver through the entire parking area facing forward.
6. Additional comments may be required upon further plan submittals.

* * * * *

UTILITIES

Erin Reed, P.E., Civil Engineer III

October 1, 2021

The Enchanting Barn

2021-O-TRS-0661

Project is not located in utility service area; therefore, this Division has no comments.

* * * * *

ZONING

Scott Ashley, AICP, Senior Zoning Manager

October 6, 2021

The Enchanting Barn

2021-O-TRS-0661

Staff has reviewed the requested application and provides the following comments:

1. The subject property is A-1 Prime Agriculture Classification and designated Agriculture Resource on the County future Land Use Map. This development proposal is for a rural event center, which is a permitted special exception use in the A-1 zoning classification that shall meet the provisions of subsection 72-293(26) of the Zoning Ordinance. The applicant has submitted a special exception application (S-22-021) that must receive approval from the Volusia County Council and site plan approval before this special exception use begins to operate. However, the property owner received a Notice of Violation from the Code Compliance staff for operating the rural event center without approved.
2. Pursuant to subsection 72-293(26)a, of the Zoning Ordinance (ZO), the rural event center must have a minimum lot area of ten acres. Per the property survey submitted by the applicant, the entire parcel is 11.2 acres, which exceeds the minimum acreage requirement.
3. Pursuant to Section 72-293(26)b, of the ZO, the rural event center must be served by a public road. This parcel has direct connection to Pell Road and abuts Prideaux Road, and both roads are county maintained per GIS.
4. Submitted concept site plan must be revised to provide a 20-foot wide perimeter buffer between the facility, or any area used for an event, including but not limited to parking areas, and the west and south property lines, per subsection 72-293(26)c. Revise the concept site plan to amend the placement of the buffer call-outs. County of Volusia maintains Prideaux Road along with a roadside drainage ditch encompassed by a road easement shown on the survey. The County collectively maintains the platted right-of-way and the road easement as Prideaux Road. Zoning staff will measure the required south landscape buffer from the outer/exterior edge of the street. Required landscape plantings shall be pursuant to subsection 72-284(2), item 31d, of the zoning ordinance, as follows:
 - i. 6 group B/18 group C or D per 100 linear feet, or fraction thereof.

5. Pursuant to Section 72-293(26)b, of the ZO, all permanent and temporary structures such as tents, stages, and dance floors shall be located a minimum of 50 feet from the property line. However, the minimum front yard of the A-1 zoning classification is 100 feet. Any permanent structures that will be used by the public for events shall be constructed and maintained in accordance with the Florida Building Code and Florida Fire Prevention Code. Per the survey, Prideaux Road and the label road easement constitutes a street. Zoning staff measures the minimum front yard [setback] from the outer/exterior edge of the street that lies interior of the subject property's lot lines. Therefore, the applicant must revise the concept site plan to depict the required setback measurement from the northern boundary of the street. The existing permanent and temporary structures do not meet the setback requirement for a rural event center. The applicant has submitted a variance application (V-22-020) to seek relief for the existing structure setbacks as labeled on the property survey.
6. Pursuant to subsection 72-293(26)h, of the ZO, the applicant shall depict and label any future outdoor lighting associated with the rural event center use. All artificial lights shall be directed away from adjoining properties. In addition, if approved, this development shall comply with the Illumination Standards of Section 72-623, of the ZO.
7. Per the off-street parking and loading requirements of Section 72-286, of the ZO, the following off-street parking and loading standards apply:
 - a. Pursuant to Section 72-286(5), requires a minimum of one space per three seats. Based on the Plan Sheet 2 parking information infers the barn has a 99-guest limit, which requires the minimum of 33 parking spaces as stated. The applicant is providing 51 parking spaces. Wheel stops should be provided at the end of each parking space, especially abutting the western landscape buffer.
 - b. Pursuant to subsection 72-286(6), the rural event center maximum number of parking spaces shall not exceed 125-percent of the minimum spaces required by code, without submission and approval of a zoning variance application, by the Planning and Land Development Regulation Commission. This equates to a maximum potential of 41 spaces. The applicant must eliminate 10 planned spaces from the plan.
 - c. Pursuant to subsection 72-286(10), the project must provide a minimum of two designated handicapped parking spaces based on the required number of parking spaces. Revise the plan, to provide an additional striped and signed handicapped parking designated space. In addition, the ADA accessible walkway needs to be continued to the building entrance.
 - d. Revise Sheets 1 and 2 to remove or relocate the two northern landscape swale areas out of the vehicular use area. As shown, these particular swales conflict with the proposed vehicular maneuvering design of the parking area.
8. Pursuant to subsection 72-293(26)k.3, plans for sanitation and public health protection including bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling as required by the Florida Department of Health. The submitted

special exception plan does not demonstrate compliance with this code requirement.

