

**STAFF REPORT**

Planning & Zoning Commission: April 12, 2004

Planning & Zoning Commission: May 10, 2004

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**APPLICANT:** Christian Church in the Wildwood **FILE NUMBER:** SE-04-03

**PURPOSE:** Special Exception Use Permit for a Place of Public Assembly

**GENERAL**

**LOCATION:** North and south of Country Road, south of Osceola Drive, east and west of Short Street

**LEGAL**

**DESCRIPTION:** Lots 1 & 2, Block M, Lots 4 & 5, Block R, Lots 1 & 2, Block V, Highland Lakes Subdivision, as per plat thereof recorded in Plat Book 5, Page 42, of the Public Records of Hernando County, Florida in Section 25, Township 22 South, Range 17 East

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

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**CITIZEN RESPONSE:** FOR: 60 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: R-1A  
South: R-1A  
East: R-1A  
West: R-1A

Mobile home, undeveloped  
Mobile home, undeveloped  
Mobile home, undeveloped  
Mobile home, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests a special exception use permit for a place of public assembly. The subject property is located north and south of Country Road, south of Osceola Drive, east and west of Short Street.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1A.
2. A special exception use permit for a church currently exists on a portion of the subject property, on Lots 1 & 2, Block V and Lot 1, Block M.

3. The subject property contains approximately 10.3 acres.
4. The site is partially wooded; some specimen trees may be located on the property.
5. A portion of the subject property has been developed with a church building and associated outbuildings.
6. The site has access from Osceola Drive, Country Road and Short Street.
7. The petitioner's request to vacate Short Street is currently under review by the County.
8. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
9. 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.
10. The property is located in flood zones A and C.
11. The subject property contains a WHPA-1 and wetlands, but no SPAs, according to County data resources.
12. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
13. There are adequate public facilities available to serve limited development on the subject property.
14. The surrounding area is characterized by rural residential uses and undeveloped parcels.
15. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests a special exception use permit in order to expand the church development. A church is currently located on Lots 1 and 2, Block V. Administrative offices and a fellowship hall are currently located on Lot 2, Block V. The narrative indicates the congregation has grown to an extent that the church presently holds two (2) services on Sundays to accommodate more than 500 worshippers. The petitioner verbally indicates the congregation is anticipated to grow to approximately 1,000 persons. The narrative indicates the church employs nine (9) people.

In January 1988, the P&Z approved an expansion of the church site to the three northeastern lots: Lots 1 & 2, Block V and Lot 1, Block M. Performance conditions associated with the 1988 approval stipulated that any expansion or alteration must be approved by the DRC prior to any construction and the church was to construct a fenced buffer with vegetation between the parking lot and Lot 2, Block M.

The plan indicates a 21,000 square foot worship center is proposed to be centered on the present location of Short Street. The narrative indicates the worship center would contain a sanctuary, classrooms and administrative offices. The petitioner verbally indicates the proposed sanctuary will seat approximately 800 persons. The petitioner verbally indicated the congregation size is expected to expand to approximately 1,000 and the church is anticipating to continue providing two (2) services daily on Sunday mornings. The narrative indicates the administrative offices are open from 9 a.m. to 5 p.m., services are held on Sunday mornings and Wednesday evenings, Bible study classes are held throughout the week and Sunday school classes are held Sunday mornings.

The plan indicates a 16,800 square foot family life center is proposed on Lot 1, Block M (incorrectly identified on the plan as Block V). The narrative indicates the family life center would contain a gymnasium and classrooms and would be open daily from 10 a.m. to 8 p.m. The narrative indicates that the buildings presently located on Lot 2, Block M would be demolished and the site would be redeveloped with DRAs and driveway access. The plan indicates additional parking is proposed on Lots 1 and 2, Block R.

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 240 parking spaces. The narrative does not indicate the number of parking spaces to be provided. The plan indicates the proposed worship center and family life center are proposed to be surrounded by parking on all sides. Unpaved parking is also proposed on the two (2) lots on the south side of Short Street.

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 verbally indicated no more than fifty (50) percent of the parking area would be unpaved.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks for the R-1A district are as follows: 25' front, 10' side and 20' rear. The plan indicates the buildings meet the minimum building setbacks for the R-1A district.

The plan does not indicate the location of any buffers on the subject property. If the request is approved, the petitioner must provide landscaping as required by the applicable LDRs.

The petitioner has requested a special exception use permit for a place of public assembly. Uses other than religious establishments that fall into the category of place of public assembly include social clubs, public meeting halls, community centers, civic centers, fraternal organizations and cultural facilities. If the petitioners's request is approved, any place of public assembly developed in accordance with the performance conditions could be developed on the property.

