

# DESOTO COUNTY PLANNING AND ZONING DEPARTMENT STAFF REPORT

**REQUEST:** Special Exception SE 2014-11

**PROPERTY OWNER:** Arcadia Mennonite Church, Inc

**APPLICANT:** Same

**AGENT:** Jesse Sterling

**PROPERTY:** 09-37-25-0000-1001-0000 & 09-37-25-0000-0057-0000

**TOTAL PARCEL SIZE:** 11.24+/- acres

**ZONING DISTRICT:** A-5 (Agriculture 5)

**FUTURE LAND USE DESIGNATION:** Rural/Agricultural

**SUBMITTAL REVIEWED:** Special Exception application received 11/07/2014

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## **PROPOSED REQUEST:**

Jesse Sterling, agent for Arcadia Mennonite Church, Inc., requests approval of a Special Exception for a two phased project. Phase 1 would construct a 6,000 square foot building to be used as a house of worship and to establish a cemetery as an accessory use on existing church zoned Agriculture 5 (A-5) parcel. The second phase of development would construct a 5,000 square foot multi-purpose building. The property is two parcels totaling 11.24+/- acres located on 5750 NE Peterson Ave., South of NE McIntyre Street in Section 09, Township 37, Range 25 in DeSoto County (**Figure 1**).

## **REQUIRED NOTIFICATIONS:**

Notification postcards were sent to property owners within 400 feet of the subject property and the property was posted with a sign indicating the time, date, and location of the public hearing. The public hearing on this item was advertised in the newspaper, as required.

## **CORRESPONDENCE:**

There has been no correspondence received in support or opposition to the requested Special Exception.

## **PLANNING COMMISSION RECOMMENDATION:**

This request is scheduled to be heard by the Planning Commission on January 6, 2015 at 5:30 pm for a recommendation to the Board of County Commissioners for a hearing on January 27, 2015.

