



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION**  
123 West Indiana Avenue, Room 202, DeLand, Florida 32720  
(386) 736-5959

**PUBLIC HEARING:** September 12, 2017 - Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** S-17-060

**SUBJECT:** Special exception for a group home on Prime Agriculture (A-1) and Resource Corridor (RC) zoned property.

**LOCATION:** 579 Johnson Lake Road, DeLeon Springs

**APPLICANT(S):** Suzanne Anderson, agent for owner

**OWNER(S):** Absolute Health Professionals, Inc.

**STAFF:** Michael E. Disher, AICP, Planner III

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## **I. SUMMARY OF REQUEST**

The applicant is requesting a special exception to operate a 15-bed group home at 579 Johnson Lake Road. The facility, to be known as "Freedom Oaks," is marketed to military veterans. An adult congregate living facility previously operated on the property from 1989 to 2007, through a special exception granted in 1989. The special exception expired in 2008, and the property is now under new ownership. Approval of a new special exception is required to re-establish this use on the property.

### **Staff Recommendation:**

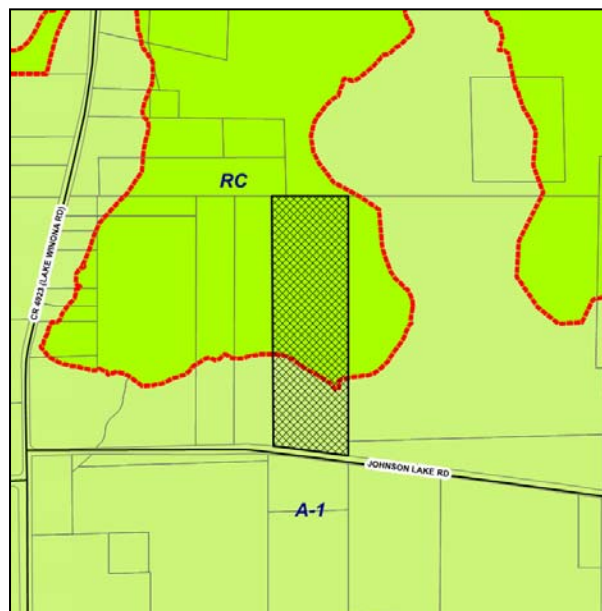
Forward the special exception, case number S-17-060, to county council for final action with a recommendation of approval, subject to the staff recommended conditions.

**II. SITE INFORMATION**

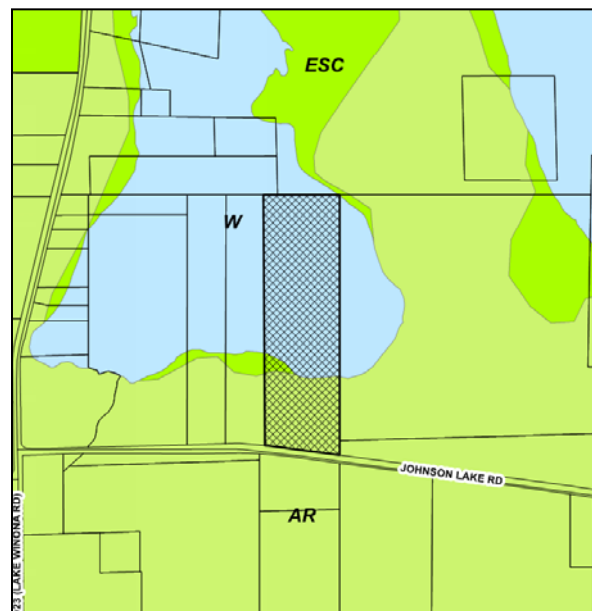
- 1. Location: North side of Johnson Lake Road, approximately 0.25 miles east of Lake Winona Road, north of DeLeon Springs.
- 2. Parcel Number(s): 5936-01-00-0010
- 3. Property Size: ±3.75 acres upland, ±13 acres total
- 4. Council District: 1
- 5. Zoning: Prime Agriculture (A-1) and Resource Corridor (RC)
- 6. Future Land Use: Agricultural Resource (AR) and Environmental Systems Corridor (ESC)
- 7. ECO Map: No
- 8. NRMA Overlay: Yes
- 9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	RC	ESC	Water
East:	A-1 and RC	AR	Agriculture, water
South:	A-1	AR	Single-family dwelling
West:	A-1 and RC	AR and ESC	Undeveloped, water

10. Maps



**ZONING**



**FUTURE LAND USE**

### III. BACKGROUND AND OVERVIEW

The subject 13-acre property consists of 3.75 acres of upland, with the rest of the property submerged and extending north into Lake Odom. The applicant has provided a “good” nonconforming lot letter indicating that the property is legal nonconforming with respect to the county zoning code. The submerged portion of the property, including Lake Odom and shoreline wetlands, lies within the Natural Resource Management Area (NRMA). Development must maintain a 50-foot setback from this area as a buffer. The development pattern of the area consists of agricultural properties, with a mixture of farms, pasture, ferneries, and single-family homes.



