

STAFF REPORT

Planning & Zoning Commission: December 11, 2006

APPLICANT: St. Frances Cabrini Church **FILE NUMBER:** SE-06-09

PURPOSE: Special Exception Use Permit for a Place of Public Assembly, namely for overflow parking

GENERAL

LOCATION: North side of Norvell Road approximately 900' east of Mariner Boulevard and at Mariner Boulevard and Noremac Street

LEGAL

DESCRIPTION: Spring Hill, Unit 17, Block 1076, Lots 1-4, 6-8, & DRA, Spring Hill, Unit 17, Block 1072, as recorded in Plat Book 9, Pages 31-46, of the Public Records of Hernando County, Florida in Section 8, Township 23 South, Range 18 East

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF)(GHC)
South: PDP(SF)
East: PDP(SF)
West: PDP(SF)

Surrounding Land Uses

Single family, commercial
Single family
Single family, undeveloped
Single family

SUMMARY OF REQUEST

The petitioner requests a Special Exception Use Permit for a Place of Public Assembly, namely for overflow parking. North side of Norvell Road approximately 900' east of Mariner Boulevard and at Mariner Boulevard and Noremac Street.

FACTUAL INFORMATION

1. The property is currently zoned Planned Development Project Single Family PDP(SF).
2. The property includes two lots totaling approximately 8.9 acres.

3. The sites have been developed with a County owned Drainage Retention Areas.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Mariner Boulevard.
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 does not contain any wetlands, WHPAs 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 by single family, church and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner is requesting a Special Exception Use Permit for a Place of Public Assembly, namely for overflow parking, on residential lots and properties with county owned Drainage Retention Areas. One of the lots is located on Norvell Avenue, and the second lot is located at the corner Mariner Boulevard and Noremac Street, both paved local streets.

The petitioner has indicated that the church has been remodeled and additional improvements have been accomplished to address the parking problem; however, even after the improvements and conducting split services, parking is still an issue. The petitioner has stated that approving their request would provide an additional 190 parking spaces.

The petitioner has submitted site plans for two parcels that currently are developed with County owned drainage retention areas (DRAs). The petitioner is requesting to utilize those DRAs for parking so that additional spaces are provided within walking distance of the church. The petitioner has indicated that the existing DRAs will be reconfigured to county standards providing the area with adequate drainage. The petitioners site plans indicates a 25' natural buffer along the perimeter of the reconfigured DRAs.

The County Engineer has indicated no issues with the petitioner proceeding with the Special Exception Use Permit that requires the modification of two County owned DRAs. If the request is approved, the County Engineer indicated that the Drainage Retention Areas would be maintained by the petitioner. Furthermore, all construction and permitting costs will be borne by the petitioner.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the 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 these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

FINDINGS OF FACT

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 prescribed 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.

On November 14, 2006, the Board of County Commissioner authorized for the petitioner to apply for a Special Exception Use on County-Owned Property for the utilization of additional parking and modification of existing County owed DRAs. As a condition of approval, the County Engineer indicated that the petitioner will be responsible for maintaining all modified DRAs.

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:

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, namely for overflow 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. The petitioner shall be responsible for all costs associated with construction and permitting in the modification of the county owned DRA's.
3. The petitioner will be responsible for the maintenance of both DRA's.
4. The petitioner will provide a 25' natural buffer along the perimeter of both DRA's as indicated on the master plan.
5. Access to Norvell Road and Noremac Street shall meet County facility design guidelines.