

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: September 10, 2007

**APPLICANT:** Yvonne Hernandez

**FILE NUMBER:** SE-07-13

**PURPOSE:** Special Exception Use Permit for a Home Occupation, to allow a Massage Therapy Establishment

### GENERAL

**LOCATION:** Southeast corner of Spring Hill Drive and Coronado Drive

### LEGAL

**DESCRIPTION:** Lot 1, Block 809, Spring Hill, Unit 13, as per plat thereof recorded in Plat Book 8, Pages 84-100, of Public Records and a portion of Section 22, 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

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### APPLICANT'S REQUEST:

The petitioner has submitted a request for a special exception use permit for a home occupation, to allow a massage therapy establishment. Home occupations are special exception uses that may be approved in all residential zoning categories.

The site plan provided indicates the single family home on the subject property contains a minimum of 1,782 square feet of living area. The structure is not out of character with the residential neighborhood and the petitioner has indicated that there are no plans to modify the residence. The residence was previously utilized as a model home.

The petitioner indicates in the narrative she proposes providing massage therapy Monday through Friday, 10:00 am - 6:00 pm. The petitioner's narrative further states she will be the only massage therapist on site.

### SITE CHARACTERISTICS:

**Site Size:** 0.30 acres

**Surrounding Zoning; Land Uses:** North: PDP(SF); Single Family

South: PDP(SF); Single Family  
East: PDP(SF); Single Family  
West: PDP(SF); Single Family

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family)

**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 subject property is located at the corner of Spring Hill Drive and Coronado Drive with one access driveway on Coronado Drive. The home was previously utilized as a model home and has one handicap and two (2) parking spaces along Coronado Drive. The petitioner has indicated utilizing the existing parking for the home occupation.

The County Engineer has reviewed the submittal and, if the request is approved, indicated the petitioner will be required to provide parking to meet the minimum requirements of the County's LDRs. The petitioner will be limited to the existing drive and no direct access to Spring Hill Drive will be permitted.

**LAND USE REVIEW:**

The County LDRs permit home occupations to utilize up to twenty-five percent (25%) of the total floor area of the dwelling for a home occupation. The proposed massage therapy establishment would utilize approximately 400 square feet (22%) of the dwelling unit.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for single family 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 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 subject property is in an area of Spring Hill zoned PDP(SF)/Planned Development Project (Single Family). The character of the area is residential with homes located on approximately 0.30 acre lots.

**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(SF)/Planned Development Project (Single Family). The character of the area is Single Family as illustrated on the Spring Hill master plan. However, given the limited nature of the request a massage therapy establishment would be an appropriate use at this location.

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 proposed Home Occupation special exception use is appropriate, based on the following conclusions:

1. The proposed use will be compatible with the surrounding area and consistent with the County’s LDRs.
2. The applicant has demonstrated the ability to meet the required parking on site.

**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 home occupation, namely a massage therapy establishment, 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 two (2) or fewer clients at any one time.
3. The petitioner shall obtain all required permits and licenses from the applicable state agencies.
4. Hours of operation shall be limited to 10:00 am - 6:00 pm, Monday through Friday.
5. Parking spaces must be provided on driveway, with no increase in driveway width and no parking within the roadway ROW.
6. The resident of the home shall be the only massage therapist on site and no additional employees shall be permitted.