**Rezoning Application:** 22-0834 **Zoning Hearing Master Date:** July 25, 2022

**BOCC Land Use Meeting Date:** September 13, 2022



**Development Services Department** 

# 1.0 APPLICATION SUMMARY

Applicant: Mark Bentley, Esq., B.C.S., AICP

FLU Category: RES-4

Service Area: Urban

Site Acreage 0.63 acre

Community

Plan Area:

Brandon

Overlay: None

Request Rezone To Planned Development



Zoning:		
	Current RSC-6 Zoning	Proposed PD
Uses	CDIIith C hodo	Community Residential Home,
	CRH with 6 beds	Type B with a max. of 10 residents

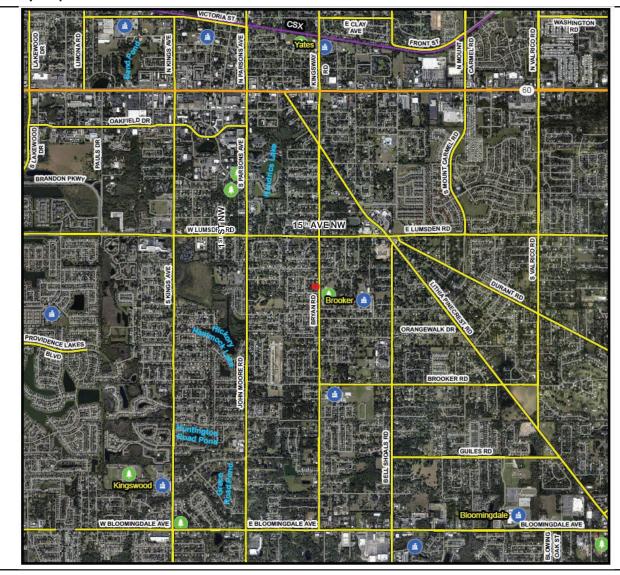
Development Standards:				
Density / Intensity	6 du per acre	6 du per acre		
Lot Size / Lot Width	7,000 sf / 70′	7,000 sf / 70'		
Setbacks/Buffering and Screening	25' Front 25' Rear 7.5' Sides	25' Front 25' Rear 7.5' Sides		
Height	35'	35'		

Additional Information:		
PD Variations	Section 6.04.07 access spacing requirements.	
Waivers	Waiver from LDC Sec. 6.11.28.C— (1) Residentially zoned properties.	

Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable, Subject to Conditions

#### 2.0 LAND USE MAP SET AND SUMMARY DATA

#### 2.1 Vicinity Map



# Context of Surrounding Area:

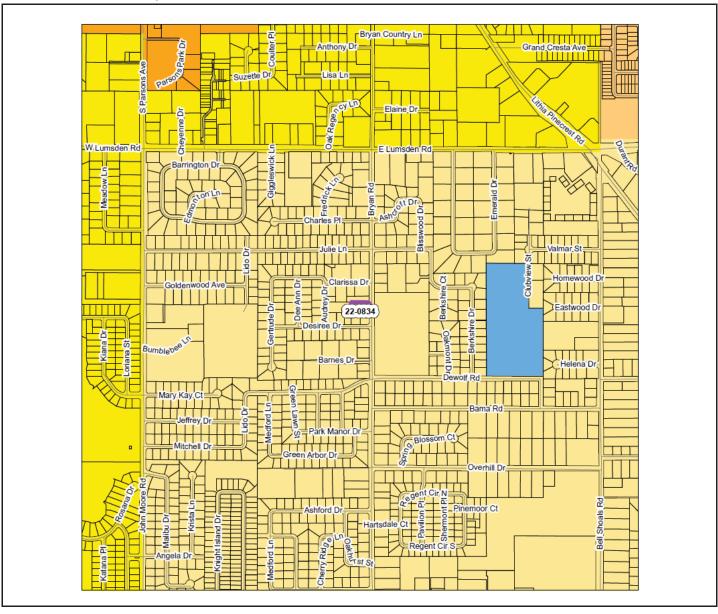
The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive. The area consists mostly of residential uses with the immediate properties designated Residential Single-Family Conventional-6 (RSC-6) on three sides. Directly east across Bryan Road is a 13.9-acre Hillsborough County Saladino Dog park.

Further north and south are neighborhood commercial-type uses including a pool construction business and a fishing charter business.

Case Reviewer: Tim Lampkin, AICP

#### 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.2 Future Land Use Map



# **Future Land Use Category Description:**

RES-4

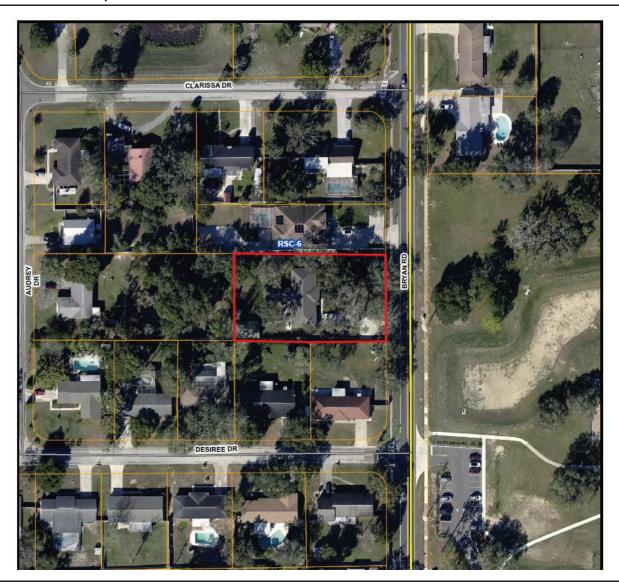
Maximum FAR: 0.25

Maximum Density: 4 Du per acre.

Typical Uses: Typical allowable uses in the RES-4 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects.

# 2.0 LAND USE MAP SET AND SUMMARY DATA

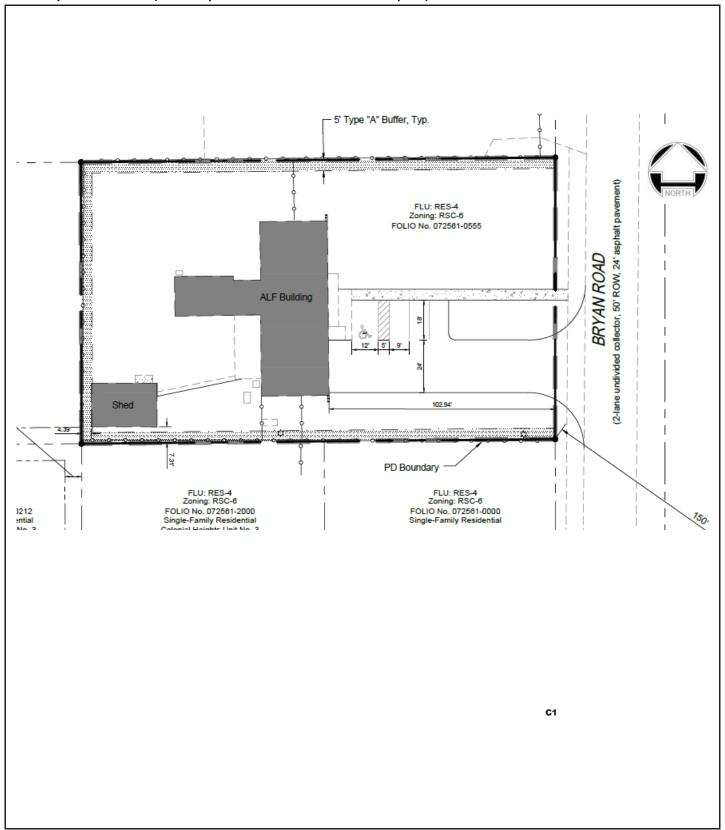
# 2.3 Immediate Area Map



	Adjacent Zonings and Uses					
Location:	Zoning:	Future Land Use:	Density/F.A.R.	Permitted Use:	Existing Use:	
North	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	SF Residential	
South	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	SF Residential	
West	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	SF Residential	
East	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	Hillsborough County Dog Park	

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.4 Proposed Site Plan (See complete Plan in Section 7of this report).



APPLICATION NUMBER: PD 22-0834

ZHM HEARING DATE: July 25, 2022

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# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (check if applicable)					
Road Name	Classification	Current Conditions	Select Future Improvements		
Bryan Road	County Collector - Urban	2 Lanes ⊠ Substandard Road □ Sufficient ROW Width	<ul><li>☐ Corridor Preservation Plan</li><li>☐ Site Access Improvements</li><li>☐ Substandard Road Improvements</li><li>☐ Other</li></ul>		

<b>Project Trip Generation</b> □ Not applicable for this request						
	Average Annual Daily Trips A.M. Peak Hour Trips P.M. Peak Hour Trips					
Existing	16	1	2			
Proposed	26	2	3			
Difference (+/-)	+10	+1	+1			

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access    Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC
East	Х	None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

<b>Design Exception/Administrative Variance</b> Mot applicable for this request				
Road Name/Nature of Request Type Finding				
Bryan Road/ Access Spacing	Administrative Variance Requested	Approvable		
	Choose an item.	Choose an item.		
Notes:				

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 8 OF STAFF REPORT)

4.0 Additional Site Information & Agency Comments Summary				
Transportation Objections Conditions Ad Requested Information				
<ul><li>☑ Design Exception/Adm. Variance Requested</li><li>☐ Off-Site Improvements Provided</li></ul>	☐ Yes ☐N/A ☑ No	⊠ Yes □ No	See Staff Report.	

APPLICATION NUMBER: PD 22-0834

ZHM HEARING DATE: July 25, 2022 BOCC LUM MEETING DATE: September 13, 2022

Case Reviewer: Tim Lampkin, AICP

INFORMATION/REVIEWING AGENCY	OBJECTIONS	CONDITIONS REQUESTED	ADDITIONAL INFORMATION/COMMENTS
Environmental:			
Environmental Protection Commission	□ Yes ⊠ No	□ Yes ⊠ No	No Wetlands Present
Natural Resources	□ Yes ⊠ No	□ Yes ⊠ No	No Comments
Conservation & Environmental Lands Mgmt.	☐ Yes ⊠ No	□ Yes ⊠ No	No Comments
Check if Applicable:  ☐ Wetlands/Other Surface Waters  ☐ Use of Environmentally Sensitive Land Credit  ☐ Wellhead Protection Area  ☐ Surface Water Resource Protection Area  ☐ Potable Water Wellfield Protection Area	<ul> <li>☐ Significant Wildlife Habitat</li> <li>☐ Coastal High Hazard Area</li> <li>☐ Urban/Suburban/Rural Scenic Corridor</li> <li>☐ Adjacent to ELAPP property</li> <li>☐ Other</li> </ul>		
Public Facilities:			
Transportation  ☐ Design Exception Requested ☐ Off-site Improvements Required	□ Yes ⊠ No	⊠ Yes □ No	
Utilities Service Area/ Water & Wastewater  ⊠ Urban □ City of Tampa □ Rural □ City of Temple Terrace	□ Yes ⊠ No	□ Yes ⊠ No	
Hillsborough County School Board  Adequate □ K-5 □ 6-8 □ 9-12 ⋈ N/A  Inadequate □ K-5 □ 6-8 □ 9-12 ⋈ N/A	□ Yes ⊠ No	□ Yes ⊠ No	

APPLICATION NUMBER:	PD 22-0834				
ZHM HEARING DATE:	July 25, 2022				
BOCC LUM MEETING DATE:	September 13, 2022		Case Reviewer: Ti	m Lampkin, AICP	
Impact/Mobility Fees					
Assisted Living Facility					
(Mobility Per Bed)					
(Fire Per 1,000 s.f.)					
Mobility: \$1,128 * 10 =	•	or use SFR \$9,495		lobility	
Fire: \$158 * 3.143 = \$49	96.59 less credit for prior	use SFR \$335 = \$1	34.59 Net Fire		
Urban Mobility, Central Fire - Assisted Living Facility (10 beds) - 3,143 s.f. facility. Credit for prior single home use may apply.					
Comprehensive Plan:					
Planning Commission					

Inconsistent

oxtimes Consistent

☐ Yes

 $\boxtimes$  No

☐ Meets Locational Criteria

 $\square$  Minimum Density Met

 $\square$  Locational Criteria Waiver Requested

 $\boxtimes$  N/A

 $\boxtimes$  N/A

ZHM HEARING DATE: July 25, 2022
BOCC LUM MEETING DATE: September 13, 2022

#### 5.0 IMPLEMENTATION RECOMMENDATION

### 5.1 Request and Compatibility Summary

The request is to rezone a parcel from RSC-6 to a Planned Development in order to expand a Community Residential Home from 6 beds to a Community Residential Home, Type "B" with 10 beds. The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive.

Case Reviewer: Tim Lampkin, AICP

Per LDC Section 6.11.28.A, a proposed Community Residential Home, Type C, must be located at least 1,200 feet from other Community Residential Homes, Type B or C, in a multi-family zoning, and at least 500 feet from an area of non-agricultural (RSC) single-family zoning. These distances are measured from the nearest point of the existing Community Residential Home or area of single-family zoning to the nearest point of the proposed Community Residential Home.

The proposed home is located less than 500 feet from properties with RSC single-family zoning. The property is surrounded on three side by RSC zoning. Staff notes that a six-person Community Residential Home already exists on the subject site, and the request is to expand the number of residents to a maximum of 10 placed residents. Additionally, the LDC allows the separation requirements to be waive. Per the Agency for Healthcare Administration ("AHCA") website, there are no other Type "B" CRH uses within 1,200 feet of the subject property.

The applicant has provided documentation from the Agency for Healthcare Administration, Florida Department of Children and Families and the Agency for Persons with Disabilities which shows that no other Community Residential Homes, Type B or C, exist within 1,200 feet of the proposed facility. The applicant acknowledges that the CRH is within 500 feet of non-agricultural (RSC) single-family zoning. However, the applicant states that the proposed CRH will be located in an existing single-family residence resembling a single-family use and functioning in the same manner. The proposed CRH will provide a 5-foot Type "A" buffer on the northern and southern side yards, and the western rear yard. These buffers exceed code requirements and will ensure compatibility with surrounding properties. Also, the traffic impacts are equivalent to a single-family residence and none of the CRH residents have their own vehicles on site.

The applicant further states that the CRH will provide for development that could not be accommodated by strict adherence to the LDC and will provide desperately needed affordable housing for the elderly that desire to reside in a neighborhood environment as opposed to a large institutional building in a commercial or office area. The separation is mitigated by its single-family architectural features and provided rear and side yard buffers. The CRH is in harmony with the intent of the LDC and meets its unit conversion factor, and because of its low intensity use and licensing and supervision by the state, will not interfere with or injure the rights of adjacent property owners. In summary, the land use designation and unit conversion factor, mitigation requirements, and furtherance of the public interest dictate that the development can best be achieved through the PD process.

The property has a Folio No. 72561.0555 and has a future land use designation of Residential-4 (RES-4). It is within the Brandon Community Plan and is in the Urban Service Area with water and sewer provided by Hillsborough County. The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive. The area consists mostly of residential uses with the immediate properties designated Residential Single- Family Conventional-6 (RSC-6) on three sides. Directly east across Bryan Road is a 13.9-acre Hillsborough County Saladino Dog park (shown below).

APPLICATION NUMBER: PD 22-0834

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BOCC LUM MEETING DATE: September 13, 2022





Dog Park, a cross Bryan Road

To protect the existing residential homes, the proposed development will be designed in a way that is compatible with the established character of the surrounding neighborhood. These measures include, but not limited to, a 5-foot buffer with Type A screening shall be provided along the entire north, south and west perimeter of the property line.

The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering). The site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code.

### Administrative Variance for Access Spacing

If PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.

#### 5.2 Recommendation

Staff finds that the project is consistent with the provision of the Comprehensive Plan and regulations of the LDC. The area consists of mostly residential, with residential support uses including a park directly across the street. Based on these considerations, staff supports the request with conditions.

APPLICATION NUMBER: PD 22-0834
ZHM HEARING DATE: July 25, 2022

BOCC LUM MEETING DATE: September 13, 2022 Case Reviewer: Tim Lampkin, AICP

#### 6.0 PROPOSED CONDITIONS

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted July 5, 2022

- 1. The site is limited to a Community Residential Home, Type B, with a maximum of 10 residents.
- 2. Development standards shall be those of the RSC-6 Zoning District, unless otherwise specified herein.
- 3. Buffer and screening shall be in accordance with Part 6.06.00 of the Land Development Code, unless specified herein.
  - 3.1 A 5-foot, Type "A" buffer shall be provided along the rear and side yards; however, the existing shed encroaching 0.61' into the rear buffer at the southwest corner of the property shall be recognized as a legal non-conformity.
- 4. The subject property shall be subject to the parking requirements of Section 6.05.00 of the Land Development Code.
- 5. Signage shall be limited to signs allowed for a residential dwelling per Permitted Signs, Sec. 7.03.00.C.3.a, Residential Zoning Districts. Signage shall be considered for a residential dwelling and not a residential support use. This shall not be construed to permit a sign if private restrictions prohibit or restrict the display of signs.
- 6. No fence exceeding two and one-half feet shall be constructed within the visibility triangle at the driveway roadway intersection as described in 6.04.03 F.
- 7. PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.
- 7. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as regulations in effect at the time of preliminary plan/plat approval.
- 8. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, and the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 9. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.

BOCC LUM MEETING DATE: September 13, 2022 Case Reviewer: Tim Lampkin, AICP

# SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDNACE WITH HILLSBOROGUH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

**Zoning Administrator Sign Off:** 

J. Brian Grady Tue Jul 19 2022 11:21:18 APPLICATION NUMBER: PD 22-0834

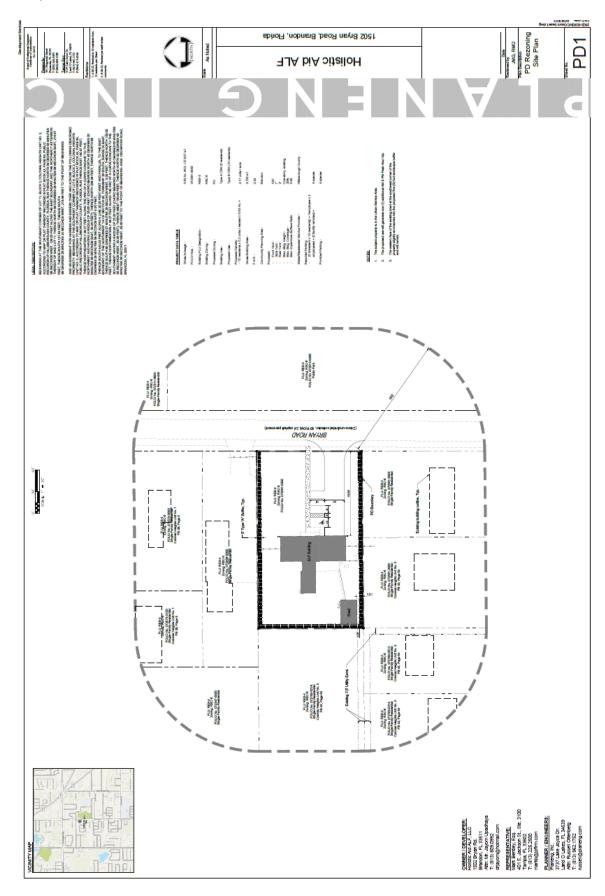
ZHM HEARING DATE: July 25, 2022

BOCC LUM MEETING DATE: September 13, 2022 Case Reviewer: Tim Lampkin, AICP

# 7.0 ADDITIONAL INFORMATION

Case Reviewer: Tim Lampkin, AICP

# **Proposed General Site Plan**



APPLICATION NUMBER: PD 22-0834

ZHM HEARING DATE: July 25, 2022

BOCC LUM MEETING DATE: September 13, 2022 Case Reviewer: Tim Lampkin, AICP

# 8.0 FULL TRANSPORTATION REPORT

#### AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

REVIEWER: Alex Steady, Senior Planner

PLANNING AREA/SECTOR: Brandon/Central

DATE: 07/15/2022

AGENCY/DEPT: Transportation

PETITION NO: PD 22-0834

	This agency has no comments.
	This agency has no objection.
X	This agency has no objection, subject to the listed or attached conditions
	This agency objects for the reasons set forth below.

# **REPORT SUMMARY AND CONCLUSIONS**

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 10 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour.
- If PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.
- Transportation Review Section staff has no objection to the proposed request, subject to the conditions of approval provided hereinbelow.

#### **CONDITION OF APPROVAL**

Staff is requesting the following condition:

• If PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.

# **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling 0.63 Acre from Residential Single Family Conventional -6 to Planned Development (PD). The proposed Planned Development includes a 10 Bed Community Residential Home. The site is on the west side of Bryan Road, +/-0.33 miles south of the intersection of Lumsden Road and Bryan Road. The Future Land Use designation of the site is Residential -4 (R-4).

#### **Trip Generation Analysis**

Staff has prepared a comparison of the trips potentially generated under the previously approved zoning and the proposed planned development including the additional residential units, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition.

**Approved Zoning:** 

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
<u> </u>	Two-Way Volume	AM	PM
RSC-6, 6 Bed Assisted Living (ITE Code 254)	16	1	2

**Proposed Zoning:** 

Zoning, Lane Use/Size	24 Hour	Total Peak	Hour Trips
	Two-Way Volume	AM	PM
PD, 10 Bed Assisted Living Facility (ITE Code 254)	26	2	3

**Trip Generation Difference:** 

Zoning, Lane Use/Size	24 Hour	Total Peak	Hour Trips
Zonnig, Lane Ose/Size	Two-Way Volume	AM	PM
Difference	+10	+1	+1

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 10 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour.

#### TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Bryan Road. is a 4-lane, Hillsborough County maintained, substandard, collector roadway, characterized by +/-10 ft. travel lanes. The existing right-of-way on Bryan Road is +/-50 ft. There are sidewalks on both sidewalks of the roadway. There are no bikes lanes or curb and gutter on either side Bryan Road in the vicinity of the proposed project.

#### **SITE ACCESS**

The project is proposing one existing full access (1) connection on Bryan Rd. If PD 22-0834 is approved, vehicular and pedestrian access will be via Bryan Rd.

#### REQUESTED VARIANCE

The applicant's Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated and received July 14, 2022) from the Section 6.04.07 LDC requirement governing access. The Hillsborough County LDC requires a minimum connection spacing of 245 feet for Class 6 roadways. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on July 15, 2022. If the rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will be permitted to locate the Bryan Road access +/- 112 feet from the next closest driveway connection to the north.

ROADWAY LEVEL OF SERVICE (LOS) Level of Service (LOS) information is reported below.