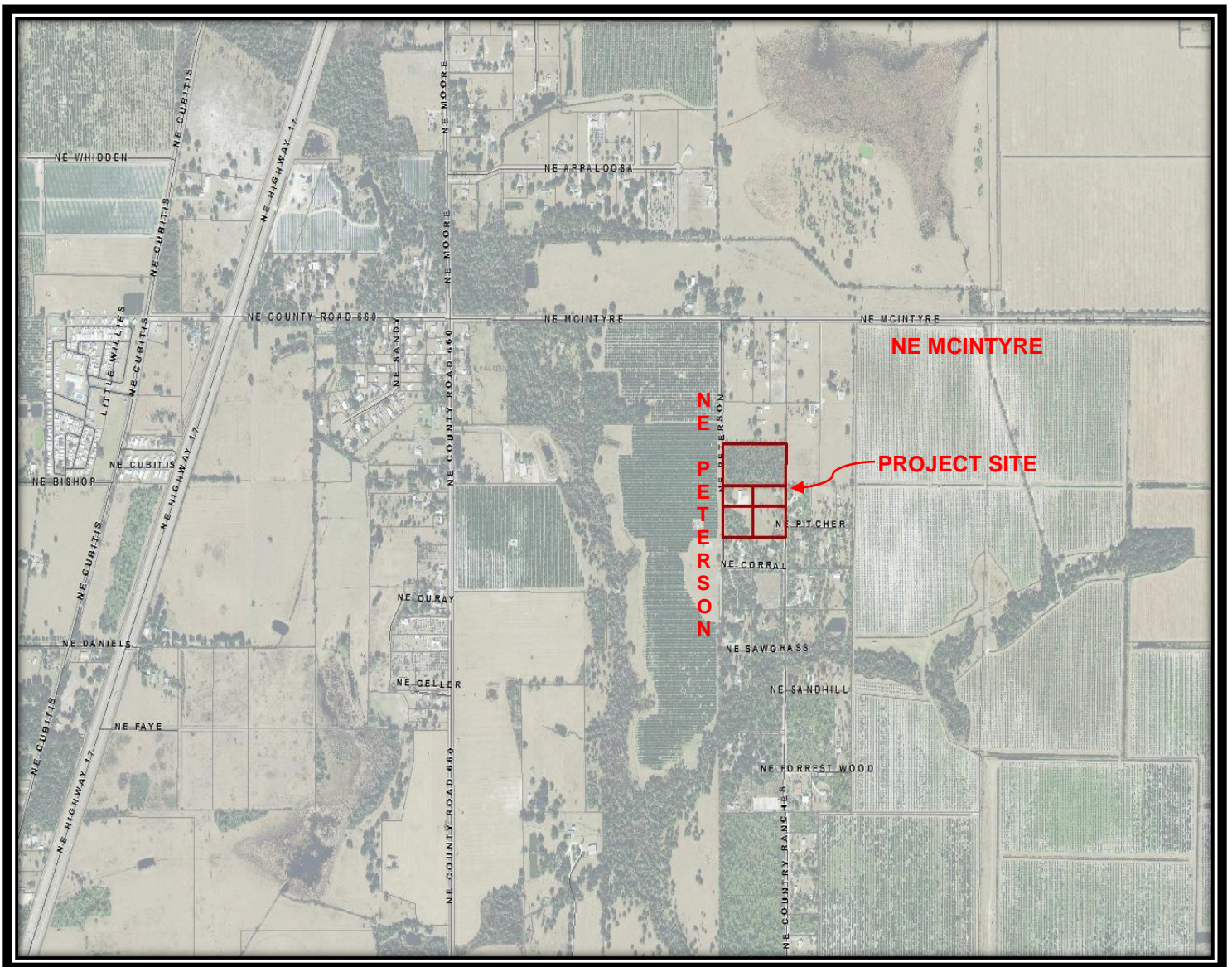
## **DISCUSSION OF REQUEST:**

Section 2305(A)(3)(h) of the LDRs allows, by special exception, a house of worship within the Agriculture 5 zone district. Section 8100 of the LDRs permits cemeteries as accessory uses to Religious Institutions or Places of Worship.

The original church property has a modular unit and a “pole barn” located in the northwest corner the property, the former being used for services (**Figure 2**). In mid 2013 the church applied for a Special Exception (SE 2013-08) for a two-phased development plan – Phase I: the construction of a 6,000

square foot church/office building with 139 parking spaces and the establishment of a 7,500 square foot cemetery; and Phase II - the construction of a 5,000 square foot multi-purpose building (**Figure 3**) on the 6+ acre parcel. The Planning Commission forwarded a recommendation of approval to the Board of County Commissioners. On September 24, 2013, the Board heard the proposal and recommended approval of Special Exception SE 2013-08 with conditions.

The Arcadia Mennonite Church has recently purchased an additional 5+ acre parcel north and adjacent to the original parcel. The church now proposes moving the 6,000 square foot house of worship and office building to the northern parcel while maintaining the current modular building, pole barn and cemetery on the southerly parcel which is covered by SE 2013-08. Rather than having two separate, but overlapping Special Exceptions for the proposal the church has requested a single Special Exception (SE 2014-11) which would cover the entire development project.



