


March 11, 2024

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, Planning Administrator 
Planning Department

**SUBJECT: Special Exception Actions by the Planning and Zoning Commission on
March 11, 2024**

For the Board's information, on March 11, 2024, 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 Tuesday, March 12, 2024, 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, 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 April 10, 2024, 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, May 14, 2024, (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

HEARINGS: Planning & Zoning Commission: March 11, 2024

APPLICANT: Southeastern Petroleum Contractor, Inc.

FILE NUMBER: SE-23-11

PURPOSE: Special Exception Use Permit for Outdoor Storage

GENERAL LOCATION: North side of SR 50, approximately 800' west of Cedar Lane

PARCEL KEY NUMBER: 904007

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for Outdoor Storage on a 5.0 acre portion of a 38.70 split zoned parcel. The petitioner has indicated that the proposed area for outdoor storage is zoned C2 (Highway Commercial) and the remainder is zoned AG (Agricultural) and currently utilized for cattle. The site has two existing buildings. The petitioner proposes to construct four (4) covered storage buildings and also provide open storage. The covered storage area will consist of four (4), 200'x40' units with a maximum storage capacity of 80 spaces.

SITE CHARACTERISTICS:

Site Size: 5.0 acres (38.70 acres total)

Surrounding Zoning and Land Uses: North: AG; Undeveloped
South: AG, AC C1; Restaurant, Retail Shed Sales
East: AG; Undeveloped
West: AG; Undeveloped, Mobile Home

Current Zoning: C-2/(Highway Commercial) and AG (Agricultural)

Future Land Use Map Designation: Commercial and Rural

Flood Zone: Half of the portion of the property requesting outdoor storage is located within an AE flood zone.

ENVIRONMENTAL REVIEW:

Soil Type: Blichton Loamy Fine Sand, Nobleton Fine Sand, Wauchula Fine Sands

Hydrologic

Features: The subject property contains a Class 1 wetland but no Special Protection Areas (SPA) according to County data resources.

Comments: A portion of the subject site along the east boundary is occupied by a Class 1 wetland. Although the proposed use is permitted in close proximity to the wetland, the petitioner shall maintain a 25' buffer along the wetland.

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies. All future plans, plats, and construction drawings shall indicate the jurisdictional wetland lines.

Invasive plant species, if present, are to be removed during the development process.

Protection

Features: The property contains no Wellhead Protection Areas (WHPA) according to County data resources.

Comment: The subject site has potential for listed species, such as Southeastern American Kestrel and Indigo Snake.

UTILITIES REVIEW:

The Utilities Department has indicated that the subject site is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

ENGINEERING REVIEW:

The subject site is located north side of SR 50, approximately 800' west of Cedar Lane. The petitioner has indicated utilizing the existing access from SR 50. The County Engineer has reviewed the petitioner's request and has the following comments:

- A Frontage Road will be required along the entire frontage of Cortez Boulevard (SR-50), per Ordinance. Applicant must install upon County request of need and demand at developers' expense.
- The driveway will need to meet Hernando County standards.
- FDOT Access Management and Drainage Permit may be required.

LAND USE REVIEW:

Setbacks:

Proposed Building Setbacks:

- Front: 125'
- Side: 20'
- Rear: 35'

Screening:

Hernando County Land Development Regulations require that screening of outdoor storage from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an eighty (80) percent opacity standard. Such screening shall be located behind the building line and shall have a minimum height of five (5) feet and maximum of eight (8) feet.

Comments: The petitioner has indicated outdoor storage will be placed along the rear of the existing buildings. If approved, screening shall also be provided along the adjacent property to the west. Screening shall consist of a 6' opaque fence.

Lighting:

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

Comments: If approved, security lighting will need to be shielded from the neighboring uses.

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. 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 can 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 follow the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

If 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 portion of the site proposed for outdoor storage is located within the Commercial Land Use designation on the Hernando County Comprehensive Plan.

Strategy 1.04A(6): The **Commercial Category** provides for commercial uses including products and services along major corridors and at roadway intersections to serve residents and visitors on both a localized and regionalized basis. The Commercial Category recognizes existing commercial use corridors along U.S. Highway 19 and State Route 50 and existing and planned commercial nodes at intersections of arterial and/or collector roads. The Commercial Category includes small unmapped existing commercial properties. The Commercial Category also recognizes the ability to designate infill parcels for commercial use lying in proximity to and between, but not necessarily contiguous to, other existing commercially designated properties.

Comments: The proposed use is consistent with the Commercial Category of the Hernando County Comprehensive Plan.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for Outdoor Storage is consistent with the County's adopted Comprehensive Plan, compatible with the surrounding land uses, and is not adverse to the public interest subject to compliance with all recommended 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 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. 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 Outdoor Storage 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 wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. The petitioner shall coordinate with the City of Brooksville Utility Department's (CBUD).
5. The petitioner shall be required to screen the outdoor storage along the western boundary with a 6' opaque fence.
6. Security lighting shall be shielded from the neighboring uses.
7. Minimum Building Setbacks:
 - Front: 125'
 - Side: 20'
 - Rear: 35'
8. Invasive plant species, if present, are to be removed during the development process.
9. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies. All

future plans, plats, and construction drawings shall indicate the jurisdictional wetland lines.

10. A Frontage Road will be required along the entire frontage of Cortez Boulevard (SR-50), per Ordinance. Applicant must install upon County request of need and demand at developers' expense.
11. FDOT Access Management and Drainage Permit may be required.

P&Z ACTION:

At their March 11, 2024, the Planning and Zoning Commission voted 5-0 approving the petitioner's request for a revision to a Special Exception Use Permit for Outdoor Storage with the following performance modified 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 wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications for design techniques, principles, materials, and plantings for required landscaping.
4. The petitioner shall coordinate with the City of Brooksville Utility Department's (CBUD).
5. The petitioner shall be required to screen the outdoor storage along the western boundary with a 6' opaque fence.
6. Security lighting shall be shielded from the neighboring uses.
7. Minimum Building Setbacks:
 - Front: 125'
 - Side: 20'
 - Rear: 35'
8. Invasive plant species, if present, are to be removed during the development process.
9. Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies. All future plans, plats, and construction drawings shall indicate the jurisdictional wetland lines.

10. A Frontage Road will be ~~is~~ required along the entire frontage of Cortez Boulevard (SR-50), per Ordinance. Applicant must install upon County request of need and demand at developers' expense. The petitioner shall coordinate the required frontage road with the County Engineer.

11. FDOT Access Management and Drainage Permit may be required.

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.

P&Z ACTION:

At their March 11, 2024, the Planning and Zoning Commission voted 5-0 approving 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 modified, 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.
9. The petitioner shall place reflective markers on trees along the boundary of the subject in order to indicate property line.