The existing 3,564 square-foot single-family structure was built in 1952. The living area is supplemented by 1,837 square feet of enclosed porches, utility areas, and canopies. Central utility services are not available to the subject property. The site is currently being served with a septic tank and well. Johnson Lake Road is a county-maintained roadway within a 30- to 50-foot public right-of-way.

A special exception was issued for the property in 1989 (Case No. S-89-129) for an adult congregate living facility. The special exception use was abandoned in 2007, and the special exception approval expired one year later pursuant to zoning code section 72-415(10). A new special exception is now required to re-establish the use on this property. The pre-application meeting with the applicant was held on May 22, 2017, and the applicant purchased the property later that month. The special exception application was submitted on July 24, 2017.

### IV. ANALYSIS AND REVIEW CRITERIA

A group home is a category of shared residential living quarters. The proposed assisted living facility is a type of group home under Florida law. The county zoning code defines a group home as, “A residential facility licensed by the State of Florida, which provides a family living environment for seven to 15 unrelated residents, including supervision and care necessary to meet the physical, emotional, and social needs of its residents. A group home includes adult congregate living facility, foster care facility, and residential treatment facility as defined in state law.”

A group home is listed as a special exception use in the A-1 zoning classification. The zoning code defines a special exception use as one that, “...would not be appropriate

generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, or in other appropriate respects.”

### **Special Exception Proposal**

According to the application letter, a maximum of 15 beds are proposed. The applicant has also indicated that there will be a total of five employees, distributed throughout the day in different shifts.

The applicant has also submitted a special exception site plan that depicts the following existing site improvements:

- The existing one-story dwelling.
- A detached carport in front of the dwelling.
- Three detached sheds and accessory buildings located behind the dwelling.
- A 10-foot wide circular driveway and parking area.
- A 6-foot tall fence partially enclosing the yard beside and behind the dwelling.
- A 3-foot tall vinyl fence along the front of the property.
- Locations of a 4-inch well and outdoor power generator.

### **Special Exception Criteria**

Group homes must meet specific special exception criteria under section 72-293(12) for that type of use, as well as the general criteria required for all special exceptions under subsection 72-415(8) *Reasons for denial*. The commission may recommend denial of any special exception application, and the county council may deny the application, if it does not meet one or more of these criteria.

#### SPECIFIC CRITERIA

**a. The scale of the facility (e.g., number of residents) shall be compatible with the density and character of the surrounding residential area.**

The Agricultural Resource future land use designation allows a maximum of one unit per 10 acres. In this case, a single-family dwelling already exists on the property. No additional dwelling units are proposed.

**b. No principal or accessory building shall be located less than 45 feet from any property line.**

According the property survey, the existing structure is 91.6 feet from the east property line and 214.8 feet from the south property line on Johnson Lake Road. Distance from the west property line is approximately 215 feet, and 180 feet from the top of bank of Lake Odom.

**c. Unless waived by the county council, off-street parking and loading areas meeting the requirements of section 72-286 and landscaped buffer areas meeting the requirements of section 72-284 shall be constructed.**

If the special exception is approved, the applicant will be required to obtain site plan approval of the group home before it opens to the public. The site plan will need to

determine compliance with parking, landscaping, stormwater drainage, environmental protection, and other requirements of the zoning and land development codes.

Pursuant to section 72-286(5), parking must be provided at a rate of two spaces per owner, plus one space per every six residents. With one owner and 15 residents, a total of five spaces must be provided, including at least one ADA-compliant and accessible parking space.

With respect to landscape buffers, group homes abutting other property zoned A-1 must provide a 10-foot wide buffer adjacent to all common boundaries excluding street frontage. The buffer plantings must include, at a minimum, 6 shrubs/hedges and 18 groundcover plants or lawn grass per 100 linear feet. Existing plant material meeting the minimum size specifications may be credited toward meeting this requirement. No special buffering is required along the street frontage for A-1 zoned properties, although the parking lot itself must be screened. A buffer of mature trees and shrubs already exists along the street frontage, along with a three-foot tall, decorative rail fence.

