

STAFF REPORT

Planning & Zoning Commission: August 9, 2004

APPLICANT: St. Theodora of Sihla Orthodox Monastery **FILE NUMBER:** SE-04-15

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

GENERAL

LOCATION: North side of Bidwell Road, approximately 1,000' west of Ponce de Leon Boulevard

LEGAL

DESCRIPTION: A portion of Section 4, Township 22 South, Range 19 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Mobile home
South: AG	Mobile home
East: AG	Mobile home
West: AG	Single family

SUMMARY OF REQUEST

The petitioner requests a Special Exception Use Permit for a Place of Public Assembly with a Deviation from the Parking Standards. The subject property is located on the north side of Bidwell Road, approximately 1,000' west of Ponce de Leon Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The subject property contains approximately 2.6 acres.
3. The site has been developed with a mobile home.

4. The subject property appears to contain specimen, but no majestic trees.
5. The site has access from Bidwell 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 Blichton loamy fine sand, Kanapaha fine sand and Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property does not contain SPAs, WHPAs 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 rural residential and institutional uses and undeveloped parcels.
13. The petitioner has requested unpaved parking, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner has applied for a place of public assembly in order to develop the site with a monastery. The narrative indicates the proposed development includes a residence for three (3) monks and a church accommodating 15 people for services on Sunday mornings.

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.

The plan provided shows a 2,000 square foot house and a 920 square foot church building. Development on the subject property must meet the minimum setbacks for the underlying zoning category. The plan submitted appears to meet the minimum setbacks for the AG district. If the request is approved, the buildings will have to meet the applicable development standards. The

Development Department has indicated the house would have to meet single family residential building standards.

The LDRs indicate places of public assembly, such as the monastery 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 5 parking spaces. The plan provided shows a total of 10 unpaved parking spaces. 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 Planning staff is of the opinion that the unpaved parking as proposed is consistent due to the scale of the proposal and the rural nature of the area.

No signage is indicated on the plan provided. If the request is approved, signage will be subject to the County sign regulations.

The narrative indicates the property has access from Bidwell Road and an access tract from US 98 to the east. The petitioner has provided no documentation indicating the parcel has legal access via the access tract to the east. Bidwell Road is a County-owned unpaved roadway, maintained on an emergency basis. The County Engineer has recommended against adding additional trips on this unimproved roadway. The Planning staff is of the opinion it is inappropriate to locate a place of public assembly at this location with the substandard access.

The plan provides no details about landscaping. If the request is approved, the petitioner shall provide landscaping as required by the County landscaping LDRs.

The Utilities Department has indicated that central water and sewer service are not available. If the request is approved, the petitioner will have to obtain the appropriate permits for the well and septic tank.

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 rural residential and institutional uses and undeveloped parcels. The parcels in the area have been developed with mobile homes and single family homes. A church is located to the east of the subject property.

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 & 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 Bidwell Road, an unimproved County-owned roadway maintained on an emergency-only basis. The Planning staff is of the opinion that additional traffic, beyond what is allowed pursuant to the permitted uses on the property, would be inappropriate given the existing condition of the roadway serving the property.

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 proposed special exception use is inappropriate, based on the following conclusion:

1. The proposed place of public assembly would attract inappropriate traffic volume to Bidwell Road, a substandard roadway.
2. The proposed request for a place of public assembly is inconsistent 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 deny the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly with a Deviation from the Parking Standards.

P&Z ACTION:

The Planning and Zoning Commission voted 4-0 to deny the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly with a Deviation from the Parking Standards.