9. A future final site plan submission shall include a required landscape plan signed and sealed by a landscape architect, which complies with the applicable provisions of sections 72-284, of the ZO. The landscape plan shall identify the quantity, botanical and common name, size, height, and location of plant material, including those existing plant materials to be retained. Plans shall provide plant symbols on landscape plan exhibit and on the Plant List for all plant and tree species/type to be used on-site. Staff will credit existing trees toward the above requirements provided they are located within the buffer and are sufficient in size.
10. Per subsection 72-284(1), of the ZO, all required trees shall be a minimum of one and one-half inch caliper and a minimum height of six feet. Volusia County measures tree diameter by caliper. All shrubs shall have a minimum height of 24 inches immediately after planting. The applicant shall choose all landscape plant material from the County Plant List available on the Zoning web page at www.volusia.org. At least 50-percent of all required landscape materials shall be of a native species as recommended by the aforementioned list. In addition, fifty percent of the shrubs and hedges planted shall be of a drought tolerance variety as recommended by the plant material list.
11. Pursuant to subsection 72-284(4), of the ZO, an irrigation plan shall be submitted that specifies sprinkler head type, pipe size, radius of throw, valve and backflow preventer location, location of well or source of water and other relevant information for an irrigation system with the final site plan. If an automatic sprinkler system is used, a rain sensor device or switch that will override the irrigation cycle when adequate rainfall has been accrued shall be installed as required by F.S. § 373.62. This plan shall include a statement or callout label stating the plan shall comply with the requirements of the Florida Department of Health's Water Wise Ordinance.
12. Pursuant to the Land Development Code (LDC), a final site plan submission shall include plans for signs, which at a minimum shall include location, size and setbacks of the proposed signage. Per subsection 72-298(7) of the ZO, the sign regulations, the maximum permissible height for any ground sign is eight feet, and the maximum permissible copy area for any ground sign is 32 square feet.
13. Staff will provide new or modified comments during review of future site plan applications, subject to additional information and comments discovered or received from other agencies or county staff.



311-A S. Woodland Blvd., DeLand, FL 32720
Phone 386-734-0830 Fax 386-734-8226
epi@epieng.net COA#26298

October 14, 2021

County of Volusia
123 West Indiana Avenue
Deland, FL 32720

**Subject: Private Event Wedding Event
Letter of Traffic Statement
The Enchanting Barn
1550 Prideaux Road, Osteen, FL 32764**

To whom it may concern:

Engineered Permits Inc. (EPI) as a professional engineer is supplying this letter as our statement of anticipated level of traffic from the proposed private wedding event center. The proposed private event center is a partially open building with an under roof area that is 2,736 square feet. Using Volusia County regulations combined with the Florida Building Code this type of venue is limited to a maximum occupancy of 99 occupants.

The challenge is estimating vehicular trips from this type of land use as the ITE Trip Generation Guide does not include a land use for wedding venues. Therefore a reasonable standard methodology to project trip generation rates and trip distribution assumptions was used in this letter. A close estimate of trips using the ITE Trip Generation Land Use Code 495, Recreational Community Center was compared to our alternative methodology.

A wedding is a single event at a pre-established time. All wedding parties in attendance are pre-determined. In this case the maximum capacity of 99 occupants was agreed upon, so this will be the number used as the capacity of the venue. To eliminate doubt that traffic will pose an issue traffic will also be evaluated on the possibility that the venue could also be rented to capacity for its size. This would be more realistically closer to 180 occupants.

Estimating that the wedding party and vendors represent 10% of those attending the wedding and that they arrive more than one before the ceremony. The remaining 90% will arrive during the one hour period before the ceremony. Many wedding guests travel together as couples, families or groups of friends or groups of friends. We shall assume 2 to 2.5 occupants per vehicle.

Using the above factors gives a range of 0.27 to 0.33 for the trip generation factor of the trip generation with 100% entering the venue. Therefore an average of 0.30 trip rate is used. Exiting traffic is dispersed over a few hours. With a peak rate using 0.12 (0.30 x 40%).

So in the case of this private wedding event center with 99 occupants maximum there will be a probable 50 new entering trips and exiting trips. If 180 occupants is used then number could be 90 new trips entering and exiting. These trip numbers are consistent with the ITE Trip Generation Rates that show for this size building a two way traffic volume of 63 entering and exiting trips could be expected.

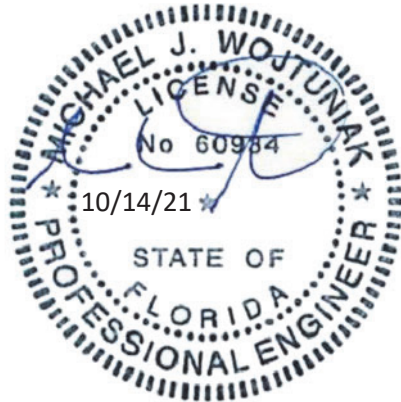
Additionally this type of venue is generally utilized on weekends which is outside the analysis for demanding a full traffic study or deeper study into a turn lane. As this venue is located with its primary entrance on Pell Road which has a posted speed limit of 40 mph. This is a low volume roadway. These numbers are all below any reasonable threshold for a turn lane or full traffic study.

Should there be any questions with this letter please contact me at 386-734-0830 or by email at mwojtuniak@epieng.net.

Sincerely,
Engineered Permits Inc.

Michael J
Wojtuniak:A
01410D0000
01782715BD
EC00003CCE

Digitally signed by
Michael J
Wojtuniak:A01410D0000
01782715BDEC00003CCE
DN: c=US, o=Unaffiliated,
cn=Michael J
Wojtuniak:A01410D0000
01782715BDEC00003CCE
Date: 2021.10.14 16:36:27
-04'00'



Michael Wojtuniak, P.E.
Professional Engineer

This document has been digitally signed and sealed by Michael J. Wojtuniak, P.E. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies, unless the raised seal has been used.

