



# Staff Report

**To:** Planning and Zoning Board  
**From:** Nashla M. Merced, Planner I, Planning and Development Services  
**Date:** August 18, 2021  
**Re:** Project No. CU21-0001. Resolution No. 2021-36 - A request to amend Resolution No. 2020-01 approved on March 16, 2020, for a Community Residential Home Conditional Use to provide a wider range of client services.

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## Summary of Application:

- 1. Applicant:** Pamela Wright (Agent for owner)  
Exceptional Care within Your Reach  
3494 Heath Drive  
Deltona, FL 32738
- 2. Request:** The City of Deltona has received a Conditional Use application to amend Resolution No. 2020-01 approved on March 16, 2020, for a Community Residential Home (CRH) to provide a wider range of client services located at 2001 Dalton Avenue.

## Site Information:

- 1. Tax Parcel No.:** 8130-08-44-0010
- 2. Property Address:** 2001 Dalton Avenue
- 3. Property Acreage:**  $\pm$  .27 acre
- 4. Property Location:** The property is located northeast of the intersection of Dalton Avenue and Sullivan Street.
- 5. Legal Description:** LOT 1, BLOCK 353, DELTONA LAKES UNIT EIGHT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 25, PAGES 165-177, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

## Existing Zoning:

- 1. Subject Property:** R1-A, Single-Family Classification
- 2. Adjacent Properties:**
  - North:** R1-A, Single-Family Classification
  - South:** R1, Single-Family Classification
  - East:** R1-A, Single-Family Classification
  - West:** R1-A, Single-Family Classification

## **Zoning Description:**

The R1-A allows detached single-family dwellings on individual lots as a permitted principal use. Ancillary structures and uses like sheds and home occupations may be allowed within the R1-A zoning. Community residential homes, day care facilities, etc. may be allowed in the R1-A zoning consistent with certain regulations including the need for approval through the Conditional Use process.

## **Background:**

The City has received a Conditional Use Application to amend Resolution No. 2020-01 approved by the City Commission on March 16, 2020. The existing Community Residential Home (CRH) located at 2001 Dalton Avenue is permitted to house up to six (6) residents. Per Resolution No. 2020-01, the existing conditional use was approved subject to the following conditions:

- 1) The dwelling shall serve no more than six residents within the dwelling.
- 2) All residents and related service shall be directly associated with and regulated by the Florida Agency for Persons with Disabilities (APD).
- 3) The CRH remains under Exceptional Care within Your Reach management and ownership.
- 4) The CRH is used only to serve minimal to moderate developmentally disabled adults as defined and regulated by the Florida Agency for Persons with Disabilities.
- 5) No signage shall be allowed besides what is allowed for a home occupation.

Since opening their doors in mid 2020, this home has not had any incidents of noncompliance with City Code Compliance or nuisance calls to the Sheriff's Office. Finally, the CRH has complied with all conditions listed in Resolution No. 2020-01.

The applicant is requesting to amend condition number four (4) associated with Resolution No. 2020-01, *"4. The CRH is used only to serve minimal to moderate developmentally disabled adults as defined and regulated by the Florida Agency for Persons with Disabilities."* This condition only allows the CRH to care for minimal to moderate disabled residents. This modification request will not increase the amount of residents allowed or the amount of staff required. The applicant's aspiration for Exceptional Care within Your Reach is the facility will be a forever home and family for its residents. It could be detrimental to a resident if they were to be turned away or displaced from their home because their level of disability has changed.

APDs levels of disability determine how many hours each resident needs per a 24-hour day. The number of hours are further broken down by APD based on the levels of support that each resident requires. The residents functional, behavioral, and physical needs determine the level of support classifications applicable. The following are some examples of “functional needs” based on APD’s Residential Rehabilitation Rate Descriptors:

- A “Basic Level” resident may be independent but require supervision and intermittent verbal directions or prompting.
- A “Minimal Level” resident may require consistent verbal and physical help to complete self-care, including physical assistance and mealtime intervention to eat safely.
- A “Moderate Level” resident requires substantial prompting and physical assistance to perform self-care, daily living activities. Dependent on staff for dressing, bathing, and feeding.
- An “Extensive Level” resident will be very dependent on staff for self-care and daily living activities. Requires daily monitoring and frequent hands-on assistance to stay healthy.

