

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007

APPLICANT: North American Islamic, Inc.

FILE NUMBER: SE-07-06

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

GENERAL LOCATION: West side of Barclay Avenue, approximately 500' south of Irving Street

LEGAL DESCRIPTION: A portion of Section 3, Township 23 South, Range 18 East, Hernando County, FL, also known as Lot 163 of Hernando Highlands

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

CITIZEN RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner has submitted a request for revisions to a special exception use permit for a place of public assembly in order to construct a new 6,677 square foot mosque. The new mosque will contain 3,790 square feet of assembly and the remaining square footage will be utilized for events, offices other facilities. The site plan indicates that the assembly area will have an occupancy of 434 persons.

Proposed Minimum Setbacks:

Front: 75'

Rear: 35'

Side: 20'

SITE CHARACTERISTICS:

Site Size: 4.83 acres

Surrounding Zoning; Land Uses:

North:	AR-2; Single Family; Undeveloped
South:	AR-2; Single Family
East:	AR-2; Single Family
West:	PDP(SF); The Oaks Subdivision

Current Zoning: AR-2/(Agricultural/Residential)

Future Land Use Map Designation: Rural

Flood Zone: C

SITE CIRCUMSTANCES:

On November 10, 1997, under petition SE-97-14 the Planning and Zoning Commission (P&Z) voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for a place of public assembly with the performance conditions. The action indicated that any development, other than the passive use areas, should be limited to the eastern half of the subject property. Any proposed expansion onto the western portion of the site would require a modification to the Special Exception Permit. Furthermore, the area designated as the principal place of assembly was limited to 900 square feet.

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand.

Hydrologic

Features: According to County data resources the subject property contains no wetlands, or Special Protection Area (SPA), but is located within Well Head Protection Area 2 (WHPA2). However the proposed use is allowable within this designation.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that the site is currently being served by central water and sewer services.

ENGINEERING & TRANSPORTATION REVIEW:

The subject property has access from Barclay Avenue. The County Engineer has reviewed the request and indicated no related issues with the proposal.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

LAND USE REVIEW:

The County's Land Development Regulation (LDR) bases the minimum parking requirements on 0.3 spaces per the number of seats proposed for the place of public assembly. The petitioner has indicated on their site plan that the proposed structure will accommodate 434 members. The County LDR requires 130 parking spaces for the proposed members. The petitioner has indicated 172 parking spaces will be available.

The County LDR's permit the parking area of a place of public assembly to be up to 50 percent grassed (including the drive aisles). If parking demand is such that the grass, lawn or other material is caused to be damaged or destroyed to the extent that the grass or lawn ceases to grow, then paving of such area will be required in accordance with County LDR's. The plan submitted indicates parking for the new structure to be paved and on the west portion of the subject property.

The petitioner has not indicated buffering along any portion of the subject property. Due to the intensity of the proposed structure and proximity to rural and single family uses, the petitioner would have to meet all of the applicable LDRs related to landscaping and buffering. Land Development Regulations (LDRs) require buffering consisting of a minimum five (5) foot landscape strip.

Due to the intensity of the proposed project in relation to the surrounding land uses. The petitioner must provide a 30' foot buffer with a 6' solid PVC fence or wall along the projects west property boundary and a 15' foot landscape buffer with 80% opacity along the projects north and south boundaries.

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.

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.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a Rural land use classification as identified on the adopted Comprehensive Plan and is consistent with this designation.

A Special Exception Use Permit for a Place of Public Assembly is appropriate based on the following conclusions:

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. Place of Public Assembly is consistent with the Rural land use classification on the adopted Future Land Use Map.

NOTICE OF APPLICANT RESPONSIBILITY:

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 RECOMMENDATIONS:

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a revision to 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, including receiving DRC approval for the proposed use.

2. The petitioner must meet all of the required setbacks for the AR2/(Agricultural/Residential) zoning district.
3. The petitioner shall provide a 30' foot buffer with a 6' solid PVC fence or wall along the project's west property boundary and a 15' foot landscape buffer with 80% opacity along the project's north and south boundaries.
4. The maximum building height shall be one (1) story.
5. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.