GENERAL CRITERIA – REASONS FOR DENIAL

***(a) It is inconsistent with the purpose or intent of this article.***

The zoning code provides for protection of property values, compatibility of uses, and the safekeeping of public welfare. Staff does not foresee that this group home will be incompatible with the use or value of surrounding properties. A group home operated on the subject property from 1989 until 2007. Approval of the special exception and subsequent site plan and building permits will refurbish and enhance the appearance of the site.

***(b) It is inconsistent with any element of the comprehensive plan.***

The proposed special exception is consistent with the future land use element and housing element of the comprehensive plan. The property has a future land use designation of Agricultural Resource, which is designed to protect, support, and encourage agricultural operations; along with Environmental Systems Corridor, intended to provide protected natural pathways connecting parks, conservation lands, and water bodies.

The following policies and objective of the Comprehensive Plan apply:

*Policy 1.3.3.6* – Group homes, community residential homes, nursing homes and boarding houses should be compatible with the character of the surrounding residential area.

*Objective 5.1.5: Group Housing* – Through the year 2025, Volusia County shall assist in providing, those citizens with special needs, group housing that is safe, sanitary, and affordable, by providing adequate sites for group homes and foster care facilities in a variety of land use categories; providing code enforcement; and including group homes in housing incentive and assistance programs.

*Policy 5.1.5.7* – Volusia County shall continue to provide for the inclusion of group homes in urban and rural land use and zoning classifications in the Volusia County

Comprehensive Plan and Zoning Ordinance.

***(c) It will adversely affect the public interest.***

This special exception will not adversely affect the public interest, as it is furthering the provision of group housing in accordance with the comprehensive plan.

***(d) It does not meet the expressed requirements of the applicable special exception.***

The applicant shall meet all requirements of section 72-293(12) for the proposed group home use.

***(e) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the county council.***

The applicant shall meet all requirements imposed by any applicable federal, state, and local agencies.

***(f) Notwithstanding the provisions of division 14 of the land development code, it will generate undue traffic congestion.***

According to the ITE trip generation manual, group homes generate an average of 2.74 trips per occupied bed per day. A fully occupied, 15-bed group home could therefore be expected to generate approximately 41 trips throughout the day. According to Volusia County Traffic Engineering, the number of vehicle trips occurring from the group home will not generate undue traffic congestion on the county road network.

***(g) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.***

There are no known hazards, public nuisances, or dangers to individuals associated with this use.

***(h) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.***

A group home existed at this location previously from 1989-2007 under different owners. Although there has been a 10-year gap in occupation, this would not be a "new" use for this particular property. Existing trees will partially screen the facility. The applicant will be required to bring the site up to code as needed with respect to landscaping and parking requirements. Approval of the use will not materially alter the character of the surrounding neighborhood.

***(i) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.***

The proposed group home will be located in an existing single-family dwelling. This building is approximately 180 feet from the shore of Lake Odom, meaning it is still 130 feet away from the 50-foot required wetland buffer. No new site clearing is proposed or required. Therefore, the use will not adversely affect the natural environment, natural resources or scenic beauty, or cause pollution.

## V. STAFF RECOMMENDATION

Staff recommends that the PLDRC forward the special exception, case number S-17-060, to county council for final action with a recommendation of approval, subject to the staff recommended conditions as follows:

1. Approval of this special exception is based on the submitted survey/special exception site plan, which may be modified as necessary to comply with the Volusia County zoning and land development codes.
2. The applicant shall obtain all required site plan approvals and building permits, and shall complete all required improvements to the site and building, before the group home is open to public for business.
3. The applicant shall operate and maintain the proposed use in accordance with the requirements of Section 72-293(12) *Group homes*.
4. Violation of any of these conditions may result in automatic revocation of the special exception by the Zoning Enforcement Official. Upon revocation, the group home shall not be resumed without approval of another public hearing per Section 72-415(6) of the zoning code.

## VI. ATTACHMENTS

- Written Explanation
- Survey/Special Exception Site Plan
- Traffic Engineering Memo
- Site Photos
- Map Exhibits

## VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-415, the County Council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information to be presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information to be presented at the county council meeting that was not

previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.

