

STAFF REPORT

Planning & Zoning Commission: June 9, 2003

Board of County Commissioners: July 1, 2003

APPLICANT: Michael Thomas **FILE NUMBER:** SE-03-12

PURPOSE: Special Exception Use Permit for Educational Facilities

GENERAL

LOCATION: South side of Tillery Road, west side of Lamson Avenue

LEGAL

DESCRIPTION: Lot 1, Block 1135, Spring Hill, Unit 17, as per plat thereof recorded in Plat Book 9, Pages 31 - 46, of the Public Records of Hernando County, Florida in Section 18, Township 23 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(GHC)	Water distributor
South: PDP(GHC)	Tile distributor
East: PDP(GHC)	Undeveloped
West: PDP(MF)	Undeveloped

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for educational facilities. The subject property is located on the south side of Tillery Road and on the west side of Lamson Avenue.

FACTUAL INFORMATION

1. The subject property is currently zoned PDP(GHC).
2. The property comprises approximately 0.92 acres.
3. The site has been developed with a 6,500 square-foot commercial building.
4. The subject property has access from Tillery Road and Lamson Avenue.

5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sands. The soils and habitat are suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site development.
7. The property is located in flood zone C.
8. The subject property contains a WHPA-1, but no wetlands or SPAs according to County data resources.
9. Florida Water Services has indicated that central water and sewer are available to serve the subject property.
10. Adequate public facilities are available to serve the subject property.
11. The surrounding area is characterized by commercial uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a special exception use permit for educational facilities so that a science and technology charter school can be operated on the site. The narrative indicates approximately 80 students would be enrolled and 9 persons employed. The school would include the sixth through eighth grades. The narrative indicates that the school would run on the same 9 month school calendar as the County school district and the school day would run from 7:30 a.m. to 3:00 p.m.

The subject property has been developed with a 6,500 square foot commercial building with a paved parking lot. The proposed school would occupy 4,500 square feet. A plumbing business occupies the remaining square footage. The site plan shows the existing business and parking lot. The primary access to the site is via Tillery Road. There is a one-way alley access to the west side of the subject site. If the request is approved, the building may be subject to development code requirements regarding the accommodation of the school use in the existing commercial structure.

The petitioner has verbally indicated that the curriculum includes frequent field trips; it is anticipated that some number of students will be off-site attending field trips on a daily basis. No recreational areas are indicated on the plan. The petitioner's narrative indicates that no outdoor recreational facilities will be provided and all recreational functions will be located off-campus in public parks. Meals served to the students on the site will be prepared elsewhere.

The site plan indicates that there are 41 parking spaces provided. The LDRs require primary and secondary educational facilities provide parking spaces at the rate of one space per staff member plus three (3) spaces for visitor parking. Construction service establishments are required to provide parking at the rate of 1.5 parking spaces per person regularly employed on the premises. If the request for the educational facilities special exception use is approved, the petitioner will be required to provide the parking as required by the LDRs.

The property has access to Tillery Road. The staff has reviewed the request with the County's Transportation Section and the Engineering Department. Based on the intensity of the facility and the fact the property is zoned commercial there were no objections to the scale of the use.

Based on a review of the site plan, the County Engineer has indicated the parking lot will have to be modified by designating a portion of the parking area to accommodate queuing of vehicles for student pick-up and drop-off. Additionally, to facilitate the on-site one way circulation for vehicle queuing, the petitioner should be required to provide an access to Lamson Avenue.

The subject property is located within a WHPA-1. The proposed educational facility is not listed as a prohibited use.

FINDINGS OF FACT

The subject property is located within the Residential land use category on the County's adopted Future Land Use Map. A school is a land use which can be located in the Residential category with performance standards being met.

Policy 1.01(I)(4) requires that school siting approvals are consistent with appropriate service standards. These standards include an adequate capacity review to ensure the provision of water and sewer services, and the provision of adequate transportation infrastructure. The subject property is currently served with central water and sewer provided by Florida Water Services.

The subject property is served by local roadways which serve both commercial and residential development. No sidewalks are located on these local streets near or accessing the school site.

Policy 1.01I(7) provides locational criteria to be reviewed in determining the appropriateness of a proposed school site. The criteria include: compatibility with existing and projected uses of adjacent properties, the ability of the site area of the proposed location to provide sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses, and the site accommodating the anticipated queuing of vehicles onsite. The Planning staff is of the opinion that the parking lot on the subject property will have to be modified on order to accommodate the anticipated queuing of vehicles onsite.

Policy 1.01I(12) indicates that if a site is determined to be inconsistent with the County's Comprehensive Plan in order to achieve consistency with the Plan, Hernando County may impose reasonable conditions for development of the site at the time of special exception determination.

The Planning staff recommends that if the request is approved, a condition requiring the modification of the parking lot and roadway access is reasonable in order to achieve consistency with the Plan.

Policy 1.01I(9) provides locational criteria for middle schools, including direct access to at least a minor collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification, and outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties. The Planning staff is of the opinion that a school with less than 100 students located on a street network which serves commercial uses will not generate a traffic impact requiring location on a roadway of at least minor collector status. The petitioner has indicated recreational facilities will not be provided.

The surrounding area is characterized by commercial uses and undeveloped parcels. The commercial uses are non-retail in nature, including water and tile distribution establishments. The undeveloped parcels include parcels zoned for commercial and multifamily uses. The Planning staff is of the opinion the proposed use will not be incompatible with the surrounding land uses.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission 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, and may prescribe reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

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.

