

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 13, 2007

APPLICANT: Harry Washington for Blue Sink Charitable Foundation

FILE NUMBER: SE-07-12

PURPOSE: Special Exception for a Place of Public Assembly, namely a Religious Establishment

GENERAL

LOCATION: East side of Broad Street, approximately 1,950' north of Shady Rest Court

LEGAL

DESCRIPTION: A portion of Section 1, Township 22 South, Range 19 East of Hernando County, Florida

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 applicant is requesting a special exception use permit for a place of public assembly, in order to develop the 5.5 acre subject site with a new 2,500 square foot (40' x 60') multipurpose building and bring the existing 1,400 square foot church into conformity with the County LDR's.

SITE CHARACTERISTICS:

Site Size: 5.5 acres

Surrounding Zoning; Land Uses: North: AG; Undeveloped
South: AG; Undeveloped
East: AG; Undeveloped
West: CV & AG; Conservation; undeveloped

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Rural

Flood Zone: C

SITE CIRCUMSTANCES:

The subject site has several existing uses currently associated with this application. According to the petitioner, the existing nonconforming church has been in operation for more than 45 years. Furthermore, an approximately one (1) acre portion of the south east corner of the property has an adult family care home (AFCH) special exception use. The petitioner, however, has indicated that the AFCH use is no longer needed. The site also has an existing 250' lattice communication tower on a 50'x100' compound approved in 1998.

ENVIRONMENTAL REVIEW:

Soil Type: Blichton Loamy Fine Sand and Sparr Fine Sand

Hydrologic

Features: The subject property contains no Special Protection Areas (SPA), however a Class I wetland existing according to County data resources. Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.

Due to site disruption, further testing on the Class I wetland is needed. These tests shall be completed by a professional wetland scientist, and final classification of the site shall be documented. If classified as a wetland a delineation shall be conducted, and the wetland shown on future plans.

Protection

Features: The subject site contains no Well Head Protection Areas (WHPA) according to County data resources.

UTILITIES REVIEW:

The Utilities Department has indicated that the subject site is within the City of Brooksville Utilities Department Service Area.

ENGINEERING & TRANSPORTATION REVIEW:

The petitioner is proposing to utilize the existing access unto US Hwy 41.

The County Engineer has reviewed the request and indicated no engineering 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:

Proposed minimum setbacks for the 2,500 square foot building:

West: 125'
East: 25'
South: 35'

The LDRs indicate that places of public assembly may have up to fifty percent of the required 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 petitioner has indicated their intent to provide a grassed parking area for the 2,500 square foot building. If approved, the petitioner must meet the minimum County LDR parking requirements.

The minimum land development regulations (LDRs) would require 0.3 parking spaces per seat based on maximum occupancy of the sanctuary. The existing facility is served by unimproved parking which would have to be brought up to standards if the special exception use permit is approved.

Any modifications to the exterior of the existing building must meet the minimum setbacks for the underlying Agricultural Zoning Category and would require a revision to the special exception use permit and conformance with County LDR.

A place of public assembly 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.

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. The area is characterized by undeveloped, rural and conservation parcels.

The proposed Special Exception Use Permit 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 Special Exception Use Permit for a place of public assembly 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:

It is recommended that 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 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. Setbacks approved are per the AG/(Agricultural) zoning district.
Front: 125'
Side 25'
Rear: 35'

3. The special exception use permit is approved to include the existing place of public assembly and accessory buildings and a future building with maximum dimensions of 40' x 60' and associated parking in conformance with the rules.
4. Any future development on the subject property will require an amendment to the special exception use permit.
5. The existing facility is served by unimproved parking which shall be upgraded to meet minimum County LDR's.
6. The AFCH special exception is rendered null and void with this approval.
7. Testing shall be conducted on the Class I wetland. These tests shall be completed by a professional wetland scientist, and final classification of the site shall be documented. If classified as a wetland, a delineation shall be conducted, and the wetland shown on future plans.