

**STAFF REPORT**

Planning & Zoning Commission: November 14, 2005

---

**APPLICANT:** Sosa Fong Inc. dba Higher Level Medical Institute  
**FILE NUMBER:** SE-05-19

**PURPOSE:** Special Exception Use Permit for an Educational Facility

**GENERAL**

**LOCATION:** North side of Spring Hill Drive, west and east of Kass Circle

**LEGAL**

**DESCRIPTION:** Tract A, Spring Hill, Unit 3, as per plat thereof recorded in Plat Book 7, Pages 80 - 86, of the Public Records of Hernando County, Florida in Section 27, Township 23 South, Range 17 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

---

**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(GHC)  
South: PDP(OP), PDP(MF), PDP(SF)  
East: PDP(GHC)  
West: PDP(GHC)

Surrounding Land Uses

Commercial, undeveloped  
SF, model homes, undeveloped  
Commercial  
Commercial

**SUMMARY OF REQUEST**

The petitioner requests a special exception use permit for an educational facility. The subject property is located in the retail plaza on the north side of Spring Hill Drive and west and east sides of Kass Circle.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 15 acres.
3. The site has been developed with a retail plaza.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Spring Hill Drive and Kass Circle.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand/urban land complex. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area contains commercial, office, multifamily and single family residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests a special exception use permit for an educational facility, in order to operate a vocational training school, offering training in the medical technical, nursing, paramedical and cosmetological fields. A business training school is an allowed use in the C-1 commercial district, however the Zoning Administrator has indicated the proposed use does not meet the criteria of business training school and requires the special exception use permit for an educational facility. The petitioner proposes operating the school in a 3,900 square foot space in an existing retail plaza. The narrative indicates classes will be held Monday through Friday between the hours of 8:00 a.m. and 9:00 p.m. The narrative indicates a maximum of 15 students will be present at any one time, classes last as long as four (4) hours and there will be times during the day when no classes will be held and no students are present. The narrative indicates an office manager will be present all day and two (2) to three (3) instructors at a time will be present.

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

The subject property contains a WHPA-2 for a public supply well. The proposed use is allowable within this designation.

The County Engineer had no comments regarding the request.

### **FINDINGS OF FACT**

The area contains commercial, office, multifamily and single family residential uses, and undeveloped parcels. The subject property has been developed with a retail plaza.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. Commercial and minor institutional uses are allowed in this category.

Policy 1.01(I)(4) requires that school siting approvals are consistent with appropriate service standards. These standards include an adequate capacity review to ensure the provision of water and sewer services, and the provision of adequate transportation infrastructure. The subject property is currently served with central water and sewer. The subject property is served by collector roadway.

Policy 1.01I(7) provides locational criteria to be reviewed in determining the appropriateness of a proposed school site. The criteria include: compatibility with existing and projected uses of adjacent properties, the ability of the site area of the proposed location to provide sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses, and the site accommodating the anticipated queuing of vehicles onsite. The Planning staff is of the opinion the retail plaza is an appropriate location for the proposed vocational training school.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission 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, and may prescribe reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

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.

The Planning staff is of the opinion that the request for special exception use permit for an educational facility is appropriate, based on the following conclusions:

1. The educational facility would be compatible with the surrounding land uses.
2. The educational facility is consistent with the County's adopted Comprehensive Plan subject to compliance with all performance conditions herein.

**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 RECOMMENDATION:**

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a special exception use permit for an educational facility, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Development shall occur generally in conformance with the plan and narrative submitted with the application.

**P&Z ACTION:**

The Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a special exception use permit for an educational facility, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

2. Development shall occur generally in conformance with the plan and narrative submitted with the application.
3. The approval is for buildings addressed 7353 and 7355.