

STAFF REPORT

Planning & Zoning Commission: August 9, 2004

APPLICANT: Brooksville Baptist Church, Inc. **FILE NUMBER:** SE-04-14

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

GENERAL

LOCATION: East side of Powell Road, south side of Old Spring Lake Road

LEGAL

DESCRIPTION: A portion of Section 8, Township 23 South, Range 20 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 2

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: AG
East: AG
West: AG

Surrounding Land Uses

AG
AG
micro repeater tower
Pasture

SUMMARY OF REQUEST

The petitioner requests a Special Exception Use Permit for a Place of Public Assembly. The subject property is located on the east side of Powell Road and on the south side of Old Spring Lake Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The subject property contains approximately five (5) acres.
3. The site is undeveloped.
4. The subject property appears to contain no majestic or specimen trees.
5. The site has access from Powell Road and Old Spring Lake Road.

6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Arredondo fine sand and Blichton loamy fine sand.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA-1, but no SPAs or wetlands, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by agricultural and rural residential uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner submitted a request for a special exception use permit for a place of public assembly. The petitioner proposes developing the subject property with a church. The narrative indicates most activities would take place throughout the day on Sundays and Wednesday evenings, although administrative and maintenance activities would take place throughout the week. The narrative indicates the proposal is to build a 4,000 square foot building with a maximum capacity of approximately 161 people, a playground and picnic pavilion with a maximum square footage of 900 square feet. The narrative indicates future additional buildings are proposed to accommodate anticipated growth: a 6,000 sanctuary and a 10,000 square foot family life center.

The plan provided shows a 4,000 square foot Phase I building, a 6,000 square foot Phase II future sanctuary; a 9,600 square foot Phase III future family life center building, a 900 square foot picnic pavilion, a recreational area and parking for 51 vehicles. The plan shows two (2) access points on Old Spring Lake Road. The plan indicates trees are proposed to be planted at 15' intervals along the east and south property lines.

The place of public assembly land use classification includes uses such as social clubs, religious establishments, public meeting halls, community centers, civic centers, fraternal organizations and cultural facilities. If a place of public assembly is approved, any of the uses considered places of public assembly would be allowed on the subject property.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks for the AG district require 75' setbacks from Powell Road and Old Spring Lake Road, a 35' setback from the east lot line and a 50' setback from the south lot line. The plan submitted shows 75' setbacks from Powell Road and Old Spring Lake Road and 50' setbacks from the east and south lot lines. If the request is approved, the petitioner would be required to meet the applicable county LDRs.

The plan indicates 51 parking spaces are proposed. The narrative indicates the parking is intended to accommodate 170 persons and would be doubled in the future to accommodate 340 persons. 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 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. The petitioner has verbally indicated they are requesting no deviations from the parking standards.

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

The plan indicates the site will be served by well and septic. The Utilities Department has indicated central water and sewer are not available to serve the subject property. If the request is approved, the petitioner will have to obtain the appropriate permits for the well and septic tank.

Access is proposed from Old Spring Lake Road. The plan indicates two (2) access points on Old Spring Lake Road. The County Engineer has reviewed the access and indicated no objection provided the access is consistent with the LDRs. The County Engineer requests that if the request is approved, the petitioner be required to provide 40' of ROW from the centerline of Powell Road, provide an additional 25' of ROW along Old Spring Lake Road and provide turn lanes on Powell Road.

The City of Brooksville has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The surrounding area is characterized by agricultural and rural residential uses and undeveloped parcels. A communication tower is located to the east of the subject property. The Planning staff is of the opinion the proposed use at the proposed intensity would be compatible with the surrounding rural residential development.

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, agricultural 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.

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 subject property is located on Powell Road, a collector roadway, and Old Spring Lake Road, a local roadway. The Transportation Planning Coordinator did not object to the proposal.

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 appropriate, based on the following conclusion:

1. The proposed place of public assembly at the intensity proposed 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 Concurrency. 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, 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, and complete all applicable development review processes.
2. The minimum setbacks on the property shall be as follows:

From Powell Road:	75'
From Old Spring Lake Road:	75'
From the east:	35'
From the south:	50'
3. Development shall be generally in conformance with the plan provided.
4. Maximum capacity for the sanctuaries shall be 340.
5. The petitioner shall provide the treed buffer along the east and south property lines as indicated on the plan.
6. The petitioner shall provide 40' of ROW from the centerline of Powell Road.
7. The petitioner shall provide an additional 25' of ROW along Old Spring Lake Road.
8. The petitioner shall provide turn lanes on Powell Road, as required by the County Engineer.
9. Access shall be limited to no more than two (2) access points on Old Spring Lake Road, meeting the County LDRs.
10. The recreation area is approved with low intensity recreational uses.
11. 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 4-0 to approve the petitioner's request for a 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, and complete all applicable development review processes.
2. The minimum setbacks on the property shall be as follows:

From Powell Road:	75'
From Old Spring Lake Road:	75'
From the east:	35'
From the south:	50'
3. Development shall be generally in conformance with the plan provided.
4. Maximum capacity for the sanctuaries shall be 340.
5. The petitioner shall provide the treed buffer along the east and south property lines as indicated on the plan. The southern buffer shall meet 80% opacity.
6. The petitioner shall provide 40' of ROW from the centerline of Powell Road.
7. The petitioner shall provide an additional 25' of ROW along Old Spring Lake Road.*
8. The petitioner shall provide turn lanes on Powell Road, as required by the County Engineer.
9. Access shall be limited to no more than two (2) access points on Old Spring Lake Road, meeting the County LDRs.
10. The recreation area is approved with low intensity recreational uses.
11. 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.
12. There shall be no metal buildings on the site.

*** NOTE:** The P&Z suggested that Property Management and Engineering consider allowing the interim use of the well existing within the area proposed to be given by the church for right-of-way.