**Figure 1: PROJECT LOCATION**





Figure 2: EXISTING ON-SITE DEVELOPMENT

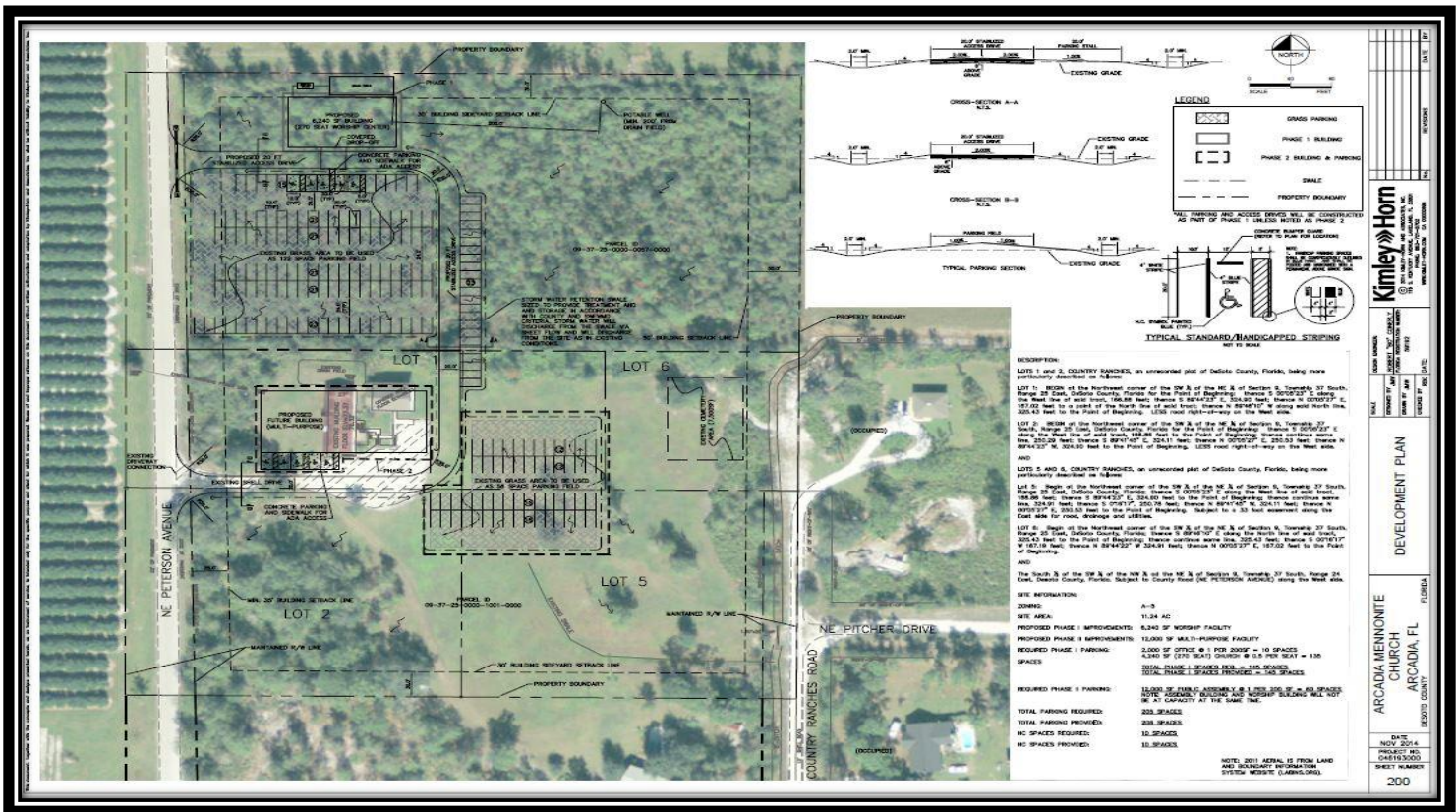


Figure 3: SITE PLAN

## **Land Development Regulations Review:**

### **LDR Section 12304(A)(1).**

Compliance with all elements of the Comprehensive Plan.

#### **Staff Finding:**

*The applicant has prepared the Special Exception application, site plan, and documents consistent with regulations. No change to Future Land Use designation or to zoning designation is requested. No concurrency issues arise, due to the type of use requested.*

### **LDR Section 12304(A)(2).**

Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

#### **Staff Finding:**

*Ingress/egress to the property is currently provided via a shell driveway from NE Peterson Ave. Future development will extend access into a loop system that enters and exits onto NE Peterson Ave. There will be ADA parking and a concrete ramp/walkway on the south side of the House of Worship and multi-purpose building that provides handicapped accessibility..*

### **LDR Section 12304(A)(3).**

Off-street parking and loading areas, where required, with particular attention to the items in 2, above and economic, noise, glare or odor effects of the Special Exception on adjoining properties and properties generally in the district.

#### **Staff Finding:**

*The proposed parking areas will be open and grass except for ADA parking. The five (5) ADA parking spaces and walkway will be concrete and adjacent to the House of Worship and multi-purpose building. The total required parking (Phases I & II) for this site is 206 spaces (including 10 ADA parking space).*

### **LDR Section 12304(A)(4).**

Utilities, with reference to locations, availability and compatibility.