# FREEDOM OAKS

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579 JOHNSON LAKE RD DELEON SPRINGS FLORIDA 32130 | 386-767-5556 | Freedomoaks@gmx.com

**07/20/2017**

Volusia County Planning and Land Development Regulation Commission

Assisted living facility licensed by the agency for health care administration for up to 15 residents .fire and sprinklered systems full house generator . minimal traffic limited to staff and residents and medical professionals. Conforming to our neighborhoods uniqueness .

**Sincerely,**

**Suzanne Anderson**



**REVIEW COMMENTS**

**Case: S-17-060  
RSN: 884695**

**LAND DEVELOPMENT**

**Samantha West**

**August 22, 2017**

**Comments:**

1. The subject parcel was created in 1989 pursuant to Book 3289 Page 303. The subject parcel complies with county's subdivision regulations.
2. If further development of the site is to occur, a site plan will require Final Site Plan approval, under Division 3, of the LDC. The first step in the process is submission of a conceptual site plan pursuant to Section 72-577, of the LDC.

\* \* \* \* \*

**ENVIRONMENTAL MANAGEMENT**

**Keith Abrahamson**

**August 15, 2017**

**Comments:**

Environmental Comments attached under separate memorandum.

\* \* \* \* \*

**TRAFFIC ENGINEERING**

**Melissa Winsett**

**August 17, 2017**

**Comments:**

Traffic Engineering Comments attached under separate memorandum.

\* \* \* \* \*

*Inter-Office  
Memorandum*



**TO:** Mike Disher, Planner III    **DATE:** August 15, 2017

**FROM:** Keith Abrahamson, Environmental Specialist III

**SUBJECT:** Planning & Land Development Regulation Commission meeting for  
Date: September 12, 2017  
Parcel #: 5936-01-0-0010  
Case #: S-17-060


Environmental Permitting (EP) has reviewed the special exception application and conducted a site visit. EP has no objection to this request. However, the project will have to comply with the environmental regulations of the Land Development Code.

## INTER-OFFICE MEMORANDUM



TO: Michael Disher, AICP  
Planner III

DATE: August 16, 2017

FROM: Melissa Winsett   
Transportation Planner

FILE: 884695

SUBJECT: Freedom Oaks Special Exception

LOCATION: On the north side of Johnson Lake Road, east of Lake Winona Road

Application and Site Information

The proposed special exception would allow a 15-bed assisted living facility on 13.08 acres on Johnson Lake Road, which is off of Lake Winona Road in the DeLeon Springs area. The existing zoning is Resource Corridor (RC) and Prime Agriculture (A-1). The existing zoning could produce one residential single-family home based upon a maximum density of one unit per 10 acres.

Transportation Analysis

The transportation impacts of the existing zoning and proposed special exception trip generation were computed for the maximum case scenario using *ITE Trip Generation, 9<sup>th</sup> Edition*. The proposed special exception, if approved, would add 32 additional daily trips to the transportation system compared to the existing RC/A-1 zoning classification:

TABLE 1

	<i>Land Use</i>	<i>Allowable Density</i>	<i>Daily Trip Generation Rate</i>	<i>Total Daily Trips</i>
<i>Existing</i>	Single-family dwelling unit	1 unit / 10 acres	9.52 trips / unit	9*
<i>Proposed</i>	Assisted living facility	15 beds	2.74 trips/bed	41**
<b>Potential Additional Daily Trips:</b>				<b>+32</b>

\* "Single Family Detached Housing" land use (Code 210).

\*\* "Assisted Living" land use (Code 254): Occupied beds on a weekday.

Roadway Analysis

The most recent 2016 Volusia County Traffic Counts were used to determine the Average Annual Daily Traffic (AADT) and the 2016 Level of Service (LOS) on roads in the vicinity of the proposed special exception. The Volusia County Comprehensive Plan Maximum Capacity was used to determine the potential LOS after the addition of the anticipated rezoning trips to the 2016 AADT for each roadway segment. Please note that the county has no count data for Johnson Lake Road since it is a local roadway that has less trips than Lake Winona Road.

