

## 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 (*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/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.