	FDOT G	eneralized Level of S	ervice	
Roadway	From	То	LOS Standard	Peak Hr Directional LOS
BRYAN RD	BLOOMINGDALE AVE	SR 60 / BRANDON BLVD	D	D

Source: 2020 Hillsborough County Level of Service (LOS) Report

# Transportation Comment Sheet

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (cl	neck if applicable)		
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements
		2 Lanes	☐ Corridor Preservation Plan
Bryan Road	County Collector	Substandard Road	☐ Site Access Improvements
Di yan Noau	- Urban	Sufficient ROW Width	☐ Substandard Road Improvements
		Ligaricient NOW Width	☐ Other

<b>Project Trip Generation</b>	$\square$ Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	16	1	2
Proposed	26	2	3
Difference (+/-)	+10	+1	+1

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross	s Access	licable for this request		
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC
East	Х	None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance ⊠N	ot applicable for this request	
Road Name/Nature of Request	Туре	Finding
Bryan Road/ Access Spacing	Administrative Variance Requested	Approvable
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comme	ents Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
<ul><li>☑ Design Exception/Adm. Variance Requested</li><li>☐ Off-Site Improvements Provided</li></ul>	☐ Yes ☐ N/A ⊠ No	⊠ Yes □ No	See Staff Report.

From: Williams, Michael

**Sent:** Friday, July 15, 2022 10:07 AM

To: Mark Bentley

**Cc:** Ashley Phillips; Tirado, Sheida; PW-CEIntake; ryanm@jpfirm.com;

Russell Ottenberg; Steady, Alex; Lampkin, Timothy

**Subject:** FW: RZ PD 22-0834 - AV Review **Attachments:** 22-0834 AVReq 07-14-22.pdf

Importance: High

Mark,

I have found the attached Section 6.04.02.B. Administrative Variance (AV) for PD 22-0834 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with Transportation staff after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to <u>PW-CEIntake@hillsboroughcounty.org</u>

Mike

#### Michael J. Williams, P.E.

**Director, Development Review County Engineer**Development Services Department

P: (813) 307-1851 M: (813) 614-2190

E: Williamsm@HillsboroughCounty.org

W: HCFLGov.net

**Hillsborough County** 601 E. Kennedy Blvd., Tampa, FL 33602



Mark S. Bentley, Esq., B.C.S., AICP 401 East Jackson Street, Suite 3100 Tampa, Florida 33602 Post Office Box 1100 Tampa, Florida 33601-1100 Telephone (813) 225-2500 Fax (813) 223-7118

COUNSELORS AT LAW

TAMPA - CLEARWATER - ST. PETERSBURG

Email: MarkB@JPFirm.com File No. 153657

July 14, 2022

# Via E-mail: ZoningIntake-DSD@hillsboroughcounty.org

Michael J. Williams, P.E. Hillsborough County Development Services 601 East Kennedy Blvd., 20<sup>th</sup> Floor Tampa, FL 33602 Williamsm@hillsboroughcounty.org

Re: RZ-PD 22-0834 (the "Petition"); Administrative Variance Request

**Zoning Case Number: RZ-PD-22-0834** 

Folio: 072561-0555

Dear Mr. Williams:

We are requesting an administrative variance to Hillsborough County Land Development Code (LDC) per Section 6.04.02.B3 to meet Section 6.04.07 regarding the connection spacing for a Class 6 roadway for 1502 Bryan Road. This request is in connection with the above referenced Petition for an existing Type A Community Residential Home (CRH) for 6 residents to a proposed Type B CRH with 10 residents. The project proposes to have one (1) access point to Bryan Road. Additionally, the one (1) AM/PM peak trip increase for the additional residents is minimal to the surrounding area, but the approval for this variance is needed to support the existing and the proposed minimal expansion of the applicant's business. Bryan Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway with a posted speed limit of 35 mph.

This request is for a variance to the access connection spacing criteria of the LDC Section 6.04.07 - Minimum Connection Spacing. The justification for this variance is as follows:

- 1. Bryan Road is a collector roadway and considered a Class 6 roadway with a connection spacing requirement of 245 feet.
- 2. The parcel has approximately 128 feet of frontage along Bryan Road.
- 3. The projects driveway is approximately 112 feet from the access driveway to the north of the subject property located at 1416 Bryan Road.
- 4. LDC Section 6.04.03.J references accesses which do not meet the minimum spacing. They may be permitted where, due to size, configuration or location of the parcel, there is no feasible alternative access meeting the desired standard.
- 5. The existing road is a two-lane undivided collector roadway having a 50' right-of -way and 24' of asphalt pavement with paved shoulders in excellent condition.

COUNSELORS AT LAW

TAMPA - CLEARWATER - ST. PETERSBURG

Michael J. Williams, P.E. July 14, 2022 Page 2

Justification must address LDC Section 6.04.02.B.3 criteria (a) and (b) if applicable, (c). In the consideration of this variance request, the issuing authority shall determine to the best of its ability that the following circumstances are met:

# a) There is unreasonable burden on the applicant

There is no viable way for the applicant to meet the minimum connection spacing requirement outlined in LDC Section 6.04.07 due to the limited frontage along Bryan Road. Bryan Road provides for the sole access point for this property. Denial of this variance request would make an unreasonable burden to the applicant as there is no alternative for access to the subject site.

# b) The variance would not be detrimental to the public health, safety and welfare.

This is an existing CRH, and the proposed driveway is set as far south as possible from the adjacent property's access point located at 1416 Bryan Road. This proposed access will serve as a primary access for entering and exiting traffic going to the north and south. The existing development currently generates one (1) AM Peak Hour trip and two (2) PM Peak Hour trips while the proposed project will generate two (2) AM Peak Hour trips and three (3) PM Peak Hour trips. This increase of one trip per AM and PM peak is minimal and along with the variance will not be detrimental to the public health, safety, and welfare as shown from the setback design and the minimal impact to trip generation from the existing operation.

We have reviewed the Hillsborough County Sheriff's Office traffic crash website for historic traffic crashes along Bryan Road in the vicinity of the subject property. No traffic crashes were found. Consequently, trip generation is being used as a surrogate for the potential for conflicts. For example, a vacant, unused site generates no trips and thus would not create the potential for conflicts and/or crashes. Conversely, a site that generated 10,000 trips/day would create the potential for numerous conflicts and/or crashes. Thus, trip generation is indicative of the potential for conflicts/crashes, hence safety concerns. In this instance, the proposed project will generate one (1) additional AM and one (1) additional PM peak hour trip. Furthermore, pursuant to the Hillsborough County LOS Report (excerpt attached), Bryan Road operates at a V/C ratio of 0.84 with a Pk. Hr. Pk. Direction Volume of 597 trips and a Pk. Hr. Pk. Direction MSV of 713 trips. Consequently, the proposed project will add one (1) Pk. Hr. Pk. Direction trip; an increase of 0.17%. The additional peak hour trip and percentage increase in Pk. Hr. Pk. Direction Volume does not represent a safety issue as the potential for conflicts/crashes is insignificant.

# c) Without the variance, reasonable access cannot be provided.

This is the sole access point to the subject property with no other options available. This request is for an existing Type A CRH with 6 residents to a proposed Type B CRH with 10

COUNSELORS AT LAW

TAMPA • CLEARWATER • ST. PETERSBURG

Michael J. Williams, P.E. July 14, 2022 Page 3

residents. Without the variance for connection spacing, reasonable access cannot be provided to the property.

Should you have any questions regarding the foregoing, please feel free to contact me.

Sincerely,

Mark Bentley, Esq., B.C.S., AICP

MB/ap
Enclos.
Cc: Sheida Tirado (TiradoS@hillsboroughcounty.org)

8071593\_1

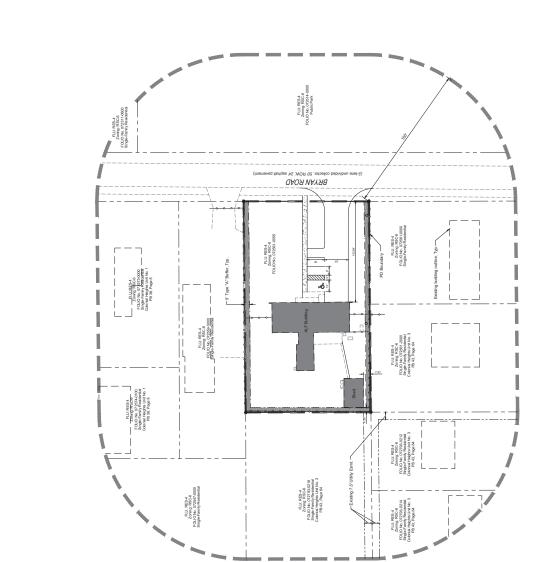
Based on the information provided by the applicant this request is:

\_\_\_\_\_\_\_ Approved with Conditions
\_\_\_\_\_\_ Approved
\_\_\_\_\_\_ Disapproved

Michael J. Williams, P.E.

Hillsborough County Engineer on
Notice: Consistent with Section 6.04.02.B.8. of the LDC, the results of this variance application may be appealed, as further described in Section 10.05.01. of the LDC, to the Land Use Hearing Officer within 30 calendar days of the date of the above action.





ALA biA sitsiloH

Parkerwed by JMG, RMO Plan Description PD Rezoning Site Plan

OWNER IDPLECTORER.
HOUSE AND ALL ILLC
1507 Bandon, T. 3507.1
1513 Bandon, T. 3507.1
1513 Bandon, T. 3507.1
1513 Bandon, T. 3507.1
1513 Bandon, T. 3507.2
1513 Bandon, T. 3507.2
1715 T. 3507 Bandon, T. 3507.2
1715 T. 3507 Bandon, T. 3507.2
1715 T. 3507 Bandon, T. 3507.2
1715 B

1502 Bryan Road, Brandon, Florida Scale As Noted

ZOZZ-OZOZI

On Street	From	10	Lane No	Type	Length	Limit	LOS Std	AADT*	Pk Dir Vol	Daily MSV	Ratio	Daily LOS	MSV	v/c Ratio	SOT	Jurisdiction	Class
BOYETTE RD	BELL SHOALS RD	BALM BOYETTE RD	2	n	4.63	45	Q	5,100		16,815	0.30	O	988	0.42	O	CR	J
BOYETTE RD	BALM BOYETTE RD	LITHIA PINECREST RD	2	n	4.69	40	O	4,300	261		0.18	В	1200	0.22	В	CR	O
BRANDON MAIN ST	PROVIDENCE RD	LAKEWOOD RD	4	۵	0.24	30	٥	3,700			0.12	U	1549	0.12	U	CR	U
BROADWAY AVE	TAMPA BYPASS CANAL (CITY LIMITUS HWY 301	LIMITUS HWY 301	2	<b>)</b>	0.42	40	ا ۵	15,100	684	16,815	0.90	U (	836	0.82	U	S S	U (
BROADWAY AVE	US HWY 301	FALKENBURG RD	7	o :	1.59	45	0 6	10,300	657	16,815	0.61	ى د	836	0.79	ں ر	X 8	ی ر
BROADWAY AVE	MILLIAMS BD	WILLIAMS RD	7 (	> =	3.60	75	۵ ۵	8,800	2/3	16,815	0.52	ی ر	928	0.82	ی ر	5 8	ی ر
BROOKER RD	BPVAN PD	BELL SHOALS BD	2	o =	0.00	2 6	۵ د	6 134	213	14.060	0.50	ی ر	713	0.41	ی ر	5 8	ی ر
BROOKER ND	BELL SHOALS BD	VALBICO BD	7 (	> =	101	30	۵ ۵	6 127	213	14,000	0.44	) (	713	0.00	) (	5 8	ی ر
BRUCE B DOWNS BLVD	ECIL SHOALS NO	FI ETCHED AVE	7 9	0 0	10.1	77	2 14	777 63	7900	56 906	0.44	, (	0286	0.73	, (	5 8	≧ د
BRUCE B DOWNS BLVD	FOWLER AVE	PEABSS AVE	0 4	ے د	20.1	45	J 4	777,75	1007	30,300	0.93	ی ر	2870	0.73	ی ر	5 8	ξ <
BRIICE B DOWINS BLVD	BEARSS AVE	250' N OF GILLIGANS WAY (CITY	-	ے د	0.7.0	₹ ¥	ے د	43,000	2101	006,00	0.80	ے د	3390	0.00	ے د	5 8	( <
NOCE B DOWINS BLVD	DEANSS AVE	750 N OF GILLIGANS WAT (CIT	5	۵ د	0.00	ξ.	2 4	43,000		005,70	0.04	، د	2390	0.00	، د	5 8	٤ 5
BRUCE B DOWNS BLVD	CROSS CREEK BLVD	COLINITY INIT DD	∞ 0	۵ د	1.26	45	۵ د	31,500		67,300	0.47	ه د	3390	0.38	ه د	ž 5	A S
BRUCE B DOWNS BLVD	PEBBLE CREEN DR	SB 60 / BBANDON BIXD	0 0	= =	T.30	70	۵ د	41,402	2113	14,060	0.62	ء د	212	0.02	ے د	5 8	ξ (
BLITCH CASSIDY TBI	BLOOMINGDALE AVE	SK 80 / BRAINDON BLVD	7 (	> =	0.00	000	ے د	000,6		12,600	0.04	ے د	CT/	9.00	ی د	5 8	ی ر
CABITON LAKE BD	SB 524	CB 622	7 0	> =	3.01	30	) (	1 000		12,000	0.01	ه ر	6/0	0.0	ه ر	5 8	ی ر
CASE ON LANE RD	SK 6/4	S VIII AGE DB	7 (	> =	0.4	24 2	ے ر	11 200	CTT	14,060	0.00	ه د	212	0.13	ه د	5 8	ی ر
CASEY RD / DAWN VIEW DR	EHBICH BD	NORTHDALE BLVD	2	> =	1.00	50	۵	2 300		16.815	0.80	ے د	836	0.01	ے د	5 8	ی ر
CALISEWAY RIVD	LIS HWY 301	FAIKENBIIRG BD	4 (4	0 0	0.73	45.	0 0	29.200		56 905	0.52	, c	2869	0.53	ی ر	5 8	) d
CALISEWAY BIVD	FAIKENBIIRG BD	PROVIDENCE RD	0	۵ د	1 22	5 5	۵ د	45 900	1787	56 905	0.32	ى ر	2869	0.53	ى ر	5 8	< ⊲
CHARLIE GRIFFIN RD	MUD LAKE RD	SR 39	2 2	) =	1.20	40	0 0	4.600		15.390	0.30	) U	760	0.32	0	5 8	( (
CHARLIE TAYLOR RD	1-4	KNIGHTS GRIFFIN RD	2	_	3.00	45	U	2,900		13,680	0.21	U	675	0.31	U	8	U
CITRUS PARK DR	SHELDON RD	GUNN HWY	9	٥	0.78	45	ш	19.000	857	56.906	0.33	U	2870	0.30	U	S	A
CLAY PIT RD	WILLIAMS RD	CR 579	2	)	1.00	40	O	3,077		16,815	0.18	U	836	0.19	U	S.	U
COCKROACH BAY RD	DEAD END	US HWY 41	2	_	3.11	45	C	1,476		13,680	0.11	O	675	0.11	O	CR	U
COUNTRYWAY BLVD	HILLSBOROUGH AVE	WATERS AVE	4	Q	0.81	45	Q	11,500		37,810	0.30	U	1900	0.33	U	CR	U
COUNTRYWAY BLVD	WATERS AVE	LINEBAUGH AVE	4	D	2.22	30	D	9,800			0.32	С	1549	0.44	С	CR	С
COUNTRYWAY BLVD	LINEBAUGH AVE	CITRUS PARK EXT	4	٥	09:0	35	٥	20,700		30,780	0.67	D	1549	0.73	О	CR	U
COUNTRYWAY BLVD	CITRUS PARK EXT	RACE TRACK RD	4	Q	0.62	45	Q	15,600	853		0.51	Q	1549	0.55	О	CR	U
COUNTY LINE RD (POIK)	SR 60	EWELL RD	4	۵	1.77	20	O .	17,100			0.53	U	1653	0.52	U	S.	U
COUNTY LINE RD (POIK)	EWELL RD	MEDULLA RD	4	ا ۵	2.01	55	U I	24,500	1186	32,300	0.76	U	1653	0.72	U (	S S	U (
COUNTY LINE RD (POIK)	I-4 KAMIP	SWINDELL RD	4 (	a :	0.36	20	ם מ	5,200		33,725	0.15	ه د	67/1	0.14	ه د	ž 5	ں ر
COUNTY LINE RD (Pasco) (MILLOW BALE MARBEY LINY)	LIVINGSTON AVE	BRUCE B DOWNS BLVD	7	o =	4.56	č,	م د	12 561		15,390	0.91	م د	760	0.94	م د	3 8	ر ر
COUNTY LINE RD (PASCO) / WIL	MANATE COLINTY	SB 674	7 2	> =	1.43	رد بر	ی ر	12,501	334	13,680	0.92	ی ر	675	0.95	ی ر	5 8	ی ر
CR 39	SB 674	BAIM PICNIC BD	2	> =	4.00	5.5	, ,	3.164		15.390	0.21	, c	760	0.21	) C	3 8	ν 4
CR 39	BALM PICNIC RD	LITHIA PINECREST RD	2	) >	6.05	45	٥	6,769	345	15,390	0.44	O	760	0.45	O	S S	< <
CR 39	LITHIA PINECREST RD	KEYSVILLE RD	2	)	2.92	45	D	6,769	345	15,390	0.44	O	260	0.45	O	CR	A
CR 39	KEYSVILLE RD	SR 60	2	n	3.55	45	D	6,769	345		0.44	C	760	0.45	C	CR	Α
CR 579	MANATEE COUNTY	SR 674	2	n	5.05	22	O	929	09	17,300	0.05	В	860	0.07	В	CR	U
3 579	M L KING BLVD	US HWY 92	2	<b>D</b>	1.40	45	ا ۵	13,003			0.77	U (	836	0.79	U	S S	∢ .
CR 5/9	US HWY 92	SLIGH AVE	4 (	a =	0.60	000	۵ ۵	18,900		33,725	0.56	ی ر	67/1	0.44	ر ر	ž 5	∢ <
CR 579	IOF EBERT RD	IJS HWY 301	2	> =	2.75	5 05	۵ ۵	7.400	383	15,390	0.33	ی ر	760	0.50	ی ر	5 8	< <
CR 672	BALM BOYETTE RD	CR 39	2	)	6.57	55	٥	860'9	253	23,400	0.26	8	1160	0.22	8	S	Α
CRAWLEY RD	BOY SCOUT RD	TARPON SPRINGS	2	n	2.95	35	С	1,600	129	17,300	60.0	В	860	0.15	В	CR	С
CRENSHAW LAKE RD	SIMMONS RD	US HWY 41	2	n	1.22	35	C	6,000		13,680	0.44	C	675	0.53	C	CR	C
CROOKED LANE RD	CRYSTAL LAKE RD	LUTZ LAKE FERN	2	<b>D</b>	1.68	30	O	1,500	102	17,300	0.09	8	860	0.12	В	S.	U
CRYSTAL LAKE RD / EXCITING IDLEWDALE MABRY HWY	IDLEV DALE MABRY HWY	GERACI RD	2	<b>)</b>	1.15	<u>م</u>	٥	2,300		14,060	0.16	U	713	0.19	U	CR	U
CYDRESS VIII AGE BLVD	SP 674	US HWY 41	7 /	o c	1.42	35	ے ر	2,700		13,680	0.20	ی ر	15/10	0.26	ی ر	5 8	ی ر
DANA SHORES DR	MEMORIAL HWY	GEORGE RD	. 2	)	1.02	32	۵ ۵	1.520	77	14,060	0.11	) U	713	0.11	0	5	o U
DEBUEL RD	US HWY 41	HANNA RD	2	n	1.25	40	O	2,700		17,300	0.16	8	860	0.19	8	S	U
DOVER RD	DURANTRD	SR 60	2	n	2.03	45	Q	7,400		16,815	0.44	U	836	0.53	U	CR	U
DOVER RD	SR 60	SYDNEY RD	2	<b>&gt;</b> :	2.01	45	٥	6,453	329	16,815	0.38	U (	836	0.39	U (	8	U (
DOVER RU	SYDNEY RD	IN L KING BLVD	7	> =	1.88	45	، ر	2,190		13,680	0.38	ار	6/9	0.39	ا ر	ž	، ر
DI NICOLOGI	TOC   \$4   CO	DECOMPLETE OF L	7	:	-	4	_	×	5	77 050	200	_	713	200	_	٥	



June 29, 2022

Hillsborough County Development Services

Re: Holistic Aid ALF

PD Rezoning Application

To whom it may concern,

Following is a summary of the AM and PM peak hour traffic generation for the referenced project. Pursuant to the ITE Trip Generation Manual (10<sup>th</sup> Ed.), the proposed project will generate two (2) AM Peak Hour trips and three (3) PM Peak Hour trips. The existing development currently generates one (1) AM Peak Hour trip and two (2) PM Peak Hour trips. The foregoing results in one (1) additional AM Peak Hour trip and one (1) PM peak hour trip. These trip generations are based upon the printouts from the ITE Trip Generation Manual for each of the scenarios described above and are attached hereto.

If you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Planeng, Inc.