The County Utilities Department has indicated central water and sewer service are not available to serve the subject property. The development will be served by well and septic. The petitioner will have to obtain the appropriate approvals from the Health Department to provide service if the request for the special exception use is approved.

The County is currently reviewing the petitioner's request to vacate Short Street. The petition of the vacation is scheduled to be heard by early April 2004. In December 2002, the BCC continued the vacation petition indefinitely, to be rescheduled and readvertised when issues concerning the replacement street were resolved. The County staff recommended the permanent vacation of Short Street occur upon completion of construction and acceptance of the dedication of the replacement street. The plan for the special exception request shows a proposed new street along the western lot line of Lot 2, Block M, providing interconnection between Osceola Drive and Country Road. If the P&Z approves the special exception use permit, but the BCC denies the vacation petition, the petitioner would be required to modify the special exception use permit through the land use process to change the site layout.

The plan provided indicates three (3) access points on County Road and one access point on the proposed road along the western boundary. The County Engineer did not object to the proposed access for the proposed development.

The Transportation Planning Coordinator has indicated the local roadways in the Highland Lakes subdivision, e.g., Osceola Drive and Country Road, have capacity to accommodate the trips to be generated by the proposed development. The Transportation Planning Coordinator indicates the proposed expansion in the size of the congregation from approximately 500 persons to approximately 1,000 will generate approximately 350 additional trip ends with a net additional loading of 90 to 100 trips on the two (2) local streets adjacent to the church. Although the adjacent local roadways have adequate capacity to serve the subject request, the proposed expansion will generate traffic volume with peaking characteristics substantially higher than the peaking characteristics of traffic associated with single family residential land use.

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-1 according to County data resources. The proposed land use is allowed within this designation. The property contains a Class 3 wetland according to County data resources. If the request is approved by the Planning & Zoning Commission, any encroachment, alteration or removal of the Class 3 wetland should adhere to all federal and state permitting procedures regarding mitigation and/or habitat compensation.

**FINDINGS OF FACT**

The subject property is located within the Highland Lakes residential subdivision, characterized by mobile home and SF development and undeveloped parcels.

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 Planning staff has concerns about the impacts of the proposed use on the surrounding local roadways due to the substantially higher peaking characteristics of the proposed expansion than single family residential land use. The Planning staff is of the opinion that the traffic generated by the proposed use would be incompatible with the surrounding residential area.

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 has been developed with a 24,000 square foot church building in an area developed with mobile homes. The Planning staff is of the opinion that the petitioner's proposed expansion would be out of scale with the surrounding residential development.

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 the proposed development is out of scale with the surrounding residential neighborhood and the resulting visual conflict will not be minimal. The Planning staff is of the opinion the traffic generated on the surrounding local roadways will create a functional conflict that is more than minimal.

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.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The Planning staff is of the opinion the scale of the proposed development and the potential traffic impacts on the local roadways would be too intense to be compatible with the current development in the Highland Lakes subdivision.

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 proposed special exception use is not appropriate based on the following conclusions:

1. The proposed special exception use would not be consistent with the Comprehensive Plan and would not be consistent with the County's Land Development Regulations.
2. The visual and functional conflict generated by the proposed development would be destructive to the character and integrity of the surrounding residential development.
3. The intensity of the potential traffic impacts on the local roadways would be incompatible with the surrounding residential development.

**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.

**P&Z ACTION:**

On April 12, 2004, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition to their May 10, 2004, meeting at 9:30 a.m.

At their May 10, 2004, hearing based on the information provided, the Planning and Zoning Commission made the following findings:

1. The petitioner's ability to demonstrate neighborhood support for the proposed special exception use indicates the use would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations.
2. The petitioner has been able to demonstrate that the neighborhood residents are of the opinion the proposed development would not be destructive to the character and integrity of the surrounding residential development.
3. The petitioner has been able to demonstrate that the neighborhood residents do not object to any potential traffic impacts on the local roadways.

The Planning and Zoning Commission voted 4-1 to approve the Special Exception Use Permit for a Place of Public Assembly, 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 project will be built generally in conformance with the plan submitted and approved.
3. The petitioner shall obtain health department approval for the use of well and septic.
4. Lighting shall be directed internally.
5. Final access shall be determined by the county engineer.
6. The maximum seating capacity of the sanctuary is approved for 800 seats.
7. Buffers shall be provided as required by the County landscaping ordinance.