

**STAFF REPORT**

Planning & Zoning Commission: August 11, 2003

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**APPLICANT:** Queen of All Saints Chapel, Bishop Donald Sanborn  
**FILE NUMBER:** SE-03-16

**PURPOSE:** Special Exception Use Permit for a Place of Public Assembly, Namely a Religious Establishment

**GENERAL LOCATION:** East side of Spring Lake Highway, north and south sides of Dallas Drive

**LEGAL DESCRIPTION:** A portion of Section 34, Township 23 South, Range 20 East, Hernando County, FL

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Agricultural
South: AG	Mobile home, pasture
East: AG	Agricultural, undeveloped
West: AG	Pasture

**STAFF DISCUSSION**

The petitioner requests a special exception use permit for a place of public assembly, namely a religious establishment. The subject property is located on the east side of Spring Lake Highway, on the north and south sides of Dallas Drive.

**FINDINGS OF FACT**

1. The property is currently zoned AG.
2. The subject property contains approximately 50 acres.
3. The subject property is undeveloped.

4. The site has access from Spring Lake Highway and Dallas Drive.
5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The on-site soil types include Arredondo fine sand, Candler fine sand, Kendrick fine sand and Sparr fine sand. 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 no WHPAs, wetlands or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The surrounding area is characterized by agricultural and rural residential uses and undeveloped parcels.

### **STAFF DISCUSSION**

The petitioner proposes developing the site with a seminary, a training college for priests. The narrative indicates 18 persons (a combination of students and instructors) will reside at the seminary. The seminary will also include a sanctuary accommodating 125 people for Sunday services.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks indicated on the submitted plan exceed the minimum setbacks for the AG district. The plan shows a one-story building of approximately 45,800 square feet containing the chapel and the seminary facilities. The plan does not indicate any recreational facilities.

The subject property has access from Spring Lake Highway and Dallas Drive. Dallas Drive is a private roadway and is paved for only a few yards east of Spring Lake Highway. The petitioner indicates that access will be provided via an improved driveway to Dallas Drive and the portion of Dallas Drive between the petitioner's driveway and Spring Lake Highway will be improved. The County Engineer requests that if the request is approved, the petitioner pave Dallas Drive from Spring Lake Highway to the seminary driveway.

The site plan does not indicate any vegetative buffers onsite. Development on the site is proposed with substantial setbacks. The subject property is surrounded by AG parcels.

The LDRs indicate places of public assembly, such as the chapel proposed, are required to provide 0.3 parking spaces per seat based on the maximum capacity of the place of public assembly. If the petition is approved at the intensity proposed, the petitioner will be required to provide 38 parking spaces for the chapel. The Development Department has indicated parking for the seminary population shall be provided at the rate of 1.5 parking spaces for every two (2) persons residing in the seminary or 14 spaces for the 18 persons proposed. Fifty-two (52) total parking spaces are required. The plan provided shows a total of 49 parking spaces: 21 paved parking spaces and 28 spaces on a grass surface. The LDRs indicate that places of public assembly may have up to fifty (50) percent of the parking spaces (including aisles) surfaced with grass, lawn or other materials as designated in the County parking lot standards; however, if parking demand is such that said grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator. If the request is approved, the parking provided will be required to meet the County LDRs.

No signage is indicated on the plan provided. If the request is approved, signage will be subject to the County sign regulations.

The plan indicates landscaping provided near the proposed building, parking area and driveway. If the request is approved, the petitioner shall provide landscaping as required by the County landscaping LDRs.

The Utilities Department has indicated that central water and sewer service are not available. The petitioner indicates the site will be served by well and septic. The Planning staff is of the opinion that the proposed use would be more compatible with the rural uses in the area if it is served by septic facilities rather than a package plant. The Planning staff has concerns about operational difficulties historically associated with package plants.

The Pasco County Zoning/ Code Compliance Administrator has indicated she has no objections to the request.

### **FINDINGS OF FACT**

The area is characterized by agricultural and rural residential uses and undeveloped parcels. The subject property is located in a rural area where parcels are zoned AG.

The subject property is located within a rural land use classification as identified on the adopted Future Land Use Map. Potential uses in the rural land use category include farms, ranches, agri-

industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

A special exception use permit is an additional use which may be granted by the Planning & 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 the nature of the 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.

The LDRs' standards for special exception uses indicate that the proposed use shall not attract inappropriate traffic volumes, noises or congestion. The standards also indicate that for special exception uses on local streets, traffic generation rates and traffic distribution rates associated with the proposed use will be reviewed to determine whether they exceed those typically associated with local street traffic. The subject property is located on Spring Lake Highway, a major collector roadway. The development is proposed to have access via Dallas Drive, an unimproved private roadway. The Transportation Planning Coordinator has indicated Spring Lake Highway has sufficient capacity for the anticipated traffic volumes generated by the proposed use.

A special exception use 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 development are imposed in addition to those imposed by the ordinance.

The special exception use 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 use at the intensity proposed would be not incompatible with the surrounding area nor inconsistent with the Comprehensive Plan.

**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 a place of public assembly, namely a religious establishment, 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. Development shall be generally in conformance with the site plan submitted.
3. The petitioner shall pave Dallas Drive from Spring Lake Highway to the petitioner's driveway.
4. The maximum number of residents associated with the seminary shall be twenty (20) or less, depending on the ability of septic facilities to serve the site.
5. The sanctuary shall seat a maximum of 125 persons or less, depending on the ability of septic facilities to serve the site.

**P&Z ACTION:**

The Planning and Zoning Commission voted 4-1 to approve the petitioner's request for a special exception use permit for a place of public assembly, namely a religious establishment, 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.
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