

STAFF REPORT

Planning & Zoning Commission: March 14, 2005

APPLICANT: Northcliffe Baptist Church **FILE NUMBER:** SE-05-06

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

GENERAL

LOCATION: North side of Northcliffe Boulevard, west side of Hearth Road, east side of Tiburon Avenue

LEGAL

DESCRIPTION: Lots 1, 2, 37, 38 and 39, and Tract "H," Block 1130, Spring Hill, Unit 17, as per plat thereof recorded in Plat Book 9, Pages 31 - 46, of the Public Records of Hernando County, Florida in Section 7, Township 23 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF), PDP(GHC)
South: PDP(OP), PDP(MF), PDP(GHC)
East: PDP(GHC), PDP(SF)
West: PDP(SF)

Surrounding Land Uses

Single family
Undeveloped, MF, commercial
Commercial, undeveloped
Single family, DRA

SUMMARY OF REQUEST

The petitioner requests a modification to a special exception use permit for a place of public assembly. The subject property is located on the north side of Northcliffe Boulevard, west side of Hearth Road and east side of Tiburon Avenue.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SU), PDP(GHC) and PDP(SF)
2. The subject property contains approximately 11.8 acres.

3. The site is partially developed with a church.
4. The subject property appears to contain no majestic or specimen trees.
5. The site has access from Northcliffe Boulevard, Tiburon Avenue and Hearth Road.
6. The subject property is located within commercial and residential land use classifications 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 no WHPAs, SPAs or wetlands according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject property.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is characterized by commercial and 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 modification to a special exception use permit for a place of public assembly. In October 2004, 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. A maximum of two additional signs not to exceed 10 square feet in size each as indicated on the plan are allowed subject to conformance with the LDRs.

3. Lot 2, Block 1130 shall be limited to one sign and landscape features. Passive recreational uses associated with the church are allowed on Lot 1, Block 1130.
4. Any future development on the subject property requires modification of the special exception use permit by the Planning & Zoning Commission.

The two signs placed at the southwest and southeast corners of the property exceed the 10 square feet size limit. The petitioner had verbally indicated during the initial request for the special exception that each sign was approximately eight (8) square feet in size. During the permitting process, the signs were determined to be 2' x 8', or 16 square feet in size.

If the special exception use permit is approved, the petitioner will have to apply for the applicable sign permits from the Development Department. Because of the mixture of uses and the extensive frontage along Northcliffe Boulevard, the request for the signage would not be inconsistent with the LDRs. It is the staff's position the approval should be limited to the two signs indicated on the site plan at a maximum of 16 square feet in size each.

FINDINGS OF FACT

The surrounding area is characterized by commercial and residential uses, and undeveloped parcels. Single family uses are located to the north and west of the subject property. Multifamily uses are located to the south of the subject property. General commercial uses are located to the south and east of the subject property. The Planning staff is of the opinion that expanding the proposed size of the church signs would be compatible with the surrounding land uses.

The subject property is located within commercial and residential land use classifications on the adopted Future Land Use Map. Churches are allowed in the residential future land use category. Minor institutional uses are allowed in the commercial future land use category.

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 staff does not object to the size of the proposed signs.

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 signs 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. A maximum of two additional signs not to exceed 16 square feet in size each as indicated on the plan are allowed subject to conformance with the LDRs.

3. Lot 2, Block 1130 shall be limited to one sign and landscape features. Passive recreational uses associated with the church are allowed on Lot 1, Block 1130.
4. Any future development on the subject property requires modification of the special exception use permit by the Planning & Zoning Commission.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 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. A maximum of two additional signs not to exceed 16 square feet in size each as indicated on the plan are allowed subject to conformance with the LDRs.
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