The Enchanted Barn
 Summary of Trip Generation Calculation
 For 2.736 Th.Sq.Ft. GFA of Recreation Community Center
 October 14, 2021

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	22.88	0.00	1.00	63
7-9 AM Peak Hour Enter	0.99	0.00	1.00	3
7-9 AM Peak Hour Exit	0.63	0.00	1.00	2
7-9 AM Peak Hour Total	1.62	1.45	1.00	4
4-6 PM Peak Hour Enter	0.54	0.00	1.00	1
4-6 PM Peak Hour Exit	0.91	0.00	1.00	2
4-6 PM Peak Hour Total	1.45	1.28	1.00	4
Saturday 2-Way Volume	9.10	0.00	1.00	25
Saturday Peak Hour Enter	0.58	0.00	1.00	2
Saturday Peak Hour Exit	0.49	0.00	1.00	1
Saturday Peak Hour Total	1.07	1.14	1.00	3

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

*Inter-Office
Memorandum*



TO: Patricia Smith, Planner III **DATE:** October 19, 2021

FROM: Keith Abrahamson, County Forester

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: November 18, 2021
Parcel #: 8330-00-00-0160
Case #: S-22-021

Environmental Permitting (EP) has reviewed the special exception application and conducted a site visit. This property contains gopher tortoise (GT) habitat. Per Section 72-1140 of the Land Development Code, a 100% GT burrow survey is required to be conducted by an Authorized Agent to determine if GT burrows or their 25-foot buffers are located on the property. If any GT burrows are found on site and their 25-foot buffers cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required. Please be aware that Environmental Permitting may request the applicant redesign future projects to avoid GT burrow impacts.

EP has no objection to the special exception request. However, please advise the applicant they will be required to meet all applicable requirements of the Land Development Code at the time of the Final Site Plan. This will include the tree and gopher tortoise ordinances.

Inter-Office
Memorandum



To: Patricia Smith, AICP
Planner III **Date:** October 18, 2021

From: Samantha J. West
Land Development Manager

Subject: S-22-021
Parcel #: 8330-00-00-0160

Land Development has reviewed the parcel involved in the proposed special exception and provides the following determination:

The subject parcel was previously approved by Oak Ridge Farms Unrecorded (2004-S-EXM-0444) and complies with the exempt provisions of the county's subdivision regulations.

The current version of this site plan will require Final Site Plan approval, under Division 3, of the LDC. The first step in the process is submission of a Conceptual Site Plan (CPN) pursuant to Section 72-577, of the LDC.

Please call the Land Development Office at 386-736-5942 for any questions.

