

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 11, 2024

APPLICANT: The Restoration Center of Florida

FILE NUMBER: SE-23-13

REQUEST: Revision to a 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

APPLICANT'S REQUEST:

On August 8, 2022 the Planning and Zoning Commission approved the establishment of a Special Exception Use Permit for a Congregate Care Facility, namely a Transitional Living Facility for the subject site. As part of the approval, the Planning and Zoning commission implemented nine (9) performance conditions which are still active. The performance conditions were as follows:

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.

The petitioners current request is for a revision to the previously approved Special Exception Use Permit in order to eliminate condition number eight (8) requiring an "8' high security fence along the perimeter of the property (except for the southern legs) with a single opening at the driveway entrance." No other changes are sought and all other performance conditions would remain in full force and effect. The justification for requesting the elimination of the condition to fence the property are as follows:

- The program is structured in such a way that the participants are required to go through a rigorous application and interview process to ensure that the individuals are committed to the program and do not present a security risk.
- The program is strictly voluntary, individuals are not mandated to enter the program by any outside agency, enter of their own free will, and are fully committed to the program.
- Program services are provided to applicants that have been approved and reside on the property. Services are not provided to nonresidents or "drop offs."

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

FINDING OF FACTS:

The request for a revision to a Special Exception Use Permit for a Congregate Care Facility, 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 to remove the 8' high perimeter fencing is justified by the structure of the program 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 revision to a Special Exception Use Permit for a Congregate Care Facility, namely a Transitional Living Facility with the following previously approved and revised 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 of 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. Services shall only be provided to program residents. No services for non-residents shall be permitted.