

October 9, 2023

**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  
October 9, 2023**

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For the Board's information, on October 9, 2023, 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 Wednesday, October 10, 2023, 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, November 8, 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, December 12, 2023, (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: October 9, 2023

**APPLICANT:** Mother Mary Theresa, Sisters of St. Thomas Aquinas, Inc.

**FILE NUMBER:** SE-23-04

**PURPOSE:** Revision to a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment

**GENERAL LOCATION:** Northeast corner of Spring Lake Highway and Rosecrans Street

**PARCEL KEY NUMBER:** 393265

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**APPLICANT'S REQUEST:**

On December 14, 2015, the Planning and Zoning Commission approved a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment in order to construct a convent on a 16.99-acre portion of a 38.6-acre parcel. At the time, Phase 1 was proposed to include a two-story, 19,821 square foot convent with 21 living quarters and chapel and Phase 2 was to consist of an additional 13 living quarters and chapel. Those phases have been completed and are currently in use. The convent and chapel are not open to the public.

The petitioner's current request is for a revision to the previously approved Special Exception to expand the main structure and provide for an additional building connected by an arcade. The request also includes a separate bishop's cottage and a cart barn. The proposed expansion will add an additional 35,893 square feet to the convent.

**SITE CHARACTERISTICS:**

**Site Size:** 16.99 acres (38.6 acre parent parcel)

**Surrounding Zoning;  
Land Uses:** North: AG; Undeveloped  
South: AG; Undeveloped, Single Family  
East: AG; Single Family  
West: AG; Undeveloped, Single Family

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



**Future Land Use  
Map Designation:** Rural

**ENVIRONMENTAL REVIEW:**

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

**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.

**Flood Zone:** C

**UTILITIES REVIEW:**

The Hernando County Utilities Department 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 of any improvements that may be necessary to the Onsite Sewage Treatment and Disposal Systems for the parcel.

**ENGINEERING & TRANSPORTATION REVIEW:**

The site is located on the northeast corner of Spring Lake Highway and Rosecrans Street. The petitioner has indicated a single access point to Rosecrans Street. The County Engineer has reviewed the petitioners request and indicated no traffic related concerns.

**LAND USE REVIEW:**

**Setback**

Minimum Building Setbacks:

Spring Lake Highway:	75'
Rosecrans Street:	75'
Side:	35'
North:	0' (previously approved setback was 50')

**Comments:** The petitioner has indicated a 0' north building setback due to common ownership with the northern parcel. The Special Exception Use process does not provide for deviation. The petitioner will be required to apply for a setback variance at such time development along the north encroaches on the minimum building setback.

**Parking**

The minimum land development regulations (LDRs) would require 0.3 parking space per seat based on maximum occupancy of the chapel. The LDRs indicate that places of public assembly 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. Furthermore, County LDRs require one parking space per room for lodging and boarding house type uses.

**Comments:** The petitioner has indicated that the proposed convent will not be open to the public and a maximum of three (3) cars may be onsite at any given time.

A Place of Public Assembly is an allowable special exception use in any zoning category provided the appropriate land use approvals are obtained. A special exception use permit shall be granted only for those buildings, uses, and accessory buildings specifically indicated by the Commission.

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 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, Article V, Section 8(B).

**COMPREHENSIVE PLAN REVIEW:**

The subject property is located within the Rural land use classification on the adopted Future Land Use Map. Uses allowed in this category include: farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses. A place of public assembly for a religious establishment is an allowable use in all zoning districts.

**FINDING OF FACTS:**

The request for a revision to a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment is appropriate based on the following conclusions:



1. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.
2. The requested use is not adverse to the public interest.

**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 revision to a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment, 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. Minimum Building Setbacks:

Spring Lake Highway:	75'
Rosecrans Street:	75'
Side:	35'
Rear:	50'
3. The petitioner shall coordinate with the Health Department any improvements that may be necessary to the Onsite Sewage Treatment and Disposal Systems.

**P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission approved the petitioner's request for a revision to a Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment, 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. Minimum Building Setbacks:  
Spring Lake Highway: 75'  
Rosecrans Street: 75'  
Side: 35'  
Rear: 50'
3. The petitioner shall coordinate with the Health Department any improvements that may be necessary to the Onsite Sewage Treatment and Disposal Systems.