

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 9, 2024

APPLICANT: Carlos A Hernandez

FILE NUMBER: SE-24-05

PURPOSE: Special Exception Use Permit for an Assisted Living Facility

GENERAL LOCATION: Southwest corner of the intersections of Elgin Boulevard and Landover Boulevard

PARCEL KEY NUMBER: 660895

APPLICANT'S REQUEST:

The petitioner has submitted a request for a Special Exception Use permit in order to open an ALF/Assisted Living Facility. The facility will have a maximum of 14 residents. An Agency of Home Health will be on site which will provide nurses, doctors, and physical therapy. The parcel is currently a vacant lot and the proposed structure will be approximately 28,000 square foot one (1) story building with eight (8) bedrooms and 14 beds with a community dining room and living room. The petitioner will be providing 7-9 parking spaces on site.

SITE CHARACTERISTICS:

Site Size: 0.30 acres

Surrounding Zoning Land Uses: North: PDP(SF); Single Family
South: PDP(SF); Single Family
East: PDP(SF); Single Family
West: PDP(SF); Single Family

Current Zoning: PDP(SF)/Planned Development Project (Single-Family)

Future Land Use Map Designation: Residential

Flood Zone: X

UTILITIES REVIEW:

The Hernando County Utilities Department has reviewed the petitioner's application and indicated it currently does not provide water or service to this parcel. Water service is available to this parcel; however sewer is currently sewer unavailable. HCUD has no objection to the request subject to connection to the central water system at time of vertical construction, and Health Department approval of an appropriate onsite sewage treatment and disposal system for the facility.

ENGINEERING REVIEW:

The site is located at the southwest corner of the intersection of Elgin Boulevard and Landover Boulevard. The County Engineer reviewed the petitioner's requested and indicated the following:

- A sidewalk shall be installed along Elgin Boulevard from the Western property line to the Southern property line on Landover Boulevard.
- Project shall meet all drainage requirements of Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permitting requirements.
- The Driveway, Parking, ADA parking and Layout shall meet Hernando County standards.
- A Right-of-Way Use Permit is required for driveway installation.

LAND USE REVIEW:

The subject property is located in the Spring Hill Subdivision and was designated PDP(SF)/Planned Development Project (Single Family) when the county established zoning. The surrounding properties have been developed as Single Family homes.

A Community Residential Home per Municode Appendix A, Article 1, section 3 (32) "a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents." The petitioner has proposed to open and Assisted Living Facility with a maximum of 14 residents.

Setbacks

Proposed Building Setbacks in a Spring Hill PDP(SF) District:

- Front (Elgin Boulevard): 25'
- Secondary Front (Landover Boulevard): 15'
- Side: 10'
- Rear: 20'

Buffers

The minimum commercial buffer shall consist of a 5' landscaped buffer around parking lots. The congregate care facility use, located on such lot shall be permanently screened from the adjoining and contiguous residential properties to the south and west by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet and an evergreen hedge with a minimum height of five (5) feet at the time of planting.

Comments: While no buffers are required between ALF(Assisted Living Facility) and residential neighbors, however, staff recommends a 5' landscape buffer dependent on the configuration of the parking lot. The petitioner shall work with the Planning Department to determine if the buffer is needed.

Parking

County LDRs requires a minimum of 0.3 parking spaces per bed for an Assisted Living Facility. The petitioner is proposing a total of fourteen (14) beds which requires five (5) parking spaces.

Lighting

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as required by the County LDR, in order to retain all light on site and prevent any light spillage onto neighboring residential uses.

Landscaping

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Residential Future Land Use classification on the adopted Future Land Use map. The Hernando County 2040 Comprehensive Growth Strategy Plan provides the principles for guiding land development activities

in the County and describes the related programs and strategies that provide the overall guidance for implementing the Plan.

Residential Category of the adopted Comprehensive Plan states:

Objective 1.04B The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(1) Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential use may also be allowed.

Comments: A Community Residential Home is permitted in all zoning districts as a special exception uses.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for Community Residential Home, namely an Assisted Living Facility, is appropriate based on the following conclusion:

1. The subject location is in a medium density residential neighborhood
2. 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.

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 Community Residential Home, namely an Assisted Living Facility, 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. A comprehensive floral survey may be required. Survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner will be required to comply with all applicable FWC regulations and permitting.
3. The facility shall be limited to a maximum of fourteen (14) beds.
4. The petitioner shall be constructed to meet the minimum parking requirements for Hernando County
5. No parking shall be permitted in the right-of-way.
6. The petitioner shall provide a 5' landscape buffer against neighboring residential parcels.
7. Minimum Building Setbacks:
 - Front (Elgin Boulevard): 25'
 - Secondary Front (Landover Boulevard): 15'
 - Side: 10'
 - Rear: 20'
8. Any additional residents shall require an amendment to the special exception use permit.