PHOTOGRAPHS



Aerial View of the Property Looking North



Birds Eye View of the Facility



Converted Pole Barn



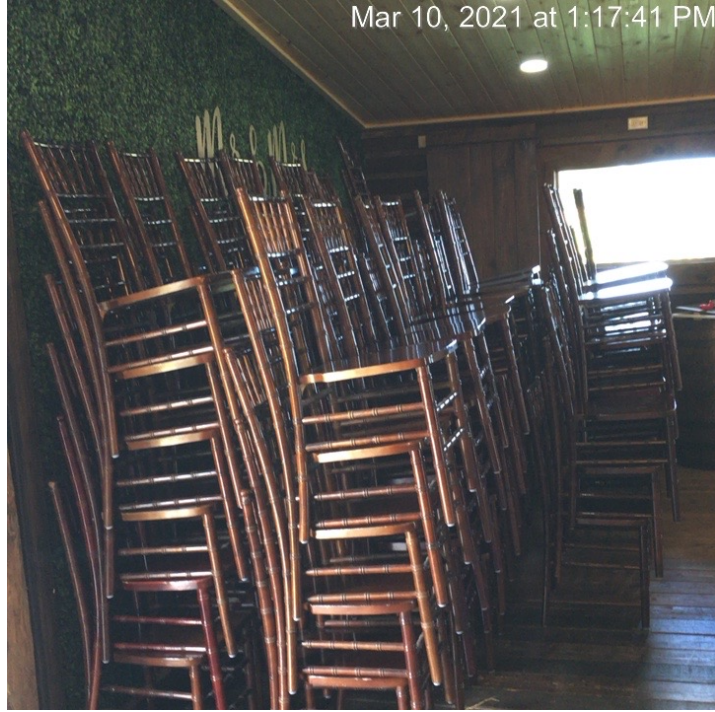
Existing Entrance from Pell Road



View of the Pasture



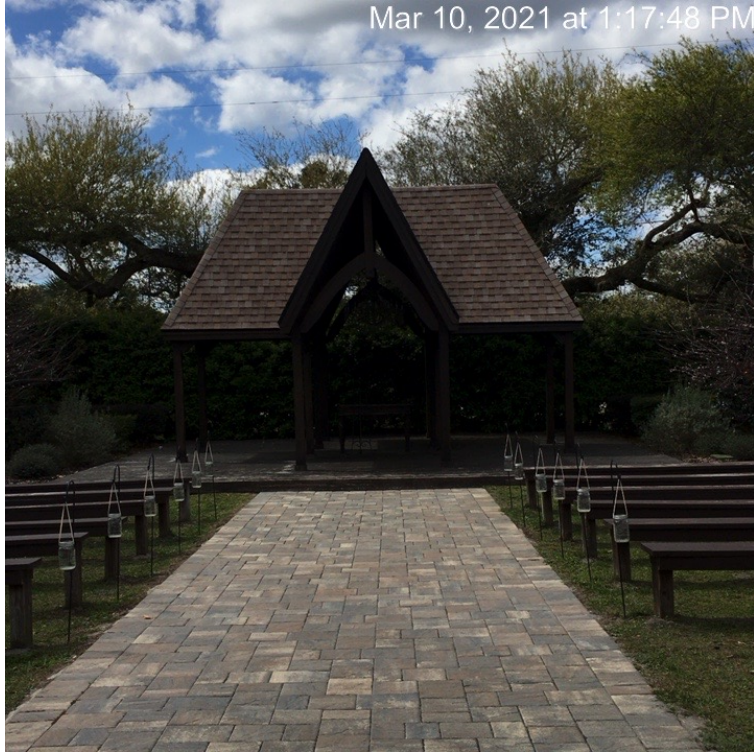