Russel Ottenber

Russell M. Ottenberg Vice President

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

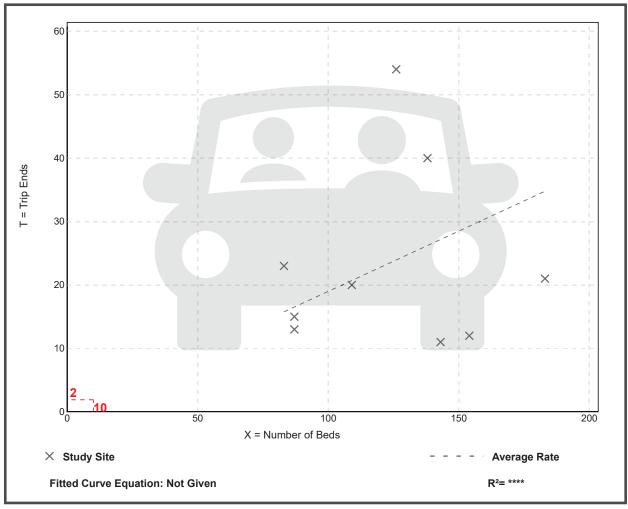
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 63% entering, 37% exiting

# **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.19	0.08 - 0.43	0.12



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

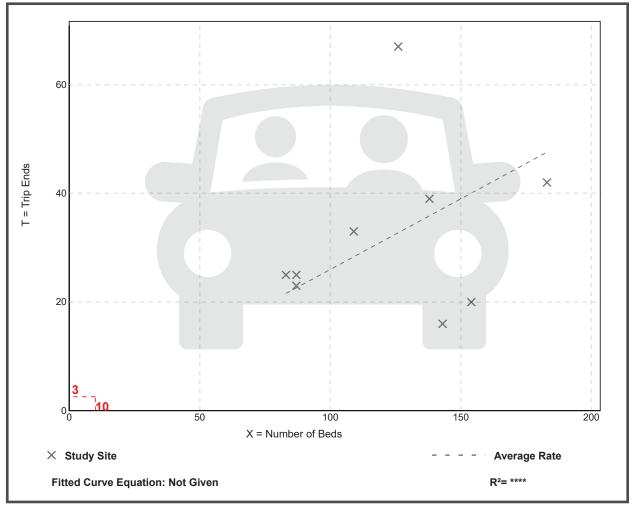
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 38% entering, 62% exiting

# **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.26	0.11 - 0.53	0.13



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

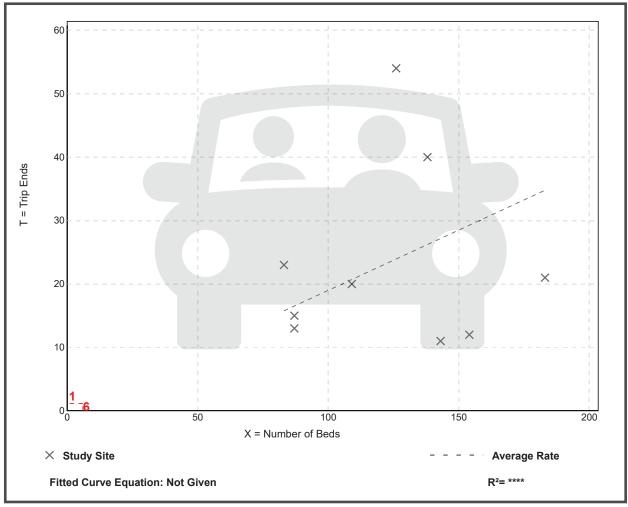
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 63% entering, 37% exiting

# **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.19	0.08 - 0.43	0.12



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

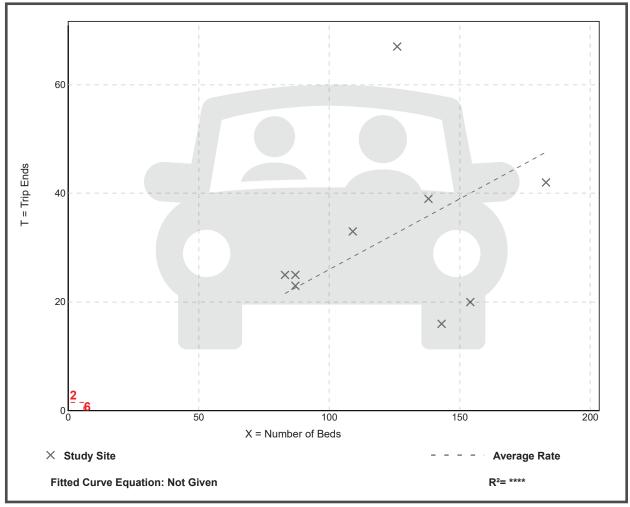
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 38% entering, 62% exiting

# **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.26	0.11 - 0.53	0.13



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

# **COUNTY OF HILLSBOROUGH**

# RECOMMENDATION OF THE LAND USE HEARING OFFICER

**APPLICATION NUMBER:** RZ PD 22-0834

**DATE OF HEARING:** July 25, 2022

APPLICANT: Mark Bentley

**PETITION REQUEST:** A request to rezone property from RSC-

6 to PD to permit a Type B Community Residential Home with a maximum of 10

residents

**LOCATION:** 1502 Bryan Road

**SIZE OF PROPERTY:** 0.63 acres, m.o.l.

**EXISTING ZONING DISTRICT**: RSC-6

FUTURE LAND USE CATEGORY: RES-4

SERVICE AREA: Urban

COMMUNITY PLAN: Brandon

# **DEVELOPMENT REVIEW STAFF REPORT**

\*Note: Formatting issues prevented the entire Development Services
Department staff report from being copied into the Hearing Master's
Recommendation. Therefore, please refer to the Development Services
Department web site for the complete staff report.

# 1.0 APPLICATION SUMMARY



Applicant: Mark Bentley, Esq., B.C.S., AICP

FLU Category: RES-4

Service Area: Urban

Site Acreage: 0.63 acre

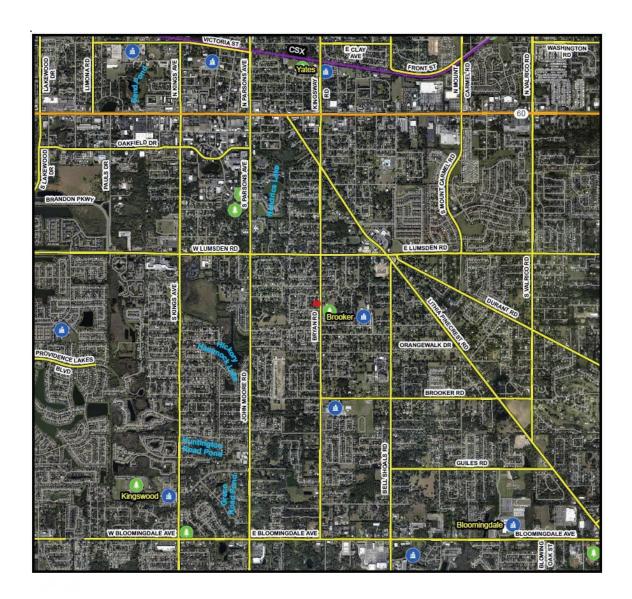
Community Plan Area: Brandon

Overlay: None

Request: Rezone To Planned Development

Zoning:						
Uses	Current RSC-6 Zoning	Proposed PD				
	CRH with 6 beds		nunity Resider sidents	ntial Home, Type B with a max. of		
Develop	ment Standards:					
	/ Intensity		6 du per acre		6 du per acre	
Lot Size / Lot Width		7,000 sf / 70'		7,000 sf / 70'		
Setbacks/Buffering and Screening		25' Front 25' Rear 7.5' Sides		25' Front 25' Rear 7.5 Sides		
Height		35'		35'		
Addition	al Information:					
PD Variations		Section 6.04.07 access spacing requirements.				
Waivers			Waiver from LDC Sec. 6.11.28.C— (1) Residentially zoned properties.			
Planning Commission Recommendation		Consistent				
Development Services Department Recommendation		Approvable, Subject to Conditions				

# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map

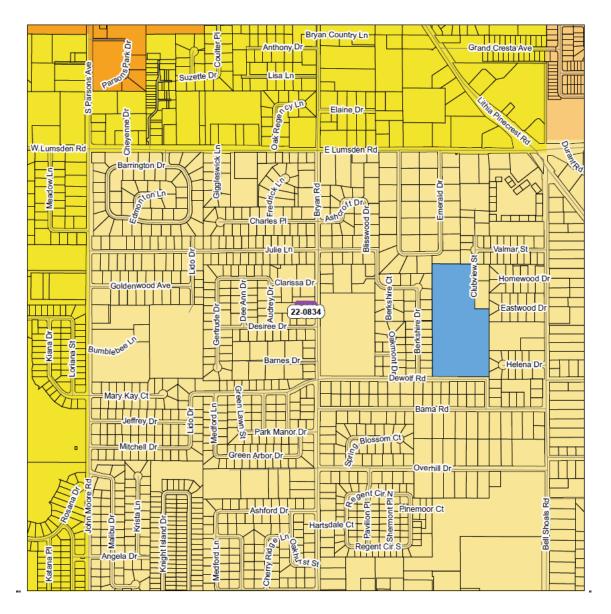


# **Context of Surrounding Area:**

The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive. The area consists mostly of residential uses with the immediate properties designated Residential Single-Family Conventional-6 (RSC-6) on three sides. Directly east across Bryan Road is a 13.9-acre Hillsborough County Saladino Dog park.

Further north and south are neighborhood commercial-type uses including a pool construction business and a fishing charter business.

# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



# **Future Land Use Category Description:**

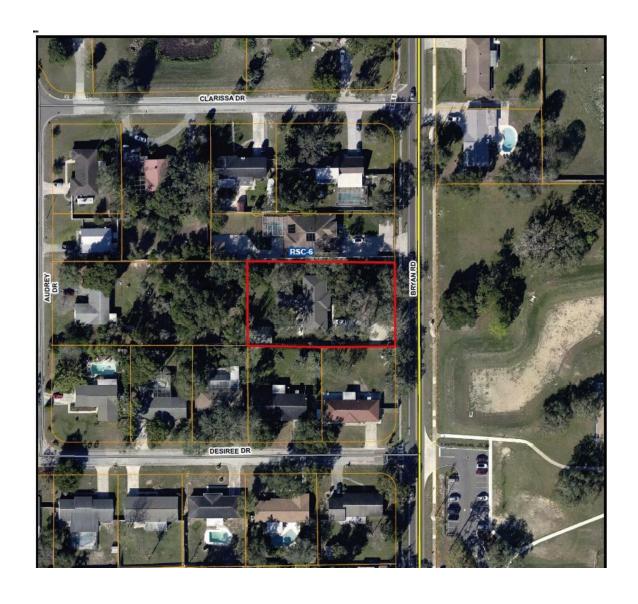
# RES-4

Maximum FAR: 0.25

Maximum Density: 4 Du per acre.

Typical Uses: Typical allowable uses in the RES-4 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, multipurpose projects.

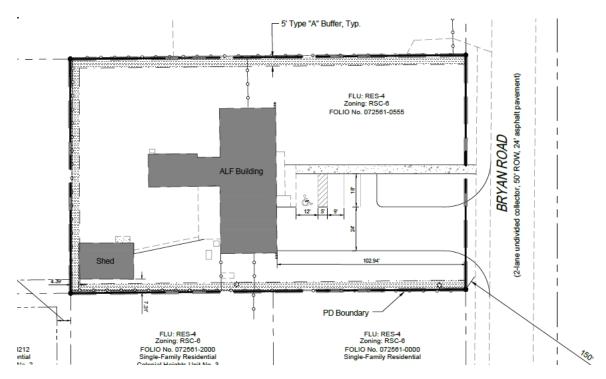
# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



Adjacent Zonings and Uses							
Location:	Zoning:	Future Land Use:	Density/F.A.R.	Permitted Use:	Existing Use:		
North	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	SF Residential		
South	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	SF Residential		
West	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	SF Residential		
East	RSC-6	RES-4	4 du/ac.; 0.25	Residential, Single Family	Hillsborough County Dog Park		

## 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.4 Proposed Site Plan (See complete Plan in Section 7of this report).





## 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT) Adjoining Roadways (check if applicable) Select Future Road Improvements Classification **Current Conditions** Name ☐ Corridor Preservation Plan ☐ Site Access 2 Lanes County Collector -Bryan Improvements ⊠Substandard Road Road Urban ☐ Substandard Road □Sufficient ROW Width Improvements □Other **Project Trip Generation** □Not applicable for this request P.M. Peak Hour Average Annual Daily A.M. Peak Hour Trips Trips Trips 1 16 Existing Proposed 26 2 Difference +1 (+/-) +10 +1

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity	and Cross A	Acc	ess □Not	applicable fo	r this	requ	est	
Project Boundary	Primary Access	1	Additiona			Cros Acc	ss	Finding
North	-	<u></u>	Vone			None	е	Meets LDC
South			None			None	Э	Meets LDC
East	X	١	None			None	Э	Meets LDC
West	-	N	None			None	Э	Meets LDC
Notes:								
Design Exce	otion/Admin	istr	ative Var	iance ⊠Not a	pplica	able i	for this	request
Road Name/N Request	lature of		Туре				Findin	g
Bryan Road/ <i>I</i>	Access Spaci	ng	Administ Requeste	rative Variand	е		Approv	able /
			Choose an item.				Choos	e an item.
Notes:								
3.0 TRANSPO SECTION 8 C			•	ULL TRANS	PORT	ΓΑΤΙ	ON REI	PORT IN
4.0 Additional	Site Informat	tion	& Agency	y Comments S	Sumn	nary		
Transportatio	on	Ob	jections	Conditions Requested		lition rmat		mments
☑ Design Exc Variance Req Off-Site Impro Provided	uested 🗆		Yes I/A ⊠No	⊠ Yes □No	See	Staf	f Repor	t.

			-
Environmental:			
	Г		
Environmental Protection Commission	□ Yes ⊠No	□ Yes ⊠No	No Wetlands Present
			1
Natural Resources	□ Yes ⊠No	☐ Yes ⊠No	No Comments
			No Comments
Conservation &			
Environmental Lands	□ Yes ⊠No	□ Yes ⊠No	No Comments
Mgmt.			
<ul> <li>□ Wetlands/Other Surface</li> <li>□ Use of Environmentally</li> <li>□ Surface Water Resource</li> <li>□ Potable Water Wellfield</li> <li>□ Significant Wildlife Habit</li> <li>□ Coastal High Hazard Are</li> <li>□ Urban/Suburban/Rural S</li> <li>□ Other</li> </ul>	Sensitive Lande Protection A Protection Are at	rea ea	
Public Facilities:		T	
Transportation			
☐ Design Exception			
Requested	□ Yes ⊠No	✓ Voc □No	
☐ Off-site Improvements Required	L res Mino	⊠ res □INO	
Utilities Service Area/		-	
Water & Wastewater	□ Voc ⊠No	□ Yes ⊠No	
	L TES MINO		

⊠Urban □ City of Tampa □Rural □ City of Temple Terrace				
Hillsborough County School Board				
Adequate □ K-5 □6-8 □9-12 ⊠N/A Inadequate □ K-5 □6-8 □9-12 ⊠N/A	□ Yes ⊠No	□ Yes ⊠No		
Impact/Mobility Fees				
Assisted Living Facility (Mobility Per Bed) (Fire Per 1,000 s.f.) Mobility: \$1,128 * 10 = \$11 Net Mobility Fire: \$158 * 3. \$134.59 Net Fire Urban Mobility, Central Fire facility. Credit for prior sing	143 = \$496.59 e - Assisted Li	eless credit for sing Facility (	or prior use SFR \$	3335 =
Comprehensive Plan:				
Planning Commission				men
☐ Meets Locational Criteria Criteria Waiver Requested			Inconsistent ⊠ Consistent	□ Yes ⊠No

## 5.0 IMPLEMENTATION RECOMMENDATION

## 5.1 Request and Compatibility Summary

The request is to rezone a parcel from RSC-6 to a Planned Development in order to expand a Community Residential Home from 6 beds to a Community Residential Home, Type "B" with 10 beds. The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive.

Per LDC Section 6.11.28.A, a proposed Community Residential Home, Type C, must be located at least 1,200 feet from other Community Residential Homes, Type B or C, in a multi-family zoning, and at least 500 feet from an area of non-agricultural (RSC) single-family zoning. These distances are measured from the nearest point of the existing Community Residential Home or area of single-family zoning to the nearest point of the proposed Community Residential Home.

The proposed home is located less than 500 feet from properties with RSC single-family zoning. The property is surrounded on three side by RSC zoning. Staff notes that a six-person Community Residential Home already exists on the subject site, and the request is to expand the number of residents to a maximum of 10 placed residents. Additionally, the LDC allows the separation requirements to be waive. Per the Agency for Healthcare Administration ("AHCA") website, there are no other Type "B" CRH uses within 1,200 feet of the subject property.

The applicant has provided documentation from the Agency for Healthcare Administration, Florida Department of Children and Families and the Agency for Persons with Disabilities which shows that no other Community Residential Homes, Type B or C, exist within 1,200 feet of the proposed facility. The applicant acknowledges that the CRH is within 500 feet of non-agricultural (RSC) single-family zoning. However, the applicant states that the proposed CRH will be located in an existing single-family residence resembling a single-family use and functioning in the same manner. The proposed CRH will provide a 5-foot Type "A" buffer on the northern and southern side yards, and the western rear yard. These buffers exceed code requirements and will ensure compatibility with surrounding properties. Also, the traffic impacts are equivalent to a single-family residence and none of the CRH residents have their own vehicles on site.

The applicant further states that the CRH will provide for development that could not be accommodated by strict adherence to the LDC and will provide desperately needed affordable housing for the elderly that desire to reside in a neighborhood environment as opposed to a large institutional building in a commercial or office area. The separation is mitigated by its single-family architectural features and provided rear and side yard buffers. The CRH is in harmony with the intent of the LDC and meets its unit conversion factor, and because of its low intensity use and licensing and supervision by the state, will

not interfere with or injure the rights of adjacent property owners. In summary, the land use designation and unit conversion factor, mitigation requirements, and furtherance of the public interest dictate that the development can best be achieved through the PD process.

The property has a Folio No. 72561.0555 and has a future land use designation of Residential-4 (RES-4). It is within the Brandon Community Plan and is in the Urban Service Area with water and sewer provided by Hillsborough County. The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive. The area consists mostly of residential uses with the immediate properties designated Residential Single- Family Conventional-6 (RSC-6) on three sides. Directly east across Bryan Road is a 13.9-acre Hillsborough County Saladino Dog park (shown below).



## Dog Park, across Bryan Road

To protect the existing residential homes, the proposed development will be designed in a way that is compatible with the established character of the surrounding neighborhood. These measures include, but not limited to, a 5-foot buffer with Type A screening shall be provided along the entire north, south and west perimeter of the property line.

The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering). The site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code.

## **Administrative Variance for Access Spacing**

If PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.

## 5.2 Recommendation

Staff finds that the project is consistent with the provision of the Comprehensive Plan and regulations of the LDC. The area consists of mostly residential, with residential support uses including a park directly across the street. Based on these considerations, staff supports the request with conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

## SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on July 25, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Mark Bentley 401 East Jackson Street testified regarding the request to rezone to PD to increase the capacity of an existing Community Residential Home from six residents to ten residents. He added that the residents will be elderly and that the home has been operating since 2018. Mr. Bentley stated that there has not been any negative interactions with the state regarding the facility and that residents are under supervision at all times. He introduced Mr. Ottenberg to discuss the site plan and studies regarding property values.

Mr. Russell Ottenberg 3737 Lake Joyce Drive Land O'Lakes testified regarding land planning issues. Mr. Ottenberg stated that the current use is a Type A Community Residential Home with six residents. The request to increase the number of residents to ten as a Type B facility is under the maximum which is 14 residents. The additional residents will have a de minimum impact on Bryan Road regarding traffic. Mr. Ottenberg described the requested Administrative Waiver regarding connection spacing which the County Engineer found approvable. One minor change to condition 3.1 is requested regarding the buffer along the rear and side yards and the location of an existing shed. He added that he submitted the revised condition to staff and have not received an objection. He concluded his comments by stating that the site will comply with the requirements regarding parking and he requested approval of the rezoning.

Hearing Master Finch asked Mr. Ottenberg if there was still a request for a waiver from residentially zoned property. Mr. Ottenberg replied yes.

Hearing Master Finch asked Mr. Ottenberg if there were any plans to change the exterior of the existing home as a part of the rezoning request. Mr. Ottenberg replied no, not to his knowledge and stated that the home will be residential in nature. He added that all of the improvements will be interior to the home and that a zoning condition requires it to remain residential in character.

Mr. Bentley concluded the applicant's presentation by entering into the record studies regarding the effect of group homes on neighborhood property values. The studies conclude there is no impact on property values. He summed up his comments by stating that the request will comply with all applicable Codes.

Mr. Tim Lampkin, Development Services Department testified regarding the County's staff report. Mr. Lampkin stated that the request is to rezone from RSC-6 to Planned Development to allow a Type B Community Residential Home with a maximum of ten residents. The property is currently developed with an existing Community Residential Home with six residents. A PD is required to increase the number of residents to ten. Mr. Lampkin referred to the applicants request for a PD Variation and access spacing as well as a waiver regarding the proximity to residentially zoned properties.

Hearing Master Finch asked Mr. Lampkin to confirm that the access spacing issues was an administrative variance and not a PD variation as the variation requires a separate finding by the Hearing Master and the administrative variance is a County Engineer reviewed separate process that is tied to but not under the Hearing Master's purview. Mr. Lamkin replied that was correct and that the cover page of the staff report would be amended.

Mr. Lampkin continued his presentation by describing the location of the property and surrounding land uses. The parcel has residential zoning on three sides therefore a waiver is requested. Mr. Lampkin testified that the applicant provided documentation from the Agency for Healthcare Administrative, the Department of Children and Families and the Agency for Persons with Disabilities which shows no other Type B Community Residential Home within 1,200 feet of the subject facility. Staff found the request approvable.

Ms. Jillian Massey of the Planning Commission staff testified that the property is designated Residential-4 and located in the Urban Service Area and the Brandon Community Plan. She stated that the request is consistent with Objective 16 regarding neighborhood protection as well as Objective 17 regarding residential support uses. She concluded her remarks by stating that the rezoning request is compatible with the development pattern in the area, the Brandon Community Plan and consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of

the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff and Mr. Bentley did not have additional comments.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

\*Mr. Ottenberg submitted a revised zoning condition to recognize the setback of the existing shed into the record.

\*Mr. Bentley submitted information regarding Nursing Homes dated 1964, a 1985 study regarding the impact of Group Homes on Property Values and a 2011 study regarding the impacts of Mutual Help Recovery Homes into the record.

## **PREFACE**

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

## FINDINGS OF FACT

- 1. The subject site is 0.63 acres in size and is zoned Residential Single-Family Conventional-6 (RSC-6) and designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located in the Urban Service Area and the Brandon Community Planning Area.
- 2. The subject property is currently developed with a single-family home that is used as a Community Residential Home Type A with six (6) residents.
- 3. The purpose of the rezoning from RSC-6 to PD is to permit a maximum of ten (10) residents for the Community Residential Home Type B.
- 4. A waiver is requested to the required separation of Type B Community Residential Homes from residentially zoned property as the subject property has residential zoning on three sides.

The waiver is justified by the fact that the home is currently operating as a Community Residential Home. The applicant testified that no complaints have been made regarding the existing facility. The single-family home is required to maintain a residential appearance.

- 5. The Planning Commission stated that the request is consistent with Objective 16 regarding neighborhood protection as well as Objective 17 regarding residential support uses. Planning Commission staff found the rezoning request to be compatible with the development pattern in the area, the Brandon Community Plan and consistent with the Future of Hillsborough Comprehensive Plan.
- 6. The proposed increase of four (4) residents to the Community Residential Home will not impact the adjacent residential land uses. The applicant testified that the residents are elderly and under constant supervision.
- 7. No testimony in opposition at the Zoning Hearing Master hearing.
- 8. The rezoning to Planned Development for the increase in the number of Community Residential Home residents from six (6) to ten (10) is consistent with the character of the surrounding area, the Brandon Community Plan as well as the Comprehensive Plan.

# FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

## **CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

## SUMMARY

The request is to rezone 0.63 acres from RSC-6 to Planned Development to permit a maximum of ten (10) residents for the Community Residential Home Type B. The subject property is currently developed with a single-family home that is used as a Community Residential Home Type A with six (6) residents.

A waiver is requested to the required separation of Type B Community Residential Homes from residentially zoned property as the subject property has residential zoning on three sides. The waiver is justified by the fact that the home is currently operating as a Community Residential Home. The applicant testified that no complaints have been made regarding the existing facility. The single-family home is required to maintain a residential appearance.

The Planning Commission Planning Commission found the rezoning request compatible with the area and consistent with the Future of Hillsborough Comprehensive Plan.

The rezoning to Planned Development for the Type B Community Residential Home is consistent with the Land Development Code and the Comprehensive Plan.

## RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.

August 15, 2022

**Date** 

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine



Unincorporated Hillsborough (	County Rezoning
Hearing Date: July 25, 2022  Report Prepared: July 13, 2022	Petition: PD 22-0834  1502 Bryan Road  West side of South Bryan Road, south of Clarissa Drive
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-4 (4 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan:	Brandon
Requested Zoning:	Residential Single Family Conventional-6(RSC-6) to Planned Development (PD) to permit the expansion of a Community Residential Home from 6 beds to Community Residential Home Type B with a maximum of 10 beds
Parcel Size (Approx.):	0.63 +/- acres (27 442.8 sq. ft.)
Street Functional Classification:	South Bryan Road– Collector Road Clarissa Road – Local Road
Locational Criteria	N/A
Evacuation Zone	None



Plan Hillsborough planhillsborough.org planner@plancom.org 813 - 272 - 5940 601 E Kennedy Blvd 18<sup>th</sup> floor Tampa, FL, 33602

## Context

- The approximately 0.63 +/- acre subject property is located on the west side of South Bryan Road, south of Clarissa Drive. The subject property is located in the Urban Service Area (USA). It is within the limits of the Brandon Community Plan, specifically the Garden Estates district.
- The subject site's Future Land Use designation is Residential-4 (RES-4) on the Future Land Use Map. Typical allowable uses in the RES-4 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects. Non-residential uses are required to meet established locational criteria for the specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. RES-4 surrounds the subject site on all sides.
- The subject property is zoned as Residential Single- Family Conventional-6 (RSC-6). RSC-6 zoning districts surround the subject site on all sides. The surrounding area is currently developed with single-family residential dwellings. There is a local park across the street from the subject side on the east side of South Bryan Road.
- The applicant is requesting to rezone the subject site from Residential Single Family Conventional-6 (RSC-6) to Planned Development (PD) to permit the expansion of a Community Residential Home from 6 beds to a Community Residential Home Type B for a maximum of 10 beds.

## **Compliance with Comprehensive Plan:**

The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for a consistency finding.

## **Future Land Use Element**

## **Urban Service Area (USA)**

**Objective 1:** Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

## Policy 1.2: Minimum Density

All new residential or mixed-use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.

Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.

**Policy 1.4:** Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and

architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

## Relationship to Land Development Regulations

**Objective 9:** All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes. Whenever feasible and consistent with Comprehensive Plan policies, land development regulations shall be designed to provide flexible, alternative solutions to problems.

**Policy 9.1:** Each land use plan category shall have a set of zoning districts that may be permitted within that land use plan category, and development shall not be approved for zoning that is inconsistent with the plan.

**Policy 9.2:** Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the federal government unless such requirements have been previously waived by those governmental bodies.

## **Neighborhood/Community Development**

**Objective 16: Neighborhood Protection** The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.

**Policy 16.2:** Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.

**Policy 16.3:** Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or
- b) creation of complementary uses; or
- c) mitigation of adverse impacts; and
- d) transportation/pedestrian connections

**Policy 16.8:** The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area, recognizing the choice of lifestyles described in this Plan.

**Policy 16.10:** Any density increase shall be compatible with existing, proposed or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as". Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

## Objective 17: Neighborhood and Community Serving Uses

PD 22-0834

Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

**Policy 17.1:** Residential support uses (child care centers, adult care centers, churches, etc.) is an allowable land use in any of the residential, commercial and industrial land use plan categories consistent with the following criteria:

- a) The facility shall be of a design, intensity and scale to serve the surrounding neighborhood or the non-residential development in which it occurs, and to be compatible with the surrounding land uses and zoning;
- **Policy 17.7:** New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.
- **Objective 20:** The County shall encourage new development and redevelopment of residential housing for special target groups of people. The provisions specified within the Housing Element of the Comprehensive Plan shall be applied with respect to the following policies.
- **Policy 20.5:** The development of congregate living facilities will be allowed within each of the land use plan categories that permit residential development; however, the locations of facilities shall be considered to prevent excessive concentration in any one area.
- **Policy 20.6:** The Land Development Code shall include appropriate development standards and/or placed persons-to-dwelling unit conversion factors shall be utilized for congregate living facilities to allow for the consistent application of residential densities otherwise established in this element. The resulting application of density equivalents to proposed congregate living facilities shall be utilized to ensure that cumulative impacts upon surrounding residential land uses are reasonable and to ensure compatible densities between congregate living facilities and other residential land uses in the surrounding area. Consideration should be given to having conversion factors which vary depending on the land use designation, to ensure compatibility with surrounding areas.

## Community Design Component

- 5.0 NEIGHBORHOOD LEVEL DESIGN
- 5.1 COMPATIBILITY
- **GOAL 12:** Design neighborhoods which are related to the predominant character of the surroundings.
- **OBJECTIVE 12-1:** New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

## **Livable Communities Element – Brandon Community Plan**

**Goal 6:** Re-establish Brandon's historical, hospitable, and family oriented character through thoughtful planning and forward thinking development practices by concentrating density in certain areas to preserve the semi-rural lifestyle of other areas. Attempt to buffer and transition

PD 22-0834

uses in concentric circles where possible with most intense uses in an area at a node (intersection) and proceeding out from there. Create a plan for how areas could be developed and redeveloped for the future. Each of these areas would have potential for different building heights, parking configurations, fencing, buffering, landscape requirements, special use limitations, and design standards. These standards apply to new construction on infill property, redevelopment of undesirable areas and renovation of existing buildings. The primary consideration of all changes should be compatibility with existing structures to ensure neighborhood preservation.

- 5. General design characteristics for each Brandon Character District are described below. The design characteristics are descriptive as to the general nature of the vicinity and its surroundings and do not affect the Future Land Use or zoning of properties in effect at the time of adoption of the Brandon Community Plan. Any proposed changes to the zoning of property may proceed in accordance with the Land Development Code.
- e. Garden Estates Usually adjacent to "Suburban" districts or agriculturally zoned properties including a few small working farms. These areas consist predominantly of single-family homes with lot sizes of at least half-acre. They may retain agricultural zoning including related horse and farm animal ownership rights, giving the feel of a semi-rural lifestyle. Blocks may be large and the roads irregular to accommodate existing site conditions such as flag lots or large, grand oak trees. Although located within the Urban Service Area, homes may have been constructed with private wells and septic systems so that County water may or may not be available in these areas. Demand for neighborhood serving uses like Childcare and Adult Day Care is minimal. As a result, special uses should be located at intersections and would not be deemed compatible unless they meet the locational criteria for a neighborhood serving commercial use in the Land Development Code.

## **Staff Analysis of Goals, Objectives and Policies:**

The applicant is requesting to rezone the 0.63 acre subject site from Residential Single-Family Conventional-6 (RSC-6) to Plan Development (PD) to permit the expansion of a Community Residential Home from 6 beds to Community Residential Home Type B with a maximum of 10 beds. The subject site is in the Urban Service Area. The subject site's Future Land Use Category is Residential-4 (RES-4) and is within the limits of the Brandon Community Plan.

The proposal meets the intent of Objective 1 and Policy 1.4 of the Future Land Use Element of the Comprehensive Plan (FLUE) by providing a residential support use within the Urban Service Area where 80 percent of future growth is to be directed. The proposal meets the compatibility requirements of Policy 1.4 as the predominant character of the area is single-family residential dwellings. The subject site is surrounded by single-family residential dwellings on all sides and in the immediate vicinity. Across Bryan Road is a local park. The proposed use will increase the beds from 6 to 10. However, it is below the maximum of 14 beds, which can be considered on the site.

The subject site is located within the Residential-4 (RES-4) Future Land Use category and is surrounded by RES-4 on all sides. A Community Residential Home Type B is a residential support use that can be considered in the RES-4 Future Land Use category which anticipates primarily residential uses. The Land Development Code provides a bed conversion factor which permits up to 14 beds on this site. According to Objective 9, Policy

9.1 and 9.2, the proposed use must comply with all local, state and federal land development regulations and comply with all requirements for the operation of a Community Residential Home Type B and demonstrate that there are no similar facilities within 1200 feet. The applicant has submitted verification that there are no such facilities within 1200 feet and thus meets the intent of FLUE Objective 9. The applicant has also requested an Administrative Variance which is supported by the County Engineer.

The proposal also meets the intent of FLUE Objective 16 and its accompanying policies 16.1,16.2, 16.3, 16.8 and 16.10 that require new development, infill and redevelopment to be compatible to the surrounding area in character, lot size and density. The applicant is proposing 10 beds which will complement the existing residential density per household of the surrounding area. The proposed structure fronts South Bryan Road (a collector road) where a single access will be provided and is directly across from a local park which creates a transition of uses from the predominately single family residential uses to the west and will be a residential support use that is across from a public institutional use. The applicant will also be providing a Type A buffers on the western, southern and northern sides of the subject site which exceed code requirements. The existing residential style structure will remain as is and will complement the development pattern of the surrounding area.

Objective 17 and Policy 17.1 permit the development of residential support uses in all residential future land use categories. The subject site is located in the RES-4 Future Land Use category and is permitted. Residential Support Uses are not subject to Commercial Locational Criteria in the Comprehensive Plan.

Objective 20 and Policies 20.5 and 20.6 support the development of congregate living facilities within unincorporated Hillsborough County subject to limitations. The proposed use therefore meets the intent of Objective 20 by providing innovative housing for all residents of Hillsborough County.

Goal 12 and Objective 12-1 of the Community Design Component (CDC) in the FLUE requires new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is low density single-family residential and the existing structure of the existing building will remain as is.

The subject site is in the Garden Estates District of the Brandon Community Plan, just bordering the southern limits of the Suburban Character District of the Community Plan. Proposed use meets the intent of the Community Plan and is not one of the discouraged uses such as adult day care or child care mentioned in the community plan, rather it is an already existing assisted living facility that is a residential support use that is seeking an increase in beds but is below the maximum permitted density and will remain in a residential style building in order to remain compatible with the existing character of the surrounding area.

Overall, the proposed Planned Development would allow for development that is consistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and that is compatible with the existing and planned development pattern found in the surrounding area.

## Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed Planned Development **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to the conditions proposed by the Development Services Department.

# HILLSBOROUGH COUNTY **FUTURE LAND USE**

RZ PD 22-0834

<all other values: CONTINUED APPROVED

Tampa Service Urban Service Jurisdiction Boundary

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR)

RESIDENTIAL-1 (.25 FAR) RESIDENTIAL-2 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR)

RESIDENTIAL-4 (.25 FAR) RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-12 (.35 FAR)

RESIDENTIAL-16 (.35 FAR)

RESIDENTIAL-35 (1.0 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR.) SUBURBAN MIXED USE-6 (.35 FAR)

COMMUNITY MIXED USE-12 (.50 FAR)

REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.50 FAR)

HEAVY INDUSTRIAL (.50 FAR) LIGHT INDUSTRIAL (:50 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION CITRUS PARK VILLAGE



Map Printed from Rezoning System: 5/11/2022

Author: Beverly F. Daniels



# GENERAL SITE PLAN FOR CERTIFICATION



## **DEVELOPMENT SERVICES**

PO Box 1110, Tampa, FL 33601-1110 (813) 272-5600

## HILLSBOROUGH COUNTY **DEVELOPMENT SERVICES DEPARTMENT**

# **GENERAL SITE PLAN REVIEW/CERTIFICATION**

## **BOARD OF COUNTY COMMISSIONERS**

Harry Cohen Ken Hagan Pat Kemp Gwendolyn "Gwen" Myers Kimberly Overman Mariella Smith Stacy R. White **COUNTY ADMINISTRATOR** 

Bonnie M. Wise **COUNTY ATTORNEY** 

Christine M. Beck

**INTERNAL AUDITOR** 

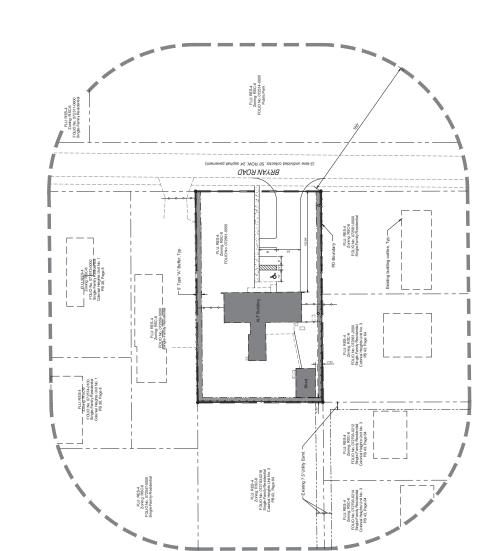
Peggy Caskey

**DEPUTY COUNTY ADMINISTRATOR** 

Gregory S. Horwedel

Project Name: Hollistic Aid ALF					
Zoning File: RZ-PD ( 22-0834)	Modification: None				
Atlas Page: None	Submitted: 08/30/22				
To Planner for Review: 08/30/22	Date Due: ASAP				
Contact Person: Mark Bentley, Esq, B.C.S. AICP	Phone: 813-225-2500/ markb@jpfirm.com				
Right-Of-Way or Land Required for I	Dedication: Yes No ✓				
The Development Services Departm	ent HAS NO OBJECTION to this General Site Plan.				
The Development Services Departm Site Plan for the following reasons:	ent RECOMMENDS DISAPPROVAL of this General				
Reviewed by: Tim Lampkin	Date: 8/30/22				
Date Agent/Owner notified of Disapp	roval:				





Received
August 30, 2022
Broad of Producting Broad of Producting Broad of Productions

0.63 Ac. MOL 1,77, 627 et. 072691-0065 RES-4 RSC-6 PO Type A GPH (6 residents) Type B GPH (10 residents)

Parkerwed by JMG, RMO Plan Description PD Rezoning Site Plan 1502 Bryan Road, Brandon, Florida Scale As Noted ALA biA sitsiloH

22-0834

OWNER IDPLECTORER.

HOUSE AND ALCH. LLC.

1507 Barn days. IL store the presence of the presenc

2022-02028 CAD date

# AGENCY COMMENTS

## AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

REVIEWER: Alex Steady, Senior Planner

PLANNING AREA/SECTOR: Brandon/Central

DATE: 07/15/2022

AGENCY/DEPT: Transportation

PETITION NO: PD 22-0834

	This agency has no comments.
	This agency has no objection.
X	This agency has no objection, subject to the listed or attached conditions
	This agency objects for the reasons set forth below.

## **REPORT SUMMARY AND CONCLUSIONS**

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 10 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour.
- If PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.
- Transportation Review Section staff has no objection to the proposed request, subject to the conditions of approval provided hereinbelow.

## **CONDITION OF APPROVAL**

Staff is requesting the following condition:

• If PD 22-0834 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements (dated July 14, 2022) which was found approvable by the County Engineer (on July 15, 2022). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to north to +/- 112 feet.

## **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling 0.63 Acre from Residential Single Family Conventional -6 to Planned Development (PD). The proposed Planned Development includes a 10 Bed Community Residential Home. The site is on the west side of Bryan Road, +/-0.33 miles south of the intersection of Lumsden Road and Bryan Road. The Future Land Use designation of the site is Residential -4 (R-4).

## **Trip Generation Analysis**

Staff has prepared a comparison of the trips potentially generated under the previously approved zoning and the proposed planned development including the additional residential units, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition.

**Approved Zoning:** 

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
<u> </u>	Two-Way Volume	AM	PM
RSC-6, 6 Bed Assisted Living (ITE Code 254)	16	1	2

**Proposed Zoning:** 

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
PD, 10 Bed Assisted Living Facility (ITE Code 254)	26	2	3

**Trip Generation Difference:** 

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
Zonnig, Lane Ose/Size	Two-Way Volume	AM	PM
Difference	+10	+1	+1

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 10 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour.

## TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Bryan Road. is a 4-lane, Hillsborough County maintained, substandard, collector roadway, characterized by +/-10 ft. travel lanes. The existing right-of-way on Bryan Road is +/-50 ft. There are sidewalks on both sidewalks of the roadway. There are no bikes lanes or curb and gutter on either side Bryan Road in the vicinity of the proposed project.

## **SITE ACCESS**

The project is proposing one existing full access (1) connection on Bryan Rd. If PD 22-0834 is approved, vehicular and pedestrian access will be via Bryan Rd.

## REQUESTED VARIANCE

The applicant's Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated and received July 14, 2022) from the Section 6.04.07 LDC requirement governing access. The Hillsborough County LDC requires a minimum connection spacing of 245 feet for Class 6 roadways. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on July 15, 2022. If the rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will be permitted to locate the Bryan Road access +/- 112 feet from the next closest driveway connection to the north.

ROADWAY LEVEL OF SERVICE (LOS) Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service						
Roadway	From	То	LOS Standard	Peak Hr Directional LOS		
BRYAN RD	BLOOMINGDALE AVE	SR 60 / BRANDON BLVD	D	D		

Source: 2020 Hillsborough County Level of Service (LOS) Report

## Transportation Comment Sheet

## 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (check if applicable)						
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements			
	County Collector - Urban	2 Lanes  ⊠Substandard Road  □Sufficient ROW Width	☐ Corridor Preservation Plan			
Bryan Road			☐ Site Access Improvements			
bi yan Noau			☐ Substandard Road Improvements			
			☐ Other			

Project Trip Generation □ Not applicable for this request						
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips			
Existing	16	1	2			
Proposed	26	2	3			
Difference (+/-)	+10	+1	+1			

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access ☐ Not applicable for this request						
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding		
North		None	None	Meets LDC		
South		None	None	Meets LDC		
East	Х	None	None	Meets LDC		
West		None	None	Meets LDC		
Notes:						

<b>Design Exception/Administrative Variance</b> ⊠Not applicable for this request					
Road Name/Nature of Request	Туре	Finding			
Bryan Road/ Access Spacing	Administrative Variance Requested	Approvable			
	Choose an item.	Choose an item.			
Notes:					

4.0 Additional Site Information & Agency Comments Summary						
Transportation	Objections	Conditions Requested	Additional Information/Comments			
<ul><li>☑ Design Exception/Adm. Variance Requested</li><li>☐ Off-Site Improvements Provided</li></ul>	☐ Yes ☐ N/A ⊠ No	⊠ Yes □ No	See Staff Report.			

From: Williams, Michael

**Sent:** Friday, July 15, 2022 10:07 AM

To: Mark Bentley

**Cc:** Ashley Phillips; Tirado, Sheida; PW-CEIntake; ryanm@jpfirm.com;

Russell Ottenberg; Steady, Alex; Lampkin, Timothy

**Subject:** FW: RZ PD 22-0834 - AV Review **Attachments:** 22-0834 AVReq 07-14-22.pdf

Importance: High

Mark,

I have found the attached Section 6.04.02.B. Administrative Variance (AV) for PD 22-0834 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with Transportation staff after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to <u>PW-CEIntake@hillsboroughcounty.org</u>

Mike

## Michael J. Williams, P.E.

**Director, Development Review County Engineer**Development Services Department

P: (813) 307-1851 M: (813) 614-2190

E: Williamsm@HillsboroughCounty.org

W: HCFLGov.net

**Hillsborough County** 601 E. Kennedy Blvd., Tampa, FL 33602



Mark S. Bentley, Esq., B.C.S., AICP 401 East Jackson Street, Suite 3100 Tampa, Florida 33602 Post Office Box 1100 Tampa, Florida 33601-1100 Telephone (813) 225-2500 Fax (813) 223-7118

COUNSELORS AT LAW

TAMPA - CLEARWATER - ST. PETERSBURG

Email: MarkB@JPFirm.com File No. 153657

July 14, 2022

## Via E-mail: ZoningIntake-DSD@hillsboroughcounty.org

Michael J. Williams, P.E. Hillsborough County Development Services 601 East Kennedy Blvd., 20<sup>th</sup> Floor Tampa, FL 33602 Williamsm@hillsboroughcounty.org

Re: RZ-PD 22-0834 (the "Petition"); Administrative Variance Request

**Zoning Case Number: RZ-PD-22-0834** 

Folio: 072561-0555

Dear Mr. Williams:

We are requesting an administrative variance to Hillsborough County Land Development Code (LDC) per Section 6.04.02.B3 to meet Section 6.04.07 regarding the connection spacing for a Class 6 roadway for 1502 Bryan Road. This request is in connection with the above referenced Petition for an existing Type A Community Residential Home (CRH) for 6 residents to a proposed Type B CRH with 10 residents. The project proposes to have one (1) access point to Bryan Road. Additionally, the one (1) AM/PM peak trip increase for the additional residents is minimal to the surrounding area, but the approval for this variance is needed to support the existing and the proposed minimal expansion of the applicant's business. Bryan Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway with a posted speed limit of 35 mph.

This request is for a variance to the access connection spacing criteria of the LDC Section 6.04.07 - Minimum Connection Spacing. The justification for this variance is as follows:

- 1. Bryan Road is a collector roadway and considered a Class 6 roadway with a connection spacing requirement of 245 feet.
- 2. The parcel has approximately 128 feet of frontage along Bryan Road.
- 3. The projects driveway is approximately 112 feet from the access driveway to the north of the subject property located at 1416 Bryan Road.
- 4. LDC Section 6.04.03.J references accesses which do not meet the minimum spacing. They may be permitted where, due to size, configuration or location of the parcel, there is no feasible alternative access meeting the desired standard.
- 5. The existing road is a two-lane undivided collector roadway having a 50' right-of -way and 24' of asphalt pavement with paved shoulders in excellent condition.

COUNSELORS AT LAW

TAMPA - CLEARWATER - ST. PETERSBURG

Michael J. Williams, P.E. July 14, 2022 Page 2

Justification must address LDC Section 6.04.02.B.3 criteria (a) and (b) if applicable, (c). In the consideration of this variance request, the issuing authority shall determine to the best of its ability that the following circumstances are met:

## a) There is unreasonable burden on the applicant

There is no viable way for the applicant to meet the minimum connection spacing requirement outlined in LDC Section 6.04.07 due to the limited frontage along Bryan Road. Bryan Road provides for the sole access point for this property. Denial of this variance request would make an unreasonable burden to the applicant as there is no alternative for access to the subject site.

