

STAFF REPORT

Planning & Zoning Commission: November 10, 2003

APPLICANT: Patricia B. Garcia **FILE NUMBER:** SE-03-20

PURPOSE: Special Exception Use Permit for a Congregate Care Home, Namely an Adult Family Care Home

GENERAL

LOCATION: North side of Dupont Avenue, northwest of Opal Lane, approximately 700' south of Jena Road

LEGAL

DESCRIPTION: Lots 18 and 19, Block 1402, Spring Hill, Unit 21 as per plat thereof recorded in Plat Book 9, Pages 81 - 96, of the Public Records of Hernando County, Florida in Section 23, Township 23 South, Range 17 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 2

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(SF)	SF
South: PDP(SF)	SF
East: PDP(SF)	SF
West: PDP(SF)	SF

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a congregate care home, namely an adult family care home. The subject property is located on the north side of Dupont Avenue, northwest of Opal Lane, approximately 700' south of Jena Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The subject property contains approximately a half-acre.
3. A subject property comprises two Spring Hill residential lots.

4. A single family home has been developed on one of the property's two platted lots.
5. The site has access from Dupont Avenue.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sands. The soils and habitat are suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site development.
8. The property is located in flood zone C.
9. The subject property contains no WHPAs, wetlands or SPAs according to County data resources.
10. Florida Water Services has indicated that central water, but not sewer, is available to serve the subject property.
11. The petitioner must obtain all applicable permits from the Health Department.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The surrounding area is characterized by single family residential uses.
14. The petitioner requests no deviations from County LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a special exception use permit for a congregate care home, specifically for an adult family care home. Congregate care homes and facilities are special exception uses that may be approved in all zoning categories. A single family home has been developed on one of the subject property's two platted lots. The materials provided indicate the currently existing 2,020 square foot home contains three (3) bedrooms. The petitioner proposes adding two bedrooms and a bathroom to the house, to be located within a wing straddling the two lots.

The petitioner indicates in the narrative she proposes caring for a maximum of five (5) clients. Pursuant to Florida Statutes, an adult family care home is limited to no more than 5 clients. The petitioner indicates in the narrative that she and her daughter will be the primary caregivers. She

proposes hiring two additional staff members. The narrative indicates visiting hours are proposed from 11 a.m. to 6 p.m. daily.

The County LDRs indicate a single-family residential structure that has been modified to operate an adult congregate living facility (ACLF) and is operating under a special exception to the zoning code shall provide both the required off-street single-family residential parking and the ACLF parking. The request would be required to provide a total of five (5) spaces, two (2) for the single family home and three (3) for the ACLF. The petitioner proposes providing two (2) spaces on the existing paved driveway and an additional three unpaved spaces on the currently vacant adjacent lot. The petitioner could provide three parking spaces on the existing driveway. The petitioner proposes in the narrative using gravel or mulch for the second parking area. The parking surface may be surfaced with grass or lawn; however, if parking demand is such that said grass or lawn is caused to be damaged or destroyed to the extent that grass or lawn ceases to grow, then paving of such an area in accordance with the LDRs may be required by the administrative official. The driveway apron and any handicapped spaces would have to be paved. The County Engineer does not object to the petitioner's proposal. The parking provided must conform to the LDRs for residential parking.

The subject property is served by septic. A re-evaluation of the septic system may be required due to the addition of employees. The petitioner should contact the County Health Department to determine if any additional septic capacity will be needed.

FINDINGS OF FACT

The surrounding area is characterized by single family residential uses on quarter-acre lots. The Planning staff is of the opinion that the addition proposed to the existing building would result in a scale of development on the subject property that is incompatible with the existing single family residential development in the surrounding area.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The Housing Element of the adopted Comprehensive Plan states in Objective 3.04B that “adequate sites will be available to accommodate group home facilities...as licensed by the Florida Department of Children and Families.” Additionally, group homes are either permitted uses or special exception uses in a variety of zoning classifications throughout the County.

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 be prescribed 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 LDRs indicate a special exception use shall be of a similar architectural scale to existing neighborhood development or take advantage of an existing building for its purposes. The existing 2,020 square foot house on the eastern quarter-acre lot is of a similar architectural scale to the surrounding development. The Planning staff is of the opinion that the proposed building expansion onto the adjacent lot would be out of scale with the surrounding development.

The LDRs indicate visual and functional conflict between the proposed use and nearby neighborhood uses shall be minimal. The Planning staff is of the opinion the visual conflict between the proposed development on the subject property and the surrounding neighborhood uses would be substantial.

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.” It is the staff’s opinion that a congregate care home would not be an inappropriate use at this location. However, staff is of the opinion that the proposed development on the two lots combined would be incompatible with the surrounding SF residential development pattern.

Florida Statutes provide rules governing the placement of community residential homes. The statutes indicate that a home of six (6) or fewer residents is considered a single-family unit and a noncommercial use (Chapter 419.001(2)). Although the proposed request is not specifically categorized as a community residential home, the statutes give some guidance for determining when a “group home” becomes more than what is typically considered a SF Home. The petitioner requests a total of five (5) residents. The staff believes the request for an 5-resident facility is not too intense for this residential area.

The staff is of the opinion the development proposal associated with the request for the special exception use permit would not be consistent with the adopted Comprehensive Plan and out of character with the surrounding land uses.

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 use, which may include review by the Development Review Committee (DRC).

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:

The Planning Staff recommends the Planning and Zoning Commission deny the petitioner's request for a Special Exception Use Permit for a Congregate Care Home, Namely an Adult Family Care Home.

P&Z ACTION:

The Planning and Zoning Commission voted 3-1 to deny the petitioner's request for a Special Exception Use Permit for a Congregate Care Home, Namely an Adult Family Care Home.