A first time resident may come into a home under a basic level of support classification, but as time passes it may be determined that the resident requires more assistance and is reclassified to a more Extensive Level of Support. Having a cap on the level of support available at this home, creates a situation where a resident or residents could be displaced because their level of disability has changed. The end result is the displacement will cause undue disruption of the family-unit that has been established for the residents. There are many parallels associated with the “forever family” approach proposed by the applicant to elderly people wanting to “age in place.”

## **Support Information**

### **Public Facilities:**

- Potable Water: Deltona Water
- Sanitary Sewer: On-Site Private septic system
- Fire Protection: Deltona Fire Station 62
- Law Enforcement: Volusia Sheriff’s Office (VSO)
- Electricity: Duke Energy

## **Matters for Consideration:**

Section 110-1102, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for Conditional Use:

### **1. Is the proposed use consistent with the intent of Chapter 110?**

Yes, the existing community residential home (CRH) use located at 2001 Dalton Avenue is consistent with Chapter 110. The site is zoned R1-A Single-Family Residential and a CRH is listed as a conditional use for this Zoning Classification found in Sec. 110-307 (c). The dwelling is a 2,262 square-foot structure situated on a ±0.27 acre parcel. Per Chapter 110-1102, the code allows six (6) or less residents and staff, which would closely resemble a family-unit.

### **2. Is the proposed use consistent with the Comprehensive Plan?**

An analysis of the below Comprehensive Plan provisions indicate the proposed Conditional Use is consistent with the Comprehensive Plan.

#### **Policy FLU1-5.12**

*In implementing the Future Land Use Element, the City shall develop and adopt regulations to ensure to the maximum extent feasible, compatibility of use of areas and properties, including but not limited to such factors as traffic circulation, air quality and odor control, noise control, lighting and aesthetics.*

The residents that reside in the existing CRH emulate a family-unit, and therefore, are compatible with the residential character of the surrounding area. According to the 10<sup>th</sup> Edition of the ITE Manual, a single-family detached dwelling will generate an average of 10.169 trips on the transportation network per day. This existing CRH is similar to a large family-unit. It has not affected traffic as this home involves mostly non-driving residents and transportation has been provided by a company minivan.

#### **Policy H1-4.1**

*Group living facilities location criteria shall be included in the Zoning Ordinance, as amended.*

The existing CRH is considered a group living arrangement. As per Policy H1-4.1, this request is being reviewed based on criteria of the zoning ordinance. These types of living arrangements are allowed within the R1-A zoning classifications and does meet all the requirements for the CRHs in section 110-817(l).

### **3. Will the proposal adversely affect the public interest?**

This proposal will have a positive effect on the public's interest. CRH's help provide an affordable and diverse housing opportunity for all current and future residents within the City of Deltona. For instance, CRHs provide residents with disabilities the opportunity to live in a family-unit within the community, while receiving care all at an affordable rate.

**4. Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?**

Consistent with Section 110-814(c), the following CRH provisions apply within the City:

1. Located no less than 1,000 feet (measured from the closest property boundary) from another actively licensed CRH serving one to six non-family residents.

*This existing CRH cannot serve more than six (6) residents and it is not located within 1,000 feet of another CRH.*

2. Located no less than 1,200 feet (measured from the closest property boundary) from another actively licensed CRH serving seven (7) to 14 non-family residents.

*2001 Dalton Avenue is not located less than 1,200 feet of an actively licensed CRH serving seven (7) to 14 non-family residential home.*

3. Obtain and keep a current City business tax receipt (BTR). At the time of BTR application, the applicant shall ensure that the required aforementioned radii are met.

