

STAFF REPORT

Planning & Zoning Commission: March 8, 2004

APPLICANT: Samuel Stokes **FILE NUMBER:** SE-04-02

PURPOSE: Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Deviation from the Parking Standards

GENERAL

LOCATION: East side of Cardwell Street, west side of I-75, approximately 450' south of Church Road

LEGAL

DESCRIPTION: A portion of Section 35, Township 23 South, Range 20 East, Hernando County, FL

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: AR-2	Single-family
South: AR-2	Single-family
East: AG, PDP(RURAL)	I-75, Undeveloped
West: AR-2	Church

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a place of public assembly, namely a religious establishment with a deviation from the parking standards. The subject property is located on the east side of Cardwell Street, approximately 450' south of Church Road.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The subject property contains approximately 4.2 acres.
3. The subject property is developed with a mobile home, and a partially-completed single family home.

4. The site has access from Cardwell Street, an unimproved private roadway.
5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Arrendondo fine sand.
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 a limited development on the subject property.
11. The surrounding area is characterized by rural residential and agricultural uses, and undeveloped parcels.
12. The petitioner is requesting unpaved parking which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes developing the subject property with a church. The subject property contains a mobile home and an unfinished single family home. The petitioner proposes completing construction on the residential building, adding 250 square feet of space to the current 3,100 square foot layout, and using the single family building for church functions. The petitioner proposes using the mobile home for storage. The petitioner anticipates a maximum attendance of 30 people. The narrative indicates services will be held once daily on Wednesday, Saturdays, and Sundays. Completion of the single family home would have to meet the applicable commercial development requirements.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks for the AR-2 district are as follows: 50' front, 10' side and 35' rear. The plan provided exceeds the minimum required setbacks.

No landscaped buffers are indicated on the plan. The planning staff is of the opinion that the petitioner should be required to maintain a minimum of 10' natural vegetation along the north and south property lines to buffer the use. If the request is approved, the petitioner would be required to meet the applicable county LDRs.

The subject property has access from Cardwell Street, an unpaved private roadway. The County Engineer has expressed concerns about locating the proposed use on an unpaved private roadway, not maintained by the County.

The LDRs indicate places of public assembly, such as the church, are required to provide .3 parking spaces per seat based on the maximum capacity of the place of public assembly. The plan indicates 12 parking spaces. The LDRS indicate that places of public assembly may have up to fifty (50) percent of the parking spaces (including aisles) surfaces 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. The petitioner has requested to provide unpaved parking. If the request is approved, the Planning Staff would not object to unpaved parking given the low intensity of the proposed place of public assembly and the rural character of the surrounding area. If the request is approved and the paving requirement waived, the petitioner would still be required to pave the handicapped parking space.

If the request is approved, any signage associated with the use would have to meet the County's LDRs.

The Utilities Department has indicated central water and sewer are not available to serve the subject property.

The FDOT has been notified of the request; no response has yet been received. The Pasco County Zoning/Code Compliance indicated she does not object to the request.

FINDINGS OF FACT

The surrounding area is characterized by rural residential and agricultural uses, and undeveloped parcels. The New Jerusalem Church of God is located across the street from the subject property, on the west side of Cardwell Street. The special exception for that church was approved in 1984, with a stipulation that any expansion of the church would require a new special exception use permit. At the time of approval of the special exception use permit, paved parking was not required.

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 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 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 indicate the use shall be of a similar architectural scale to the existing neighborhood development or take advantage of an existing building for its purpose. The subject property is partially developed with a mobile home and an unfinished single family home. The petitioner proposes completing the unfinished single family house for use as the religious establishment. The surrounding area is developed with a church, single family houses, and mobile homes. The Planning Staff is of the opinion that the scale of the proposed building would not be incompatible with the surrounding area; however, if approved, the request would be limited to a sanctuary with seating capacity for 30 persons.

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 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. Additionally, the LDRs indicate visual and functional conflict between the proposed use and nearby uses, if existent, shall be minimal. The Planning staff is of the opinion that increased traffic generated by the proposed use would be inappropriate at this location on this unimproved dirt road. The subject property is located on Cardwell Street, an private unimproved roadway not maintained by the County. The subject property is located approximately 300' south of Church Road, a paved collector roadway. The Planning Staff is of the opinion it is inappropriate to locate the proposed use on an unimproved dirt road.

The special exception use is a land use determination only. All applicable development regulations would have to be met if the permit is approved.

The staff is of the opinion that the proposed request is inappropriate, based on the following conclusion:

1. The proposed use would not be appropriate at this location because of the lack of adequate paved access.

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 deny the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Deviation from the Parking Standards.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to deny the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Deviation from the Parking Standards.