

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007

APPLICANT: Celia and Jack Posner

FILE NUMBER: SE-07-04

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

GENERAL

LOCATION: West side of Millwood Road, approximately 400' south of Northcliffe Boulevard

LEGAL

DESCRIPTION: Lot 5, Block 1148, Spring Hill, Unit 17, as per plat thereof recorded in Plat Book 9, Pages 31-46, of Public Records and a portion of Section 7, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner has submitted a request for a special exception use for a Congregate Care Home. The petitioner's intent is to convert an existing 6,266 square foot, six (6) unit, multifamily structure into an assisted independent living facility. Congregate care homes and facilities are special exception uses that may be approved in all zoning categories.

The petitioner has indicated that the structure's outer appearance will remain relatively the same with the exception of an additional screened-in porch added in the rear. All modifications are proposed on the interior. Existing units will be connected by doorways to a common area at the center of the structure.

The facility will consist of approximately 15 residents, one (1) administrator, two (2) cooks, three (3) certified nursing assistants, one (1) recreational director and one (1) housekeeper. The petitioner has stated that not all employees will be present at a single time, but will be on assigned shifts. The proposed assisted independent living facility will operate seven days a week, 24 hours a day.

SITE CHARACTERISTICS:

Site Size: 0.51 acres

Surrounding Zoning; Land Uses: North: PDP(MF); Multifamily
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

ENVIRONMENTAL REVIEW:

The Environment Planners have reviewed the request and indicated no environmental related issues with the proposal.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that the site is currently being served by central water and sewer services.

ENGINEERING & TRANSPORTATION REVIEW:

The County Engineer has reviewed the subject request and has indicated that the petitioner must demonstrate adequate parking for the proposed use including the required handicap parking.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

LAND USE REVIEW:

The petitioner has submitted a request for a special exception use permit for a congregate care home, specifically for an assisted living facility. Congregate care homes and facilities are special exception uses that may be approved in all zoning categories.

The structure proposed for the assisted living facility was built in 1997. The petitioner proposes to make all modifications to the interior.

The narrative indicates all current setbacks will remain. Any additional improvements must meet the current County's setbacks.

The site has 10 existing parking spaces. County LDR requires 0.5 parking spaces per bed, based on maximum capacity, plus one (1) parking space per employee at full shift. If the request is approved, the petitioner will be required to provide parking to meet the minimum requirements of the County's LDRs.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for residential dwellings. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

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, 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.

COMPREHENSIVE PLAN REVIEW:

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:

Objective 3.04B that "adequate sites will be available to accommodate group home facilities as licensed by the Florida Department of Children and Families."

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

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.

Comment: The subject property is in an area of Spring Hill zoned PDP(MF)/Planned Development Project (Multifamily). The character of the area is multifamily as illustrated on the Spring Hill master plan. A congregate care home would be an appropriate use at this location.

The proposed establishment of an Assisted Independent Living Facility is appropriate based on the following conclusions:

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. Assisted Independent Living Facility use is consistent with the Residential land use classification on the adopted Future Land Use Map.

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:

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 Independent 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, including receiving DRC approval for the proposed use.
2. The petitioner shall be limited to 15 or fewer clients at any one time.
3. The petitioner shall obtain all required permits and licenses from the applicable state agencies.
4. Any additional exterior improvements must meet the County's current setback.
5. The petitioner shall provide the minimum handicap parking as required by the County's LDRs.