

STAFF REPORT

Planning & Zoning Commission: October 13, 2003

APPLICANT: John F. Mason, Jr. **FILE NUMBER:** SE-03-18

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

GENERAL

LOCATION: Approximately 650' south of Martin L. King Jr. Boulevard, approximately 300' west of Hale Avenue

LEGAL

DESCRIPTION: Lots 13 and 14, Parsons Addition to Brooksville, as per plat thereof recorded in Plat Book 3, Page 17, of the Public Records of Hernando County, Florida in Section 27, Township 22 South, Range 19 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: City of Brooksville
South: R-1C
East: C-2
West: R-1C

Surrounding Land Uses

Undeveloped
Single family
Miniwarehouse; undeveloped
Single family

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a place of public assembly, namely a religious establishment. The subject property is located approximately 650' south of Martin L. King Jr. Boulevard and approximately 300' west of Hale Avenue.

FINDINGS OF FACT

1. The property is currently zoned R-1C.
2. The subject property contains approximately three (3) acres.
3. The subject property is undeveloped.

4. The site has no direct street access. Access is proposed via adjacent parcels to Martin Luther King Jr. Boulevard and Hale 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 types include Blichton loamy fine sand and Flemington fine sandy loam.
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 City of Brooksville has indicated central water and sewer are available to serve the subject property.
10. There are adequate public facilities available to serve development on the subject property.
11. The surrounding area is characterized by agricultural, residential and commercial uses and undeveloped parcels.

STAFF DISCUSSION

The petitioner proposes developing a church on the subject property in association with properties located to the north and east. The two associated properties to the north are within Brooksville's city limits. The associated parcel to the east is zoned C-2, a zoning category that allows a place of public assembly as a permitted use. The narrative provided indicates that although the precise location of the church building has not yet been determined, the church building is proposed to be built on the parcels located within the city limits.

The City of Brooksville has indicated that a special exception use permit allowing a church has been granted on the two parcels in the city. The church's final site plan design is subject to an approval by the city planning & zoning board.

The petitioner requests the special exception in order to develop the approximately three-acre subject property with recreational uses associated with the proposed church, including a playground, picnic area, ballfield and basketball courts. The petitioner proposes locating the recreational uses a minimum of 30' from the property lines. The narrative indicates the recreational activities would take place during daytime hours and no lighting or fencing is proposed. The narrative indicates the church currently has a congregation of 50 to 100 persons. The Planning staff is of the opinion that if the request is approved, impacts to the adjacent residential uses can be mitigated by limiting outdoor lighting so that it is shielded from the adjacent properties and oriented to the interior of the subject property.

Development on the subject property must meet the minimum setbacks for the underlying zoning category, which is R-1C. No landscaped buffers are indicated on the plan. Staff is of the opinion that a minimum 5' buffer of natural vegetation at 80% opacity or a 6' fence should be maintained along the west and south lot lines would mitigate impacts to the adjacent residential properties. If the request is approved, the petitioner would be required to provide landscaping as required by the applicable LDRs.

The subject property will have access to Martin Luther King, Jr. Boulevard and Hale Avenue via the associated parcels located to the north and east. The County Engineer has no comments about this petition.

The petitioner has indicated the intended use for the subject property is recreational only; consequently, no parking or vehicular access would be allowed to the subject property.

The City of Brooksville has indicated central water and sewer are currently available to serve the subject property. As indicated above, the City of Brooksville has granted a special exception use permit on the two parcels to the north of the subject property for development with a religious establishment.

FINDINGS OF FACT

The surrounding area is characterized by a mixture of residential and commercial uses and undeveloped parcels.

The subject property is located within a residential land use classification as identified on the adopted Future Land Use Map. Churches are allowed in the residential land use category.

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 Transportation Planning Coordinator has indicated Martin Luther King Jr. Boulevard has the capacity to handle the traffic 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 approval of the proposed use would be not be 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. Permitted uses will be limited to recreational uses, including playgrounds, picnic areas, ballfields and basketball courts.
3. The recreational uses shall be located a minimum of 30' from the property boundaries.
4. Outdoor lighting shall be shielded from the adjacent residential properties and oriented toward the interior of the project.
5. Pedestrian access shall be provided via the adjacent properties to the north.
6. A minimum 5' vegetative buffer of 80% opacity or a 6' fence shall be provided along the west and south property lines.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 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.
2. Permitted uses will be limited to recreational uses, including playgrounds, picnic areas, ballfields and basketball courts.
3. The recreational uses shall be located a minimum of 30' from the property boundaries.
4. Outdoor lighting shall be shielded from the adjacent residential properties and oriented toward the interior of the project.
5. Pedestrian access shall be provided via the adjacent properties to the north.
6. A minimum 10' 5' vegetative buffer of 80% opacity or a 6' fence shall be provided along the west lot line and a minimum 5' vegetative buffer of 80% opacity or a 6' fence shall be provided along the south property lines.