

May 10, 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 May 8, 2023**

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For the Board's information, on May 8, 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, May 11, 2023, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 8(l) 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, June 7, 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, July 11, 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: April 10, 2023  
**APPLICANT:** Timothy Mullins  
**FILE NUMBER:** SE-23-01  
**REQUEST:** Revision to a Special Exception Use Permit for Community Residential Home, namely an Assisted Living Facility

**GENERAL**  
**LOCATION:** Northeast corner of Canterbury Street and Mead Drive  
**PARCEL KEY**  
**NUMBER:** 456009

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**APPLICANT'S REQUEST**

On December 11, 2017, the Planning and Zoning Commission approved a revision to a Special Exception Use Permit for a Community Residential Home, namely an Assisted Living Facility in order to increase the number of beds from eight (8) to twelve (12); however, ten (10) beds were ultimately approved. The petitioner's current request is to remodel the facility/home and add an additional bedroom and half bath, which would result in accommodations for four (4) new beds (14 total beds). The petitioner has indicated renovations will not alter the residential aesthetics of the home.

**SITE CHARACTERISTICS:**

**Site Size:** 0.25 acres

**Surrounding Zoning;**  
**Land Uses:** North: AG; undeveloped  
South: PDP(MF); Multifamily  
East: PDP(MF); Multifamily  
West: PDP(MF); Multifamily

**Current Zoning:** PDP(MF)/Planned Development Project (Multifamily)

**Future Land Use**  
**Map Designation:** Residential

**Flood Zone:** C

**UTILITIES REVIEW**

The Utilities Department has indicated that central water and sewer are currently provided to the subject site.

## **ENGINEERING & TRANSPORTATION REVIEW**

The site is located on the northeast corner of Canterbury Street and Mead Drive. The petitioner has indicated utilizing the existing driveway and a recently created paved parking area along Mead Drive. The County Engineer has reviewed the request and indicated the following:

- Applicant must comply with all previous Special Exception performance conditions prior to pursuing Special Exception to expand conditions.
- No parking shall be permitted in the right-of-way.
- Dedicated paved handicap parking space shall be provided.

## **LAND USE REVIEW**

The petitioner has submitted a request for a revision to a special exception use permit for a community residential home. Community residential facilities are special exception uses that may be approved in all zoning categories.

Minimum Building Setbacks:

- Front: 25'
- Side: 10'
- Rear: 20'

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. The petitioner has provided six (6) parking spaces (four along the front and 2 along the side) for the proposed expansion.

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).

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.

## **COMPREHENSIVE PLAN REVIEW**

The subject property is located within a Residential Land Use classification on the adopted Future Land Use map. Land uses allowed within the Residential category include office professional, retail, recreation, offices, minor public facilities and minor institutional uses.

The Housing Element of the adopted Comprehensive Plan states:

**Objective 3.04B** Adequate sites will be available to accommodate group home facilities and foster care facilities as licensed by the Florida Department of Children and Families.

**Comment:** Group home facilities are either permitted uses or special exception uses in a variety of zoning classifications throughout the County.

### **FINDING OF FACTS**

The request for a Revision to a Special Exception Use Permit for Community Residential Home, namely an Assisted Living Facility is appropriate based on the following conclusion:

1. 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.
2. The petitioner has requested an increase in beds from 10 to 14 beds. Based on the improvements made to the property for parking and the proposed expansion of the facility/home, staff has no objections to the increase in beds.

### **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 revision to a Special Exception Use Permit for Community Residential Home, namely 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. The facility shall be limited to a maximum of fourteen (14) beds.
3. The petitioner shall provide the minimum parking requirements on-site and provide a dedicated paved handicap parking space.
4. No parking shall be permitted in the right-of-way.

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

**P&Z ACTION:**

On May 8, 2023, the Planning and Zoning Commission approved the petitioner's request for a revision to a Special Exception Use Permit for Community Residential Home, namely 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. The facility shall be limited to a maximum of fourteen (14) beds.
3. The petitioner shall provide the minimum parking requirements on-site and provide a dedicated paved handicap parking space.
4. No parking shall be permitted in the right-of-way.
5. Any additional residents shall require an amendment to the special exception use permit.