

STAFF REPORT

Planning & Zoning Commission: June 12, 2006

APPLICANT: First Baptist Church of Garden Grove, Inc. **FILE NUMBER:** SE-06-03

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

GENERAL

LOCATION: North side of Stromberg, east and west of Deepwood Street

LEGAL

DESCRIPTION: Lots 1 and 16, Block 25 Garden Grove, as per the plat thereof recorded in Plat Book 4, Page 38, of the Public Records of Hernando County, Florida and Lots 6- 12, Block 24, Garden Grove, as per the plat thereof recorded in Plat Book 3 Page 38 of the Public Records of Hernando County, Florida all in Section 17, Township 23 South, Range 19 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: R-1A
South: R-1A
East: R-1A
West: R-1A

Single Family
Mobile Home
Single Family
Mobile Homes

SUMMARY OF REQUEST

The petitioner has submitted a request for a special exception use permit on this approximately 2 acre property. The subject property is located east and west of Deepwood Avenue.

FACTUAL INFORMATION

1. The property is currently zoned R-1A.
2. The property comprises approximately 2 acres.

3. A church sanctuary, fellowship hall and paved parking has been developed on the east side of Deepwood. An unimproved parking area appears to exist on the west side of Deepwood.
4. The site appears to contain specimen trees.
5. The subject property has access from Stromberg Avenue, Deepwood Street, and Spangler Avenue.
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 are flemington fine loamy sands and micanopy loamy sands.
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 Utilities Department has indicated that central water and sewer capacity are 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 residential in character. The church currently exists on a portion of the subject property as a nonconforming use.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a place of public assembly on property located east and west of Deepwood Street.

A church sanctuary, fellowship hall and associated parking has been constructed on the east side of Deepwood Avenue. County records indicate that the church is a nonconforming use in the zoning district. The petitioner wishes to designate land zoned R-1A on the west side of Deepwood for the purpose of developing a parking lot. The petitioner included the existing church site into the application to bring the entire property into conformity with the LDRs.

Development on the subject property must meet the minimum setbacks for the underlying zoning category. The setbacks for the R-1A district are as follows: front: 25', side' 10, rear: 20. The

petitioner received a code enforcement violation for providing parking associated with the place of public assembly on residentially zoned property on the west side of Deepwood Street.

The minimum LDRs would require .3 spaces per seat based on maximum occupancy of the sanctuary. The petitioner indicates that there are 220 sanctuary seats. Per the LDRs the church would be required to provide 66 parking spaces. The narrative indicates that there are 37 existing parking spaces paved on the property east of Deepwood. The plan submitted appears to provide an additional 28 spaces to the overall project for a total of 65 spaces. Approval of the petitioner's request would further conformity with regards to parking for the place of public assembly.

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 surrounding area is developed with a mixture of single family and mobile home uses. Roadways serving the subject property are paved.

The County Engineer has reviewed the request and indicated that the adjacent roadways are substandard with regards to right-of-way. If the request is approved, the petitioner would be required to work with the County Engineer to provide adequate right of way.

The County Engineer also indicated that the access to the proposed parking area west of Deepwood is too close to the intersection to meet the LDRs. The petitioner would be required to meet the appropriate standards at the time of development review.

FINDINGS OF FACT

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 P&Z 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. Adding the parking lot to the existing land use church site would not increase the traffic associated with the existing church. The Transportation Coordinator had no objections to the proposed use.

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 church. The petitioner proposing adding a 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 minimum. It is the staff's opinion that the petitioner should be required to provide a minimum 10' buffer along the western boundary of the new parking area in order to minimize impacts to the surrounding residential uses.

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 by 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 therein.

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 Concurrency. 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 and associated parking 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. Final design of parking and circulation areas are subject to approval by the County Engineer.
3. The petitioner shall work with the County Engineer to provide additional right of way along the adjacent streets accessing the project.
4. The approval is for the buildings and parking at the intensity indicated on the site plan.