

STAFF REPORT

Planning & Zoning Commission: March 8, 2004

APPLICANT: Reverend Stanley S. Harakas **FILE NUMBER:** SE-04-01

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

GENERAL

LOCATION: West side of Anderson Snow Road, approximately 1,100' north of Amero Lane

LEGAL

DESCRIPTION: A portion of Section 27, Township 23 South, Range 18 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0 LETTER OF CONCERN: 1

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Single family
South: AG	Single family
East: PDP(REC)	County park
West: R-1C	Single family, undeveloped

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 on the west side of Anderson Snow Road, approximately 1,100' north of Amero Lane.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The subject property contains approximately 4.75 acres.
3. The subject property is currently undeveloped.
4. The site has access from Anderson Snow Road, a two laned county roadway.

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 sand. Candler fine sand provides a habitat 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 alterations.
7. The property is located in flood zone C.
8. The subject property contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
9. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject property.
10. There are adequate public facilities available to serve a limited development on the subject property.
11. The surrounding area is characterized by residential, rural residential, recreational uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes developing the subject property with a church. The narrative indicates the proposed development is a 9,550 square foot building including a sanctuary seating 150 people and a fellowship hall.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The narrative indicates the petitioner's intention to meet this requirement. The setbacks for the AG district is as follows: 75' front, 35' side and 50' rear.

The narrative indicates 60' vegetated buffers are proposed along the north and south lot lines; however, the plan depicts 55' buffers along the north and south lot lines. The narrative indicates the western 225' of the subject property will be maintained in its natural wooded state. The Planning staff is of the opinion that the proposed 55' vegetated buffers along the north and south lot lines and maintaining the western 225' in its natural wooded state would protect current and future adjacent land uses in this residential area. If the request is approved, the petitioner must provide landscaping as required by the applicable LDRs.

The subject property has access from Anderson Snow Road. The plan provided indicates two (2) 20' access points to Anderson Snow Road. The County Engineer indicates that if the request is approved, the petitioner should be limited to one access point on Anderson Snow Road and it should be coordinated with the entrance to the park facility. Final location must be approved by the County Engineer.

The LDRs indicate places of public assembly, such as the church 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 a minimum of 45 parking spaces. The narrative indicates 90 paved parking spaces will be provided. The parking is proposed to be located to the sides and rear of the proposed building.

The plan submitted does not indicate where signage will be located on the subject property. Signage on the property will be subject to the County sign ordinance.

The subject property lies within a WHPA-2 according to County data resources. The proposed land use is allowed within this designation.

The Florida Turnpike Headquarters has been notified of the request. No response has yet been received.

FINDINGS OF FACT

The surrounding area is characterized by rural residential and recreational uses and undeveloped parcels. Anderson Snow Park is located across the street, on the eastern side of Anderson Snow Road.

The subject property is located within a residential land use classification as identified on the adopted Future Land Use Map. A place of public assembly would be allowable with the appropriate land use approvals.

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 Anderson Snow Road, a collector roadway. The Transportation Planning Coordinator has indicated Anderson Snow Road has capacity to accommodate the proposed use.

The LDRs indicate the use shall be of a similar architectural scale to existing neighborhood development or take advantage of an existing building for its purpose. The subject property is currently undeveloped and located in an area of rural residential uses. The Planning staff is of the opinion that if the request is approved, future development should be limited to a sanctuary with seating capacity for 150 persons.

The LDRs indicate visual and functional conflict between the proposed use and nearby neighborhood uses, if existent, shall be minimal. The Planning staff is of the opinion that the proposed plan for development reduces potential visual and functional conflict by providing significant buffering along the north, west and south property lines.

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.

The staff is of the opinion that the use at the intensity proposed is appropriate, based on the following conclusions:

1. The proposed use will be compatible with the surrounding area and consistent with the adopted 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 Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

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 receiving development review for the proposed use.
2. The maximum seating capacity of the sanctuary is approved for 150 seats.
3. Minimum project setbacks:
 - front: 75'
 - side: 50'
 - rear: 100'
4. Buffers:
 - side: 50'
 - rear: 100'

No building or parking is allowed in the 100' rear buffer.

5. The project shall be served by central water.
6. One project access to Anderson Snow Road is approved. The project access and provision of turn lanes must be coordinated with, and approved by, the County Engineer.
7. Parking shall be located in the sides and rear as indicated on the plan.
8. The petitioner shall provide a revised plan within 30 days of P&Z approval reflecting the performance conditions or the special exception use permit will be null and void.

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 receiving development review for the proposed use.
2. The maximum seating capacity of the sanctuary is approved for 150 seats.

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