Inside the Converted Pole Barn



Inside the Converted Pole Barn



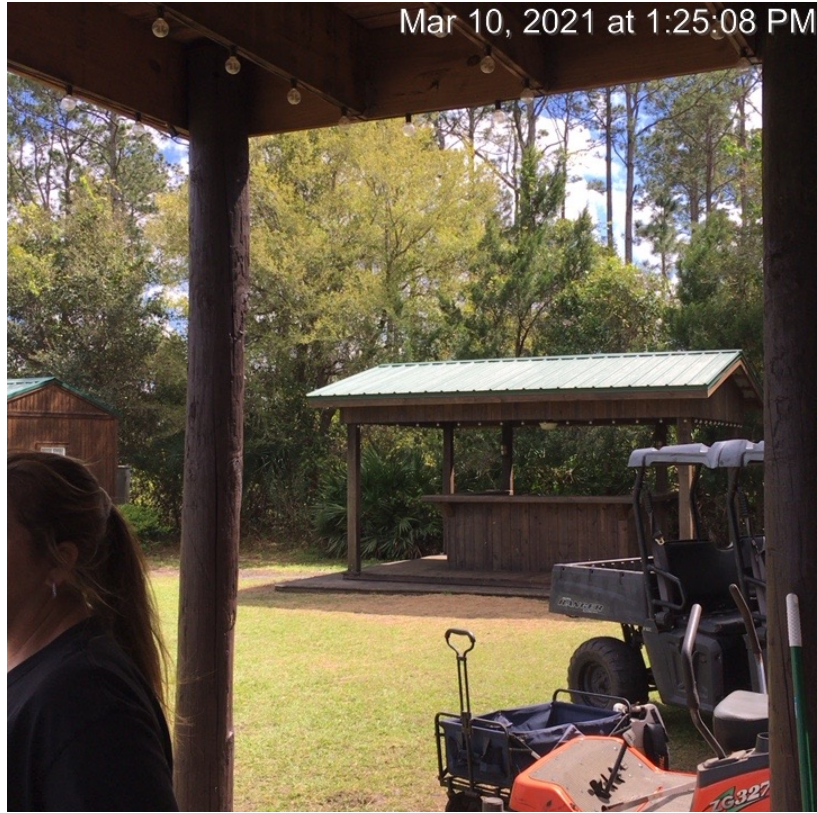
Inside the Converted Pole Barn



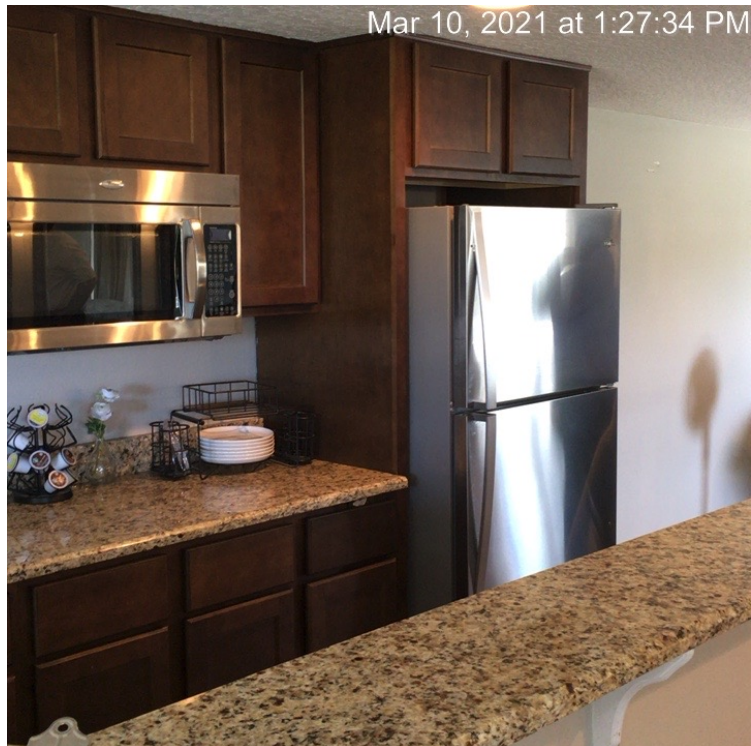
Unpermitted Accessory Building



Close up of Unpermitted Accessory Building



Entertainment Area and Restrooms



