

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

APPLICANT: Central Park Baptist Church **FILE NUMBER:** SE-05-09

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

GENERAL

LOCATION: East side of Howell Avenue, south side of Drury Lane, north side of Guthrie Road

LEGAL

DESCRIPTION: Lots 13 - 15, Central Park, as per plat thereof recorded in Plat Book 5, Page 26, of the Public Records of Hernando County, Florida in Section 14, Township 22 South, Range 19 East and a portion of Section 14, 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: 2

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: R-1B	Single family
South: R-1B, City of Brooksville	Single family
East: R-1B	Single family, mobile home
West: C-1, R-1B	Commercial

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 Howell Avenue, south side of Drury Lane, north side of Guthrie Road.

FACTUAL INFORMATION

1. The property is currently zoned R-1B.
2. The property comprises approximately 1.72 acres.
3. The site contains a church and a pastor's residence.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Howell Avenue, Drury Lane and Guthrie Road.
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 Nobleton fine sand.
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 City of Brooksville has indicated that the site is served by central water service, and central sewer service is available to serve the property.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by single family homes, mobile homes and commercial uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a special exception use permit for a place of public assembly in order to add a paved parking lot to the site. The site has been developed with a church and a pastor's residence. The church currently operates as a nonconforming use on a portion of the subject property. The narrative indicates services take place Sunday mornings from 9:30 a.m. to 1:00 p.m., Sunday evenings from 5:00 p.m. to 9:00 p.m., and Wednesday evenings from 6:00 p.m. to 9:00 p.m. The narrative also notes the church conducts four (4) week-long revivals each year and conducts weddings, funerals, birthday parties, seminars, barbeques and fish fries at the site.

The LDRs indicate places of public assembly, such as the church proposed, are required to provide 0.3 parking spaces per seat based on the maximum capacity of the place of public assembly. The plan indicates the church has a capacity of 100, although the narrative indicates the church has a capacity for 120. The plan shows 38 spaces, including two (2) handicapped spaces. The provided parking appears to meet the minimum requirements of the LDRs.

The City of Brooksville has indicated that the project is located within the City's First Right to Serve Area. The Church is served by central water and septic. The City has indicated that central sewer is available to serve the project.

The Health Department has indicated that the DRA and septic system would have to be addressed for possible interference or setback problem.

The subject property has access from Howell Avenue, Drury Lane and Guthrie Road. The plan shows one access from Howell Avenue and three driveways on Drury Lane. The staff reviewed the request with the County Engineer. The County Engineer indicated that the circulation for the parking area cannot occur in the public street as depicted on the plan. If the request is approved, the project should be limited to two driveways on Drury, with no parking circulation occurring in the public street.

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

FINDINGS OF FACT

The area is characterized by single family homes, mobile homes and commercial uses. Residential uses are located to the north, west and south of the subject property. A commercial strip center is located to the west, across Howell Avenue.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. A place of public assembly is a land use allowed in the residential land use category.

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 Howell Avenue, a collector roadway and Drury Lane. The Transportation Planning Coordinator has indicated Howell Avenue has capacity to accommodate the proposed use. Given the intensity of the existing church, the use of Drury Lane is also acceptable.

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. No changes are being proposed to the existing nonconforming church. The petitioner proposes adding a paved parking

lot. It is the staff's opinion that the proposed development will not be out of scale with the surrounding area.

The LDRs indicate visual and functional conflict between the proposed use and nearby neighborhood uses, if existent, shall be minimal. The Planning staff is of the opinion the proposed development will not conflict visually or functionally with the surrounding area.

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.

If the special exception use permit is approved, the intensity of the use would be limited to what is depicted on the submitted site plan and associated narrative.

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.

The staff is of the opinion that the proposed use at the intensity proposed is appropriate, based on the following conclusions:

1. The proposed special exception use is consistent with the County's adopted Comprehensive Plan and is compatible with the existing uses in the area subject to compliance with all performance conditions 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 Concurrence. 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 driveways are allowed to Drury Lane with no parking circulation occurring in the public street.
3. Final design of parking and circulation area are subject to approval by the County Engineer.
4. The approval is for the buildings and parking at the intensity indicated on the site plan.

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 driveways are allowed to Drury Lane with no parking circulation occurring in the public street.
3. Final design of parking and circulation area are subject to approval by the County Engineer.
4. The approval is for the buildings and parking at the intensity indicated on the site plan.