

February 13, 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 February 12, 2024

For the Board's information, on February 12, 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 Wednesday, February 14, 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,

March 13, 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, April 9, 2023, (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: February 12, 2024

APPLICANT: Dr. Jonadab Uzoho on behalf of My Visiting Doctor

FILE NUMBER: SE-23-08

REQUEST: Revision of an Existing Special Exception Permit for Congregate Care Home and Assisted Living Facilities.

GENERAL LOCATION: Southeast corner of the intersection of Barclay Avenue and Lucky Lane

PARCEL KEY NUMBERS: 130735

APPLICANT'S REQUEST

On December 10, 2018, the Planning and Zoning Commission re-established the Special Exception Permit for Congregate Care Home, namely an Assisted Living Facility in order for the petitioner to develop the 4.5 acre subject site with two structures and up to an 82 bed assisted living facility. Since the approval, no development has occurred. According to County LDRs, a Special Exception use must initiate the approved use or receive permit approval for vertical construction within two years of approval. Failure to do so will render the Special Exception null and void.

The petitioner's current request is to reestablish and expand the Special Exception Use Permit for Congregate Care Home, namely an Assisted Living Facility and add Independent Living Facility in a two phase development. In Phase 1, the petitioner proposes an Assisted Living Facility (ALF) with 130 patient residents (increase of 48 beds). In Phase 2, proposes Independent Living Facilities/Congregate Care Facility, split into a maximum of 4 buildings containing a maximum of 90 apartments. Apartments would consist of 1 to 2 residents per apartment, for a total of 220 units for the overall project.

SITE CHARACTERISTICS

Site Size: 4.5 acres

**Surrounding Zoning;
Land Uses:** North: PDP(MF); Multifamily
South: AR2; Single Family
East: PDP(SF); Single Family
West: AR2; Church

Current Zoning: AR2/(Agricultural/Residential)

**Future Land Use
Map Designation:** Rural

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

Hydrologic

Features: The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

Protection

Features: The property is located within a Class 2 Wellhead Protection Area (WHPA) according to County data resources.

Comments: The proposed use is a permitted use in a Class 2 Wellhead Protection Area.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Peromyscus floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

Comments: A comprehensive wildlife/gopher tortoise survey shall be conducted in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

UTILITIES REVIEW

The Hernando County Utilities Department currently does not supply water or sewer services to this parcel. There is an existing 6-inch water main stub out midway along the northern property line on Lucky Lane. There is an existing 8-inch gravity main/manhole just west of the 6-inch water main in Lucky Lane. HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

NOTE: There are known sewer capacity issues in the area; offsite improvements may be necessary for connection to the public utilities.

ENGINEERING REVIEW

The subject site is located on the southeast corner of Barclay Avenue and Lucky Lane. The petitioner proposes a full access drive to Lucky Lane and a right-out only to Barclay Avenue. The County Engineer has reviewed the request and indicates the following:

1. The driveways shall meet Hernando County Facility Design Guideline commercial standards.
2. The parking and layout shall meet Hernando County Facility Design Guideline Standards.
3. A Traffic Access Analysis may be required.
4. Barclay Avenue is classed as a Collector Roadway, Driveways are limited on collector roadway and may not be approved.
5. Main Entry/Exit driveway should be on Lucky Lane.
6. Driveway must align or be offset an appropriate distance from the driveway across Barclay Avenue.
7. A corner clip of right-of-way shall be required at the 90 degree bend of Lucky Lane. Exact amount of right-of-way to be determined upon development with the County Engineer.

LAND USE REVIEW

Hernando County has defined *Congregate Care Homes and Facilities* as a facility, single family, multifamily residence or other dwelling unit utilized for profit or not which provides 24-hour congregate care, but which does not fall within the definition of a Community Residential Home or a Nursing care home. Congregate care includes but is not limited to, the provision of housing, food, personal services, limited nursing, or mental health services. The congregate care home or facility is intended to convey a "family-type" living environment.

The occupants of a congregate care home or facility are not related to the owner or manager by blood or marriage and are typically ambulatory. Examples of a congregate home or facility include adult family care homes, homes for special services, transitional living facilities, adult day care homes, and assisted living facilities.