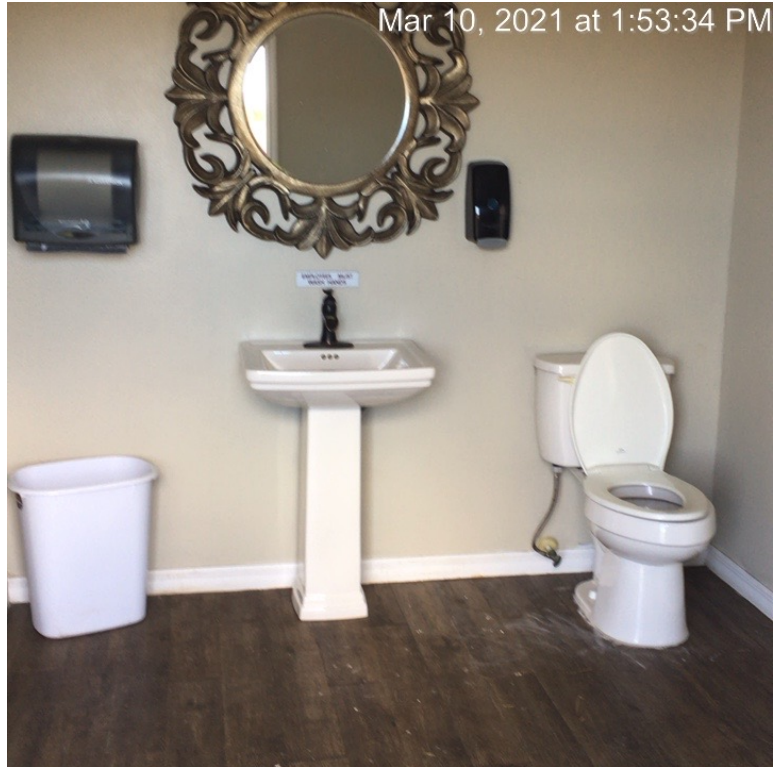
Food Prep Area



Drink Station



Seating Area



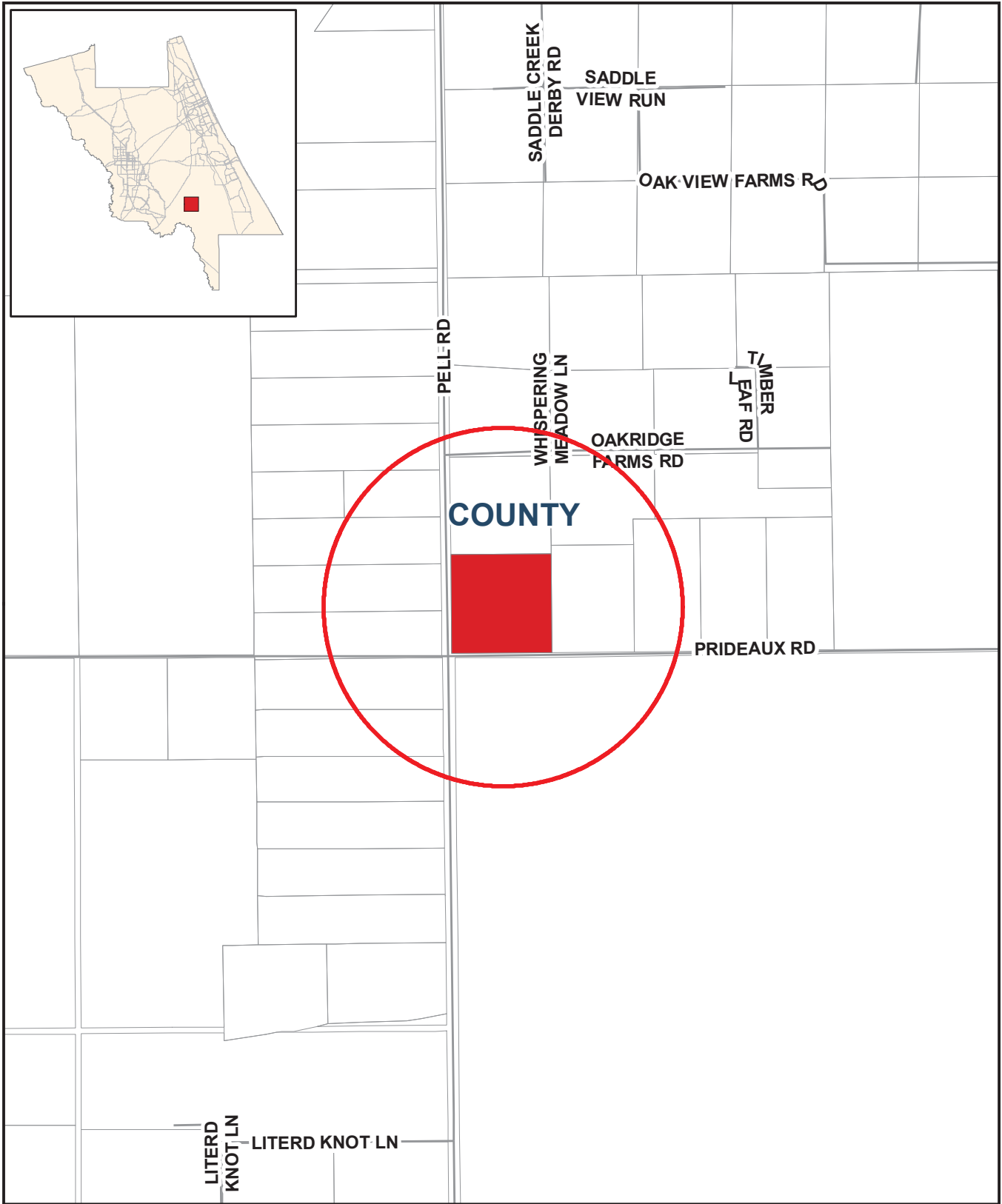
Restroom



Restroom

PROPERTY LOCATION

S-22-021



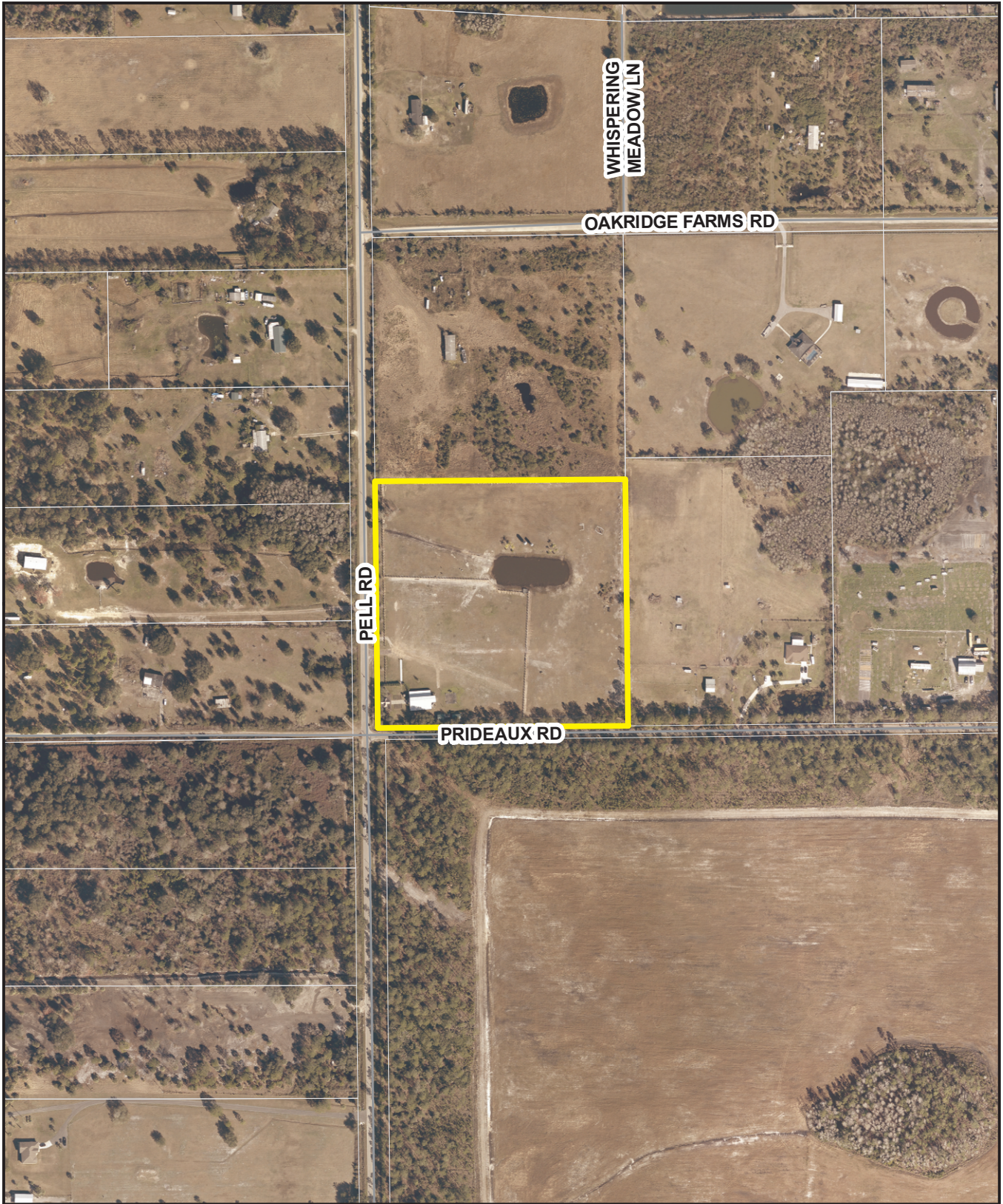
 SUBJECT PROPERTY



1" = 1,000'

