


June 10, 2024

MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

VIA: Jeffry Rogers, County Administrator
County Administrator's Office

FROM: Cesar Omar DePablo, Planning Administrator 
Planning Department

SUBJECT: Special Exception Actions by the Planning and Zoning Commission on June 10, 2024

For the Board's information, on June 10, 2024, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Special Exception(s). Attached to this memorandum are the staff reports and actions of the P&Z on the special exception requests at that scheduled public hearing.

A notification letter was sent on Tuesday, June 11, 2024, to inform the petitioners of the P&Z actions. According to Appendix A, Zoning, Article V, Section 8(1) of the Hernando County Code of Ordinances, the Board of County Commissioners, by a majority vote, may decide to review any special exception decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Wednesday, July 10, 2024, the P&Z decision shall be deemed final and subject only to review by the circuit court. The review of the decision by the BCC shall be at a public hearing held within sixty (60) days of the P&Z decision. The board has the authority to continue, on its own motion, to a later date a final decision on any special exception matter pending before it for review.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, August 13, 2024, (calculated from the date of P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify, or reverse the decision of the P&Z at the hearing.

Copies: Applicant's File

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 10, 2024
APPLICANT: Brooksville Behavioral Health Services
FILE NUMBER: SE-24-03
PURPOSE: Revision to a Special Exception Use Permit to expand a Congregate Care Facility

GENERAL

LOCATION: Northeast corner of the intersection of Grove Road and Oakado Street

PARCEL KEY NUMBER: 346343

APPLICANT'S REQUEST:

A special exception use permit (SE-08-12). was approved for a congregate care home with a rehabilitation facility for up to twenty (20) residents. The current property owner would like to expand the facilities to accommodate to sixty-four (64) residents through a remodel of the existing residence building, expanding it to accommodate an additional twelve (12) beds, and through the construction of a second residence building that can accommodate up to thirty-two (32) beds.

Requested Deviation

- A twenty (20) foot reduction in the eastern perimeter setback changing it from 75' to 55'.

SITE CHARACTERISTICS

Site Size: 10.4 acres

Surrounding Zoning;

Land Uses:

North: AR-2 (Agricultural/Residential-2)

South: C-2 (Highway Commercial); Mini warehouse storage, convenience store

East: R-1C (Residential); Single-family homes, undeveloped

West: PDP(MH)/ Planned Development Project (Mobile Home), PDP(GHC)/ Planned Development Project (General Highway Commercial); Mobile homes, undeveloped

Current Zoning: PDP(MF)/ Planned Development Project (Multi-Family), PDP(NC)/ Planned Development Project (Neighborhood Commercial), and PDP(HC)/ Planned Development Project (Highway Commercial) with a Special Exception Use permit for a Congregate Care Home and Residential Treatment Facility.

Future Land Use

Map Designation: Residential

Flood Zone: Most of the property is in the X flood zone, there are two areas on the property that are in a different flood zone.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following comments:

- HCUD currently provides commercial water and sewer service to this parcel.
- HCUD has no objection to the requested Special Exception Use Permit to allow thirty-two (32) beds in the building currently approved for twenty (20) beds, and the construction of a new building to house an additional thirty-two (32) beds, subject to a sewer capacity analysis dependent on the lift station modifications made for the project.

ENGINEERING REVIEW

The County Engineer has reviewed the petitioner's request and provided the following comments:

- The petitioner shall obtain all permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, a driveway permit from FDOT, and a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).
- The petitioner is required to meet all applicable regulations for construction and use of the property.
- All floodplain encroachment shall be compensated.
- Stormwater runoff shall be treated and attenuated.
- Stormwater ponds shall be located outside of floodplains.
- A Traffic Access Analysis may be required upon the request of the Hernando County Engineering Department. Trip generation for the entire project site shall be provided to County by the applicant at the time of site development.

LAND USE REVIEW

The parcel has operated as a congregate care and substance abuse rehabilitation facilities for more than 14 years. The required 50' buffers on the north and east side of the property have been well maintained and preserved with natural vegetation. Since being approved, the special exception land use has not ceased for more than 2 years. The petitioner's request to expand the use of the property remains in compliance with the Land Development Regulations and the Comprehensive Plan.

FINDINGS OF FACT

A special exception permit for congregate care and rehabilitation treatment was granted for the property in 2008. Several of the performance conditions issued have been satisfied. For consistency and accurate record keeping, the following SE-08-12 Performance Conditions have been met and thus have been removed from this permit to expand the site:

4. The development shall be served by central water and sewer.
8. The final location of the driveway along Grove Road shall be coordinated with the County Engineer to meet the applicable site distance criteria.

Comment: There are two entrances to the property. The first is on Grove Road and it is used to access the administrative building. The second entrance is on Recarda Lane, and it is used to access the residential building and the community

amenities.

9. The developer shall provide 40' of right-of-way from the center line of Grove Road.

Comment: The petitioner reports that the required 20' has been dedicated to the County, which is equivalent to forty (40) feet from the center line of Grove Road.

The requested reduction in the east setback is reasonable. The fifty (50) foot undisturbed buffer on the east will remain as it is.

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 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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Revision to a Special Exception Use Permit to expand a Congregate Care Facility with the following performance conditions.

1. The petitioner shall 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. The maximum building height shall be two (2) stories.
3. The petitioner shall provide a wildlife survey prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
4. Hernando County Utilities Department (HCUD) approval of this project is dependent on a sewer capacity analysis based on the lift station modifications made for this expansion. The owner shall work with HCUD to ensure capacity is available.
5. All floodplain encroachment must be compensated.
6. Stormwater runoff shall be treated and attenuated.
7. Stormwater ponds shall be located outside of floodplains.
8. The petitioner shall obtain all permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, a driveway permit from FDOT, and a Gopher Tortoise Relocation Permit from

P&Z SPECIAL EXCEPTION RESULTS FROM JUNE 10, 2024, PG. 5

the Florida Fish and Wildlife Commission (FWC).

9. Traffic Access Analysis may be required. A Trip generation evaluation/report for entire project site shall be provided by the applicant at time of site development.
10. Access to Oakado Street shall be permitted if required by the County Engineer.
11. The petitioner shall meet the minimum parking requirements for the facility as required by the County's LDRs.
12. Buffers:
 - a. North: 50' buffer with 80% opacity with
 - b. South (Recarda): 15' vegetative buffer
 - c. East: 50' buffer with 80% opacity
 - d. West: A along the south (Street) and west (Grove Road). A six (6) foot green vinyl chain link fence shall be placed around the property on the inside of the buffers.
13. Minimum setbacks:
 - North: 75'
 - South: 50'
 - East: 55' (reduced by 25' from 75')
 - West: 35'
14. The maximum number of residents shall be **20 64**.

PLANNING & ZONING COMMISSION:

At their June 10, 2024, the Planning and Zoning Commission voted 5-0 approving the petitioner's request for a Revision to a Special Exception Use Permit to expand a Congregate Care Facility with the following modified performance conditions.

1. The petitioner shall 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. The maximum building height shall be two (2) stories.
3. The petitioner shall provide a wildlife survey prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
4. Hernando County Utilities Department (HCUD) approval of this project is dependent on a sewer capacity analysis based on the lift station modifications made for this expansion. The owner shall work with HCUD to ensure capacity is available.
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13. Minimum setbacks:
 - North: 75'
 - South: 50'
 - East: 55' (reduced by 25' from 75')
 - West: 35'
14. The maximum number of residents shall be limited to 64.