## b) The variance would not be detrimental to the public health, safety and welfare.

This is an existing CRH, and the proposed driveway is set as far south as possible from the adjacent property's access point located at 1416 Bryan Road. This proposed access will serve as a primary access for entering and exiting traffic going to the north and south. The existing development currently generates one (1) AM Peak Hour trip and two (2) PM Peak Hour trips while the proposed project will generate two (2) AM Peak Hour trips and three (3) PM Peak Hour trips. This increase of one trip per AM and PM peak is minimal and along with the variance will not be detrimental to the public health, safety, and welfare as shown from the setback design and the minimal impact to trip generation from the existing operation.

We have reviewed the Hillsborough County Sheriff's Office traffic crash website for historic traffic crashes along Bryan Road in the vicinity of the subject property. No traffic crashes were found. Consequently, trip generation is being used as a surrogate for the potential for conflicts. For example, a vacant, unused site generates no trips and thus would not create the potential for conflicts and/or crashes. Conversely, a site that generated 10,000 trips/day would create the potential for numerous conflicts and/or crashes. Thus, trip generation is indicative of the potential for conflicts/crashes, hence safety concerns. In this instance, the proposed project will generate one (1) additional AM and one (1) additional PM peak hour trip. Furthermore, pursuant to the Hillsborough County LOS Report (excerpt attached), Bryan Road operates at a V/C ratio of 0.84 with a Pk. Hr. Pk. Direction Volume of 597 trips and a Pk. Hr. Pk. Direction MSV of 713 trips. Consequently, the proposed project will add one (1) Pk. Hr. Pk. Direction trip; an increase of 0.17%. The additional peak hour trip and percentage increase in Pk. Hr. Pk. Direction Volume does not represent a safety issue as the potential for conflicts/crashes is insignificant.

## c) Without the variance, reasonable access cannot be provided.

This is the sole access point to the subject property with no other options available. This request is for an existing Type A CRH with 6 residents to a proposed Type B CRH with 10

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Michael J. Williams, P.E. July 14, 2022 Page 3

residents. Without the variance for connection spacing, reasonable access cannot be provided to the property.

Should you have any questions regarding the foregoing, please feel free to contact me.

Sincerely,

Mark Bentley, Esq., B.C.S., AICP

MB/ap
Enclos.
Cc: Sheida Tirado (TiradoS@hillsboroughcounty.org)

8071593\_1

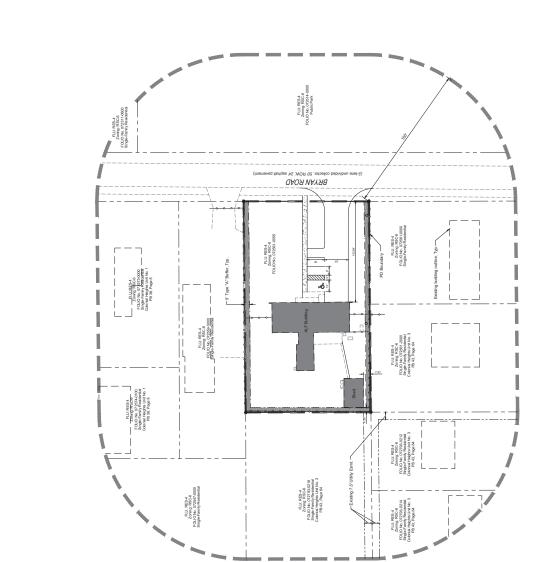
Based on the information provided by the applicant this request is:

\_\_\_\_\_\_\_ Approved with Conditions
\_\_\_\_\_\_ Approved
\_\_\_\_\_\_ Disapproved

Michael J. Williams, P.E.

Hillsborough County Engineer on
Notice: Consistent with Section 6.04.02.B.8. of the LDC, the results of this variance application may be appealed, as further described in Section 10.05.01. of the LDC, to the Land Use Hearing Officer within 30 calendar days of the date of the above action.





ALA biA sitsiloH

Parkerwed by JMG, RMO Plan Description PD Rezoning Site Plan

OWNER IDPLECTORER.

HOUSE AND ALCH. LLC.

1507 Barn days. IL store the presence of the presenc

1502 Bryan Road, Brandon, Florida Scale As Noted

ZOZZ-OZOZI

On Street	From	10	Lane No	Type	Length	Limit	LOS Std	AADT*	Pk Dir Vol	Daily MSV	Ratio	Daily LOS	MSV	v/c Ratio	SOT	Jurisdiction	Class
BOYETTE RD	BELL SHOALS RD	BALM BOYETTE RD	2	n	4.63	45	Q	5,100		16,815	0.30	O	988	0.42	O	CR	J
BOYETTE RD	BALM BOYETTE RD	LITHIA PINECREST RD	2	n	4.69	40	O	4,300	261		0.18	В	1200	0.22	В	CR	O
BRANDON MAIN ST	PROVIDENCE RD	LAKEWOOD RD	4	۵	0.24	30	٥	3,700			0.12	U	1549	0.12	U	CR	U
BROADWAY AVE	TAMPA BYPASS CANAL (CITY LIMITUS HWY 301	LIMITUS HWY 301	2	<b>)</b>	0.42	40	ا ۵	15,100	684	16,815	0.90	U (	836	0.82	U	S S	U (
BROADWAY AVE	US HWY 301	FALKENBURG RD	7	o :	1.59	45	0 6	10,300	657	16,815	0.61	ى د	836	0.79	ں ر	X 8	ی ر
BROADWAY AVE	MILLIAMS BD	WILLIAMS RD	7 (	> =	3.60	75	۵ ۵	8,800	2/3	16,815	0.52	ی ر	928	0.82	ی ر	5 8	ی ر
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BROOKER ND	BELL SHOALS BD	VALBICO BD	7 (	> =	101	30	۵ ۵	6 127	213	14,000	0.44	) (	713	0.00	) (	5 8	ی ر
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NOCE BOOWINS BLVD	DEANSS AVE	750 N OF GILLIGANS WAT (CIT	=	۵ د	0.00	ξ.	2 4	43,000		005,70	0.04	، د	2390	0.00	، د	5 8	٤ 5
BRUCE B DOWNS BLVD	CROSS CREEK BLVD	COLINITY INIT DD	∞ 0	۵ د	1.26	45	۵ د	31,500		67,300	0.47	ه د	3390	0.38	ه د	ž 5	A S
BRUCE B DOWNS BLVD	PEBBLE CREEN DR	SB 60 / BBANDON BIXD	0 0	= =	T.30	70	۵ د	41,402	2113	14,060	0.62	ء د	212	0.02	2 0	5 8	ξ (
BLITCH CASSIDY TBI	BLOOMINGDALE AVE	SK 80 / BRAINDON BLVD	7 (	> =	0.00	000	ے د	000,6		12,600	0.04	ے د	CT/	9.00	ی د	5 8	ی ر
CABITON LAKE BD	SB 524	CB 622	7 0	> =	3.01	30	) (	1 000		12,000	0.01	ه ر	6/0	0.0	ه ر	5 8	ی ر
CASE ON LANE RD	SK 6/4	S VIII AGE DB	7 (	> =	0.4	24 2	ے ر	11 200	CTT	14,060	0.00	ه د	212	0.13	ه د	5 8	ی ر
CASEY RD / DAWN VIEW DR	EHBICH BD	NORTHDALE BLVD	2	> =	1.00	50	۵	2 300		16.815	0.80	ے د	836	0.01	ے د	5 8	ی ر
CALISEWAY RIVD	LIS HWY 301	FAIKENBIIRG BD	4 (4	0 0	0.73	45.	0 0	29.200		56 905	0.52	, c	2869	0.53	ی ر	5 8	) d
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CITRUS PARK DR	SHELDON RD	GUNN HWY	9	٥	0.78	45	ш	19.000	857	56.906	0.33	U	2870	0.30	U	S	A
CLAY PIT RD	WILLIAMS RD	CR 579	2	)	1.00	40	O	3,077		16,815	0.18	U	836	0.19	U	S.	U
COCKROACH BAY RD	DEAD END	US HWY 41	2	_	3.11	45	C	1,476		13,680	0.11	O	675	0.11	O	CR	U
COUNTRYWAY BLVD	HILLSBOROUGH AVE	WATERS AVE	4	Q	0.81	45	Q	11,500		37,810	0.30	U	1900	0.33	U	CR	U
COUNTRYWAY BLVD	WATERS AVE	LINEBAUGH AVE	4	D	2.22	30	D	9,800			0.32	С	1549	0.44	С	CR	С
COUNTRYWAY BLVD	LINEBAUGH AVE	CITRUS PARK EXT	4	٥	09:0	35	٥	20,700		30,780	0.67	O	1549	0.73	O	CR	U
COUNTRYWAY BLVD	CITRUS PARK EXT	RACE TRACK RD	4	Q	0.62	45	Q	15,600	853		0.51	Q	1549	0.55	О	CR	U
COUNTY LINE RD (POIK)	SR 60	EWELL RD	4	۵	1.77	20	O .	17,100			0.53	U	1653	0.52	U	S.	U
COUNTY LINE RD (POIK)	EWELL RD	MEDULLA RD	4	ا ۵	2.01	55	U I	24,500	1186	32,300	0.76	U	1653	0.72	U (	S S	U (
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CR 39	BALM PICNIC RD	LITHIA PINECREST RD	2	) >	6.05	45	٥	6,769	345	15,390	0.44	O	760	0.45	O	S S	< <
CR 39	LITHIA PINECREST RD	KEYSVILLE RD	2	)	2.92	45	D	6,769	345	15,390	0.44	O	260	0.45	O	CR	A
CR 39	KEYSVILLE RD	SR 60	2	n	3.55	45	D	6,769	345		0.44	C	760	0.45	C	CR	Α
CR 579	MANATEE COUNTY	SR 674	2	n	5.05	22	O	929	09	17,300	0.05	В	860	0.07	В	CR	U
3 5 7 9	M L KING BLVD	US HWY 92	2	<b>D</b>	1.40	45	ا ۵	13,003			0.77	U (	836	0.79	U	S S	∢ .
CR 5/9	US HWY 92	SLIGH AVE	4 (	a =	0.60	000	۵ ۵	18,900		33,725	0.56	ی ر	67/1	0.44	) ر	ž 5	∢ <
CR 579	IOF EBERT RD	IJS HWY 301	2	> =	2.75	5 05	۵ ۵	7.400	383	15,390	0.33	ی ر	760	0.50	ی ر	5 8	< <
CR 672	BALM BOYETTE RD	CR 39	2	)	6.57	55	٥	860'9	253	23,400	0.26	8	1160	0.22	8	S	Α
CRAWLEY RD	BOY SCOUT RD	TARPON SPRINGS	2	n	2.95	35	С	1,600	129	17,300	60.0	В	860	0.15	В	CR	С
CRENSHAW LAKE RD	SIMMONS RD	US HWY 41	2	n	1.22	35	C	6,000		13,680	0.44	C	675	0.53	C	CR	C
CROOKED LANE RD	CRYSTAL LAKE RD	LUTZ LAKE FERN	2	<b>D</b>	1.68	30	O	1,500	102	17,300	0.09	8	860	0.12	В	S.	U
CRYSTAL LAKE RD / EXCITING IDLEWDALE MABRY HWY	IDLEV DALE MABRY HWY	GERACI RD	2	<b>)</b>	1.15	<u>م</u>	٥	2,300		14,060	0.16	U	713	0.19	U	CR	U
CYDRESS VIII AGE BLVD	SP 674	US HWY 41	7 /	o c	1.42	35	ے ر	2,700		13,680	0.20	ی ر	15/10	0.26	ی ر	5 8	ی ر
DANA SHORES DR	MEMORIAL HWY	GEORGE RD	. 2	)	1.02	32	۵ ۵	1.520	77	14,060	0.11	) U	713	0.11	0	5	o U
DEBUEL RD	US HWY 41	HANNA RD	2	n	1.25	40	O	2,700		17,300	0.16	8	860	0.19	8	S	U
DOVER RD	DURANTRD	SR 60	2	n	2.03	45	Q	7,400		16,815	0.44	U	836	0.53	U	CR	U
DOVER RD	SR 60	SYDNEY RD	2	<b>&gt;</b> :	2.01	45	٥	6,453	329	16,815	0.38	U (	836	0.39	U (	8	U (
DOVER RU	SYDNEY RD	IN L KING BLVD	7	> =	1.88	45	، ر	2,190		13,680	0.38	ار	6/9	0.39	ا ر	ž	، ر
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June 29, 2022

Hillsborough County Development Services

Re: Holistic Aid ALF

PD Rezoning Application

To whom it may concern,

Following is a summary of the AM and PM peak hour traffic generation for the referenced project. Pursuant to the ITE Trip Generation Manual (10<sup>th</sup> Ed.), the proposed project will generate two (2) AM Peak Hour trips and three (3) PM Peak Hour trips. The existing development currently generates one (1) AM Peak Hour trip and two (2) PM Peak Hour trips. The foregoing results in one (1) additional AM Peak Hour trip and one (1) PM peak hour trip. These trip generations are based upon the printouts from the ITE Trip Generation Manual for each of the scenarios described above and are attached hereto.

If you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Planeng, Inc.

Russel Ottenber

Russell M. Ottenberg Vice President

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

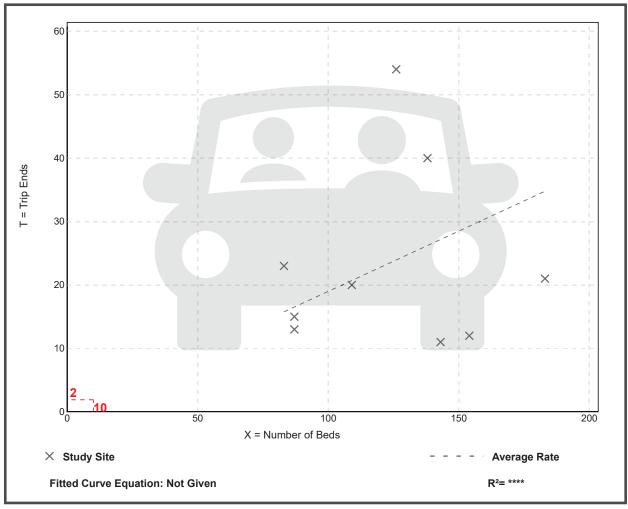
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 63% entering, 37% exiting

#### **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.19	0.08 - 0.43	0.12



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

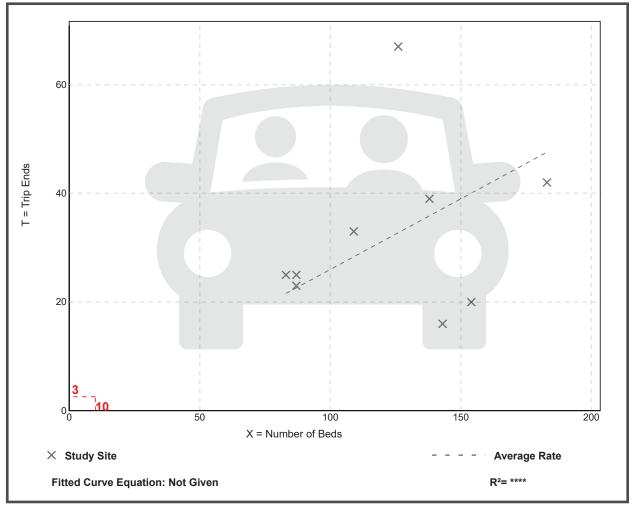
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 38% entering, 62% exiting

#### **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.26	0.11 - 0.53	0.13



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

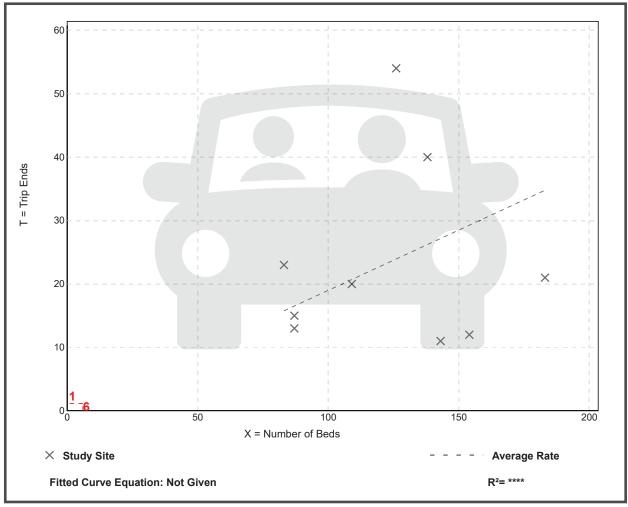
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 63% entering, 37% exiting

#### **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.19	0.08 - 0.43	0.12



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(254)

Vehicle Trip Ends vs: Beds

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

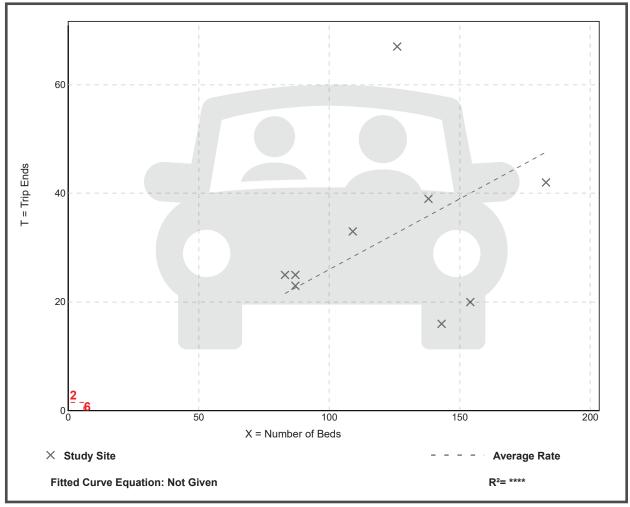
Setting/Location: General Urban/Suburban

Number of Studies: 9 Avg. Num. of Beds: 123

Directional Distribution: 38% entering, 62% exiting

#### **Vehicle Trip Generation per Bed**

Average Rate	Range of Rates	Standard Deviation
0.26	0.11 - 0.53	0.13



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#### **COMMISSION**

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Steffanie L. Wickham WASTE DIVISION
Sterlin Woodard, P.E. WETLANDS DIVISION

#### AGENCY COMMENT SHEET

REZO	NING
HEARING DATE: July 25, 2022	COMMENT DATE: May 13, 2022
PETITION NO.: 22-0834	PROPERTY ADDRESS: 1502 Bryan Rd, Brandon, FL 33511
EPC REVIEWER: Jackie Perry Cahanin	FOLIO #: 072561-0555
CONTACT INFORMATION: (813) 627-2600 X 1241	STR: 35-29S-20E
EMAIL: cahaninj@epchc.org	
REQUESTED ZONING: : From RSC-6 to PD	

FIND	INGS
WETLANDS PRESENT	NO
SITE INSPECTION DATE	N/A
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO,	N/A, previous No Wet Determination

#### INFORMATIONAL COMMENTS:

**SOILS SURVEY, EPC FILES)** 

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.

Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.

Jpc/mst

ec: markb@jpfirm.com

# WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PET	ITION NO.: PD	)22-0834	<b>REVIEWED BY:</b>	Randy Rochelle	<b>DATE:</b> <u>5/24/2022</u>
FOL	IO NO.:	72561.05	55		
			WATER		
	The property should contact	lies within th	er to determine the	Water Service Ar availability of water	ea. The applicant service.
	the site) <u>and</u> likely point-o	<u>d is located</u> f-Connection	within the west Rig , however there co	<u>ht-of-Way of Bryan</u> uld be additional an	roximately feet from Road. This will be the nd/or different points-of-This is not a reservation
	the County's to be comple	water syster eted by the _	n. The improvement	ts include	ed prior to connection to and will need building permits that will
			WASTEWAT	ER	
	The property should contact	lies within th	er to determine the	Wastewater Service availability of wastev	e Area. The applicant water service.
	50 feet from This will be	om the site) the likely po ts-of-connec	and is located with coint-of-connection, stion determined at	hin the east Right-o however there coul	site), (approximately of Bryan Road . Id be additional and/or ication for service. This
	connection to and will need	the County I to be compl	's wastewater syste	em. The improveme prior to issuance	nts includee of any building permits
COM	MENTS: The	subject rezor	ning includes parcel	s that are within the	Urban Service Area

and would require connection to the County's potable water and wastewater systems

#### AGENCY REVIEW COMMENT SHEET

TO:	ZONING TECHNICIAN, Planning Growth Mana	gement	<b>DATE:</b> 31 May 2022
REV	TEWER: Bernard W. Kaiser, Conservation and E	nvironmental Lands	Management
APP	LICANT: Mark Bentley	PETITION NO: R	Z-PD 22-0834
LOC	CATION: 1502 Bryan Rd., Brandon, FL 33511		
FOL	IO NO: <u>72561.0555</u>	SEC: 35 TWN: 29	P RNG: <u>20</u>
$\boxtimes$	This agency has no comments.		
	This agency has no objection.		
	This agency has no objection.		
	This agency has no objection, subject to listed of	r attached conditior	IS.
	<del>-</del>		
	This agency objects, based on the listed or attac	ched conditions.	
COM	MENTS:		
	<del></del>		



#### AGENCY REVIEW COMMENT SHEET

**NOTE:** THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services DATE: 06/01/2022

**REVIEWER:** Ron Barnes, Impact & Mobility Fee Coordinator

**APPLICANT:** Mark Bentley Esq., B.C.S, AICP **PETITION NO:** 22-0834

LOCATION: 1502 Bryan Rd

**FOLIO NO:** 72561.0555

#### **Estimated Fees:**

Assisted Living Facility (Mobility Per Bed) (Fire Per 1,000 s.f.)

Mobility: \$1,128 \* 10 = \$11,280 less credit for prior use SFR \$9,495 = \$1,785 Net Mobility

Fire: \$158 \* 3.143 = \$496.59 less credit for prior use SFR \$335 = \$134.59 Net Fire

#### **Project Summary/Description:**

Urban Mobility, Central Fire - Assisted Living Facility (10 beds) - 3,143 s.f. facility. Credit for prior single home use may apply.

# VERBATIM TRANSCRIPT

#### HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	>
IN RE:	)
ZONE HEARING MASTER HEARINGS	) ) )
	2

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, July 25, 2022

TIME:

Commencing at 6:00 p.m.

Concluding at 11:20 p.m.