10/18/2021

AERIAL
S-22-021



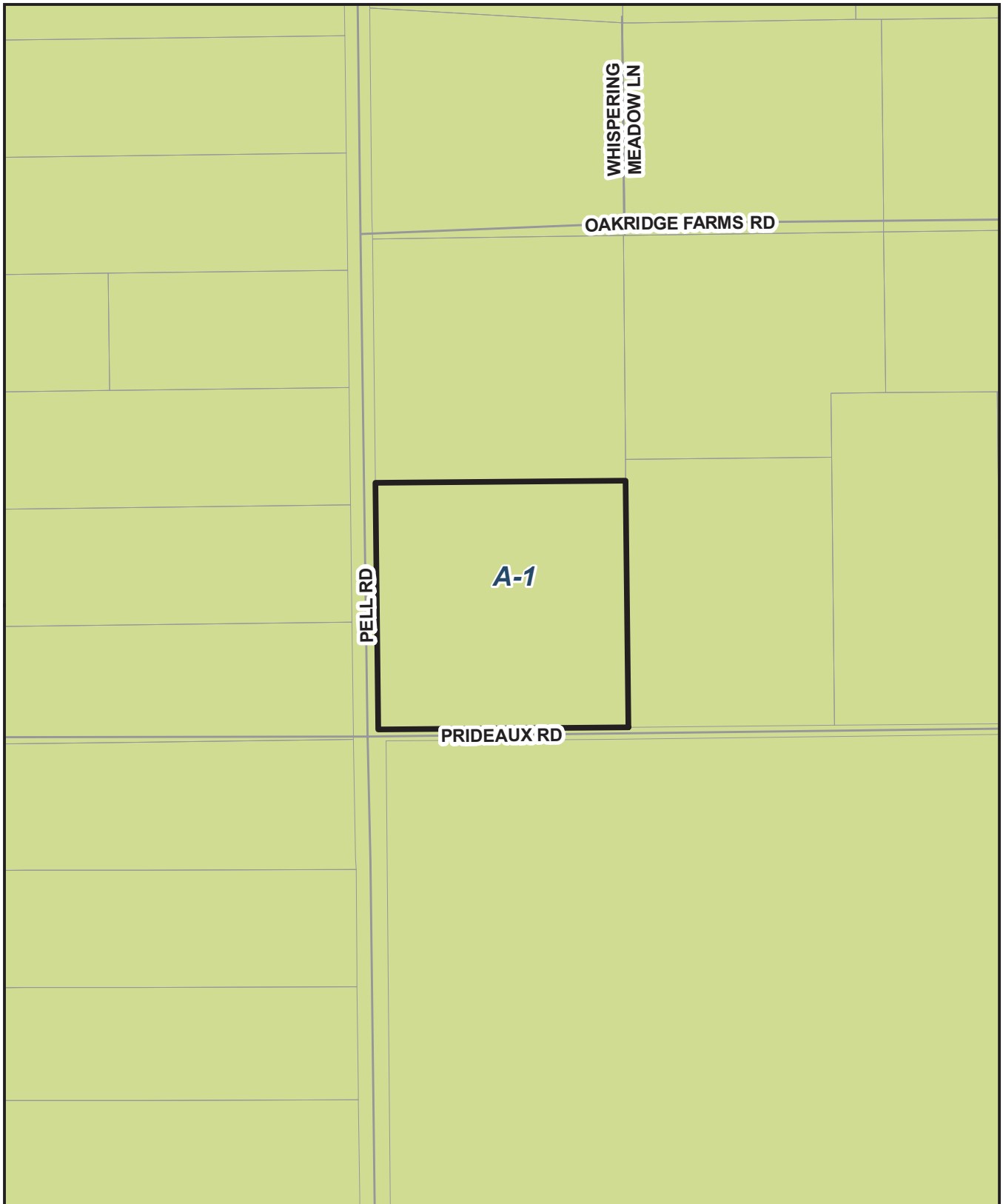
 SUBJECT PROPERTY




IMAGE DATE 2021




1" = 400'
10/18/2021

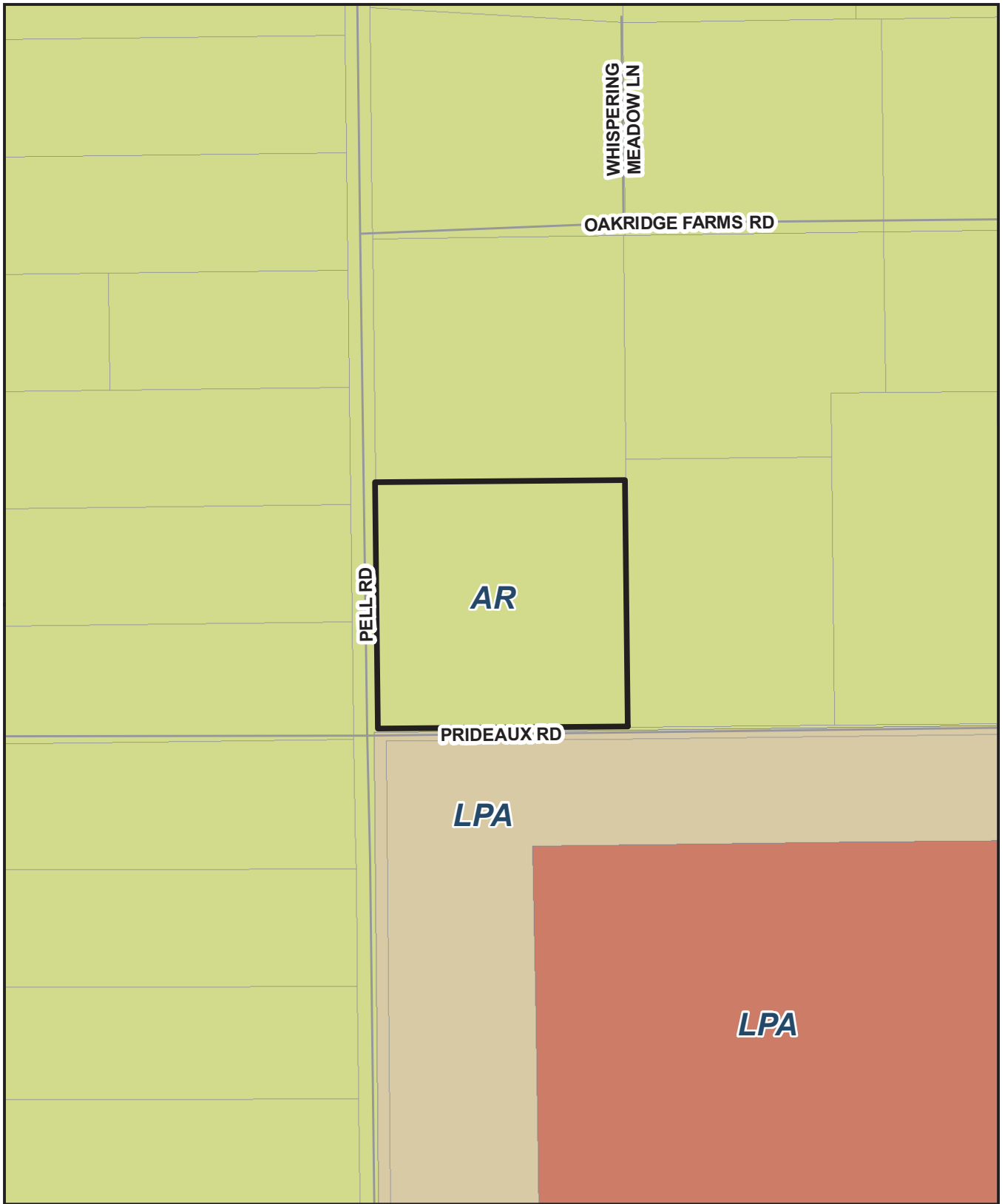
ZONING CLASSIFICATION S-22-021



-  SUBJECT PROPERTY
-  ZONING BNDY
-  AGRICULTURAL

