

STAFF REPORT

Planning & Zoning Commission: February 14, 2005

APPLICANT: Thuoc Vovan **FILE NUMBER:** SE-05-03

PURPOSE: Special Exception Use Permit for a Paint Ball Range including a parking deviation

GENERAL

LOCATION: Southwest of Keysville Avenue, approximately 1,100' south of Northcliffe Boulevard

LEGAL

DESCRIPTION: A portion of Section 12, Township 23 South, Range 17 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 1

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG, C-3	Undeveloped, dentist office
South: AG	Undeveloped
East: PDP(SF), PDP(SU)	SF, well site, gas storage, substation
West: AG	SF

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a paint ball range including a parking deviation. The subject property is located southwest of Keysville Avenue, approximately 1,100' south of Northcliffe Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 8.5 acres.
3. The site has been developed with a single family house and a paint ball range.
4. The site is wooded but does not appear to contain majestic or specimen trees.

5. The subject property has access from a private road extending from Keysville Avenue.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. 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.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available by ordinance to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family residential, office professional and utility uses, and undeveloped parcels.
13. The petitioner has proposed providing unpaved parking, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a special exception use permit for a paint ball range including a parking deviation. A paint ball range is allowed as a special exception use in the AG zoning district. The narrative indicates that for the past three and a half years, the petitioner has operated a paint ball range on the subject property as an outreach ministry for a local church. The petitioner received a notice of violation from Code Enforcement in December 2004 for operating the paint ball range without the special exception use permit.

The narrative indicates the paint ball range has been set up on approximately five (5) acres of the 8.5 acre subject property. The plan indicates the range is set up in the eastern portion of the property, away from the single family house which is located in the northwestern corner of the property. The narrative indicates the range would operate from 9 a.m. to 4 p.m. on Saturdays and 10:30 a.m. to 4:30 p.m. on Sundays, the range will have no other employees besides the petitioner/operator, and a maximum of 20 participants are expected at any one time.

The Utilities Department has indicated that central water and sewer are not available by ordinance to serve the subject site. Central water and sewer service is located approximately 125' to the east of the subject property.

The narrative and plan indicate a portolet is provided for patrons' use. The staff has discussed the request for portolets with the Health Department. Because the use is intermittent and no permanent buildings or structures are proposed, portable toilets would be allowed.

The petitioner proposes providing unpaved parking spaces along the unpaved entry drive. The LDRs would require 0.3 paved parking spaces per person based on maximum occupancy. If the request is approved, the staff would not object to unpaved parking because the use is proposed only on weekends. The staff is of the opinion the minimum six (6) spaces should be provided. If the request is approved, the petitioner will have to provide one paved handicapped space.

The subject property has access from a private road extending from Keysville Avenue. The County does not maintain the roadway.

The subject property lies within a WHPA-1 for a public supply well. The proposed use is allowable within this designation. Production paintballs are biodegradable and contain vegetable dye in a gelatine coating.

FINDINGS OF FACT

The area is characterized by single family residential, office professional and utility uses, and undeveloped parcels. The subject property is located between Spring Hill single family residential lots and larger AG parcels. The AG parcels are located in an enclave within Spring Hill. The AG parcels are either already developed with single family residential uses or are anticipated to develop with such uses. The subject property contains a SF residence in the northwest corner. A medical office is located to the north of the subject property. Utility uses, including a well site, substation and natural gas storage, are located to the east.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance conditions being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

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 nature of 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 Planning staff is of the opinion that the proposed use is appropriate in a rural area, not in this location in close proximity to Spring Hill single family residential development without direct access to a public roadway.

A special exception use permit 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 performance are imposed in addition to those imposed in the ordinance.

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

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located proximate to an area zoned for single family homes and in an area of larger AG lots developed with SF uses. The Planning staff is of the opinion that the proposed use would impair the character and integrity of the surrounding SF uses.

The staff is of the opinion that the special exception use of the paint ball range is not appropriate, based on the following conclusions:

1. Access to the project site via the existing local streets is not adequate for the proposed use.
2. The paint ball range use would be incompatible with the surrounding land uses.
3. The paint ball range use would be inconsistent with the 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 paint ball range including a parking deviation.

P&Z ACTION:

The P&Z voted 3-2 to approve the special exception use permit for a paint ball range including a parking deviation 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 applicants must screen the air fill bunkers from view.
3. The hours of operation will be from 9:00 AM to 4:00 PM on Saturdays and 10:30 AM to 4:30 PM on Sundays as detailed in the narrative.