**TABLE 2**

	2016 AADT	2016 LOS	Comp. Plan Max. Capacity	Comp. Plan LOS Standard	Potential LOS
Lake Winona (US 17 to Blackwelder Road)	1,030	B	6,300	C	B
US 17 (SR 40 to Lake Winona Road)	8,400	C	8,400	C	C
US 17 (Lake Winona Road to Spring Garden Ranch Road)	8,400	B	12,750	D	B

The additional 32 trips would not cause LOS problems for the thoroughfares near this development. Though US 17 from SR 40 to Lake Winona Road has a vehicle-capacity ratio of 1.0, it is considered a *near-critical* roadway since its capacity does not exceed 110% of its adopted LOS capacity. Therefore, this segment has the available capacity for the few additional special exception-generated trips (approximately 8).

Conclusion

The existing transportation system has adequate capacity to accommodate the 32 additional trips associated with the proposed special exception. This office does not have any further comments at this time; however, comments may be provided at the Final Site Plan stage of this development.

MW/

C: File

**SITE PHOTOS**  
**579 Johnson Lake Road**

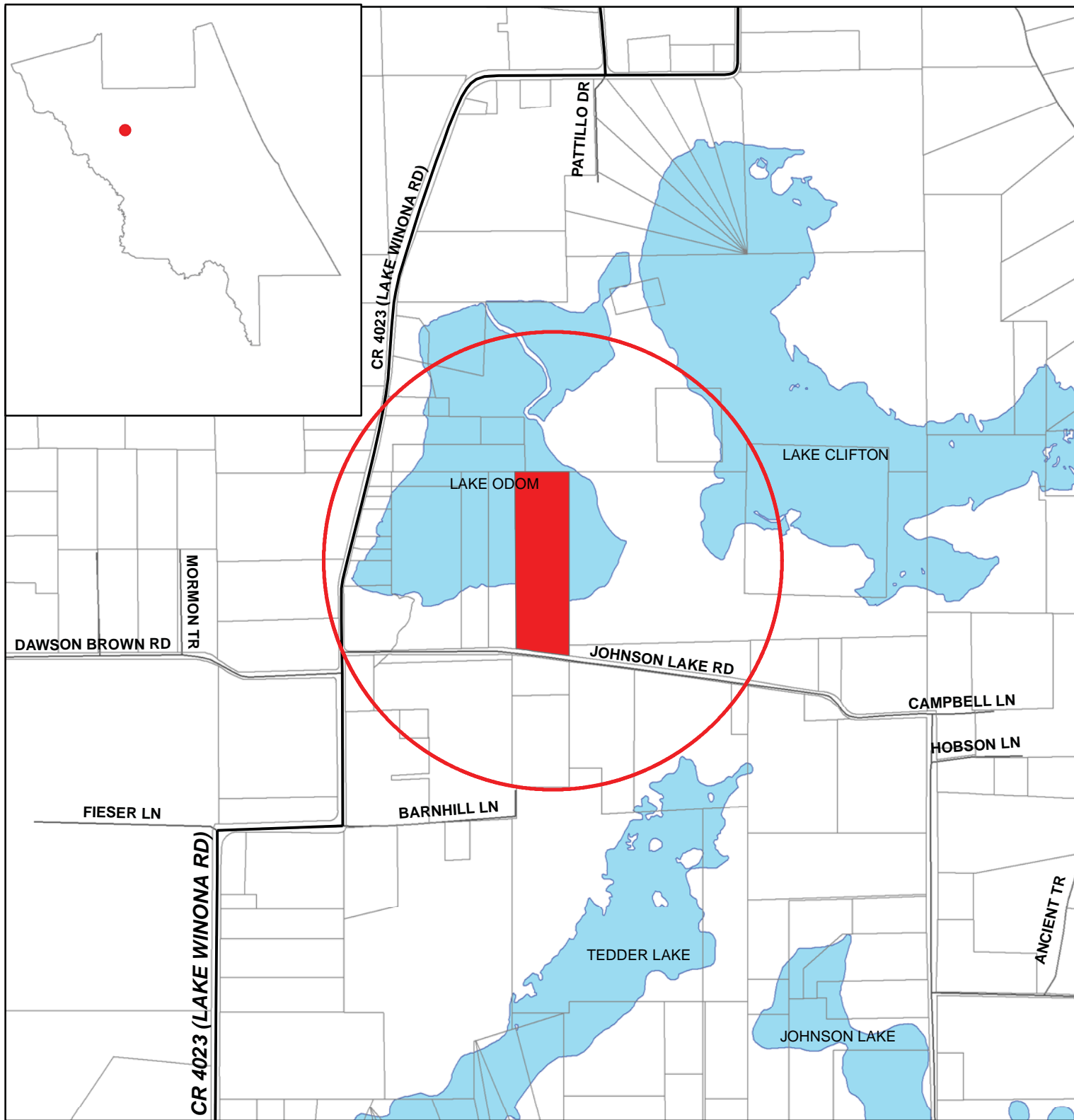
Johnson Lake Road,  
subject property at left



