



Legislation Text

File #: 2015-3141, **Version:** 1

TO: Mayor and Commission

AGENDA DATE: 10/19/2020

FROM: Dr. Marc-Antonie Cooper, Interim City Manager

AGENDA ITEM: 6 - A

SUBJECT:

Public Hearing - Resolution No. 2020-53, Conditional Use Application for a Community Residential Home at 1202 Sherbrook Drive - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Economic Development - Create more diversified and high-quality housing opportunities.

LOCATION:

1202 Sherbrook Drive, located southeast of the intersection of North Normandy Boulevard and Elkcam Boulevard.

BACKGROUND:

Resolution No. 2020-53 is a proposal for a Community Residential Home (CRH) located at 1202 Sherbrook Drive (site). The site is zoned R-1A and consists of a ±0.24-acre Deltona Lakes platted lot developed with a ±1,480 square foot single family residential home. The surrounding area is also zoned R-1A. The request is to serve up to two (2) adult senior citizen residents.

According to State Law, the purpose and intent of a CRH serving up to six (6) residents is to emulate a family unit living in a single-family house situated within a residential neighborhood. The proposed CRH at 1202 Sherbrook Drive can comply with City Land Development Code (LDC) requirements. In addition, consistent with Sec. 110-814(c) and to enhance neighborhood compatibility, the following conditions are suggested:

- a. The applicant shall provide an approval letter from Volusia County Health Department for the existing septic system prior to the issuance of the BTR to ensure the existing septic system is adequate in light of living area expansion at the house. If the existing septic is not adequate the applicant will be required to upgrade the existing septic system prior to the BTR issuance;
- b. The dwelling shall serve no more than two (2) non-related elderly residents within the dwelling;
- c. All residents and related service shall be directly associated with and regulated by the Florida Agency for Health Care Administration (AHCA);
- d. The CRH shall remain under management and ownership of Chastity Moye, the property owner of 1202 Sherbrook Drive;
- e. The applicant shall continue to utilize the dwelling as a primary residence, including

maintaining the residence as a homesteaded dwelling;

- f. No signage shall be allowed besides what is allowed for a home occupation; and
- g. The proposed CRH service is for an AFCH; if the applicant desires to provide any other services, a new conditional use application shall be submitted to the City for review and action.

For more information see the attached staff report and related supporting materials.

At the September 16, 2020, Planning and Zoning Board hearing, the Board voted unanimously to recommend the City Commission approve the CRH request at 1202 Sherbrook Drive subject to the above stated conditions.

Finally, consistent with LDC Sec. 110-1102(e), a Conditional Use must have City Commission super majority approval consisting of no less than five (5) City Commission votes.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Planning and Development Services

STAFF RECOMMENDATION PRESENTED BY:

Ron A. Paradise, Director, Planning and Development Services Director. Staff recommends approval of Resolution No. 2020-53, a Conditional Use request for a Community Residential Home at 1202 Sherbrook Drive, subject to the following conditions:

- a. The applicant shall provide an approval letter from Volusia County Health Department for the existing septic system prior to the issuance of the BTR to ensure the existing septic system is adequate in light of living area expansion at the house. If the existing septic is not adequate the applicant will be required to upgrade the existing septic system prior to the BTR issuance;
- b. The dwelling shall serve no more than two (2) non-related elderly residents within the dwelling;
- c. All residents and related service shall be directly associated with and regulated by the Florida Agency for Health Care Administration (AHCA);
- d. The CRH shall remain under management and ownership of Chastity Moye, the property owner of 1202 Sherbrook Drive;
- e. The applicant shall continue to utilize the dwelling as a primary residence, including maintaining the residence as a homesteaded dwelling;
- f. No signage shall be allowed besides what is allowed for a home occupation; and

- g. The proposed CRH service is for an AFCH; if the applicant desires to provide any other services, a new conditional use application shall be submitted to the City for review and action.

POTENTIAL MOTION:

"I hereby move to approve Resolution No. 2020-53, a Conditional Use request for a Community Residential Home at 1202 Sherbrook Drive, subject to the following conditions:

- a. The applicant shall provide an approval letter from Volusia County Health Department for the existing septic system prior to the issuance of the BTR to ensure the existing septic system is adequate in light of living area expansion at the house. If the existing septic is not adequate the applicant will be required to upgrade the existing septic system prior to the BTR issuance;
- b. The dwelling shall serve no more than two (2) non-related elderly residents within the dwelling;
- c. All residents and related service shall be directly associated with and regulated by the Florida Agency for Health Care Administration (AHCA);
- d. The CRH shall remain under management and ownership of Chastity Moye, the property owner of 1202 Sherbrook Drive;
- e. The applicant shall continue to utilize the dwelling as a primary residence, including maintaining the residence as a homesteaded dwelling;
- f. No signage shall be allowed besides what is allowed for a home occupation; and
- g. The proposed CRH service is for an AFCH; if the applicant desires to provide any other services, a new conditional use application shall be submitted to the City for review and action.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorized the Interim City Manager to sign any documents necessary to further Commission approval of this item."