

July 14, 2025

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, Development Services Director
Planning and Zoning Department

**SUBJECT: Special Exception Actions by the Planning and Zoning Commission
on July 14, 2025**

For the Board's information, on July 14, 2025, 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, July 16, 2025, 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 (BOCC), 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, August 13, 2025, the P&Z decision shall be deemed final and subject only to review by the circuit court. The review of the decision by the BOCC 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, September 9, 2025, (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: July 14, 2025

APPLICANT: Aliviya Rose Manor LLC

FILE NUMBER: SE-25-05

PURPOSE: Special Exception Use Permit for an Assisted Living Facility

GENERAL

LOCATION: Bounded by Fayson Lane, Arrendonda Avenue and Chippendale Street approximately 670 feet South of Spring Hill Drive.

PARCEL KEY

NUMBER: 00417301

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit to establish an Assisted Living Facility. The proposal includes the construction of a one-story, six thousand (6,000)-square-foot single-family residence designed to accommodate up to fourteen (14) residents in private or semi-private rooms. The facility will feature a common living room, dining area, ADA-compliant restrooms, caregiver accommodations, and a full-service kitchen. Outdoor amenities such as green space, walking paths, and sitting areas will be incorporated to support resident wellness. Parking requirements are based on a ratio of 0.3 spaces per bed, resulting in a total of four (4) required parking spaces, in addition to one (1) ADA-accessible parking space. The subject parcel was rezoned in 2021 under application H-21-62, changing its designation from PDP(REC) – Planned Development Project (Recreation) to PDP(SF) – Planned Development Project (Single Family). The rezoning allowed for the development of twelve (12) single-family homes on the seven and a half (7.5) -acre site. The parcel was originally designated as a park site in the Spring Hill Master Plan and includes an existing drainage retention area (DRA).

SITE CHARACTERISTICS:

Site Size: 7.5 acres

Surrounding Zoning;

Land Uses: **North:** PDP(SF)/Planned Development Project (Single Family): Developed
South: PDP(SF)/ Planned Development Project (Single Family): Developed
East: PDP(SF)/ Planned Development Project (Single Family): Developed
West: PDP(SF)/ Planned Development Project (Single Family): Developed

Current Zoning: PDP(SF)/ Planned Development Project (Single Family)

Future Land Use

Map Designation: Residential

Flood Zone: X (Existing Drainage Retention Area)

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) does not currently supply water or wastewater service to this parcel. Water service is available to this parcel. Wastewater service is not currently available. HCUD has no objection to the requested special exemption to allow a 14-bed assisted living home on the parcel, subject to connection to the central water system and Health Department approval of any proposed Onsite Sewage Treatment and Disposal System at time of site development, Parcel Key# 417301.

ENGINEERING REVIEW:

The subject site is bounded by Fayson LN, Arrendonda Ave and Chippendale St approximately 670 feet South of Spring Hill Dr. This project lies within the Pithlachascotee watershed. This property contains an area of flood Zone "A". The Base flood elevation (BFE) is 59.446 feet in the North American Vertical Datum of 1988 (NAVD 88) per Flood Insurance Rate Map (FIRM) Panel 12101C0075F effective 9/26/2014.

At the time of development, the parking and driveway designs will need to meet County standards. Additionally, handicap parking shall be required.

LAND USE REVIEW:

The subject parcel was rezoned under application H-21-62 in 2021, changing its designation from PDP(REC) – Planned Development Project (Recreation) to PDP(SF) – Planned Development Project (Single Family) to allow for the construction of 12 single-family homes. The parcel was originally identified as a park site in the Spring Hill Master Plan. A shared drainage retention area (DRA) currently exists on the property and will remain functional.

In accordance with County LDRs- Land Development Regulations, 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.

MINIMUM BUILDING SETBACKS:

- Front (Chippendale St): 25'
- Side(west): 10'
- Side (Arrendibda Ave): 15'
- Rear (Fayson Ln): 20'

PARKING:

The minimum land development regulations (LDRs) would require 0.3 parking spaces per bed based on maximum occupancy. The LDRs indicate that an Assisted Living Facility 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: Parking requirements are calculated for an Assisted Living Facility at a rate of 0.3 spaces per bed with a maximum of 14 beds. This will require 4 parking spaces.

