

August 8, 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 August 8, 2022**

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For the Board's information, on August 8, 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, August 9, 2022, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 8(I) 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, September 8, 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, October 11, 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**

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**HEARINGS:** Planning & Zoning Commission: August 8, 2022

**APPLICANT:** The Restoration Center of Florida

**FILE NUMBER:** SE-22-09

**REQUEST:** Special Exception Use Permit for a Congregate Care Facility, namely a Transitional Living Facility

**GENERAL LOCATION:** South side of Olympic Village Lane, approximately 1,500' east of Sunshine Grove Road

**PARCEL KEY NUMBER:** 342793

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**APPLICANT'S REQUEST:**

The subject site was approved for a Special Exception Use Permit for a Congregate Care Facility, namely a Transitional Living Facility on June 13, 2015. The petitioner indicated that due to unforeseen circumstances, delays in construction forced the Special Exception to expire. According to County LDR's, 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.

The petitioner's current request is to reestablish the 30 resident Special Exception Use Permit for a women's Transitional Living Facility. Previously, The Restoration Center of Florida proposed building two (2) individual cabins for the housing of the residents. Unfortunately, due to market cost, the cabins are no longer cost effective. As part of this request, the petitioner is requesting the transfer of two (2) modulares donated by a local hospital. The modulares are double wide modulares which will house six (6) women per unit. No other changes are being requested.

The "Restoration Center" is a Christian based non-profit organization, which will provide support for women previously incarcerated. The full-time nine (9) month program will provide participants with temporary living accommodations, along with spiritual and behavioral training. Participants will also learn how to deal with sexual abuse, anger, parenting skills, addictions, career training, and more. The programs daily schedule consists of the following:

**P&Z SPECIAL EXCEPTION RESULTS FROM AUGUST 8, 2022, PG. 3**

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- Educational Courses
- Work Therapy
- Job Placement Training
- Group and Individual Training
- Group and Individual Counseling
- Weekly Church Services
- Daily Spiritual Enhancement
- Pastoral Guidance
- GED or College Classes
- Discharge Planning

**SITE CHARACTERISTICS:**

**Site Size:** 20.8 acres

**Surrounding Zoning & Land Uses:**

North: AG; Single Family  
South: AG; Undeveloped  
East: AG; Single Family  
West: Power Line Easement

**Current Zoning:** AG/(Agricultural)

**Future Land Use Map Designation:** Rural

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand and Sparr Fine Sand

**Habitat:** Partially developed, shown as sandhill and low density residential according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data). Soils and habitat have potential to support gopher tortoises, a protected listed species.

**Hydrologic**

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

**Protection**

**Features:** The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.

**Comments:** Any new development or expansion shall require a comprehensive wildlife/gopher tortoise survey 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.

**Flood Zone:** C, with only a small portion of the entrance to the project being AE

**UTILITIES REVIEW:**

The Hernando County Utilities Department has indicated that 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 of an appropriate Onsite Sewage Treatment and Disposal System if required.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the south side of the intersection of Olympic Village Lane and Dry Creek Ranch Road. The petitioner has indicated utilizing the existing entrance. The County Engineer has reviewed the request and indicated the following:

- This property contains an area of Flood Zone “AE, (El. 86.6)” and a small area of Zone “X-Shaded”. Development within the floodplain requires specific permitting and mitigation.
- Consideration should be made to remove driveway access from floodplain.
- Must obtain driveway permit from Dept. of Public Works

**LAND USE REVIEW:**

Minimum Building Setbacks:

Front: 75'  
Side: 35'  
Rear: 50'

The existing structures have established setbacks and are recognized as pre-existing. Any future development must meet the minimum building setbacks as required by the County's LDRs.

**Buffers:**

The petitioner has not indicated any buffers for the proposed use. All existing structures are clustered in a centralized area. The parcel is heavily wooded and currently provides more than adequate buffering from adjacent uses. If approved, a minimum 25' native vegetative buffer must be maintained along the perimeter of the property.

**Parking:**

The petitioner has indicated that residents will not be driving while at the facility; however, parking will be provided for the caretakers and administrators. If approved, the petitioner must provide the minimum parking as required by the County LDRs.

**Lighting:**

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 Rural Land Use classification on the adopted Future Land Use Map. The area is characterized by agricultural tracts land with mobile homes and single family homes. A Congregate Care Home for a Transitional Living Facility is a permitted use in all zoning districts and land use categories.

#### **FINDING OF FACTS:**

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

1. The proposed use is compatible with the surrounding area and is consistent with the County's adopted Comprehensive Plan.
2. The request will be developed as a low-density development compatible with the low-density rural land uses in the area and would not be adverse to the public interest.
3. 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 Facility, namely a Transitional 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. Any new development shall require 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 the issuance of development permits by Hernando County.
3. Any expansion of the use will require an amendment to the special exception use permit.
4. Minimum setbacks are approved as follows:

Front:	75'
Side:	35'
Rear:	50'
5. The maximum number of residents shall be 30 residents.
6. A minimum 25' native vegetative buffer shall be maintained along the perimeter of the property.
7. The petitioner shall construct a commercial driveway and be required to submit commercial construction plans for review/approval.
8. An 8' chain-link fence shall be provided along the perimeter of the parcel with the exception of the two parcel legs heading south. A single opening shall be permitted at the driveway.
9. Services shall only be provided to program residents. No services for non-residents shall be permitted.

**P&Z ACTION:**

On August 8, 2022, the Planning and Zoning Commission approved the petitioner's request for a Special Exception Use Permit for a Congregate Care Facility, namely a Transitional 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. Any new development shall require 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 the issuance of development permits by Hernando County.
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