It is the staff's opinion that the proposed use would not be incompatible with the surrounding area, nor inconsistent with the adopted Comprehensive Plan with the appropriate performance conditions.

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 use, which may include review by the Development Review Committee (DRC).

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:

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for Educational Facilities, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. The land use approval shall be for educational facilities for grades 6 through 8.
3. The maximum number of students shall be eighty (80).
4. The petitioner shall modify the parking lot so that a portion of the lot is dedicated to student pick-up and drop off .
5. In addition to the existing access on Tillery Road, the petitioner shall also provide access to Lamson Avenue.

P&Z ACTION:

At their June 9, 2003 hearing, based on the information provided, the Planning and Zoning Commission made the following findings:

1. The petitioner had indicated in the narrative the school would serve 80 students, not 125 as represented at the hearing.
2. The petitioner did not adequately demonstrate how recess activities and recreational facilities would be accommodated on the subject property.
3. The petitioner did not adequately demonstrate how bus and vehicle queuing could be accommodated on the subject property.
4. The request was not consistent with the adopted Comprehensive Plan because the access to the proposed school was not adequate.

The Planning & Zoning Commission found that the subject property was not appropriate for educational facilities, would not be compatible with the surrounding land uses and would not be

consistent with the Comprehensive Plan. The P&Z voted 3-2 to deny the petitioner's request for a Special Exception Use Permit for Educational Facilities.

ADDITIONAL INFORMATION:

On June 17, 2003, the Board of County Commissioner's voted 5-0 to review the decision made by the Planning and Zoning Commission to deny the petitioner's request for an educational facility.

Subsequent to the Planning and Zoning Commission meeting, the petitioner submitted a revised narrative and supplemental information for this petition. The petitioner has indicated that ultimately 125 students may attend the Charter School. One hundred and ten (110) students are enrolled for school year 2003-2004. The students are in grades 6 through 8.

The petitioner has indicated that there will be a lunchroom in the center of the school. Additionally, there will be picnic tables located in the grassy area between the building on the subject property, and the property line to the south which can be utilized during lunch hour. The area measures approximately 15' in width by 90' length. The petitioner proposes six picnic tables seating eight students each within this area.

The petitioner has indicated they anticipate approximately 83 students to ride the bus to the school. The petitioner has stated that the charter school plans to purchase one standard school bus which accommodates 65 students. The bus serving the school will collect students at other district middle schools (Fox Chapel, Powell Middle School, and West Hernando) as well as typical route pick up around the school. Approximately 27 students are anticipated to be driven to school. There will be two morning bus arrivals, and two afternoon bus departures. Additionally, approximately 22 students will leave the school daily by bus for off-campus activities. The subject property is adjacent to a one-way alley which runs east/west from Lamson and then north along the western boundary of the subject site to Tillery.

The original request reviewed by the staff was for an 80 student school. The staff had some concerns about the ability to manage onsite traffic. The staff recommended approval with the requirement that an additional access be constructed along Lamson to facilitate the traffic which would be generated by the proposed school. The petitioner has submitted a modified proposal which would increase the population of the school by 45 students. The staff has evaluated the addition of the 45 students and discussed the implications with the County Engineer. It is the staff's position that the addition of 45 students increases operational issues and would create additional traffic considerations beyond the original proposal. It is the staff's position additional performance conditions would be necessary to ensure that the revised proposal does not produce traffic conflicts. Based on our review, the staff would support the increase in students with the following modified performance standards:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.

2. The land use approval shall be for educational facilities for grades 6 through 8.
3. The maximum number of students shall be ~~eighty (80)~~ 125.
4. The petitioner shall modify the parking lot so that a portion of the lot is dedicated to student pick-up and drop off.
5. In addition to the existing access on Tillery Road, the petitioner shall also provide access to Lamson Avenue.
6. The petitioner shall construct a paved apron adjacent to the alley to allow for bus parking during loading and unloading.
7. The petitioner shall provide pedestrian connectivity from the bus loading and unloading area to the front of the school.
8. The petitioner shall provide for a plan to eliminate traffic conflict offsite. The plan will include either scheduling drop off and pick up of students on a staggered schedule, or utilizing double stacked drop off lanes for student drop off and pick up on site.

Note: Subsequent to the Planning and Zoning Commission meeting, one letter of concern was received by the Planning Department. In addition four e-mails and four telephone messages were received by the County Administrator's Office addressed to the Board of County Commissioners. These documents are attached for the BCC's information.

BCC ACTION:

The BCC voted 5-0 to approve a Special Exception Use Permit for Educational Facilities with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. The land use approval shall be for educational facilities for grades 6 through 8.
3. The maximum number of students shall be 125.
4. The petitioner shall modify the parking lot so that a portion of the lot is dedicated to student pick-up and drop off.
5. In addition to the existing access on Tillery Road, the petitioner shall also provide access to Lamson Avenue.

6. The petitioner shall construct a paved apron adjacent to the alley to allow for bus parking during loading and unloading.
7. The petitioner shall provide pedestrian connectivity from the bus loading and unloading area to the front of the school.
8. The petitioner shall provide for a plan to eliminate traffic conflict offsite. The plan will include either scheduling drop off and pick up of students on a staggered schedule, or utilizing double stacked drop off lanes for student drop off and pick up on site.