



Legislation Text

File #: 18-464, **Version:** 1

TO: Mayor and Commissioners
FROM: Tim Stillings, Planning, Zoning and Building Department
THROUGH: Mark R. Lauzier, City Manager
DATE: August 21, 2018

REQUEST FOR A CONDITIONAL USE TO ESTABLISH A COMMUNITY RESIDENCE AT 602 SE 3RD AVENUE ("STEPPING STONES"). (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to approve the Conditional Use for a community residence at 602 SE 3rd Avenue for Stepping Stones by adopting the findings of fact and law contained in the staff report and the finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(E)(5), 4.3.3(I)(3), 4.3.3(I)(4) and Chapter 3 of the Land Development Regulations with the following conditions:

1. Provide an updated floor plan of the residence that includes the dimensions of each bedroom.
2. Provide a parking plan for the site to illustrate 4 required parking spaces.

The conditional use is not effective until Florida Association of Recovery Residences (FARR) certification is achieved and submitted to the city.

Background:

The subject property, 602 SE 3rd Avenue, is located on lot 19, block 7 of the Osceola Park plat, PB. 3, PG. 2, and is approximately 0.15 acres. It is in the R-1-A, Single Family Residential zoning district, and has a Future Land Use designation of Low Density (LD). The subject property is within 660 feet of another community residence establishing the requirement for a conditional use consideration (Land Development Regulation Section 4.3.3(I)). It is important to note a conditional use is defined in the Land Development Regulations (LDRs) as "a use that would not be appropriate generally or without restriction throughout a zoning classification or district"; a conditional use for community residences are generally considered as a permitted use upon satisfying the required findings required in the Land Development Regulations (LDRs).

The Applicant is requesting the conditional use for the community residence to provide housing for unrelated same gender individuals. Currently, the residence is not certified by the Florida Association of Recovery Residences (FARR), although an application for Level II FARR Certification is in process. Further, in accordance with the LDR, Section 4.3.3(I)(3)(c), a conditional use permit is required to ensure community residences operate in a manner consistent with the protections afforded by the State of Florida's licensing or certification standards for community residences serving individuals with disabilities similar to those of the proposed community residence to protect

the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications. Therefore, the community residence management has applied for and is awaiting FARR certification.

Pursuant to Section 3.1.1 of the Land Development Regulations (LDR), prior to approval of development applications, certain findings must be made in a form which is part of the official record:

The subject property has a FLUM designation of Low Density (LD) and a zoning designation of R-1-A Single Family Residential. The R-1-A zoning district is consistent with the FLUM designation of LD. Per LDR Section 4.4.3(D) a community residence is allowed as a conditional use that is less than 660 linear feet from the closest existing community residence. The existing residence square footage will not be increased therefore no significant increase in traffic, waste, water or sewer services will be created by this development proposal. A positive finding is made with respect to LDR Section 3.1.1.

Pursuant to Section 2.4.5(E)(5) , in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- A. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- B. Nor that it will hinder development or redevelopment of nearby properties.

The residents have an unlimited duration of residency, as long as they remain sober, creating the opportunity for a more stable neighborhood. The Applicant's encouragement of police contact while witnessing suspicious activities within the neighborhood is also a positive finding of the neighborhood stability. The community residence is in a single family home in a low density zoning district, it will not hinder development or redevelopment of nearby properties as the surrounding zoning is the same. A positive finding is made with respect to LDR Section 2.4.5(E)(5).

Pursuant to Section 4.3.3(I)(3), Purpose of conditional use permit. In conjunction with Section 2.4.5(E) of these LDRs, the purpose of this section is to provide narrowly-tailored standards for determining whether to make the reasonable accommodation of granting a conditional use permit to ensure that the community residences these LDRs require to obtain a conditional use permit will:

- A. Be located a sufficient distance from any existing community residences so that the proposed community residence does not lessen nor interfere with the normalization and community integration of the residents of existing community residences or combine with any existing community residences to contribute to the creation or intensification of a de facto social service district.
- B. Operate as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents, and
- C. Operate in a manner consistent with the protections afforded by the State of Florida's licensing or certification standards for community residences serving individuals with disabilities similar to those of the proposed community residence in order to protect the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

There are two community residences within 660 linear feet of the Applicant, but the only community residence within the 600 block of SE 3rd Avenue, therefore limited interaction with the other community residences is anticipated. A map of the existing community residences is found within the Planning & Zoning Board Report. The residence holds weekly family house meetings to discuss management of the house, discuss recovery issues as well as having residents socialize both inside and outside of the house within the community to foster normalization and community integration. FARR certification will ensure the community residence is operating in a manner consistent with the protections afforded by certification. The FARR certification is required prior to the conditional use being in effect if approved. A positive finding is made with respect to LDR Section 4.3.3(l)(3) upon receipt of FARR certification.

Pursuant to Section 4.3.3(l)(4), the City Commission must make findings that establishing the conditional use must demonstrate compliance with the following standards:

- A. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and
- B. The applicant demonstrates that the proposed community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating community residences on a block or in a neighborhood.

The community residences within the 660 foot radius are not on the same block as the subject property. As the existing community residences are located on the next block, there would be little interference with or from the other community residences for normalization or integration. The code requires each community residence within 660 feet of another community residence to go through the conditional use process to determine when the presence of community residences will alter the residential character of the neighborhood. As this is the only community residence on the 600 block of SE 3rd Avenue, the character of the neighborhood has not been altered. A positive finding is made with respect to LDR Section 4.3.3(1)(4).

The Planning and Zoning Board reviewed the request at its meeting on July 16, 2018, where a recommendation to deny the conditional use was made with a 4 -1 vote.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A