*Exceptional Care within Your Reach has maintained an active BTR for the established CRH within the City.*

4. Protect the character of the neighborhood and minimize potential public or private nuisances.

*Research with the City's Code Compliance and Volusia Sheriff's Office, have resulted no nuisance calls/responses associated with the existing CRH. The intent of a CRH is to facilitate a level of care similar to a family-unit while integrating special needs groups into the community at large.*

**5. Comply with the City's Code of Ordinances, the Florida Building Code, the Florida Fire Prevention Code, and any licensing entity defined per F.S. Ch. 419, to the Agency for Persons with Disabilities.**

Exceptional Care within Your Reach is licensed through APD and has maintained an active BTR with the City. This CRH has installed required sprinklered system and passed all fire inspections to date.

**6. Protect public health, safety, and welfare to ensure basic function operation, including, but not limited to, full utilities, access management in chapter 96, off-street parking in section 110-828, and solid waste in Chapter 50.**

The proposed change to the existing condition will not have an effect on the health, safety, and welfare of the public or the basic function of this CRH. The utilities,

access management, off-street parking, and solid waste will continue to be managed and utilized as is.

**7. Will the applicant be able to meet all requirements imposed by federal, state or local governments?**

Yes, the applicant has been able to meet all federal, state, and local government requirements. On March 16, 2020, City Commission approved Resolution No. 2020-01 for CRH use at 2001 Dalton Avenue. The CRH has maintained an active BTR and is regulated by Florida's APD.

**8. Will the proposed use generate undue traffic congestion?**

According to the 10<sup>th</sup> Edition of the ITE Manual, a single-family detached dwelling will generate an average of 10.169 trips on the transportation network per day. Traffic will be close to the ITE average and will be limited to staff vehicles and daily outings in a shared van. By using this method of transportation (van), the carbon footprint and impact on the City's transportation network would be minimized.

2001 Dalton Avenue has a 16' x 34' driveway, which comfortably accommodates four (4) vehicles resembling a large family. The driveway is adequate in size to accommodate the staff and visitors, refraining anyone from parking in the street right-of-way or obstructing traffic. The existing CRH has not had any parking violations since opening their doors.

**9. Will the proposed use create a hazard, public nuisance or be dangerous?**

No. The existing CRH has not created a hazard or nuisance. Research with the City's Code Compliance Department and Volusia Sheriff's Office shows there have not been any dangerous or public nuisance calls to the existing home managed by Exceptional Care within Your Reach.

**10. Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings?**

No. The existing CRH has not altered the character of surrounding neighborhood or adversely affected the value of surrounding land; structures or buildings and the request to change the original conditional use will not either. The intent of the amendment is to offer the current and future residents with disabilities an affordable and diverse housing opportunity for those within the community. This amendment will help maintain a stable family unit without causing any displacement of current or future residents. Exceptional Care within Your Reach has not had any code enforcement violation or call made to the VSO since opening their door in 2020.

**11. Will the proposed use adversely affect the natural environment, natural resources or scenic beauty or cause excessive pollution?**

The existing CRH has not and shall not cause an adverse effect to the natural environment, natural resources, scenic beauty, or cause excessive pollution.

**CONCLUSION/STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Board recommend the City Commission approve Resolution No. 2021-36, amending condition number four (4) of Resolution No. 2020-01, approved by the City Commission on March 16, 2020, for the Community Residential Home located at 2001 Dalton Avenue as follows:

- 1) The dwelling shall serve no more than six residents within the dwelling.
- 2) All residents and related service shall be directly associated with and regulated by the Florida Agency for Persons with Disabilities (APD).
- 3) The CRH remains under Exceptional Care Within Your Reach management and ownership.
- 4) ~~The CRH is used only to serve minimal to moderate developmentally disabled adults as defined and regulated by the Florida Agency for Persons with Disabilities.~~
- 4) The CRH may serve adults in accordance to APD's established Residential Habilitation Levels of supports, as may be amended from time to time.
- 5) No signage shall be allowed besides what is allowed for a home occupation.

**Attachments:**

Letter: Exceptional Care within Your Reach

Signed and Sealed Survey

Maps: Aerial Photo Map, Future Land Use Map, Location Map, and Zoning Map

Signed Resolution No. 2020-01