#### **Staff Finding:**

*The site has an existing well; the church will have to contact DeSoto County Health Department for water testing and septic system permitting.*

### **LDR Section 12304(A)(5).**

Screening and buffering with reference to type, dimensions and character.

#### **Staff Finding:**

*The property has a natural tree line on the north, east and south side of the property. The west side is on NE Peterson Ave across from a grove. No additional buffering is required.*

### **LDR Section 12304(A)(6).**

Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

**Staff Finding:**

*A free-standing identification sign is proposed along NE Peterson Ave. A separate sign permit is required and would be evaluated at the time of application.*

**LDR Section 12304(A)(7).**

Required yards and other open space.

**Staff Finding:**

*As illustrated on the site plan the proposed Phase I and Phase II buildings meet the required setback. No additional open space is required.*

**LDR Section 12304(A)(8).**

General compatibility with adjacent properties and other property in the district.

**Staff Finding:**

*The property is approximately 11 acres and the proposed buildings are located adjacent to NE Peterson Ave. The property across NE Peterson Ave. from the proposed buildings is a citrus grove. The balance of the property in the area is a mixture of citrus orchards, large lot residential and vacant. The church is generally compatible with these uses because of their nature, distance from the church development and natural on-site vegetation.*

**LDR Section 12304(A)(9).**

Any special requirements set out in the Schedule of District Regulations for the particular use involved.

**Staff Finding:**

*Churches are permitted by Special Exceptions in all Zoning Districts.*

**LDR Section 12304(A)(10).**

Public and private utilities, structures, or uses required for public or private utilities, including but not limited to wastewater, gas, electric, and telephone utilities, sanitary landfills, and radio and television stations and towers may be permitted only as a special exception unless determined by the Board to be essential service. In addition to items 1 through 9 above, the review of the request for a special exception shall include consideration of a plot plan showing all improvements or alterations that are proposed for the utilities or facilities. The proposed location of such utilities or facilities shall be such as not to be injurious to the health, safety, and welfare of the public or surrounding property owners, and shall protect the character of the surrounding property and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, and recreational areas within the county. The public benefit to be derived, the need for the proposed facilities, the existence of suitable alternative locations, potential impacts to surface or ground water drinking supplies, and whether the facility can properly be located on the site and in the development which it is to service shall also be taken into consideration where appropriate. Conditions in the form of screening, landscaping, or other site development restrictions may be imposed to protect the health, safety and welfare and to the public or surrounding property owners.

**Staff Finding:**

*The property has a well on the property for water and septic system, both of which will be regulated by the DeSoto County Health Department.*

**LDR Section 12304(A)(11).**

The proposed use shall not act as a detrimental intrusion into the surrounding area.



**Staff Finding:**

*The property is approximately 11 acres and the proposed buildings are located adjacent to NE Peterson Ave. The property across NE Peterson Ave. and the proposed buildings is a citrus grove. The balance of the property in the area is a mixture of citrus orchard, large lot residential and vacant. The church is generally compatible with these uses because of their nature, distance from the church development and natural on-site vegetation.*

**LDR Section 12304(A)(12).**

The proposed use shall meet the performance standards of the district in which the proposed use is permitted.

**Staff Finding:**

*None of the uses listed are part of the application request.*

**STAFF REVIEW**

Staff review has determined that this application, SE 2014-11 as submitted, is consistent with the Comprehensive Plan and Land Development Regulations.

**RECOMMENDED CONDITIONS FOR APPROVAL:**

1. The development, management and maintenance of the proposed cemetery must be in compliance with Section 497.260 (2) Florida Statutes.
2. Any and all entitlements granted through the adoption of Resolution 2013-63 (August 27, 2013) shall be rescinded with the adoption of a resolution for the approval of SE 2014-11.

**PUBLIC HEARING SCHEDULE**

**DeSoto County Planning Commission**

**Planning Commission  
Recommendation**

*Tuesday, January 6, 2015*

**Board of County Commissioners**

**Final Disposition**

*Tuesday, January 27, 2015*

*Thomas A. Cookingham*\_\_\_\_\_

\_\_\_\_\_12-19-14\_\_\_\_\_

Presented by

DATE

Thomas A. Cookingham