SETBACKS

Minimum Building Setbacks:

Barclay Avenue:	75' (from future right-of-way line)
North	35'
South:	20'
East:	35'

PARKING

County LDRs require a minimum of 0.3 parking spaces per bed for an Assisted Living Facility. The petitioner is proposing 130 beds in Phase 1 which will require thirty-nine (39) parking spaces. The petitioner is proposing sixty-four (64) spaces for Phase 1 which the balance will supplement the final parking requirements for Phase 2.

LIGHTING

The petitioner has not indicated any provisions for lighting. If approved, the petitioner must provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring uses.

BUFFER

The petitioner is providing a 10' landscape buffer for the project along the south and east property lines. All other areas must provide landscaping as required by the applicable LDRs.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (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.

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. Furthermore, special exception use permits shall be in compliance with the minimum Special Exception Use General Standards, Article V, Section 8(B).

If a developer fails to obtain a building permit for the vertical construction of the principal or primary building within a period of not more than two (2) years from the approval date or the special exception use is not established during this period, then the special exception use permit shall be null and void.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the northern most part of a Rural Land Use classification on the adopted Future Land Use map. The parcel is just south of SR 50. The area is categorized by multifamily, church, residential and commercial uses. Congregate care facilities are special exception uses that may be approved in all zoning categories. The Housing Element of the adopted Comprehensive Plan states:

Objective 4.01B: Sites shall be provided for affordable workforce housing, low income, very low income and moderate income families, mobile homes, group home facilities and foster care facilities, with supporting infrastructure and public facilities.

Strategy 4.01B(3): Hernando County should promote suitable locations for special needs populations with respect to proximity to

services and compatibility of land uses. Housing for special needs populations will be regulated in the land development regulations as a permitted use or special exception in a variety of zoning districts throughout the County.

Comments: Group homes are either permitted uses or special exception uses in a variety of zoning classifications throughout the County.

FINDINGS OF FACT:

A revision to an existing Special Exception Permit for Congregate Care Home and Assisted Living Facilities is appropriate based on the following conclusion:

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 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a revision to an existing Special Exception Use Permit for Congregate Care 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. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property.

Furthermore, copies of any required permits shall be provided prior to site alterations.

3. The petitioner shall meet the minimum parking requirements for Phase 1 and any future phases.
4. Main Entry/Exit driveway should be on Lucky Lane.
5. The petitioner shall provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring uses.
6. Minimum Building Setbacks:

Barclay Avenue:	75' (from future right-of-way line)
North	35'
South:	20'
East:	35'
7. A minimum 10' vegetative buffer shall be provided along the south and east property lines. All other areas must provide landscaping as required by the applicable LDRs.
8. The driveways shall meet Hernando County Facility Design Guideline commercial standards.
9. The parking and layout shall meet Hernando County Facility Design Guideline Standards.
10. A Traffic Access Analysis may be required at time of development. Petitioner shall coordinate with the County Engineering the Phasing of the project. Improvements identified by the traffic study will be the responsibility of the petitioner.
11. Barclay Avenue is classed as a Collector Roadway, Driveways are limited on collector roadway and may not be approved.
12. Driveway must align or be offset an appropriate distance from the driveway across Barclay Avenue.
13. A corner clip of right-of-way shall be required at the 90 degree bend of Lucky Lane. Exact amount of right-of-way to be determined upon development with the County Engineer.
14. All access shall meet the minimum standards for commercial driveways as provided for in the Facility Design Guidelines.

15. Phase 1 shall be limited to 130 Assisted Living Facility (ALF) beds. Phase 2 shall be limited to 90 Independent Living Facilities/Congregate Care Facility units.
16. Building height shall be limited to 2-stories.
17. The petitioner shall conduct a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. The capacity analysis may require, upon need and demand, offsite improvements to the sewer system in the area.

