

STAFF REPORT

Planning & Zoning Commission: February 14, 2005

APPLICANT: Leonard B. & Eda Williams **FILE NUMBER:** SE-05-05

PURPOSE: Special Exception Use Permit for a Congregate Care Home, namely an Assisted Living Facility

GENERAL

LOCATION: West side of Pinehurst Drive, approximately 250' north of Pond Circle

LEGAL

DESCRIPTION: Lot 10, Block 146, 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(MF)
South: PDP(MF)
East: PDP(MF)
West: PDP(MF)

Surrounding Land Uses

Multifamily
Undeveloped
Undeveloped
Multifamily

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a congregate care home, namely an assisted living facility. The subject property is located on the west side of Pinehurst Drive, approximately 250' north of Pond Circle.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MF).
2. The property comprises approximately one-third of an acre.
3. The site contains a quadraplex.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from Pinehurst Drive.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The Hernando County Soil Survey indicates the on-site soil type is Quartzipsamments.
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 is characterized by multifamily uses and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a special exception use permit for a congregate care home, specifically for an assisted living facility for eight (8) clients. Congregate care homes and facilities are special exception uses that may be approved in all zoning categories. The subject property contains a quadraplex. The plan indicates the quadraplex contains a total of 3,640 square feet. The quadraplex contains four (4) two-bedroom units. The petitioner's representative has verbally indicated seven (7) bedrooms will be for client's use and one bedroom will be for staff member use. The narrative indicates a staff member will be on the site at all times. The petitioner's representative verbally indicated the petitioners will have a minimum of 2-3 employees.

The representative indicated no specific visiting hours will be set and estimated that vendors will be received between 9 a.m. and 5 p.m. during the week.

The plan provided shows seven (7) parking spaces, with double parking. Double parking would not be allowed. The County LDRs indicate an adult congregate living facility (ACLF) is required to provide 0.5 parking spaces per bed based on maximum occupancy. The petitioner would be able to provide the minimum four (4) spaces required for an 8-person facility.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for multifamily dwellings. Although the County does not

enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

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

FINDINGS OF FACT

The subject property is located within a residential category on the adopted Future Land Use Map. The Housing Element of the adopted Comprehensive Plan states in Objective 3.04B that “adequate sites will be available to accommodate group home facilities...as licensed by the Florida Department of Children and Families.” Additionally, group homes are either permitted uses or special exception uses in a variety of zoning classifications throughout the County.

The subject property is in an area of Spring Hill zoned PDP(MF). The area is characterized by multifamily uses and undeveloped lots. The subject property has been developed with a quadraplex. The lots to the north and west have each been developed with a quadraplex. The multifamily lots to the south and east have not yet been developed.

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.

Policy 1.01H(2) of the Future Land Use Element instructs the County to “protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.” It is the staff’s opinion that a congregate care home would not be an inappropriate use at this location.

Florida Statutes provide rules governing the placement of community residential homes. The statutes indicate that a home of six (6) or fewer residents is considered a single-family unit and a noncommercial use (Chapter 419.001(2)). Although the proposed request is not specifically categorized as a community residential home, the statutes give some guidance for determining when

a “group home” becomes more than what is typically considered a SF home. The petitioner requests a total of eight (8) clients. Florida Statutes indicate that facilities with 7 to 14 residents are more appropriately located in multifamily or commercial zoning districts.

The staff is of the opinion that an 8-resident ALF special exception use is appropriate, based on the following conclusions:

1. The subject property has demonstrated parking can be accommodated for an assisted living facility with a maximum of 8 clients.
2. An Assisted Living Facility limited to 8 clients will be compatible with the surrounding area and consistent with the adopted Comprehensive Plan.

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 a Congregate Care Home, namely an Assisted Living 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. The petitioner shall be limited to 8 or fewer clients at any one time.
3. The petitioner shall obtain all required permits and licenses from the applicable state agencies.
4. A full-time caregiver shall be present in the home per state regulations.

P&Z ACTION:

The Planning and Zoning Commission voted 4-1 to approve the petitioner's request for a Special Exception Use Permit for a Congregate Care Home, namely an Assisted Living 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. The petitioner shall be limited to 8 or fewer clients at any one time.
3. The petitioner shall obtain all required permits and licenses from the applicable state agencies.
4. A full-time caregiver shall be present in the home per state regulations.