579 Johnson Lake Road

Rear of subject  
property viewed across  
Lake Odom





**REQUEST AREA LOCATION**



1" = 1000'

**SPECIAL EXCEPTION  
CASE NUMBER**



**S-17-060**



**AERIAL 2015**

1" = 400'

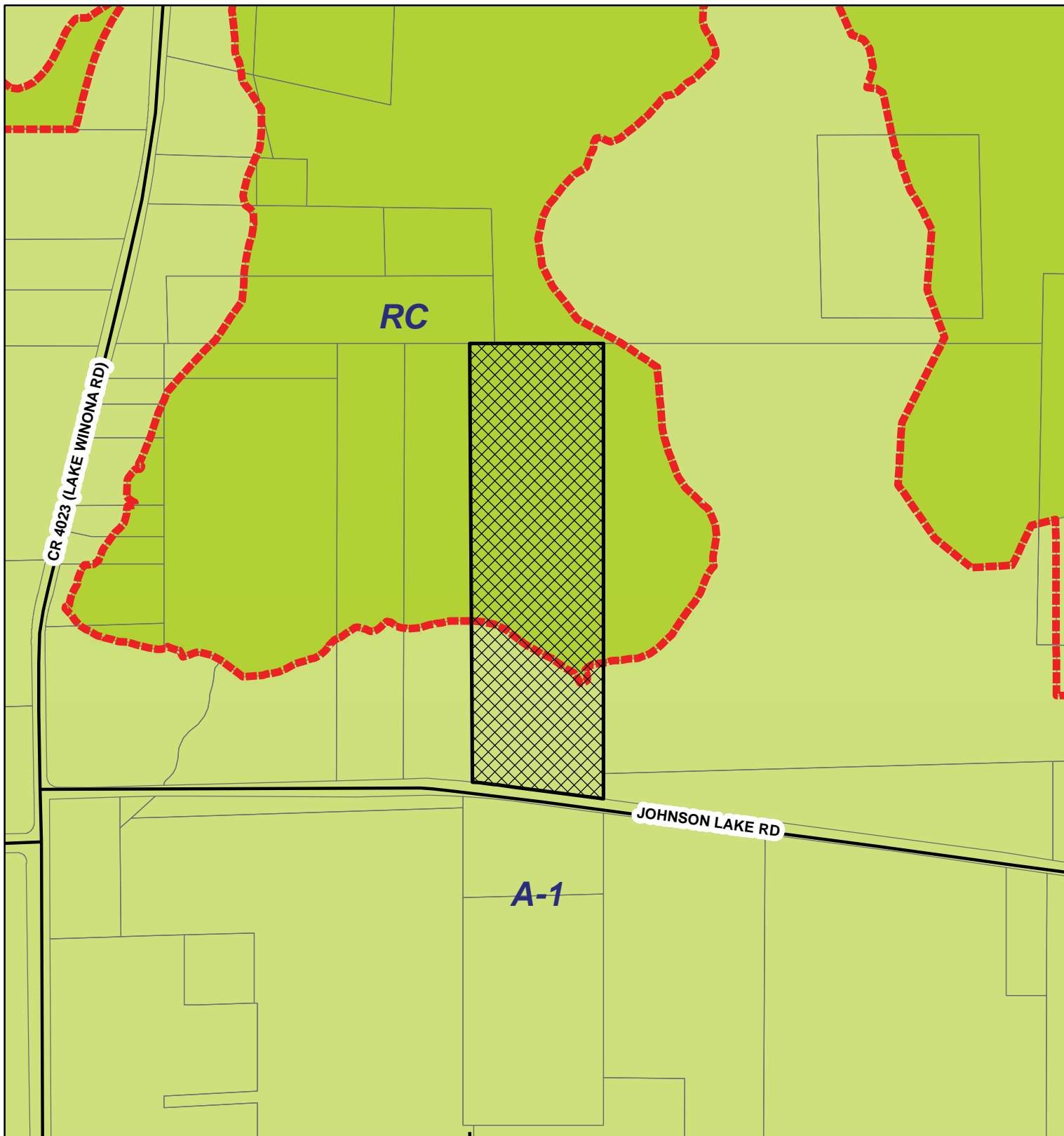
