


January 13, 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 January 13, 2025**

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For the Board's information, on January 13, 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, January 15, 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, February 12, 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, March 11, 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

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**HEARINGS:** Planning & Zoning Commission: January 13, 2025

**APPLICANT:** QASR LLC, Alia Qureshi

**FILE NUMBER:** SE-24-10

**PURPOSE:** Special Exception Use Permit for an Assisted Living Facility

**GENERAL LOCATION:** South side of Gar Street, approximately 430' from Grove Road

**PARCEL KEY NUMBER:** 1001089

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### APPLICANT'S REQUEST:

The petitioner has submitted a request for a Special Exception Use permit in order to open an ALF/Assisted Living Facility. The facility will have a maximum of fourteen (14) residents. The parcel is currently a vacant lot, and the proposed structure will be approximately 7,100 square foot one (1) story building. There will be parking available for guests and staff. The petitioner is not requesting any deviations.

### SITE CHARACTERISTICS:

**Site Size:** 4.60 acres

**Surrounding Zoning Land Uses:** North: AR2; Undeveloped  
South: AR2; Undeveloped  
East: Suncoast Parkway  
West: AR2; Hospital, Undeveloped

**Current Zoning:** AR-2/ (Agriculture Residential-2)

**Future Land Use Map Designation:** Rural

**Flood Zone:** X



**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has reviewed the petitioner's application and indicated they currently do not supply water or sewer service to this parcel. Water service is available; however, sewer service is not available at this time. HCUD has no objection to the request subject to connection to the central water system at time of vertical construction and Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for the project.

**ENGINEERING REVIEW:**

The site is located on the south side of Gar Street, approximately 430' from Grove Road. The County Engineer has reviewed the petitioner's request and indicated the following:

- The petitioner must provide adequate parking for employees and visitors. Parking should include appropriately designated handicap parking space.
- Parking in the right-of-way is not permitted per Ordinance.

**LAND USE REVIEW:**

The subject property is located in the Potterfield Garden Subdivision and was designated Agriculture Residential District. A Community Residential Home per Municode Appendix A, Article 1, section 3 (32) "a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents." The petitioner has proposed to open and Assisted Living Facility with a maximum of 14 residents.

**Setbacks**

Proposed Building Setbacks:

- Front (Gar St): 50'
- Side: 10'
- Rear: 35'

**Buffers**

The minimum commercial buffer shall consist of a 5' landscaped buffer around parking lots. The congregate care facility use, located on such lot shall be permanently screened from the adjoining and contiguous residential properties to the south and west by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet and an evergreen hedge with a minimum height of five (5) feet at the time of planting.

**Comments:** While no buffers are required between ALF(Assisted Living Facility) and residential neighbors, staff recommends a minimum 10' perimeter landscape buffer.

**Parking**

County LDRs requires a minimum of 0.3 parking spaces per bed for an Assisted Living Facility. The petitioner is proposing a total of fourteen (14) beds which requires five (5) parking spaces.

**Lighting**

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

**Landscaping**

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials, and plantings for required landscaping.

**COMPREHENSIVE PLAN REVIEW:**

The subject property is located within the Rural Future Land Use classification on the adopted Future Land Use map.

**Objective 1.04C:** The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

**Comments:** Assisted Living Facility are permitted in all zoning districts with an approved Special Exception Use Permit and appropriate performance conditions.

**FINDINGS OF FACT:**

The request for a Special Exception Use Permit for an Assisted Living Facility, 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 Special Exception Use Permit for 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. A comprehensive floral survey may be required. Survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner will be required to comply with all applicable FWC regulations and permitting.
3. The facility shall be limited to a maximum of fourteen (14) beds.
4. The Assisted Living facility shall meet the minimum parking requirements for Hernando County
5. No parking shall be permitted on the right-of-way.
6. The petitioner shall provide a minimum 10' landscape perimeter buffer
7. Minimum Building Setbacks:
  - Front (Gar St): 50'

- Side: 10'
- Rear: 25'

8. Any additional residents shall require an amendment to the special exception use permit.

**PLANNING AND ZONING ACTION:**

On January 13, 2025, the Planning and Zoning voted 5-0 to approve the petitioner's request for a Special Exception Use Permit for 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. A comprehensive floral survey may be required. Survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner will be required to comply with all applicable FWC regulations and permitting.
3. The facility shall be limited to a maximum of fourteen (14) beds.
4. The Assisted Living facility shall meet the minimum parking requirements for Hernando County
5. No parking shall be permitted on the right-of-way.
6. The petitioner shall provide a minimum 10' landscape perimeter buffer
7. Minimum Building Setbacks:
  - Front (Gar St): 50'
  - Side: 10'
  - Rear: 25'
8. Any additional residents shall require an amendment to the special exception use permit.