P&Z ACTION

On February 12, 2024, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a revision to an existing Special Exception Use Permit for Congregate Care Home, namely an Assisted Living Facility, with the following unmodified 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. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to site alterations.
3. The petitioner shall meet the minimum parking requirements for Phase 1 and any future phases.
4. Main Entry/Exit driveway should be on Lucky Lane.
5. The petitioner shall provide full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring uses.
6. Minimum Building Setbacks:

Barclay Avenue:	75' (from future right-of-way line)
North	35'
South:	20'
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7. A minimum 10' vegetative buffer shall be provided along the south and east property lines. All other areas must provide landscaping as required by the applicable LDRs.
8. The driveways shall meet Hernando County Facility Design Guideline commercial standards.
9. The parking and layout shall meet Hernando County Facility Design Guideline Standards.
10. A Traffic Access Analysis may be required at time of development. Petitioner shall coordinate with the County Engineering the Phasing of the project. Improvements identified by the traffic study will be the responsibility of the petitioner.

11. Barclay Avenue is classed as a Collector Roadway, Driveways are limited on collector roadway and may not be approved.
12. Driveway must align or be offset an appropriate distance from the driveway across Barclay Avenue.
13. A corner clip of right-of-way shall be required at the 90 degree bend of Lucky Lane. Exact amount of right-of-way to be determined upon development with the County Engineer.
14. All access shall meet the minimum standards for commercial driveways as provided for in the Facility Design Guidelines.
15. Phase 1 shall be limited to 130 Assisted Living Facility (ALF) beds. Phase 2 shall be limited to 90 Independent Living Facilities/Congregate Care Facility units.
16. Building height shall be limited to 2-stories.
17. The petitioner shall conduct a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. The capacity analysis may require, upon need and demand, offsite improvements to the sewer system in the area.

STAFF REPORT

HEARINGS:	Planning & Zoning Commission: February 12, 2024
APPLICANT:	Cornerstone Baptist Church of Hernando County Inc.
FILE NUMBER:	SE-23-10
REQUEST:	Revision to a Special Exception Use Permit for a Place of Public Assembly
GENERAL LOCATION:	East end of Tara Street, approximately 1,000' east of Mariner Boulevard
PARCEL KEY NUMBER:	1287547

APPLICANT'S REQUEST

On July 9, 2012, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment. The petitioner's previous request would allow for the development of the 15.7 acre site with a community worship center/ sanctuary, offices, and classrooms. Since approved, the petitioner had completed Phase I providing for a 6,700 square foot building which would include a 210-seat community worship center/sanctuary, and associated offices.

The current request is to move ahead with Phase II of the church campus. The desired expansion includes a new sanctuary building (+/- 22,000 Sq. Ft., 642 seats) with classrooms, associated parking, stormwater, utility, and landscaping improvements. The existing +/-6,700 square foot building will remain and will be utilized by the church for various activities, e.g., classes, gatherings, etc. The expansion is proposed to be mostly north of the existing building, with parking, stormwater, and septic improvements south of the existing building.

Access will remain as existing from Tara St. Discussions are in process with the property owner to the north regarding a possible access easement for a limited use access point at the northeast corner of the property. Parking will be expanded to meet the needs of the church, while meeting the code requirements.

SITE CHARACTERISTICS

Site Size:	15.7 acres
Surrounding Zoning & Land Uses:	North: PDP(GC); Commercial Plaza South: PDP(SF); Single Family East: PDP(SF); Undeveloped West: PDP(SF); Single Family
Current Zoning:	PDP(SF)/Planned Development Project (Single Family)
Future Land Use Map Designation:	Residential

ENVIRONMENTAL REVIEW:

Soil Type:	Candler Fine Sand
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Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including 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 this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

Comments: A comprehensive wildlife survey shall be conducted in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

Protection Features: The subject property is within a Class 2 Well Head Protection Area (WHPA), according to County data resources.

Comment: The proposed land use is allowable within this designation.

Hydrologic Features: The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) currently provides water service to this parcel. Sewer service is not available to this parcel. HCUD has no objection to the request subject to Health Department approval of any improvements to the existing Onsite Sewage Treatment and Disposal System that might be required due to the increased usage.