**SPECIAL EXCEPTION**

 **REQUEST AREA**




**CASE NUMBER**



**S-17-060**



**ZONING CLASSIFICATION**

-  AGRICULTURAL
-  RESOURCE CORRIDOR
-  REQUEST AREA

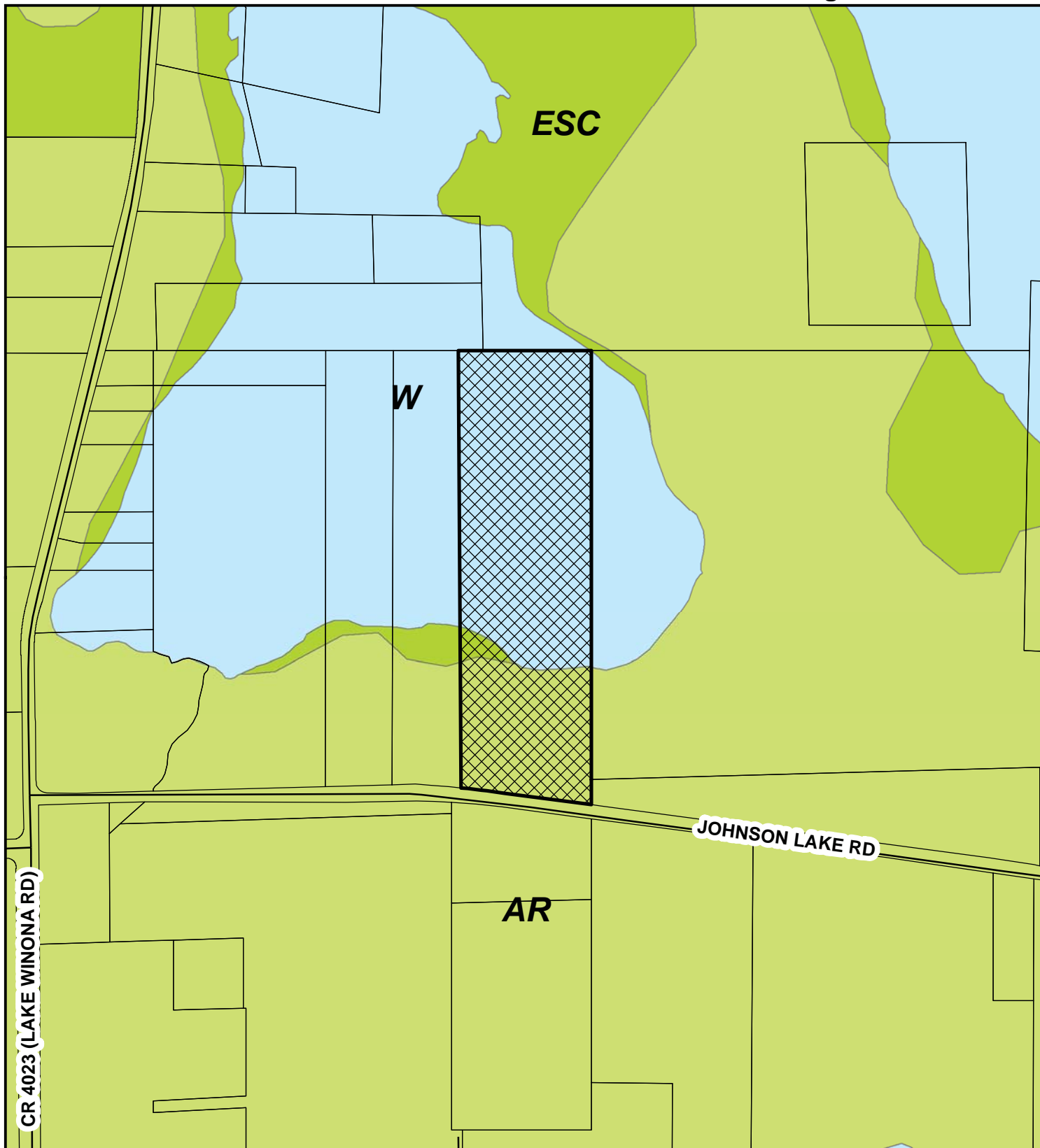
1" = 400'