PLACE:

Robert W. Saunders, Sr. Public

Library

Ada T. Payne Community Room

1505 N. Nebraska Avenue Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

Executive Reporting Service

	Page 250
1	HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
2	ZONING HEARING MASTER HEARINGS
3	July 25, 2022 ZONING HEARING MASTER: SUSAN FINCH
4	
5	D12:
6	Application Number: RZ-PD 22-0834 Applicant: Mark Bentley
7	Location: 1502 Bryan Rd. Folio Number: 072561.0555
8	Acreage: 0.63 acres, more or less Comprehensive Plan: R-4
9	Service Area: Urban Existing Zoning: RSC-6
10	Request: Rezone to Planned Development
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Page 251 MR. GRADY: The next item is agenda item 1 D-12 PD 22-0834. The applicant is Mark Bentley. The request is to rezone from RSC-6 to Planned Development. Tim Lampkin will provide 4 staff recommendation after presentation by the 5 6 applicant. 7 HEARING MASTER FINCH: Good evening. 8 MR. BENTLEY: Good evening, Madam Hearing Officer. My name is Mark Bentley, 401 East Jackson 9 Street, Tampa, 33602, and I've been sworn. 10 The request is a PD to increase the capacity 11 12 of an existing CR-H from six residents to ten. 13 These would be the elderly residents. They have 14 been since 2018, and they'll be under continued 15 supervision and care. 16 And the proposal is in keeping with the 17 policy set forth by the state and the county in 18 terms of deinstitutionalization what the policy 19 means trying to keep the elderly in residential 20 areas that they're accustomed to versus being 21 displaced into institutional buildings and 22 commercial districts. 23 So the use has demonstrated compatibility at 24 this location since 2018 when it opened with six 25 residents. There haven't been any negative

	Page 252
1	interactions reported with the state concerning the
2	residents activities. The residents are under
3	supervision at all times and being elderly do not
4	wonder off the premises. Per state records, there
5	have been no incidents of what they call elopement
6	in the history of this facility.
7	I'd like to turn it over to Russell
8	Ottenberg to kind of go over the site plan. Then I
9	have three studies to get into the record
10	concerning potential impact on property values,
11	crime, that type of stuff. Thank you.
12	HEARING MASTER FINCH: Thank you so much.
13	If you could please sign in, Mr. Bentley.
14	Good evening.
15	MR. OTTENBERG: Good evening. Russell
16	Ottenberg, 3737 Lake Joyce Drive, Land O'Lakes,
17	Florida. I have been sworn.
18	I'm a land planner that has been working on
19	this project with Mark.
20	As he noted this is an existing Type A
21	community residential home with six residents. The
22	request is to increase that to a Type B residential
23	home, Community Residential Home with ten
24	residents. Type B's are permitted to go up to 14
25	beds. So this will be well under what is

Page 253 permissible for a Type B Community Residential 1 Home. The project -- the additional beds will result in one additional peak hour trip both in the 4 a.m. and the p.m., and so from that perspective, it is a de minimis impact on Bryan Road. 6 We have requested and have been required to 8 request an administrative waiver to Section 6.04.07 for connection spacing. The county engineer has found that administrative variance -- I'm sorry, 10 administrative variance approvable and that is part 11 12 of your package. 13 We are requesting one minor change to the proposed conditions, and I will submit this into 14 15 evidence. The change is to Condition 3.1, 5-foot 16 Type A buffer along the rear and side yards. We've 17 requested that. 18 We had the -- the text in red. However, the 19 existing shed encroaching about six-tenths of a 20 foot into the rear buffer at the southwest corner of the property is recognized as a legal 21 22 nonconformity. It's been there, not to have to 23 relocate it, pour a new slab, that type of thing. 24 It's just a shed.

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So that is -- and we have submitted this

25

Page 254 request to staff. And we haven't gotten an 1 objection to that, and I'll enter this into the record. 4 HEARING MASTER FINCH: Thank you. 5 MR. OTTENBERG: Otherwise, the project will 6 comply with applicable Hillsborough County Land Development Code regulations including parking. 8 Required to have four parking spaces based on the number of beds and the staffing. 9 providing four parking spaces otherwise meeting the 10 commercial criteria that the Type B Community 11 12 Residential Home requires. 13 And so the project will otherwise be fully consistent with the Land Development Code. And so 14 15 staff has found the project to be consistent and 16 compatible and as such, we would request --17 respectfully request a recommendation of approval 18 on this. 19 I'll be happy to answer any questions you 20 may have. 21 HEARING MASTER FINCH: Just a quick 22 question. Maybe I missed it, you're also 23 requesting a waiver from residentially zoned 24 property; is that correct? 25 MR. OTTENBERG: I'm sorry. That is correct.

Page 255 There is a residential waiver. 1 HEARING MASTER FINCH: So that continues. And the administrative variance, the county engineer, you said deemed that approvable? 5 MR. OTTENBERG: That is correct. Yes. 6 HEARING MASTER FINCH: I see. Okay. Oh, and then, finally, are there any plans to change 7 the exterior of the existing home as a part of this? MR. OTTENBERG: Not to my knowledge. The --10 it is residential in nature. So it's planned to 11 12 stay that way. My understanding is all the 13 improvements are going to be internal. 14 HEARING MASTER FINCH: I see. All right. 15 Thank you so much. 16 MR. OTTENBERG: Thank you. 17 HEARING MASTER FINCH: Please sign in. 18 MR. OTTENBERG: It is a condition that that 19 the home maintain residential character, and so 20 there would be no changes to that.

21 HEARING MASTER FINCH: All right. Thank you 22 so much.

MR. OTTENBERG: Thank you.

MR. BENTLEY: Just a couple -- couple points

is studies I want to enter in the record are the

Page 256 effects of group homes on neighborhood property 1 values. Another one counteracting my backyard study of impacts on prime property values in the AP article on nursing homes where they conclude that 5 there's no impact on traffic property values, et 6 cetera. These are people with dementia and 8 Alzheimer's, and they're under strict supervision, and they're not really going anywhere. So like 9 Russell said, the only increase in traffic are 10 11 actually one ADT, a.m. and p.m. 12 So then with all respects we'll comply with 13 all the other codes. So if you have any questions, 14 I'll try and answer. Thanks. 15 HEARING MASTER FINCH: No. You already 16 answered my question, but thank you. I appreciate it. 17 18 We'll go to Development Services, please. MR. LAMPKIN: Good evening. Tim Lampkin, 19 20 Development Services. 21 The applicant is requesting a Planned 22 Development from RES-6 to Planned Development to 23 allow a Type B Community Residential Home with a maximum of ten residents. 24 25 And as the applicant stated, there is an

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Page 257 existing commercial residential home with six 1 residents where the Land Development Code Section 6.11.28 states that a Community Residential Home housing six or fewer residents is deemed a single-family home. 5 6 So that's why they're now having to request a PD in order to increase number of residents. 7 8 They're requesting as they've already stated a PD variation of Section 6.04.07. They've already 9 access spacing and a waiver from LDC Section 10 6.11.28.C regarding proximity to residentially 11 12 zoned properties. The parcel --13 HEARING MASTER FINCH: Mr. Lampkin, can I 14 interrupt you for just one second? I just don't 15 want to leave that hanging out in the record. 16 That is my understanding that that is an administrative variance and not a PD variation. 17 Α 18 PD variation requires my separate finding of 19 approval based on criteria in the Code, and that 20 administrative variance is a county engineer 21 reviewed separate process tied to this but not 22 under the Zoning Hearing Master's purview? 23 MR. LAMPKIN: You are absolutely correct, 24 and my apologies. So I need to change the cover

page and will submit a revised report to remove

25

Page 258 that. That should not be under PD variations; it 1 should be under the --HEARING MASTER FINCH: Perfect. All right. 4 Thank you so much. Please continue. 5 MR. LAMPKIN: Thank you. And so it's 6 approximately two-thirds of an acre. It's located 7 on the west side of South Bryan Road, south of Clarissa Drive. The area consists mostly of residential. Directly across Bryan Road is a 13.9-acre 10 Hillsborough County Saladino dog park and further 11 12 north and south are neighborhood commercial-type 13 uses. 14 The Future Land Use designation is RES-4, 15 and as discussed per LDC Section 6.11.28.A, Type A 16 commercial residential home must be located at 17 least 1200 feet from other community residential 18 homes. 19 Site B or C in a multifamily zoning and at 20 least 500 feet from an area of non-agricultural 21 zoning. In this instance, they're surrounded by 22 residential on three sides. The applicant did 23 submit the waiver request with justification. 24 The applicant also provided documentation 25 from the Agency for the Healthcare Administration,

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Florida Department of Children and Families, and the Agency for Persons with Disabilities which shows no other Community Residential Homes Type B or C within 1200 feet of the proposed facility.

And the applicant further states that the Community Residential Home will provide for development that could not be accommodated by strict adherence to the LDC and will provide affordable housing for the elderly that desire to reside in a neighborhood environment as opposed to a large institutional building in a commercial or office area.

And that the separation is mitigated by single-family architectural features and provided buffers.

Staff -- all right. To protect the existing residential homes, the development will be designed in a way that is compatible with the established character of the neighborhood. The application -- sorry.

If PD 22-0834 is approved, the county engineer will approve the administrative variance for the access spacing requirements. Staff finds that the project is consistent and is supportable from all review agencies subject to the proposed

Page 260 conditions of approval. 1 And that concludes staff's presentation, unless there are any questions. HEARING MASTER FINCH: No, no further 5 questions. Thank you so much. 6 Planning Commission, please. 7 MS. MASSEY: This is Jillian Massey with 8 Planning Commission staff. 9 Subject site is located in the Residential-4 Future Land Use designation. It's in the Urban 10 Service Area and within the limits of the Brandon 11 Community Plan. 12 13 The subject site is surrounded by 14 Residential-4 on all sides. A Community 15 Residential Home Type B is a residential support 16 use that could be considered in this Future Land 17 Use Category which anticipates primarily 18 residential uses. 19 The proposal also meets the intent that the 20 Future Land Use Element Objective 16 and its 21 accompanying Policies 16.1, 16.2, 16.3, 16.8, and 22 16.10 that require new development until agreed 23 development to be compatible with the surrounding area and character, lot size, and density. 24 25 The applicant is proposing ten beds which

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will complement the existing residential density per household in the surrounding area.

Objective 17 and Policy 17.1 prevent the development of residential support uses and all residential Future Land Use categories. The subject site is located in the RES-4 Future Land Use Category, and these are permitted.

And these type of uses are not subject to commercial locational criteria in the Comprehensive Plan. Objective 20 and Policies 20.5 and 20.6 support the development of congregate living facilities within unincorporated Hillsborough County subject to limitations.

The proposed use, therefore, meets the intent of Objective 20 by providing innovative housing for all residents in Hillsborough County.

The subject site is in the Garden Estates district of the Brandon Community Plan just bordering the limits of the suburban character district of the community plan.

The proposed use meets the intent of the community plan, and it is not one of the discouraged uses, such as adult day care or childcare mentioned in the community plan, rather it is already an existing assisted living facility

	Page 262
1	that is a residential support use that is seeking
2	an increase in beds.
3	But below the maximum permitted density, it
4	will remain in a residential-style building in
5	order to remain compatible with the existing
6	character of the surrounding area.
7	And based upon these considerations, the
8	Planning Commission staff finds the proposed
9	Planned Development consistent with the Future of
10	Hillsborough Comprehensive Plan for unincorporated
11	Hillsborough County subject to the conditions
12	proposed by the Development Services Department.
13	And that concludes my testimony. Thank you.
14	HEARING MASTER FINCH: Thank you. I
15	appreciate it.
16	Is there anyone in the room or online that
17	would like to speak in support?
18	Seeing no one, anyone in opposition to this
19	request? No one.
20	Mr. Grady, anything else?
21	MR. GRADY: Nothing further.
22	HEARING MASTER FINCH: Mr. Bentley? All
23	right. Thank you.
24	With that, we'll close Rezoning 22-0834 and
25	go to the last case.

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# EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE OF 6
DATE/TIME: 7/25/3	ZHM, PHM, LUHO  2 GM HEARING MASTER: SUSAN FINCH
Commence of the commence of th	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION#  MM  72-208-1	MAILING ADDRESS 101 & Cow by Bld, 84 5400
eck	CITY DAMMA STATE PL ZIP 33/2 PHONE \$13-227-842/
APPLICATION #	
APPLICATION#	PLEASE PRINT NAME DAVID Wright
122-0698	MAILING ADDRESS P.O. Box 273417
V.S.	CITY Tampa STATE FL ZIP 3368 PHONE 230-7473
APPLICATION #	PLEASE PRINT David Wright
RZ 22-0456	MAILING ADDRESS P.O. Box 273417
V.6.	CITY Tampa STATE FLZIP33688 PHONE 230-7473
APPLICATION #	PLEASE PRINT Jeffrey + Jaime Peck
RZ22-0789	MAILING ADDRESS 1221 Canyon Oaks Dr CITY Brandon STATE FL ZIP 33610 PHONE 302-218-5131
APPLICATION #	PLEASE PRINT RUTH P. London O
	MAILING ADDRESS 1502 W. Busch Blvd St D1
RZ 22-0929	CITY TPA STATE FL ZIP 33612 PHONE (813) 919-7802

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO  PAGE 2 OF 6
DATE/TIME: 7/25/22	Gpm HEARING MASTER: SUSAn Finch
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	PLEASE PRINT TU MAI
22-0980	MAILING ADDRESS 14031 N. Dale Maky Hwy.
	CITY TAMPA STATE PL ZIP336 8 PHONE (813) 962-6230
APPLICATION #	PLEASE PRINT Kami Curbett
RZ 0075	MAILING ADDRESS 1018 Kennely Brd Ste 3-100
80	CITYTAMPA STATE C ZIP 340) PHONE 3-8227 842
APPLICATION #	PLEASE PRINT IS Whele Albert / Halff & Associates
RZ -0075	MAILING ADDRESS 1600 N ASHLEY DV. Ste 900
20	CITY Tampa STATE FC ZIP 33402 PHONE 731-0976
APPLICATION #	NAME Abbey Naylor
RZ 25	MAILING ADDRESS 14706 Tuder Chase Dr.
22-0075	CITY Tampa STATE FL ZIP 3362 bPHONE 727-207-5525
APPLICATION #	PLEASE PRINT NAME Sukes
22-0075	MAILING ADDRESS 610 Garrison Core Ly
27-0015	CITY TUNGE STATE FL ZIP 3360 PHONE 8/3-063-25
APPLICATION #	PLEASE PRINT NAME William Place
12 2075	MAILING ADDRESS 600 Garrison Cove land

STATE &L ZIP 33602 PHONE \$13763-765

ex

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE 3 OF Le				
DATE/TIME: 7/25/22	6pm HEARING MASTER: Susan Finch				
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING				
APPLICATION #	NAME James Anderson				
RZ 22-0075	MAILING ADDRESS 10\$14 Sedge brook Orive				
	CITY River view STATE FL ZIP33569 PHONE 727 430-3494				
APPLICATION #	PLEASE PRINT E He Hummer				
R2 N15	MAILING ADDRESS 19825 Angl Ln				
R2 10075	CITY Odess ~ STATE FL ZIP 3355 PHONE				
APPLICATION #	PLEASE PRINT NAME Vac Vacau				
R2 22-0075	MAILING ADDRESS 3000 W. San Michales St.				
22-00	CITY AWPC STATES ZIPZGZG PHONES 18-390-0627				
APPLICATION #	PLEASE PRINT MUNCO RAFFAELE				
02,0557	MAILING ADDRESS 11910 New Rd				
73	CITY LIMIN STATE FU ZIP3354 PHONE				
APPLICATION #	PLEASE PRINT NAME SIGHAL BROOKS				
1.1 22-	MAILING ADDRESS 400 A. TAnga St   Unit 910				
MM 22-	CITY TAMPA STATE FL ZIP 3802 PHONE				
APPLICATION #	PLEASE PRINT Robecco Kert				
WW 27-0089	MAILING ADDRESS 400 N Tange St. 5de 1910				
,	CITY Tampa STATE FL ZIP 33602 PHONE				

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

DATE/TIME: 7/25/22 6 PM HEARING MASTER: 56 Finch PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT Barbara Fite **APPLICATION #** MM 22-0089 MAILING ADDRESS 6102 E LK BUTTE/ Or CITY LATZ STATE FL ZIP 3354 PHONE 813 246-1544 PLEASE PRINT NAME Curbett **APPLICATION #** MAILING ADDRESS 101 Etendy 18/vd, StE 3700 CITY Tampa STATE FL ZIP 33602 PHONE PLEASE PRINT To Sabelle Albert APPLICATION # 12-0442 MAILING ADDRESS 1000 NASHey Dr 900 CITY Tumpa STATE FL ZIP 33602 PHONE NAME Rebecca Kert **APPLICATION #** MAILING ADDRESS 400 N. Tumpa St. 1910 22-0443 CITY Tompa STATE F ZIP 33602 PHONE\_ PLEASE PRINT **APPLICATION #** NAME WESCEY MILLY

MAILING ADDRESS 700 ZZAD PLACE 22-0477 CITY VALO BAACH STATE FL ZIP 32161 PHONE 772-7282 NAME BY 1911 Suit APPLICATION # mm 0670 MAILING ADDRESS 307 11 Aye, & CITY Palmetto STATE C ZIP 3424 PHONE 813-957-1777 SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGES OF 6 DATE/TIME: 7/25/23 6 PM HEARING MASTER: 5456~ PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING NAME Nicote Neugebour APPLICATION # MAILING ADDRESS 401 F. Tuckson St -7- Xe83 CITY Tunfor STATE FL ZIP 33642 PHONE 813-223-4800 PLEASE PRINT **APPLICATION #** NAME David Mechan MAILING ADDRESS 305 5, Boulevard 22-0782 CITY Tampo STATE FL ZIP 3360 PHONE (813) 276-1920 NAME KEN TNIKLER FIELDS **APPLICATION #** MAILING ADDRESS 4221 W. Byscat Blvd CITY Tumpu STATE FL ZIP PHONE 813 123 7050 PLEASE PRINT MALL **APPLICATION #** Femal MAILING ADDRESS 201 N Franklin St. Saite 1400 77-0832 CITY Tampa STATE FL ZIP33602 PHONE 813-635-5726 PLEASE PRINT **APPLICATION #** PLEASE PRINT NAME 72-0834 MAILING ADDRESS 401 E Jackson St CITY Tump STATE FL ZIP 33602 PHONE NAME RUSSELL OHEN berg **APPLICATION #** MAILING ADDRESS 3737 Luke Joyce Dr. J-0834 CITY Land Olike STATE FL ZIP 34639 PHONE 813.962.1752

SIGN-IN SHEET: RFR,	
DATE/TIME: 7/25/22	GPM HEARING MASTER: SUSAn Finch
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	PLEASE PRINT Elise Batsel
22-0862	MAILING ADDRESS 401 E. Juckson St, 3108
ea	CITY Tamph STATE FL ZIP 3360 PHONE 765 993 3429
APPLICATION #	PLEASE PRINT Steve Henry
mm ,,,,,,,,	MAILING ADDRESS GOZZ W. LAUREL ST
29-0849 mm	MAILING ADDRESS GOZZ W. LAUREL ST CITY TPA STATEF L ZIP PHONE CO39
APPLICATION #	PLEASE PRINT Dary ) MAX PORGER , AICA
mm 162	MAILING ADDRESS 236 ST 45th STROOT
27-0862	CITY CAPE COMPSTATE FL ZIP 379 PHONE 239,560
APPLICATION #	PLEASE PRINT CHARLES POTHE
My alo	MAILING ADDRESS 2303 Huly 60
27-00	CITY PALLICO STATE ZIP33594PHONE 8/3 267 5476
APPLICATION #	NAME FlizHoeth R Belcher
MM 28/12	
MM 22-0867	MAILING ADDRESS 406 SMiller Rd  CITY Valvi Co STATE FL ZIP 335 PHONE 813-478-
APPLICATION #	PLEASE PRINT NAME
	MAILING ADDRESS
	CITYSTATEZIPPHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: 07/25/2022

HEARING MASTER: Susan Finch PAGE: 1 OF 1

APPLICANT #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0075	Rosa Timoteo	1. Applicant Presentation Packet	NO
RZ 22-0075	Isabelle Albert	2. Applicant Presentation Packet	NO
RZ 22-0075	William Place	3. Applicant Presentation Packet	NO
RZ 22-0075	Abbey Naylor	4. Applicant Presentation Packet	NO
MM 22-0087	Kami Corbett	1. Applicant Presentation Packet	NO
MM 22-0089	Rosa Timoteo	1. Revised Staff Report	YES - COPY
MM 22-0089	Michael Brooks	2. Applicant Presentation Packet	NO
RZ 22-0420	Rosa Timoteo	1. Revised Staff Report	YES - COPY
RZ 22-0420	Kami Corbett	2. Applicant Presentation Packet	NO
RZ 22-0442	Isabelle Albert	1. Applicant Presentation Packet	YES - COPY
RZ 22-0443	Rosa Timoteo	1. Revised Staff Report	YES - COPY
RZ 22-0443	Rebecca Kert	2. Applicant Presentation Packet	NO
RZ 22-0683	Nicole Neugebauer	1. Applicant Presentation Packet	YES - COPY
RZ 22-0832	Ken Tinkler	1. Applicant Presentation Packet	NO
RZ 22-0834	Russell Ottenberg	1. Applicant Presentation Packet	NO
RZ 22-0834	Mark Bentley	2. Applicant Presentation Packet	NO
MM 22-0862	Rosa Timoteo	1. Revised Staff Report	YES - COPY
MM 22-0862	Rosa Timoteo	2. Revised Staff Report	YES - COPY
MM 22-0862	Elise Batsel	3. Applicant Presentation Packet	YES - COPY

#### JULY 25, 2022 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, July 25, 2022, at 6:00 p.m., in the Ada T. Payne Community Room, Robert W. Saunders Sr. Public Library, Tampa, Florida, and held virtually.

Susan Finch, ZHM, calls the meeting to order and leads in the pledge of allegiance to the flag.

#### A. WITHDRAWALS AND CONTINUANCES

Brian Grady, Development Services, reviews changes/withdrawals/continuances.

#### D.7. RZ 22-0562

Brian Grady, Development Services, calls RZ 22-0562.

Isabelle Albert, applicant rep, requests continuance.

Susan Finch, ZHM, calls proponents/opponents/continues RZ 22-0562 to September 19, 2022.

#### C.4. RZ 22-0698

Brian Grady, Development Services, calls RZ 22-0698.

David Wright, applicant rep, requests continuance.

Susan Finch, ZHM, calls proponents/opponents/continues RZ 22-0698 September 19, 2022.