ENGINEERING REVIEW

The site is located at the east end of Tara Street, approximately 1,000' east of Mariner Boulevard. The petitioner has indicated their main access would continue to be Tara Street. A potential access connection is proposed along the northeast to the Walmart service road; however, this option will require coordination and approval by the Walmart Corporation and the County Engineer. Engineering Department has reviewed the request and indicated the following:

- A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis is the responsibility of the developer to install.
- The driveway is required to meet Hernando County Facility Design Guideline commercial standards.
- The Parking and Layout must meet Hernando County standards, including but not limited to updating Handicap markings to meet Hernando County Standards.
- The building shall be connected via sidewalks, ensuring pedestrian access to a future sidewalk on Tara Street.

- Commercial standards require paved parking and drive aisles, grass parking is as permitted by ordinance.

LAND USE REVIEW

SETBACKS

Minimum Building Setbacks:

North:	25'
South:	50'
East:	25'
West:	50'

PARKING

The minimum land development regulations (LDRs) would require 0.3 parking spaces per seat based on maximum occupancy of the sanctuary. 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

Comments: The petitioner proposes a 642 seat sanctuary. Per the County's LDRs, 193 spaces would be required. The petitioner has indicated 147 paved parking spaces, and 225 grassed parking spaces will be provided, for a total of 386.

BUFFER

The petitioner has not indicated any buffers for the subject parcel. If approved, a 25' vegetative buffer should be provided along the south and west property lines. A 10' vegetative buffer should be provided along the north and east.

LIGHTING

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

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (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.

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. Furthermore, special exception use permits shall be in compliance with the minimum Special Exception Use General Standards, Article V, Section 8(B).

If a developer fails to obtain a building permit for the vertical construction of the principal or primary building within a period of not more than two (2) years from the approval date or the special exception use is not established during this period, then the special exception use permit shall be null and void.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a Residential Land Use Category on the adopted Future Land Use Map. A place of public assembly is an allowable special exception use in any category provided the appropriate land use approvals are obtained.

FINDINGS OF FACT:

A revision to a Special Exception Use Permit for a Place of Public Assembly is appropriate, based on the following conclusion:

The request is consistent with the County's adopted Comprehensive Plan, is compatible with the surrounding land uses, and is not adverse to the public interest subject to compliance with all recommended 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.

If the developer fails to obtain a building permit for the vertical construction of the principal or primary building within a period of not more than two (2) years from the approval date or the special exception use is not established during this period, then the special exception shall be null and void.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a revision to a Special Exception Use Permit for a Place of Public Assembly 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. Minimum Building Setbacks:

North:	25'
South:	50'
East:	25'
West:	50'
3. The maximum seating capacity of the sanctuary shall be 642.
4. A 25' vegetative buffer shall be provided along the south and west property lines. A 10' vegetative buffer shall be provided along the north and east property line. All buffers shall be enhanced by native vegetation to provide screening against neighboring parcels.

5. All onsite lighting shall be full cutoff fixtures and retain all light on-site to prevent any light spillover to surrounding properties. Lighting shall be reduced by 50% during non-operating hours.
6. 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.
7. The petitioner shall comply with the requirements of the Hernando County Health Department. Improvements to the existing Onsite Sewage Treatment and Disposal System may be required due to the increased usage.
8. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.
9. The building shall be connected via sidewalks, ensuring pedestrian access to a future sidewalk on Tara Street.

P&Z ACTION

On February 12, 2024, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a revision to a Special Exception Use Permit for a Place of Public Assembly with the following unmodified 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. Minimum Building Setbacks:

North:	25'
South:	50'
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3. The maximum seating capacity of the sanctuary shall be 642.
4. A 25' vegetative buffer shall be provided along the south and west property lines. A 10' vegetative buffer shall be provided along the north and east property line. All buffers shall be enhanced by native vegetation to provide screening against neighboring parcels.
5. All onsite lighting shall be full cutoff fixtures and retain all light on-site to prevent any light spillover to surrounding properties. Lighting shall be reduced by 50% during non-operating hours.
6. 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.
7. The petitioner shall comply with the requirements of the Hernando County Health Department. Improvements to the existing Onsite Sewage Treatment and Disposal System may be required due to the increased usage.
8. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis are the responsibility of the developer.
9. The building shall be connected via sidewalks, ensuring pedestrian access to a future sidewalk on Tara Street.