 1" = 400'
10/18/2021

FUTURE LAND USE S-22-021



 SUBJECT PROPERTY

 AGRICULTURE RESOURCE

 VILLAGE

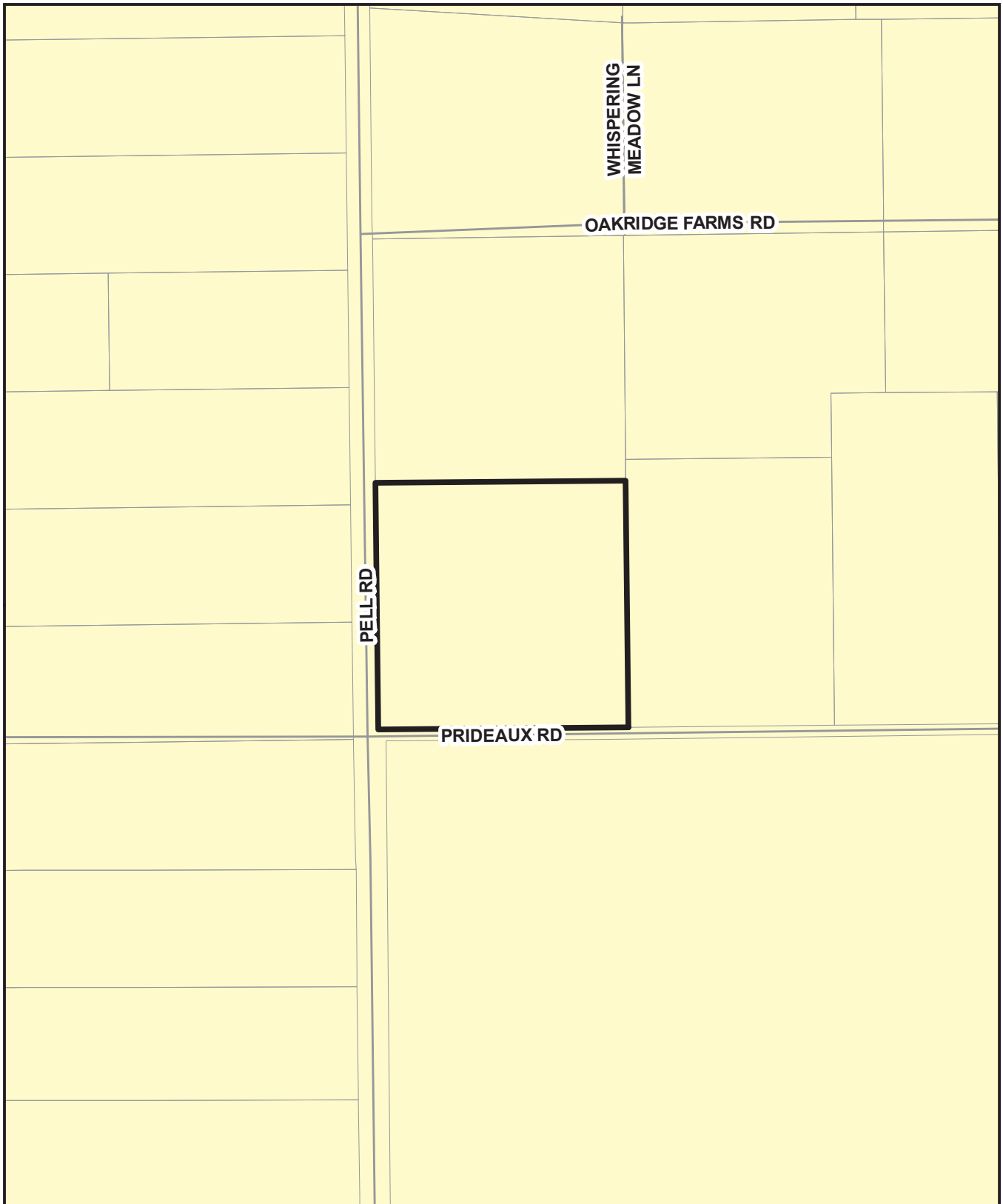
 GREENKEY







1" = 400'

10/18/2021

ECO/NRMA OVERLAY S-22-021



-  SUBJECT PROPERTY
-  ECO
-  NRMA

 1" = 400'
10/18/2021