**SPECIAL EXECPTION**

**CASE NUMBER**

**S-17-060**





**FUTURE LAND USE**

1"= 400' **SPECIAL EXCEPTION**

 AGRICULTURE RESOURCE

 WATER

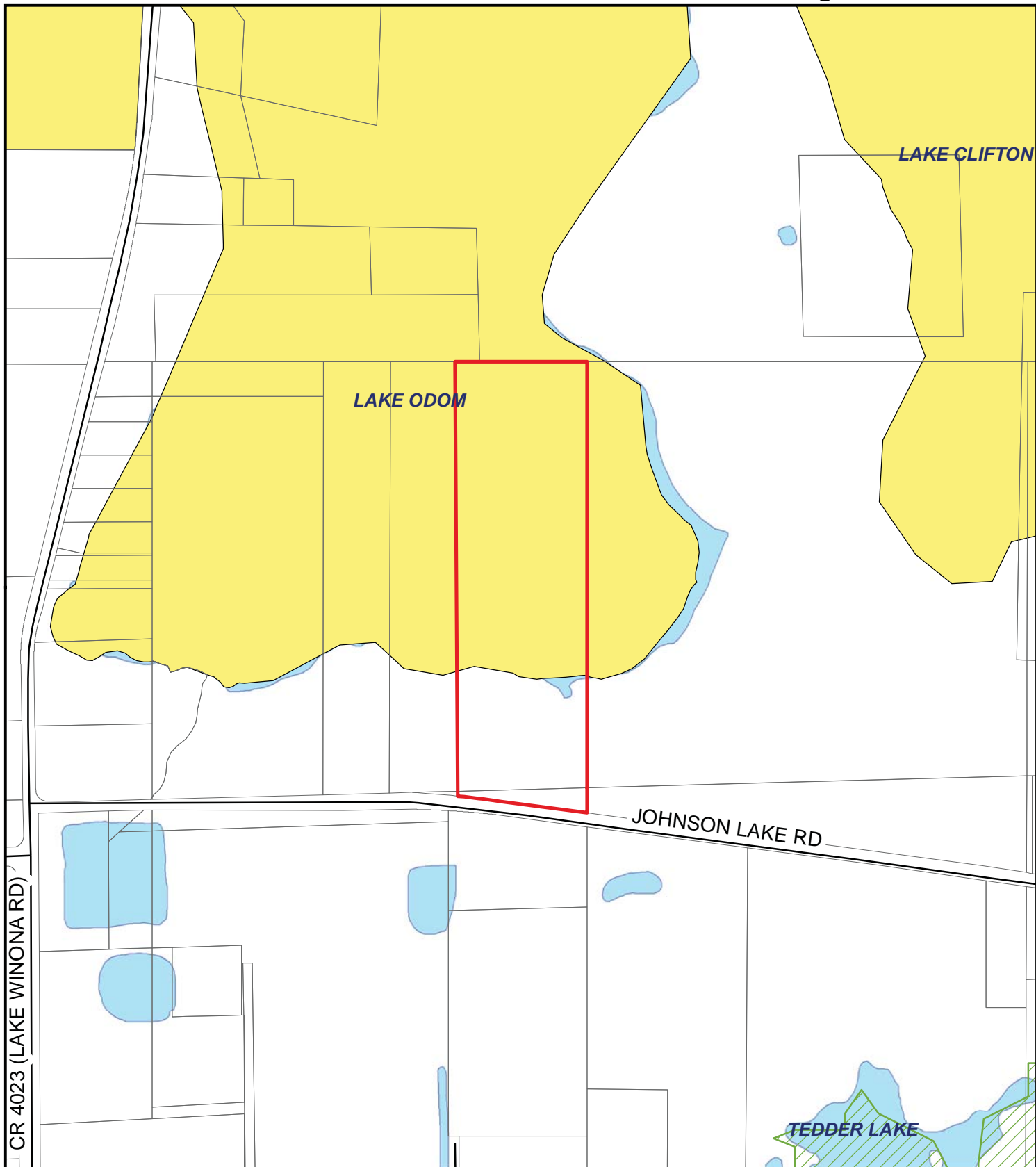
**CASE NUMBER**

 ENVIRONMENTAL SYSTEMS CORRIDOR

 REQUEST AREA



**S-17-060**



**ECO/NRMA**

 ECO  NRMA  WATER

 **REQUEST AREA**

**SPECIAL EXCEPTION**



**CASE NUMBER**  
**S-17-060**

1" = 400'