

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007

APPLICANT: Jericho Road Ministries, Inc.

FILE NUMBER: SE-07-05

PURPOSE: Special Exception Use Permit for a Congregate Care Home Shelter
GENERAL

LOCATION: West side of Howell Avenue, approximately 285' south of Lark Avenue

LEGAL

DESCRIPTION: A portion of Section 14, Township 22 South, Range 19 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 permit for a Woman's Shelter. It is the intent of the petitioner to utilize the existing 3,000 square foot, 3 bedroom home for a congregate care home, namely a shelter (Mary's House). Initially the shelter will house six (6) clients, along with one (1) staff member with plans for future expansion. The shelter provides a nine (9) month program which includes rehabilitation meetings, chapel services, financial education and character development classes. The residents are encouraged during that time to maintain the property, begin employment and assist at the Jericho Ministry's community thrift store until which time they are financially able to move out on their own.

The petitioner has further indicated that they plan to utilize the detached garage building on the rear of the property to house three (3) administrative employees. The detached garage will be utilized in the future after renovations. Additional future improvements to the home and/or property are also anticipated to house additional women and their children and will require an amendment to the special exception if approved.

The petitioner has indicated on their narrative that the property will be buffered with a stockade fence along the northern property line to shield the shelter residents from the commercial property. The petitioner states that the property has ample parking for shelter

staff and administrator staff. The residents are not permitted to own vehicles until the last month of their program.

SITE CHARACTERISTICS:

Site Size: 3.3 acres

Surrounding Zoning; Land Uses: North: C-1; Shopping Plaza; Single Family
South: R-1B; Undeveloped
East: R-1B; Single Family
West: AR; Single Family

Current Zoning: AR/(Agricultural/Residential)
& R-1B/(Residential)

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

The petitioner has a two similar facilities for men within the county: one on Mondon Hill Road, and another on Lemon Avenue.

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand.

Hydrologic Features: The subject property contains no wetlands, Well Head Protection Areas (WHPA), or Special Protection Areas (SPA), according to County data resources.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer are within the City of Brooksville First Right to Serve District.

ENGINEERING & TRANSPORTATION REVIEW:

The subject property has access from Howell Avenue. No other driveways have been proposed at this time.

The County Engineer has reviewed the request and indicated no transportation related issues with the proposal.

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 shelter. Congregate care facilities are special exception uses that may be approved in all zoning categories. The petitioner proposes no modifications to the existing home; however, the petitioner has indicated that there are plans to renovate the existing detached garage into an administrative office.

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

The petitioner has indicated that residents of the shelter will not have vehicles until the last month of their nine month program. If the request is approved, the petitioner will be required to provide parking to meet the minimum requirements of the County's LDRs.

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 land use classification as identified on the adopted Comprehensive Plan. 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 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.

The request for Special Exception Use Permit for a Congregate Care Home Shelter 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. A Congregate Care Home 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:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Congregate Care Home Shelter, 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 six (6) 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.
5. Any proposed changes to or expansions of the facility, beyond those changes proposed herein, shall require an amendment to the special exception use permit.