

**STAFF REPORT**

Planning & Zoning Commission: April 11, 2005

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**APPLICANT:** Faith Baptist Church **FILE NUMBER:** SE-05-07

**PURPOSE:** Special Exception Use Permit for Educational Facilities and Child Care Facilities

**GENERAL**

**LOCATION:** West side of Spring Time Street, approximately 950’ north of County Line Road

**LEGAL**

**DESCRIPTION:** Lot 76, El Pico, an unrecorded subdivision located in Hernando County, Florida in Section 36, Township 23 South, Range 17 East

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

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

**STAFF FINDINGS:**

| <u>Surrounding Zoning</u> | <u>Surrounding Land Uses</u> |
|---------------------------|------------------------------|
| North: AR-2               | Single family                |
| South: PDP(HC)            | Stone yard                   |
| East: PDP(OP)             | Undeveloped                  |
| West: AR-2                | Undeveloped                  |

**SUMMARY OF REQUEST**

The petitioner requests a special exception use permit for educational facilities and child care facilities. The subject property is located on the west side of Spring Time Street, approximately 950’ north of County Line Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2 with a special exception use permit for a church.
2. The property comprises approximately 4.6 acres.
3. The site has been developed with a church.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Spring Time Street.
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 does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available 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 rural residential, institutional and commercial uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests a special exception use permit for educational facilities and child care facilities. In 1979, the Planning & Zoning Commission approved a special exception use permit on the site for a church. The subject property has been developed with a church and a school, Faith Christian Academy. The previously approved special exception use permit was for a church only and did not include the educational facility.

The petitioner indicates in the narrative that the current school building is overcrowded. The plan indicates the petitioner proposes an additional 12,560 square foot building on the site. The narrative indicates the building will contain a 5,400 square foot gymnasium, three (3) classrooms, a recreational room, storage and restroom facilities. The narrative indicates the school currently has 11 teachers and 90 students. The representative has indicated verbally the school serves students pre-kindergarten through sixth grade. The narrative states the school is not expected to increase the

student or staff populations, although some growth is expected in the future. The narrative indicates the hours of operation are 7 a.m. to 6 p.m., Monday through Friday.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks for the AR-2 district is as follows: 50' to the front lot line, 10' to the side lot lines and 35' to the rear lot line. The plan provided indicates the proposed building meets the minimum setbacks.

The plan indicates 74 parking spaces are provided. The parking is provided on an existing paved parking lot. The representative has indicated overflow parking may be provided on the lawn to the north of the school, although this is not indicated on the site plan provided. The LDRs indicate that private schools 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 Utilities Department has indicated that central water and sewer are not available to serve the subject site.

The Health Department has indicated that the septic system would have to be investigated at the time of permitting to ensure it can accommodate the proposed development.

The subject property has access from Spring Time Street. The County Engineer did not have any comments regarding the proposal.

Pasco County has been informed of the request; no response has yet been received.

### **FINDINGS OF FACT**

The area is characterized by rural residential, institutional, commercial uses and undeveloped parcels. Uses including churches, a pigeon club, single family homes and mobile homes are located to the north and northeast of the subject property. A stone yard/landscaping service is located to the south of the subject property. Undeveloped parcels are located to the east and west.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. A school is a land use which can be located in this category with performance conditions being met.

Policy 1.01(I)(4) requires that school siting approvals are consistent with appropriate service standards, including provision of adequate transportation infrastructure.

Policy 1.01I(7) provides locational criteria to be reviewed in determining the appropriateness of a proposed school site. The criteria include compatibility with existing and projected uses of adjacent properties and the site area of the proposed location providing sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses. The Planning staff is of the opinion the location of the proposed building towards the center of the parcel will minimize impacts to the surrounding land uses.

The criteria requires the site have no significant environmental constraints that would preclude development of a public educational facility on the site, the location be well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements, no conflict with the County's Stormwater Management Plan and any watershed management plans adopted by the County if applicable. The Planning staff is of the opinion environmental conditions do not prohibit the development of the site.

The criteria require the site not be located in a velocity zone or a flood way, can accommodate the required parking and anticipated queuing of vehicles onsite and lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of the airport. The subject is located in flood zone C, which does not prohibit development. The Planning staff is of the opinion that the site is potentially large enough to accommodate the proposed traffic access and circulation features. The site lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The criteria requires there will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by a local government as locally significant historic or archaeological resources. County data resources indicate no archaeological or historic sites are located on the subject property.

Policy 1.01I(9) indicates that educational facilities including an elementary school and middle school shall have direct access to at least a minor collector roadway or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification. The subject property is served by a local roadway. The transportation coordinator has reviewed the petitioner's request and indicated that the impacts associated with the school at the intensity proposed are acceptable.

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 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 Spring Time Street, a local roadway.

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 petitioner proposes to keep the existing church and expand the existing school building. It is the staff's opinion that the proposed development will not be out of scale with the surrounding area.

The staff is of the opinion that a special exception use permit for educational facilities and child care facilities is appropriate, based on the following conclusions:

1. The proposed educational facilities and child care facilities, with appropriate performance conditions, would be compatible with the surrounding land uses.
2. The proposed educational facilities and child care facilities, with appropriate conditions, are consistent with the County's adopted comprehensive plan and compatible with all performance conditions set forth herein.

**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 educational facilities and child care facilities, 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. Development shall be generally in conformance with the plan.
3. The maximum student population is 100.
4. Design of the project expansion shall be in accordance with the County's LDRs relating to small retail development.

**P&Z ACTION:**

The Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a special exception use permit for educational facilities and child care facilities, 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. Development shall be generally in conformance with the plan.
3. The maximum student population is 170.
4. Design of the project expansion shall be in accordance with the County's LDRs relating to small retail development.