

STAFF REPORT

Planning & Zoning Commission: June 13, 2005

APPLICANT: Patricia C. Posey **FILE NUMBER:** SE-05-13

PURPOSE: Special Exception Use Permit for Child Care Facilities with a Parking Deviation

GENERAL

LOCATION: North side of Spring Hill Drive, west side of Coronado Drive

LEGAL

DESCRIPTION: Lot 13, Block 630, Spring Hill, Unit 10, as per plat thereof recorded in Plat Book 8, Pages 54 - 66, of the Public Records of Hernando County, Florida in Section 29, Township 23 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 1 AGAINST: 2
PETITION IN FAVOR: 1 with 11 signatures

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(SF)	Single family
South: PDP(SF)	Single family, undeveloped
East: PDP(SF)	Single family
West: PDP(SF)	Single family

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for child care facilities with a parking deviation. The subject property is located on the north side of Spring Hill Drive and west side of Coronado Drive.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately a half acre.
3. The site contains a single family house.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Spring Hill Drive and Coronado Drive.
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-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, is 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 predominantly by single family houses.
13. The petitioner has requested unpaved parking, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a special exception use permit for a child care facility for children aged one (1) to five (5) on this half-acre site. A child care facility is an allowable special exception use in any zoning category provided the appropriate land use approvals are obtained. A special exception use permit shall be granted only for those buildings, uses, and accessory buildings specifically indicated by the Commission.

The subject property contains a 1,323 square foot single family home. The petitioner proposes enclosing the carport in the future to add an additional classroom. If the request is approved, the existing building would be required to be upgraded to meet the applicable development standards.

The petitioner proposes providing care for 35 children initially, with a future maximum of 100 children. The hours of operation are proposed to be 6:30 a.m. to 6:00 p.m., Monday through Friday.

The narrative indicates the facility would initially have six (6) staff members, including the petitioner.

The subject property has access from Spring Hill Drive and Coronado Drive. The plan shows access from the existing driveway on Coronado Drive. The County Engineer indicates that the proposal may create traffic back-ups between the driveway and the Spring Hill Drive/Coronado Drive intersection.

The narrative indicates there is adequate parking and a play area. The play area is not indicated on the plan provided. The plan indicates a ten (10) car parking area in an approximately 40' x 40' parking lot between the house and Spring Hill Drive with access via the driveway on Coronado Drive. The County Engineer indicates the proposed parking is not feasible in the space indicated. The LDRs require a child care facility to provide parking at the rate of one (1) space per staff member plus three (3) spaces for visitor parking. The petitioner would be required to provide nine (9) parking spaces if the center has six (6) staff members as proposed. During a site visit, the staff noted that three (3) cars could be accommodated in the existing garage, carport and driveway. The yard facing Spring Hill Drive is currently landscaped. The Planning staff is of the opinion the petitioner has not demonstrated compliance with the parking requirements.

The petitioner has requested unpaved parking, which is a deviation from the County's LDRs. The petitioner has indicated she wants the parking lot to be surfaced with wood chips. The Planning staff is of the opinion that providing unpaved parking for the intensity of the use proposed would not be appropriate.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for single family dwellings. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.

The Health Department has indicated that they would have to review the project prior to any permitting. Further, they indicated concerns regarding whether the petitioner could comply with the rules based on the small size of the property relative to the number of children proposed in the facility. The petitioner has not demonstrated that the sewer system can comply with the applicable regulations.

If approved, the petitioner would be required to obtain the necessary state permits for operation of a child care facility. Given the size of the facility, the staff has concerns as to whether it can meet state rules for occupancy of up to 100 children. The petitioner has not verified compliance with the state rules given the size of the facility in relation to the number of children proposed.

The subject property is within a WHPA-2 for a public supply well. The proposed use is allowable within this designation.

FINDINGS OF FACT

The subject property is located in an area of Spring Hill characterized by single family houses on lots with a minimum size of a half-acre. The subject property is surrounded by single family homes.

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.

Policy 1.01H(2) of the Future Land Use Element instructs the County to “protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.” It is the staff’s opinion that a child care facility at the intensity proposed would be an incompatible use destructive to the character and integrity of the residential environment.

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 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 a child care facility special exception use is inappropriate, based on the following conclusions:

1. The petitioner has not demonstrated the ability to comply with state regulations for child care facilities.
2. The petitioner has not demonstrated the ability to comply with the applicable regulations for the sewer system to serve the project.

3. The petitioner has not demonstrated the ability to provide parking meeting the County LDRs.
4. A child care facility will not be compatible with the surrounding area and will be 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 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 deny the petitioner's request for a special exception use permit for child care facilities.

PLANNING & ZONING COMMISSION ACTION:

The Planning and Zoning Commission voted 5-0 to deny the petitioner's request for a special exception use permit for child care facilities.