

September 12, 2022

MEMORANDUM

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

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

FROM: Cesar Omar DePablo, Senior Planner
Planning Department



SUBJECT: Special Exception Actions by the Planning and Zoning Commission on September 12, 2022

For the Board's information, on September 12, 2022, 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 is (are) the staff report(s) and action(s) of the P&Z on the special exception request(s) at that scheduled public hearing.

A notification letter was sent on Wednesday, September 14, 2022, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 8(l) 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, October 12, 2022, 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, November 8, 2022, (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: September 12, 2022

APPLICANT: Alyssa Schabilion

FILE NUMBER: SE-22-10

PURPOSE: Special Exception Use Permit for a Congregate Care Home; Namely an Assisted Living Facility

GENERAL LOCATION: Southwest Corner of the intersection of Amero Lane and Diane Street

PARCEL KEY NUMBER: 567078

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for a Congregate Care Home; Namely an Assisted Living Facility. The petitioner has indicated the property has traditionally served five (5) residents under the state exception. The current request is to increase the number to eight (8) and ultimately phase up to the state maximum of sixteen (16). The facility will always have two (2) full time staff members on site and 2-3 shift changes as needed by the residents.

The petitioner has proposed that additional square footage may be necessary as the number of residents increase. Any increase in the footprint of the facility shall require a master plan revision.

SITE CHARACTERISTICS:

Site Size: 2.2 acres

Surrounding Zoning & Land Uses: North: AR2: Single Family
South: AR2: Single Family
East: AR2: Single Family
West: AR2: Single Family

Current Zoning: AR2 (Agricultural Residential)

Future Land Use Map Designation: Residential

Flood Zone: C

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel and are currently not available to this parcel. HCUD has no objection to the request subject to Health Department approval of any upgrades to the Onsite Sewage Treatment and Disposal System that may be required.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the south side of Amero Lane, approximately 600' east of Godfrey Avenue. The existing drive will be utilized for the proposed use. The County Engineer has reviewed the subject request and indicated that petitioner must provide a dedicated Handicap Parking space with access to building.

LAND USE REVIEW:

Existing Building Setbacks:

Front:	50'
Side:	10'
Rear:	35'

The petitioner has indicated that additional square footage to the existing home as the number of residents increase may be required. Any expansion must meet the minimum building setbacks. Expansion to the existing home is permitted, however, any new structures will require an amendment to the Special Exception Use Permit.

The petitioner has not indicated lighting for the proposed campus. If approved, all lighting should be full cut off fixtures in order to prevent any light spillage into neighboring parcels.

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 Land Development Regulations (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, Appendix A, Article V, Section 8(B) of the Hernando County Code. If a developer fails to obtain a building permit for the vertical construction of the principal or primary building or the special exception use is not established within a period of not

more than two (2) years from the approval date, then the special exception use permit shall be null and void.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by large tracts of single family to the north, south and east and standard residential lots to the west.

Housing Element:

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.

Comment: Group homes are either permitted uses or special exception uses in a variety of zoning classifications throughout the County. A Congregate Care Facility is consistent with the Residential land use classification on the adopted Future Land Use Map.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for a Congregate Care Home; namely, an Assisted Living Facility, is appropriate based on the following conclusions:

1. The proposed use is compatible with the surrounding area, is not adverse to the public interest; and is consistent with the County's adopted Comprehensive Plan.
2. The petitioner's request complies with the Special Exception Use General Standards.

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. Homeowner 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 RECOMMENDATION:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a 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 congregate care facility shall be limited to sixteen (16) residents.
3. Minimum Building Setbacks:
 Front: 50'
 Side: 10'
 Rear: 35'
4. The petitioner shall provide a Handicap parking space for the proposed use.
5. Expansion to the existing home shall be permitted, however, any new structures will require an amendment to the Special Exception Use Permit.
6. The petitioner shall obtain Health Department approval of any Onsite Sewage Treatment and Disposal System upgrades that may be required.
7. The petitioner shall maintain all required permits and licenses from the applicable local and state agencies.

P&Z ACTION:

On September 12, 2022, the Planning and Zoning Commission approved the petitioner's request for a Special Exception Use Permit for a 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 congregate care facility shall be limited to sixteen (16) residents.
3. Minimum Building Setbacks:

Front:	50'
Side:	10'
Rear:	35'
4. The petitioner shall provide a Handicap parking space for the proposed use.
5. Expansion to the existing home shall be permitted, however, any new structures will require an amendment to the Special Exception Use Permit.
6. The petitioner shall obtain Health Department approval of any Onsite Sewage Treatment and Disposal System upgrades that may be required.
7. The petitioner shall maintain all required permits and licenses from the applicable local and state agencies.