LIGHTING:

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

BUFFERS:

Per Board of County Commissioners action in rezoning file H-21-62, A 5' natural vegetated buffer enhanced to 80% opacity shall be constructed along the north boundary of the property adjacent to existing residential lots.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Residential Future Land Use classification on the adopted Future Land Use map. The Hernando County 2040 Comprehensive Growth Strategy Plan provides the principles for guiding land development activities in the County and describes the related programs and strategies that provide the overall guidance for implementing the Plan. Residential Category of the adopted Comprehensive Plan states:

Objective 1.04B The Residential Category allows primarily single family, duplex, resort, multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(1) Commercial and institutional uses within the Residential Category are generally associated with medium and high-density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential use may also be allowed.

Comments: An Assisted Living Facility is permitted in all zoning districts as a special exception use.

FINDINGS OF FACT:

1. A Special Exception Use Permit for an Assisted Living Facility is appropriate based on consistency with the Comprehensive Plan and compatibility with the surrounding areas and subject to appropriate performance conditions.
2. The proposed project shall require a commercial review.

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.

STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for an Assisted Living Facility, with the following performance conditions:

1. The petitioner shall obtain all permits from Hernando County and other applicable regulatory 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 proposed project shall require a commercial review.
3. Minimum Building Setbacks:
 - Front (Chippendale St): 25'
 - Side(west): 10'
 - Side (Arrendibda Ave): 15'
 - Rear (Fayson Ln): 20'
4. The parking and driveway designs will need to meet County standards.
5. Handicap parking is required.
6. Parking requirements are calculated for an Assisted Living Facility at a rate of 0.3 spaces per bed with a maximum of 14 beds. This will require 4 parking spaces.
7. The petitioner shall be required to connect to the central water system and coordinate with the Health Department with approval of any proposed Onsite Sewage Treatment and Disposal System at time of site development.
8. The petitioner shall provide full cutoff fixtures, in order to retain all light on-site and prevent any light spillage onto neighboring residential uses.
9. Per BOCC action in rezoning file H-21-62, A 5' natural vegetated buffer enhanced to 80% opacity shall be constructed along the north boundary of the property adjacent to existing residential lots.
10. The site shall be developed in accordance with the site plan as provided by the applicant and attached to this application.
11. Any additional development on the site above and beyond the Assisted Living Facility shall require an amendment to the Special Exception.
12. If the petitioner 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.

P&Z RECOMMENDATION:

On July 14, 2025, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for an Assisted Living Facility, with the following modified performance conditions:

1. The petitioner shall obtain all permits from Hernando County and other applicable regulatory 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 proposed project shall require a commercial review.
3. Minimum Building Setbacks:
 - Front (Chippendale St): ~~25'~~ 50'
 - Side(west): 10'
 - Side (Arrendibda Ave): ~~45'~~ 50'
 - Rear (Fayson Ln): 20'
4. The parking and driveway designs will need to meet County standards.
5. Handicap parking is required.
6. Parking requirements are calculated for an Assisted Living Facility at a rate of 0.3 spaces per bed with a maximum of 14 beds. This will require 4 parking spaces.
7. The petitioner shall be required to connect to the central water system and coordinate with the Health Department with approval of any proposed Onsite Sewage Treatment and Disposal System at time of site development.
8. The petitioner shall provide full cutoff fixtures, in order to retain all light on-site and prevent any light spillage onto neighboring residential uses.
9. Per BOCC action in rezoning file H-21-62, A 5' natural vegetated buffer enhanced to 80% opacity shall be constructed along the north boundary of the property adjacent to existing residential lots.
10. The site shall be developed in accordance with the site plan as provided by the applicant and attached to this application.
11. Any additional development on the site above and beyond the Assisted Living Facility shall require an amendment to the Special Exception.
12. Based on need and demand of the County Engineer, the petitioner shall provide an easement in favor of Hernando County over the drainage retention area on the site.

13. If the petitioner 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.