

December 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
December 12, 2022**

For the Board's information, on December 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 Tuesday, December 13, 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, January 11, 2023, 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, February 14, 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: December 13, 2022

APPLICANT: Elevated Youth Services, Inc.

FILE NUMBER: SE-22-14

PURPOSE: Special Exception Use Permit for a Congregate Care Home; Namely, a Community Residential Home

GENERAL LOCATION: Southwest corner of Lincoln Avenue and Hodza Street

PARCEL KEY NUMBER: 818994

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for a Congregate Care Home; namely, a Community Residential Home to expand from six (6) residents/beds to twelve (12) residents. As the petitioner previously only had six (6) residents, a Special Exception Use Permit was not required. Elevated Youth Services (EYS) owns and operates the existing Community Residential Home and provides services that assist young people in grappling with various forms of trauma. EYS works in conjunction with the Department of Children and Families (DCF) as a regional provider for these services. The petitioner has indicated no changes to the existing structure are required and the existing access and parking will accommodate the requested number of residents.

SITE CHARACTERISTICS:

Site Size: 0.6 acres

Surrounding Zoning and Land Uses: North: R-1B: Single Family
South: R-1B: Single Family
East: R-1B: Single Family
West: R-1B: Single Family

Current Zoning: R-1B/(Residential)

Future Land Use Map Designation: Residential

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the request subject to Health Department approval/determination that the existing Onsite Sewage Treatment and Disposal System can handle the increased usage.

ENGINEERING REVIEW:

The site is located on the southwest corner of Lincoln Avenue and Hodza Street. The petitioner proposes a utilizing the existing single driveway for the subject site. The County Engineer has reviewed the subject request and indicated the following:

- This property is located outside the 1% annual chance floodplain. Access to the site may be impacted by flooding.
- Parking on the roadway is not allowed or authorized. Install driveway or parking lot to accommodate vehicles.
- The petitioner must install a driveway apron meeting the requirements Hernando County Facility Design Guidelines.

LAND USE REVIEW:

Minimum Building Setbacks:

Front:	25'
Side:	10'
Rear:	20'

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 single family homes. A Congregate Care Home for a Community Residential Home is a permitted use in all zoning districts and land use categories.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for a Congregate Care Home; Namely, a Community Residential Home, 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 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. 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 RECOMMENDATIONS:

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, a Community Residential Home, 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 Community Residential Home shall be limited to twelve (12) residents.
3. The petitioner shall obtain Health Department approval of any Onsite Sewage Treatment and Disposal System upgrades that may be required.

4. Parking on the roadway shall not allowed or authorized.
5. The petitioner shall install a driveway apron meeting the requirements Hernando County Facility Design Guidelines.
6. Minimum Building Setbacks:

Front:	25'
Side:	10'
Rear:	20'
7. Any future expansion or changes related to the uses shall require an amendment to the Special Exception Use Permit.

P&Z ACTION:

On December 12, 2022, the Planning and Zoning Commission voted 4-0 to approve the petitioner's request for a Special Exception Use Permit for a Congregate Care Home; Namely, a Community Residential Home, 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 Community Residential Home shall be limited to twelve (12) residents.
3. The petitioner shall obtain Health Department approval of any Onsite Sewage Treatment and Disposal System upgrades that may be required.
4. Parking on the roadway shall not allowed or authorized.
5. The petitioner shall install a driveway apron meeting the requirements Hernando County Facility Design Guidelines.
6. Minimum Building Setbacks:

Front:	25'
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7. Any future expansion or changes related to the uses shall require an amendment to the Special Exception Use Permit.