

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007

APPLICANT: Anchor For Souls Ministries

FILE NUMBER: SE-07-10

PURPOSE: Revision to a Special Exception for a Place of Public Assembly to add a Daycare and Private School

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 550' east of Lakewood Drive

LEGAL

DESCRIPTION: Lots 21 and 22, Ridge Manor Farms, Unit 1, as per plat thereof recorded in Plat Book 5, Page 38, of the Public Records of Hernando County, Florida, located in Section 2, Township 23 South, Range 21 East

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 is requesting to modify the existing special exception to add a daycare and private school. The petitioner desires to utilize the existing 4,575 square foot building situated on 5.0 acre parcel for child care and private school.

The proposed daycare center will operate 7:00 am to 6:00 pm, Monday thru Friday. The petitioner has indicated that the daycare center will start out with 3 to 5 children ranging in age from infant to pre-school with 2 teachers. According to the petitioner, the state will allow up to 20 total children in the existing facility.

The proposed private school will operate 8:30 am to 2:30 pm, Monday thru Friday. The petitioner has indicated that the private school will start with 5 to 10 students ranging from kindergarten to fifth grade.

The applicant has stated that the current demand for such services in the area is increasing. As the demand increases, secondary modular buildings may be placed on the property to accommodate the daycare and private school growth. The petitioner has constructed phase one consisting of 4,575 square feet and 39 parking spaces. The approved site plan contains a phase

2 with an additional 3,222 square feet and 56 parking spaces. The current request is based upon the existing building and parking.

SITE CHARACTERISTICS:

- Site Size:** 5.0 acres
- Surrounding Zoning; Land Uses:** North: R-1C; Undeveloped
South: R-3; Undeveloped, Community Center
East: PDP(MF); Duplex Units
West: R-1C; Undeveloped
- Current Zoning:** R-1C/(Residential)
- Future Land Use Map Designation:** Residential
- Flood Zone:** C, with small portion in A

SITE CIRCUMSTANCES:

On June 10, 2002, the Planning and Zoning Commission voted 5-0 approving the petitioner’s request for a special exception use permit for a 7,800 square foot place of public assembly with seating capacity of approximately 250 seats. As of date, only phase one has been developed, consisting of 4,575 square feet and 39 parking spaces.

ENVIRONMENTAL REVIEW:

- Soil Type:** Candler Fine Sand and Sparr Fine Sand
- Hydrologic Features:** The subject property contains no wetlands, Well Head Protection Area (WHPA), or Special Protection Area (SPA), according to County data resources.
- 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 Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 6-inch water line is located along SR 50. A 6-inch force main is also located along SR 50.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits.

HEALTH DEPARTMENT REVIEW:

The Health Department has indicated that the applicant must obtain the proper permits from Department of Children and Family (DCF) and the Health Departments Environmental Division. According to the Health Department, DCF estimates the maximum allowable children based upon age and square footage of facility.

If approved, the petitioner would be required to obtain the necessary state permits for operation of a child care and education facility. The petitioner has not provided documentation to date, showing compliance with the state rules given the size of the facility in relation to the number of children proposed.

ENGINEERING & TRANSPORTATION REVIEW:

The subject property has one direct access unto Cortez Boulevard (SR 50). As previously required the petitioner has reserved a frontage road easement and will construct upon demonstration of need and demand by the County.

The County Engineer has reviewed the request and indicated no issues with the proposal.

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

LAND USE REVIEW:

Previously approved minimum setbacks for the 7,800 square foot building:

- Cortez Blvd: 125'
- West: 50' with vegetative buffer
- East: 50' with 10' vegetative buffer
- Rear: 50' with vegetative buffer

Any modifications to the exterior of the building that would encroach on the previously approved setback will require a revision to the special exception use permit.

A child care and educational facilities are 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.

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 Residential land use classification as identified on the adopted Comprehensive Plan. Land uses allowed within the commercial category include office professional, retail, recreation, offices, minor public facilities and minor institutional uses. The proposed expansion to the special exception use permit would be consistent with the Future Land Use Designation.

The proposed revision to a Special Exception Use Permit for daycare and private school 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. The revision to the Special Exception Use Permit for daycare and private school is consistent with the Commercial 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 daycare and private school with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The proposed daycare and private school student capacity shall be limited to the maximum allowable capacity mandated by Department of Children and Family (DCF) for the existing building.