



Legislation Text

File #: 2015-3721, **Version:** 1

TO: Mayor and Commission

AGENDA DATE: 9/20/2021

FROM: Mr. John A. Peters, III, Acting City Manager **AGENDA ITEM:** 6 - D

SUBJECT:

Public Hearing - 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 at 2001 Dalton Avenue - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

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

LOCATION:

2001 Dalton Avenue, located at the corner of Dalton Avenue and Sullivan Street.

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 be modified. Condition number four (4) reads as follows: "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. The proposed change to condition four (4) reads: "The CRH may serve adults in accordance to APD's established Residential Habilitation Levels of supports, as may be amended from time to time."

This modification request will not increase the number of residents allowed or the amount of staff required. The amendment will ensure as a resident needs may change they can remain in the CRH and not be removed from a de facto family unit. Changing condition four (4) will also be consistent with the applicant's aspiration the Exceptional Care within Your Reach facility will be a forever home and family for its residents.

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

At the August 18, 2021, Planning and Zoning Board hearing, the Board voted to unanimously with 4 members present to recommend the City Commission approve the amendment to condition number four (4) of Resolution No. 2020-01, approved by the City Commission on March 16, 2020.

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.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

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 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; The CRH may serve adults in accordance to APD's established Residential Habilitation Levels of supports, as may be amended from time to time; and
- 5) No signage shall be allowed besides what is allowed for a home occupation.

POTENTIAL MOTION:

"I hereby move to 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; The CRH may serve adults in accordance to APD's established Residential Habilitation Levels of supports, as may be amended from time to time;~~ and
- 5) No signage shall be allowed besides what is allowed for a home occupation.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like."

..**END**