#### D.13. RZ 22-0856

Brian Grady, Development Services, calls RZ 22-0856.

Mark Bentley, applicant rep, requests continuance.

Susan Finch, ZHM, calls proponents/opponents/continues RZ 22-0856.

#### B.1. RZ 19-0521

Brian Grady, Development Services, reviews RZ 19-0521.

🖺 Susan Finch, ZHM, announces withdrawal of RZ 19-0521.

- Brian Grady, Development Services, continues review of withdrawals/continuances.
- Susan Finch, ZHM, overview of ZHM process.
- Senior Assistant County Attorney Cameron Clark, overview of oral argument/ZHM process.
- Susan Finch, ZHM, oath.
- B. REMANDS

#### B.2. MM 22-0087

- Brian Grady, Development Services, calls RZ 22-0087.
- Kami Corbett, applicant rep, presents testimony/submits exhibits.
- Brian Grady, Development Services, staff report/questions to applicant rep.
- Kami Corbett, applicant rep, answers Development Services questions.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant/closes MM 22-0087.
- C. REZONING STANDARD (RZ-STD):

#### C.1. RZ 22-0423

- Brian Grady, Development Services, calls RZ 22-0423.
- David Wright, applicant rep, presents testimony.
- Chris Grandlienard, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0423.

#### C.2. RZ 22-0456

- Brian Grady, Development Services, calls RZ 22-0456.
- David Wright, applicant rep, presents testimony.

- ☑ Isis Brown, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Isis Brown, Development Services, answers ZHM questions and continues staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0456.

#### C.5. RZ 22-0789

- Brian Grady, Development Services, calls RZ 22-0789.
- 🖺 Jeffrey Peck, applicant rep, presents testimony.
- Chris Grandlienard, Development Services, staff report.
- 🖺 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0789

#### C.6. RZ 22-0829

- Brian Grady, Development Services, calls RZ 22-0829.
- Ruth Londono, applicant rep, presents testimony.
- Chris Grandlienard, Development Services, staff report
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0829.

#### C.7. RZ 22-0980

- Brian Grady, Development Services, calls RZ 22-0980.
- Tu Mai, applicant rep, presents testimony.
- Chris Grandlienard, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.

- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0980.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

# D.1. RZ 22-0075

- Brian Grady, Development Services, calls RZ 22-0075.
- Kami Corbett, applicant rep, presents testimony.
- Isabelle Albert, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- ☑ Isabelle Albert, applicant rep, answers ZHM questions/continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Isabelle Albert, applicant rep, answers ZHM questions/continues testimony.
- Abbey Naylor, applicant rep, presents testimony.
- 🖺 Israel Monsanto, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Israel Monsanto, Development Services, answers ZHM questions/continues staff report.
- Brian Grady, Development Services, revised staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, questions to Development Services.
- 🛂 Jillian Massey, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, calls proponents.
- William Place, proponent, presents testimony/submits exhibits.
- Susan Finch, ZHM, questions to proponent.
- ☑William Place, proponent, answers ZHM questions.
- 🖺 Susan Finch, ZHM, calls opponents.

- 🛂 James Anderson, opponent, presents testimony.
- Ethel Hammer, opponent, presents testimony.
- Susan Finch, ZHM, calls opponents/Development Services.
- Susan Finch, ZHM, questions to Development Services.
- 🖺 Kami Corbett, applicant rep, gives rebuttal.
- Abbey Naylor, applicant rep, gives rebuttal, submits exhibit.
- Kami Corbett, applicant rep, continues rebuttal.
- Susan Finch, ZHM, questions to applicant rep.
- 🖺 Kami Corbett, applicant rep, answers ZHM questions.
- Brian Grady, Development Services, statement for the record.
- Kami Corbett, applicant rep, responds to Development Services.
- Brian Grady, Development Services, provides clarification.
- Kami Corbett, applicant rep, continues rebuttal.
- Mac McCraw, applicant rep, closes rebuttal.
- Susan Finch, ZHM, closes RZ 22-0075.
- Susan Finch, ZHM, breaks.
- 🛂 Susan Finch, ZHM, resumes hearing.

# C.3. RZ 22-0557

- Brian Grady, Development Services, calls RZ 22-0557.
- Susan Finch, ZHM, oath.
- Marco Raffaele, applicant rep, presents testimony.
- ☑ Isis Brown, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Isis Brown, Development Services, answers ZHM questions.

- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0557

# D.2. MM 22-0089

- Brian Grady, Development Services, calls RZ 22-0089.
- Michael Brooks, applicant rep, presents testimony/submits exhibits.
- Rebecca Kert, applicant rep, continues testimony.
- Michael Brooks, applicant rep, continues testimony.
- Timothy Lampkin, Development Services, staff report.
- Susan Finch, ZHM, statement to Development Services.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- Barbara Fite, proponent, presents testimony.
- Susan Finch, ZHM, calls opponents/Development Services/applicant rep.
- Michael Brooks, applicant rep, concludes testimony.
- Susan Finch, ZHM, closes MM 22-0089.

## D.3. RZ 22-0420

- Brian Grady, Development Services, calls RZ 22-0420 and notes expedited review for the record.
- EKami Corbett, applicant rep, presents testimony/submits exhibits.
- Sam Ball, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Sam Ball, Development Services, answers ZHM questions.
- 🛂 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0420.

# D.4. RZ 22-0442

- Brian Grady, Development Services, calls RZ 22-0442.
- ☑ Isabelle Albert, applicant rep, presents testimony/submits exhibits.
- Susan Finch, ZHM, questions to applicant rep.
- 🖺 Isabelle Albert, applicant rep, answers ZHM questions.
- Susan Finch, ZHM, calls Development Services.
- Tania Chapela, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 22-0442.

# D.5. RZ 22-0443

- Brian Grady, Development Services, calls RZ 22-0443.
- Rebecca Kert, applicant rep, presents testimony/submits exhibits.
- Michelle Heinrich, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- Michelle Heinrich, Development Services, provides additional information.
- Susan Finch, ZHM, closes RZ 22-0443.

## D.6. MM 22-0477

- Brian Grady, Development Services, calls MM 22-0477.
- Wesley Mills, applicant rep, presents testimony.
- Sam Ball, Development Services, staff report.

- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0477.

# D.8. MM 22-0670

- Brian Grady, Development Services, calls MM 22-0670 and notes expedited review for the record.
- Brian Smith, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Brian Smith, applicant rep, presents testimony.
- ☑ Israel Monsanto, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 22-0670.

# D.9. RZ 22-0683

- Brian Grady, Development Services, calls RZ 22-0683.
- Dicole Neugebauer, applicant rep, presents testimony/submits exhibits.
- Susan Finch, ZHM, questions to applicant rep.
- Nicole Neugebauer, applicant rep, answers ZHM questions.
- Sam Ball, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0683.

# D.10. MM 22-0782

- Brian Grady, Development Services, calls MM 22-0782.
- David Mechanik, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.

- David Mechanik, applicant rep, answers ZHM questions.
- Tania Chapela, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- David Mechanik, applicant rep, answers ZHM questions.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 22-0782.

# D.11. RZ 22-0832

- Brian Grady, Development Services, calls RZ 22-0832.
- Ken Tinkler, applicant rep, presents testimony.
- Matthew Femal, applicant rep, presents testimony.
- Tania Chapela, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Brian Grady, Development Services, corrects the record.
- Susan Finch, ZHM, questions to Development Services.
- Tania Chapela, Development Services, answers ZHM questions.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services.
- Brian Grady, Development Services, statement for the record.
- Susan Finch, ZHM, questions to applicant rep.
- Matthew Femal, applicant rep, answers ZHM questions/presents rebuttal.
- Susan Finch, ZHM, questions to applicant rep.
- EKen Tinkler, applicant rep, answers ZHM questions.
- Susan Finch, ZHM, closes RZ 22-0832.

# D.12. RZ 22-0834

- Brian Grady, Development Services, calls RZ 22-0834.
- Mark Bentley, applicant rep, presents testimony.
- Russell Ottenberg, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Russell Ottenberg, applicant rep, answers ZHM questions.
- Mark Bentley, applicant rep, continues testimony.
- Timothy Lampkin, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Timothy Lampkin, Development Services, answers ZHM.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0834.

# D.14. MM 22-0862

- Brian Grady, Development Services, calls MM 22-0862.
- Susan Finch, ZHM, oath.
- Elise Batsel, applicant rep, presents testimony/submits exhibits.
- Steve Henry, applicant rep, continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Steve Henry, applicant rep, answers ZHM questions.
- Elise Batsel, applicant rep, continues testimony.
- Sam Ball, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Max Forgey, opponent, presents testimony.

- Charles Bothe, opponent, presents testimony.
- Elizabeth Belcher, opponent, presents testimony.
- Susan Finch, ZHM, calls opponents/Development Services.
- Brian Grady, Development Services, questions for Planning Commission.
- 🛂 Jillian Massey, Planning Commission, answers Development Services.
- Brian Grady, Development Services, statement for the record.
- Susan Finch, ZHM, calls applicant rep.
- Elise Batsel, applicant rep, calls Steve Henry, applicant rep.
- Steve Henry, applicant rep, gives rebuttal.
- Elise Batsel, applicant rep, gives rebuttal.
- Susan Finch, ZHM, closes MM 22-0862.

#### ADJOURNMENT

lacksquare Susan Finch, ZHM, adjourns the meeting.

Application No.

Name: 10 Sec Office Section S

## 22-834 PARTIAL DRAFT

- 1. The site is limited to a Community Residential Home, Type B, with a maximum of 10 residents.
- 2. Development standards shall be those of the RSC-6 Zoning District, unless otherwise specified herein.
- 3. Buffer and screening shall be in accordance with Part 6.06.00 of the Land Development Code, unless specified herein.
  - 3.1 A 5-foot, Type "A" buffer shall be provided along the rear and side yards-, however, the existing shed encroaching 0.61' into the rear buffer at the southwest corner of the property is recognized as a legal non-conformity.
- 4. The subject property shall be subject to the parking requirements of Section 6.05.00 of the Land Development Code.
- 5. Signage shall be limited to signs allowed for a residential dwelling per Permitted Signs, Sec. 7.03.00.C.3.a, Residential Zoning Districts. Signage shall be considered for a residential dwelling and not a residential support use. This shall not be construed to permit a sign if private restrictions prohibit or restrict the display of signs.
- 6. No fence exceeding two and one-half feet shall be constructed within the visibility triangle at the driveway roadway intersection as described in 6.04.03 F.

## **TRANSPORTATION**

- 7. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as regulations in effect at the time of preliminary plan/plat approval.
- 8. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, and the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 9. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.

Application No. 62 23-0834

Name: Mark Bentley

Entered at Public Hearing: 2 HM

Exhibit # 2 Date: 1/25/22

# AMERICAN SOCIETY OF PLANNING OFFICIALS 1313 EAST 60th STREET — CHICAGO 37, ILLINOIS

Information Report No. 185

From the Library of AMERICAN SOCIETY OF PLANNING OFFICIALS

April 1964

#### NURSING HOMES

The increase in the number and proportion of the aged is making an impact on our cities. ASPO Planning Advisory Service Information Report No. 148, Planning and an Aging Population (July 1961), summarized population trends that are resulting in an increase in the number of older people and discussed some of the planning implications of these trends. Statistics concerning this growth have been quoted often enough to be implanted in the reader's mind and need not be repeated here. Similarly, planners are aware of how the change in age distribution can influence planning programs and land use controls. The recent interest in special housing facilities for the aged, and the special zoning and subdivision provisions to allow the facilities, is one example of the planning problem created.

This report will examine one small facet of the problem that planning agencies must face in dealing with an aging population — the nursing home. The number of nursing homes in our cities has been steadily increasing. With this increase has come friction, particularly in the location of nursing homes as controlled by zoning ordinances. Traditionally, zoning ordinances have either been silent on the subject or have allowed the nursing home in high-density residential districts or in commercial districts. Recently there has been some discussion and rethinking of the special needs of this kind of facility. This report will summarize some basic characteristics of nursing homes, examine changes in the facilities, and will present excerpts from zoning ordinances that deal with nursing homes on more than a perfunctory basis.

A word of caution is in order. A nursing home is a medical-related facility. Regulation of many of the operational and administrative characteristics are outside the area of competence and responsibility of the typical planning agency. Consequently, the report will discuss only those aspects of nursing homes that are related to land use controls. There is a great deal of literature on the general subject and anyone seeking more detailed information should consult the bibliography at the end of this report.

#### **Definitions**

Definitions and classification of facilities were developed by the U.S. Public Health Service and used in a 1961 inventory of nursing home facilities.

First, there are definitions of the type of care provided:

Skilled Nursing Care -- Provides, in addition to room and board, those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

<u>Personal Care</u> -- Provides, in addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Residential Care -- Provides primarily room and board with limited services such as laundry, personal courtesies such as occasional help with correspondence or shopping, and a helping hand short of routine provision of "personal care" described above.

In addition, there are classifications of facilities by kind of facility and type of care provided:

## KIND OF FACILITY\*

Nursing Homes -- Includes nursing homes, convalescent homes, special service nursing homes, children's convalescent homes, and nursing home units of hospitals.

Homes for Aged -- Includes homes for the aged, county homes, county infirmaries, county poor farms "poor homes", public homes, aged home residences, and state veterans' homes for aged.

Boarding Homes for Aged -- Includes boarding care homes.

Rest Homes -- Includes rest homes, sheltered care homes, adult care homes, and personal care homes.

\*As classified by the States, generally for licensure purposes.

<sup>&</sup>lt;sup>1</sup>This and subsequent references are listed at end of report.

#### TYPE OF CARE PROVIDED\*\*

Skilled Nursing Home
Provides "skilled nursing care" as its primary and predominant function.

Personal Care Home With Skilled Nursing
Provides some "skilled nursing care" but only as an adjunct to its primary "personal care" function.

Personal Care Home Without Skilled Nursing
Provides "personal care" with no "skilled nursing care."

Residential Care Home With Skilled Nursing
Provides some "skilled nursing care" but only as an adjunct to its primary "residential care" function.

Residential Care Home
Without Skilled Nursing
Provides "residential"
or "sheltered" care with
no "skilled nursing care."

\*\*According to definitions above.

For licensing purposes, the definitions will vary from state to state. The planning agency should become conversant with state and local definitions and classifications since they are important to health and medical authorities. However, they may or may not be suitable for zoning ordinance definitions.

#### Growth Trends

The 1961 nursing homes inventory conducted by the Public Health Service counted 23,000 non-hospital facilities in the United States and territories providing nursing or supportive care to the aged and chronically ill of all ages. This total is 2,000 less than the figure reported in a similar survey undertaken in 1954. However, the resident capacity increased from 450,000 beds to 592,800 -- a 32 per cent increase.<sup>2</sup>

In terms of kind of facility, there were an estimated 11,600 nursing or convalescent homes with 369,300 beds; 11,400 other facilities for the aged with 223,500 beds. The latter category included homes for the aged, boarding homes for the aged, rest homes, and similar facilities.

About nine out of ten of the nursing homes, providing about three-fourths of all the beds, are operated commercially. Their median size is 24 beds. Other kinds of facilities such as homes for the aged, are also under proprietary auspices. These homes are generally small, with the following median size: homes for the aged, 19 beds; boarding homes, 8 beds; and rest homes, 13 beds.

Personal care is the primary function of nearly 90 per cent of all homes for the aged, boarding homes for the aged, and rest homes. In homes for the aged and rest homes, skilled nursing care is available either as a primary or as an adjunct service to more than 1/2 the resident bed capacity. Nursing services are available in only one out of 8 beds in boarding homes for the aged.

The 23,000 homes are broadly grouped by primary type of service as follows: 9,700 skilled nursing care homes; 11,100 personal care homes; 2,200 residential care facilities.

The greatest growth has occurred in skilled nursing care homes. Since 1954, they have increased from a total of 7,000 to 9,700 homes — an increase of 39 per cent. Total bed capacity has nearly doubled from the 180,000 beds in 1954 to 338,700 in 1961. Almost all of these beds were reported to have skilled nursing service.

The number of personal care homes has grown from 9,000 with 190,000 beds to 11,000 with 207,100 beds. However the number of residential care facilities has decreased from 9,000 homes with 80,000 beds to 2,200 homes with 47,000 beds.

The survey showed a wide variation among the states in the supply of skilled nursing care beds. In general, the bed-population ratio increases with the average state per capita income, the amount of old age assistance payments, the relative number of persons aged 65 and over, and the proportion of the population living in urban areas. The following tables, which summarize the PHS survey results by each of these characteristics, can be quite useful in determining the potential market for nursing home facilities:

#### POPULATION AGED 65 YEARS AND OVER

Per Cent Population Aged 65 and Over	Number of States*	Skilled Nursing Care Beds per 1,000 Population Aged 65 and Over
Less than 6.0	4	6.7
6.0 - 6.9	5	7.4
7.0 - 7.9	6	14.8
8.0 - 8.9	7	15.8
9.0 - 9.9	12	24.0
10 and over	18	24.9

## PER CAPITA INCOME

Per Capita	Number	Skilled Nursing Care Beds
Income of	of	per 1,000 Population Aged
State	States	65 and Over
Less than \$1,750	11	9.7
\$1,750 - 1,999	11	15.8
\$2,000 - 2,499	19	25.4
\$2,500 and over	10	24.0

<sup>\*</sup>Includes territories.

#### RURAL AND URBAN DISTRIBUTION

Per Cent	Number	Skilled Nursing Care Beds
Rural	of	per 1,000 Population Aged
Population	States	65 and Over
50 and over	18	11.7
40 - 49	11	23.9
30 - 39	14	23.3
Less than 30	9	22.4

#### OLD-AGE ASSISTANCE PAYMENTS

Annual OAA Payments per Recipient, 1960	Number of States	Skilled Nursing Care Beds per 1,000 Population Aged 65 and Over
Less than \$500	4	8.9
\$500 <b>-</b> 699 \$700 <b>-</b> 899	11 15	12.3 22.2
\$900 - 1,099	15	23.6
\$1,100 and over	7	28.4

Skilled nursing homes are larger than they were about a decade ago, according to the survey. The median size is approximately 25 beds, compared to 19 beds in 1954 and varies from small establishments of less than 10 beds to a few large facilities of 500 beds and over. The percentage frequency distribution of skilled nursing care facilities in terms of the proportion of <u>facilities</u> in each size category as well as the proportion of <u>beds</u>, in each size category are shown in the following tables:

## FACILITIES

Und	ler	10	be	ds							10.3
10	-	24		•	•	٠		٠	٠		39.7
25	-	49							•		33.5
50	-	99					•	•		•	12.2
100	•	249		•	•			•	•		3.7
250	be	ds	and	70	ze:	r.					.6

Total. . . . . . 100.0 per cent

## BEDS

Und	ler	10	)	bed	ls					1.9
10	-	24	١.						•	19.8
25		49								33.1
50	-	99	).				•			23.3
100	***	249				٠	•		•	15.0
250	be	ds	a	nd	O	vei				6.9

Total. . . . . . 100.0 per cent

Size also varies according to ownership. Publicly owned facilities are the largest with an average of 61 beds. Skilled nursing homes under proprietary ownership average 24 beds. Homes connected with church groups average 50 beds while other types of nonprofit homes average 39 beds. Approximately 87 per cent of the skilled nursing homes are owned by proprietary interests. However, while proprietary homes account for nearly 9 out of 10 homes, they provide little more than 7 out of 10 beds.

Finally, nearly 9 out of 10 skilled nursing homes have at least one full-time registered professional nurse or licensed practical nurse.

#### LOCATION FACTORS AND ZONING PROVISIONS

Although there are many standards for construction and interior facilities of nursing homes, there are few standards useful to planners. Almost all sources consulted in the preparation of this report contain general, rather than specific location standards. A typical example is found in the Public Health Service's Nursing Home Standards Guide: 3

# Home Standards Guide: 3

The site of a nursing home should be reasonably accessible to the center of community activities, physicians services and medical facilities and located within the service area of fire department. There should be good drainage, adequate sewerage, water, electrical, telephone, and other necessary facilities available on or near the site. Public transportation should be available within a reasonable distance. Adequate roads and walks and parking areas should be provided within the lot lines. Sufficient space suitable for outdoor recreation also should be available. Compliance with all zoning codes and regulations should be required.

The requirements of older people for a quiet environment vary and some patients prefer an area in which sounds of people and movement are present. However, proximity to sources of loud, continuous, or impact noise should be avoided. In general, the home should be remote from railroads, factories, airports, or similar noise sources. The outdoor noise level at a nursing home site should not exceed 50 decibels.

Nursing homes should generally be located in areas reasonably free from noxious and hazardous smoke and fumes.

The small amount of literature available on location factors emphasizes that nursing homes ought not to be located out in the country, but in the city where community activities go on. In the words of one observer, a nursing home should be located on land that is evaluated by the front foot rather than by the acre. Most of our elderly have lived in cities all their lives and do not want to be shipped off to the country. Unfortunately, there is a shortage of nursing home facilities in neighborhoods close to friends and families in the city. In general, the facilities in such locations are the ones with long waiting lists.

While there is unanimous agreement that residential types of environments are most desirable for nursing homes, this objective may appear to conflict with an important principal of planning: a residential neighborhood should be protected against uses that are detrimental or incompatible with a desirable living environment. This conflict is perhaps the central issue when zoning provisions for nursing homes are discussed. The conflict has come about because traditional zoning seeks to segregate residential uses and to protect single-family areas as the most desirable areas in a community. Because of this, the great majority of zoning ordinances have always placed nursing and convalescent homes in the highest density, multi-family districts, as well as in commercial districts. An unpublished study of the Los Angeles Welfare Planning Council (1959) showed that only 6 out of 46 cities in the greater Los Angeles area permitted nursing homes or related facilities in R-1 zones. Although the trend is by no means universal, there is evidence of a growing acceptance of the principle that these uses should be more freely dispersed throughout residential areas.

The influence and impact of nursing homes on single-family neighborhoods was studied in Richmond, California. Following a number of heated public hearings on the subject, the planning commission listed the major reasons given by various people who claimed that a nursing home would adversely affect the neighborhood.<sup>4</sup> It was believed that a nursing home would:

- a. Change the character of the neighborhood -- it would no longer be a uniform single-family area.
- b. Introduce commercialism -- after the first care home would come another and then business and stores.
- c. Lower property values.
- d. Produce a traffic hazard -- increase traffic volumes.
- e. Create parking problems -- people would not be able to park in front of their own homes.
- f. Necessitate street widenings.
- g. Result in ambulance traffic and blowing sirens.
- h. Transform the neighborhood into a "Quiet Zone" restricting the child-ren's play activities.
- i. Raise taxes or special assessments for street widening and paving.

