

**STAFF REPORT**

Planning & Zoning Commission: August 14, 2006

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**APPLICANT:** Golden Branch Academy **FILE NUMBER:** SE-06-05

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

**GENERAL**

**LOCATION:** North Side of Kass Circle, approximately 780' north of Spring Hill Drive

**LEGAL**

**DESCRIPTION:** Lot 11, Block 1845 of a Replat of Tract A, Spring Hill Unit 3, as recorded in Plat Book 17, Page 26 of the public records of Hernando County, FL, located in a portion of Section 27, Township 23 South, Range 17 East, Hernando County, FL

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

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**Citizen correspondence received as of the date of this report?** Yes  No

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(MF)  
South: Commercial  
East: PDP(MF)  
West: Commercial

Surrounding Land Uses

Multi-Family  
Commercial/Shopping Center  
Multi-Family  
Commercial/Office

**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 east side of Kass Circle.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(GHC)
2. The property comprises approximately 1.56 acres.
3. This property has been developed with a retail plaza.
4. The site does not contain majestic and specimen trees.

5. The subject property has access from 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 Candler Fine Sands.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands or SPAs but does contain a WHPA-2 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 surrounding area is characterized by commercial and office uses.
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 school for students with learning differences, grades ranging from 4<sup>th</sup> to 12<sup>th</sup>. An educational facility is an allowed use in the C-1 commercial district with approval of a special exception use permit.

The petitioner proposes operating the school out of a 1,385 square foot space in an existing retail plaza. The narrative indicates that the hours of operation would be similar to other schools in the district (7:00-4:00). The narrative indicates 15-30 students will be present at any one time.

The development department has indicated the petitioner would be required to provide one parking space per staff member plus three spaces for visitor parking. The parking would be reviewed at the time of development review. It appears the site has adequate parking to accommodate the use.

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

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

**FINDINGS OF FACT**

The area contains commercial and office uses. 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.

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 retail plaza is an appropriate location for this type of 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 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:**

It is recommended that 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 necessary 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.