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 13, 2024

**APPLICANT:** Black Horse Realty group, LLC

**FILE NUMBER:** SE-24-11

**PURPOSE:** Special Exception Use Permit for an Animal Specialty Establishment and Special Events

**GENERAL LOCATION:** Eastern terminus of Phillips Road and Arlanie Road

**PARCEL KEY NUMBER:** 386040

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### APPLICANT'S REQUEST

The petitioner requests a Special Exception Use Permit for an Animal Specialty Establishment for the purpose of Equestrian Therapy and training and to allow for four (4) recreational vehicle hook-ups for clients. The petitioner has indicated that they will be offering, draft horse driving lessons, riding lessons, day camps for kids, weekend getaways for adults, special events (i.e. birthday parties) and group sessions, to clients to share the benefits of the equine therapeutic session. The petitioner is offering the sessions seven days a week, hours offered change with the seasons.

### SITE CHARACTERISTICS

**Site Size:** 19.6 Acres

**Surrounding Zoning & Land Uses:**

North:	AG; Mobile Home, Single Family
South:	AG; Mobile Home, Single Family
East:	AG Special Exception for Eckerd Youth Camp
West:	AG; Mobile Home, Single Family

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** Rural

### UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. HCUD has no objection to the



requested. The petitioner shall coordinate with the Health Department for appropriate Onsite Sewage Treatment and Disposal System for the proposed RV sites.

## **ENGINEERING**

The subject parcel is located at the eastern terminus of Phillips Road and Arlanie Road. The parcel has a two (2) access drives. No changes are proposed to access. The County Engineer has reviewed the request and indicated the following:

- The parcel is located in Squirrel Prairie Watershed which is an Administrative Watershed. A majority of the parcel is located in the 1% storm/ 100-year floodplain.
- Petitioner shall provide a site plan that shows all the access points.
- Any Public access to the subject property in relation to Therapeutic Equine Facility requires a commercial driveway connection and a right of way use permit.

## **LAND USE REVIEW**

Animal Specialty Establishments are permitted in the AG (Agricultural) district through the Special Exception Process. Animal specialty establishments include activities such as animal boarding, animal husbandry activities, and animal training.

### **Building Setbacks**

Minimum Building Setbacks:

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

Perimeter Setbacks:

The petitioner shall maintain a hundred (100) foot setback from all adjacent property lines.

### **Lighting**

All lighting shall be shielded from the adjacent properties and shall be aimed downward towards the property to prevent spillage on neighboring parcels.

### **Hours of Operation**

Hours of operations for all proposed uses should be limited from 6:00 AM to 10:00 PM. Overnight stays in recreational vehicles shall be limited to approved days and events. Special events shall be limited to 12 events per calendar year.

**Farm building setbacks**

Regulation of agricultural structures: Land, which is used solely for farming, forestry, fisheries, animal specialty farms, horticultural specialty farms or hunting, trapping and game propagation shall have no regulation imposed as to zoning permits, certificates of use, or height, yard, or location requirements for agricultural buildings, except as otherwise provided in this ordinance.

**Special Exception Use Permit**

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 large tracts of single family and mobile home residences. Animal Specialty Establishments are permitted uses in Rural districts.

**Future Land Use, Rural**

**Objective 1.04C:** The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.



**Strategy 1.04A(4):** The Rural Category retains and promotes agricultural activities, retains the rural nature and countryside character of a significant portion of the County including rural residential uses with limited agricultural activities, limits residential density and infrastructure outside of recognized urbanizing areas as shown on the Adjusted Urbanized Area Map, and, may be used to recognize properties with natural physical development limitations such as floodplains.

## **FINDING OF FACTS**

The request for a Special Exception Use Permit for an Animal Specialty Establishment and Special Events are consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses with appropriate performance.

## **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 an Animal Specialty Establishment and Special Events with the following performance condition:

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. Minimum Building Setbacks:
  - Front: 75'
  - Sides: 35'
  - Rear: 50'



3. The RV hookups/pads shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front (west): 75'
  - Side (north and south): 35'
  - Rear (east): 50'
4. The RV sites shall be limited to equestrian therapy, training clients and during special events.
5. The recreational vehicle hookups shall be limited to four (4)
6. All hours of operation shall be 6:00 AM to 10:00 PM.
7. The petitioner shall be limited to twelve (12) events per year.
8. Any onsite lighting associated with events shall be full cutoff fixtures and retain all light on-site to prevent any light spillage onto neighboring uses.
9. The petitioner shall improve all driveways to the property to commercial driveway standards.
10. The petitioner shall obtain a right-of-way use permit.
11. The petitioner shall provide a site plan that shows the access points.
12. The petitioner shall coordinate with the Health Department for appropriate Onsite Sewage Treatment and Disposal System for the proposed RV sites.

**Planning and Zoning Action:**

On January 13, 2025, the Planning and Zoning Commission voted 4-1 to deny the petitioner's request for a Special Exception Use Permit for an Animal Specialty Establishment and Special Events.