The planning commission took these arguments and tested them by studying the residential areas surrounding three small nursing homes. Two homes contained bed patients; the other, ambulatory patients. A questionnaire was used to sample neighborhood opinion. In addition, an analysis of various kinds of public records was also made.

When neighborhood residents were asked if they were aware of the existence of a care home in the neighborhood, approximately 90 per cent were aware of the home. About one-fourth stated that they had lived in the neighborhood for

periods varying from six months to two years before learning that the care home existed. All agreed that the present care home residents were very quiet. None of the neighbors had noticed a siren being used. About half had never noticed an ambulance calling at the home, and the other half had noticed an ambulance only at infrequent intervals. When asked about traffic problems respondents stated that in general there were "no problems." The only exceptions were two next-door residents, who said that occasionally visitors to the homes would park in front of their homes. However, there was no complaint in one case where off-street parking was provided. Neighbors unanimously stated there was no effect at all on the play of their children. Ninety-five per cent of the neighbors said there had been no effect at all on property values, and the remainder said that they did not know. When asked whether or not they had become acquainted with the residents of the care home, neighbors of the two care homes with bed patients responded that there was little contact. But in the case of the home with ambulatory residents, most of the respondents had often observed the people taking walks about the neighborhood, and chatting with both children and adults.

The trend of the comments clearly indicated that the neighborhood had experienced no difficulty or deterioration because of the care home. Some surprise was expressed that the city should be investigating the matter as a "problem." Many people mentioned the fact that the way the home was conducted seemed to be important. Neighborhood residents were of the opinion that there might be problems with a very large nursing home, or if several small homes were located close together.

Other sources of information, including assessor's records, city traffic and engineering offices, and the only ambulance service, were investigated. The planning commission concluded:

Small care homes of six or fewer residents have no noticeable effect on neighborhood character.

Larger care homes might have some visual affect, although this could be minimized by attention given to the architectural treatment of the structure.

A care home is not a forerunner of commercial development.

Although the operator may make his living from it, the care home operation is not a commercial business like a store, but is rather a home occupation like taking in sewing or teaching piano lessons. It is a <u>much less intense</u> use than a hospital, which is permitted in residential zones.

A care home for six or fewer people generates no more traffic than an ordinary home, and therefore the usual off-street parking regulations should suffice.

Care homes for more than six people will require extra off-street parking facilities to maintain equity with neighbors in the use of street parking space.

There is no basis for the ambulance-siren apprehension. This may have arisen from confusing a care home with a hospital where people do go for emergency treatment.

8

Other planners and public agencies have also given careful thought to the location of nursing homes. Appendix A contains a policy statement prepared by the California chapter of the American Institute of Planners in cooperation with the Welfare Planning Council of the Los Angeles Region. This statement essentially states that boarding homes for the well-aged are comparable to boarding homes for persons of any age and should be permitted in the same locations that any boarding homes may be permitted. The policy statement concluded that it is appropriate for nursing facilities to be in multiple-residential zones. In this sense, the policy statement does not go as far as some recent zoning ordinances in permitting nursing homes in lower density residential zones. Other points may be found in the policy statement in Appendix A.

#### **Zoning Trends and Characteristics**

Appendix B contains the zoning text provisions covering nursing homes from eight selected zoning ordinances. These ordinances go into more than usual detail, and with one exception, have been adopted within the past four years. Many of the ordinances contained similar provisions, but differ somewhat in treatment of details.

The significant trend in zoning for nursing homes is to permit them in single-family residential districts. The zoning ordinance of Richmond, California, includes nursing homes as a permitted use in its R-l single-family district. However, these homes may have a maximum capacity of only six persons. Homes for seven or more persons are permitted in the R-2 multiple-family district, the next zoning district after the R-l single-family district. At the same time, a larger home may be permitted in any zoning district as a conditional use, if it meets certain requirements imposed by the commission.

Other zoning ordinances also permit nursing homes in single-family districts. However, they are not permitted as a matter of right but are handled through special permit or conditional use provisions. The zoning ordinances of Baltimore, Seattle, Santa Rosa, and the Maryland-Washington District fall into this category.

Two of the ordinances, Minneapolis and New Haven, do not permit nursing homes in the first single-family districts. Minneapolis first permits them as a conditional use in the second, multi-family (R-4) district. New Haven treats them as a special exception in the R-1 low-medium density district. This is the third residential district, following two single-family districts.

Another approach is used in Tacoma. The Tacoma ordinance has a special medical center transitional district which can be combined with various other districts. Nursing homes are a permitted use in this district. Details of the ordinance can be found in Appendix B.

Most of the ordinances in Appendix B contain reasonably detailed definitions of nursing and convalescent homes. The definitions vary considerably, depending upon whether the ordinance is attempting to differentiate by size of institutions, whether nursing care is permitted, whether it is desired to differentiate between nursing homes and lodging homes or other homes for the aged, whether mental disorders are considered, and whether hospitals and various kinds of clinics are specifically excluded.

In drafting definitions, it is desirable to differentiate between nursing homes and hospitals and other medical facilities. In addition, the definition should be related to state and local health and welfare definitions, as well as to those kinds and capacities of nursing homes that are being operated. Two problems seem to be evident. First, although it may be desirable to regulate on the basis of bed capacity, it appears as if the majority of nursing homes may fall into the upper limits of the breakdowns that are contained in definitions of size. For example, an ordinance may permit nursing homes of less than six beds in a particular district. Yet these may only be a handful that are this small, and in effect would exclude nursing homes as permitted uses. Ordinance drafters need to be careful not to encourage or give favorable treatment to marginal operators. Second, it may be undesirable, in the long run, to differentiate between lodging homes for the aged and nursing homes. More than one authority has pointed out that if the average age of the resident of a lodging home for the aged is now between 65 and 70, ten years hence many of the same residents will still be residing in the lodging home. Often they will require extensive nursing care. Many operators of nursing homes originally operated lodging homes and found that it was necessary to add nursing care as their residents became older.

Most of the ordinances also contain minimum lot size and dimension requirements. In general, the provisions have two characteristics. First, as the number of beds increases, the lot area requirements increase. Second, as the land use intensity of the zoning district increases, the lot size requirements decrease. Although a few ordinances have no minimum lot areas that are specifically required for nursing homes, the smallest encountered is 6,000 square feet and the largest is 40,000 square feet. It would not be useful to try to determine an average; however, 10,000, 15,000 and 20,000 square feet appear most frequently as minimum lot area requirements.

While yard requirements also vary considerably, the tendency is to require greater yards that for residential uses in the same zoning district. In addition, landscaping and screening requirements are required in a number of ordinances. These kinds of requirements serve two purposes. First, to protect the adjacent residential uses, by some visual barrier and second, to provide an outdoor privacy for nursing home residents.

One of the knottiest problems in zoning regulations for nursing homes has been the problem of conversion of existing large dwellings. Although none of the ordinances examined contain completely adequate provisions in this regard, a few of them do have some pertinent provisions. For example, the Baltimore ordinance contains minimum floor space requirements for sleeping rooms. This kind of requirement can prevent overcrowding. The Baltimore ordinance also requires that a nursing home be a completely detached structure (presumably to exclude row houses), no part of which is used for any other purpose. The building must also be accessible for fire fighting purposes and evacuation at all levels of the structure and on three sides.

Depending on state and local health regulations, some of these aspects of building and interior design may be regulated in other laws. However, the planning agency ought to be aware of what is covered in other legislation. To insure adherence to such regulations before passing on the zoning, the Baltimore ordinance provides that written approval from the State Department of Health, the

City Health Department, the Fire Department, and any other legally responsible agency must be received before the Board of Adjustment will make its decision. An indirect regulation to control conversions is the limitation of the height of nursing homes to one story. This requirement would generally rule out the older, large single-family residences.

Parking requirements for nursing homes vary considerably. (See Appendices B and C.) Some requirements are based on floor area. The majority are based on a ratio of parking spaces to beds. Many ordinances also gear their requirements on a combination of the number of beds, employees, and doctors.

It is difficult to arrive at a single standard for parking facilities for such a specific use as nursing homes. However, in addition to the provisions cited in the Appendix, two recommendations have been made by other sources. The Highway Research Board in Bulletin No. 24, Zoning for Parking Facilities, published in 1950, suggested that one parking space be provided for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees, including nurses. More recently, the American Nursing Homes Association suggested that generally, one parking space for each four beds is sufficient. The Association expressed concern with some municipalities that require parking ratios similar to hospital requirements. The Highway Research Board study concluded that all other things being equal, the convalencent home requires fewer parking spaces on a unit basis than a hospital because the number and frequency of visitors is substantially less.

#### **CONCLUSIONS**

The problem of appropriate zone locations for nursing homes is by no means solved. In the past the nursing home was relegated to high-density residential and commercial districts. Now there is the recognition that they were often inappropriately located and that perhaps certain kinds of homes can be located in single-family residential areas. A number of zoning ordinances now permit this. One study has concluded that small nursing homes have a negligible impact on single-family areas and neighbors have few or no objections. However, this is the only study and it does not test impact or reaction to larger homes.

The question of whether nursing homes should be permitted in single-family areas is also influenced by a number of other, perhaps intangible, factors. The impression the public has of a nursing home is influenced by the fact that many nursing homes in the past (and in the present, too) were old, rundown, ill-maintained, fire-traps. In addition, the public sees a nursing home and a boarding house as much alike. Not only does the prospect of a boarding house bring anxiety to neighbors, but, quite correctly, they saw the existence or conversion of a dwelling to a rooming house as a sure sign that the neighborhood was going downhill.

With the growth in the number of nursing homes, the quality of maintenance, operation and construction has improved considerably. Increasing interest in all aspects of housing and caring for the aged has brought suggestions from health and welfare officials to the effect that is is desirable to locate facilities for the aged in a normal residential environment.

The typical zoning ordinance deals with the nursing home in very general fashion. A few now set up requirements in some detail. In response to the recommendations from various planners and health authorities that nursing homes be permitted in single-family districts, some cities have amended their ordinances to permit this. However, they are seldom permitted directly without special review. The approach is to permit them as a conditional or a special permit use if they meet certain size and development requirements.

As yet there are no generally accepted standards, but a range of them are in use in various combinations. Items of regulation and control include: definitions, size, ownership, minimum sleeping room sizes, minimum lot area and dimensions, height, site plans, distance from other kinds of zoning districts, exclusion from commercial and industrial areas, access for fire fighting, approval of health officials, screening and landscaping, and off-street parking.

In addition to zoning requirements, there are many other regulatory agencies with various functional areas of interest that should be consulted before drafting new zoning controls.

Finally, this report should be looked upon as a progress report rather than any statement of recommendations that ought to be followed in every city. If the report encourages more critical thinking about the proper place of the nursing home in the community, then it will have served its purpose.

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  - 3. Ibid., pp. 1-2.
- 4. Care of Homes in Richmond, City Planning Commission, Richmond, California, July, 1958. pp. 3-4.
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#### APPENDIX A

CALIFORNIA CHAPTER, AMERICAN INSTITUTE OF PLANNERS, OCTOBER, 1956 STATEMENT OF PRINCIPLES ON ZONING FOR SHELTER CARE FACILITIES SERVING THE AGING

Prepared by the Committee on Zoning for Shelter Care Facilities Serving the Aging, of the Southern Section, California Chapter American Institute of Planning in Cooperation with the Committee on Problems of the Aging of the Welfare Planning Council, Los Angeles Region. Approved for publication by the Executive Board, California Chapter, American Institute of Planners, October 7, 1956.

- 1. Boarding homes for the well-aged are comparable to boarding homes for persons of any age, and in general should be permitted to the extent that board and room service and facilities are permitted in any zone.
  - Small boarding homes with one through six guests are not normally institutional in character, being private homes in which limited facilities are offered and, as such, are not normally so constructed as to permit expan-

sion. It is desirable that these homes be permitted in single and two family residential zones, and similar residential agricultural zones and that they conform to all front and side yard setbacks and parking requirements of the respective zones, and that the number of guests be limited to the number of persons permitted to occupy board and room facilities in these zones. When the conditions outlined above are met, no permit or public hearing should be required under the zoning ordinances.

- 2. Boarding homes or institutions for the well-aged caring for over six guests should be allowed in multiple residential zones. The conditional factors for boarding homes of over six capacity should be approximately the same as those for comparable multiple residential dwellings. In zoning terms, the maximum size of the allowed boarding home would generally conform to the population density permissible in the zone. To illustrate this: a home for fifty with a staff of ten would be allowed on the same property where an apartment house accommodating approximately sixty persons would be permitted. Some advance thinking would be required by the home itself in projecting what its ultimate capacity might be, in order to remain consistent with the general density pattern for the zone.
- 3. Normally boarding homes or institutions for the well-aged should be permitted as a matter of course in multiple zones without special permit or hearing.
- 4. A boarding home or institution for the well-aged should have the opportunity to serve its own residents who become non-ambulatory, in its own infirmary or nursing facility. Provision for this should be included in the basic zoning law, so that such nursing facilities can be included initially or added later as needed. The basic use, namely to care for the well-aged should be protected with the pro-viso that not more than twenty-five per cent of the total capacity of the institution should be dedicated to the infirmary or nursing adjunct. The total capacity for the institution, including the nursing unit, is to be within the density allowed for the zone.
- 5. As a general principle, it is appropriate for nursing facilities for both the physically and senile ill (not including the violent or extremely disturbed patient) to be in multiple residential zones. The authorized capacity of any such facility should be related to the population density for the zone in the same way as for the larger boarding homes for the well-aged.
- 6. Where the conditions established for multiple residential zones are not readily applicable to institutions serving either the physically or senile ill-aged, it is recommended that such use be permitted upon the issuance of a conditional use permit, which would establish the physical relationship of the institution to the community and adjacent property. The conditional use permit is administrative in character designed to review the conditions of establishment of institutions and not to prohibit such use. Such permits might be granted without public hearing when based on previously established principles and policies.
- 7. From the point of view of the welfare of the residents or patients, boarding homes or institutions for the well-aged and nursing homes for the physically or senile ill, should not be located in industrial zones or in other areas unsuited by noise, traffic or other factors to reasonable living conditions.

- 8. The larger facilities serving the aging should be allowed in areas zoned for agriculture, but by special permit. This would make possible the planned use of land on the basis of likely future development, as well as current usage.
- 9. If from a practical point of view, there is no land or very little land available in multiple residential zones for all types of facilities serving the aging, then municipalities should recognize such facilities as uses necessary to the community, comparable to churches and schools -- and provide for their installation under appropriate limitations in other zones not normally permitting such uses. Review at a public hearing would be required prior to the establishment of these uses.

Edward A. Holden, Chairman Simon Eisner Thomas D. Cook Morris D. Smith

#### APPENDIX B

SELECTED ZONING PROVISIONS CONCERNING NURSING HOMES

Baltimore (1963)

Definition:

<u>Nursing Care Home:</u> any place or institution for the aged, infirm, senile, chronic or convalescent established to render domiciliary care, custody, treatment and/or lodging of three (3) or more non-related persons who require or receive special diet, assistance in feeding, dressing, walking, or toileting, or assistance in any other ordinary daily activities of life, or are confined to bed or chair. This term includes boarding and rooming houses for aged people, convalescent homes, rest homes, homes for the aged or infirm, convalescent homes for children, and the like.

R-1 Districts (One Family) -- Special exception by board of appeals

Nursing Care Homes, provided:

that the following minimum floor space for sleeping rooms shall be provided:

Each room for one (1) person - 100 square feet;

Each room for two (2) or more persons - 80 square feet per person;

2. that any new building designed as a nursing care home and any existing building proposed for conversion for such use shall be a completely detached structure, no part of which is used for any other purpose. Except, that an existing attached building may be converted to such use provided the said building is unattached and accessible for fire-fighting purposes and evacuation at all levels on three (3) sides and provided said building is separated from the adjacent structure on the fourth side by an approved fire wall extending from ground to thirty (30) inches above the roof.

- 3. that compact evergreen planting, a masonry wall, fence, and/or planting of shrubbery, trees or vines shall be provided as the Board may determine is reasonable and proper to afford adequate screening;
- 4. the Board may require written approval from the State Department of Health, the City Health Department, the Fire Department or any other applicable agency, prior to its decision;
- 5. that before taking final action on an application for such use, the Board shall refer a detailed site plan and all pertinent data concerning the application to the Planning Commission for written report and recommendations. The report shall be forwarded within 21 days to the Board, and said Board shall take no action upon the application for a special exception until receipt and consideration of said report; and
- 6. that in the opinion of the Board, the proposed use will not interfere unreasonably with the present character of future development of the neighboring residential community.

Maryland-Washington Regional District, Maryland (1952)

#### Definition:

Nursing homes permitted in all residence districts as special exceptions by a board of appeals provided that "said use will not constitute a nuisance because of traffic, noise or number of patients or persons being cared for;" and that "said use will not adversely affect the present character or future development of the surrounding residential community." The following standards apply:

Number of Persons Cared For	Total Area	Frontage	Setback
Not more than 5	7,500 sq. ft.	50 feet	Same as in area regulations for the residential zone in which proposed to be located
More than 5 but not more than 10	15,000 sq. ft.	75 feet	Same
Eleven or more	20,000 sq. ft.	150 feet	25 feet from all property lines

# Minneapolis (1963)

#### Definition:

A "convalescent home", a "nursing home", or a "rest home" is a home for aged, chronically ill, or incurable persons in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

Permitted as Conditional Use R-4 General Residence District:

Minimum lot area: 20,000 sq. ft.

Minimum lot width: 100 ft.

FAR 0.5 Yards:

Interior:

Front: 40 ft. Side: 15 ft.

Corner:

Side: 15 ft. Rear: 50 ft.

Parking: One space for each four beds, plus one for each two employees

(other than staff doctors), plus one for each doctor assigned

to the staff.

R-5 Residence District:

Conditional use. All requirements same except FAR of 0.6.

R-6 Residence District:

Conditional use. All requirements same except FAR of 1.1.

New Haven (1963)

RM1 Districts: Low-Middle Density (3rd Res. Dist.) -- Permitted as special exception.

Convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or other wise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area. Minimum parking: one parking space for each six beds, plus one parking space for each staff or visiting doctor (based upon the average number of such doctors

at such institution at peak times), plus one parking space for each four employees in the largest shift including nurses, located on the same lot or within 300 feet walking distance.

Richmond, Calif. (1960)

#### Definition:

CARE HOME: A Building, or portion thereof, wherein the owner and/or proprietor is responsible for furnishing lodging and varying amounts of custodial care to one or more, but not more than 50, persons by reason of their being elderly, handicapped, impaired or convalescing.

Care homes are divided into three types according to size, as follows:

Type A - Care home caring for a maximum of six persons.

Type B - Care home caring for from 7 to 25 persons.

Type C - Care home caring for from 26 to 50 persons.

R-1 Single-Family District: Type A is permitted use.

R-2 Multiple-Family District: Types B and C are permitted use. Planning Commission may also permit care homes as conditional uses in any district.

Santa Rosa, Calif. (Proposed, 1961; partially adopted)

## Definitions:

"BOARDING HOME FOR THE AGED" - A building, or portion thereof, wherein the owner or proprietor is licensed by the State of California and/or the County of Sonoma, to furnish lodging and varying amounts of custodial care to one (1) or more, but no more than fifty (50), persons by reason of their being elderly or handicapped, but not bedfast or mentally ill.

"NURSING HOME" - A building, or portion thereof, wherein the owner or proprietor is licensed by the State of California to furnish lodging and nursing care to one (1) or more, but not more than fifty (50), persons by reason of their being bedfast, chronically ill, handicapped, impaired or convalescing, but not mentally ill or suffering from a communicable disease.

R-1 Single-Family Residential District: Use permit required for boarding homes for the aged providing accommodations for a maximum of six (6) persons.

R-2 Two-Family Residential District: Use permit required for boarding homes for the aged and nursing homes providing accommodations for a

maximum of fifteen (15) persons.

R-3 Multiple-Family Residential District: Use permit required for boarding homes for the aged and nursing homes providing accommodations for a maximum of fifty (50) persons.

R-4 Residential-Professional Office District: Same as R-3.

R-R Rural Residential District: Same as R-2.

C Districts: Ordinance amended to remove nursing homes and boarding homes as permitted uses.

# Proposed Amendment to Administrative Regulations:

Article 4. Boarding Homes for the Aged and Nursing Homes (Use Permit Required in "R" Districts)

Section 1. In "R-1" Districts, boarding homes shall not:

- a) Construct exterior alterations not customary in residential buildings.
- b) Erect or maintain signs or advertising of any type on the lot.
- Section 2. One unlighted attached appurtenant sign, not exceeding three (3) square feet in area, may be located in conjunction with boarding and nursing homes in all districts except the "R-1" District.
- Section 3. Landscaping and architectural treatment of boarding and nursing homes shall be in harmony with surrounding residential development. The building and grounds shall be maintained so as to enhance the appearance of the area in which they are located.
- Section 4. Off-street parking in conjunction with boarding and nursing homes shall be provided in accordance with the following:
  - a) Boarding homes shall provide one (1) off-street parking space for each five (5) residents, plus one (1) off-street parking space for the owner and/or manager.
  - b) Nursing homes shall provide one (1) off-street parking space for each three (3) patients, plus one (1) off-street parking space for the owner and/or manager.
  - c) Boarding homes and nursing homes providing accommodations for more than six (6) persons shall provide a driveway for service vehicles with access to a side or rear entrance.

Section 5. Use Permits for boarding homes and nursing homes shall be granted for a period of one (1) year, at the expiration of which, they shall be reviewed by the Board of Zoning Adjustments for compliance with these conditions.

Seattle (1961)

Definitions:

Nursing or Convalescent Home.

An establishment which provides full time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves, No care for the acutely ill, or surgical or obstetrical services, shall be provided in such a home; a Hospital or Sanitarium shall not be construed to be included in this definition.

Single-Family Zones: Nursing homes permitted as conditional use in single-family, low-density zone (and all R-1 zones) subject to conditions:

- (h) Nursing or Convalescent Home, subject to the following conditions:
  - (1) Such homes shall be operated by public or non-profit charitable organizations and established and operated under standards established in accordance with State laws governing such homes.
  - (2) No Lot so used shall be less than forty thousand (40,000) square feet in area.
  - (3) No Structure so used shall be more than one Story in height.
  - (4) No more than twenty (20) patients shall be accommodated at one time.
  - (5) All Principal Buildings shall be located fifty (50) feet or more from any other Lot in an RS or RD Zone.

Duplex Residence Zone: (Separate requirements for facilities under and over twenty patients).

- (c) Nursing or Canvalescent Homes, subject to the following conditions:
  - (1) Such homes shall be established and operated under

- standards established in accordance with State laws governing such homes.
- (2) No Lot so used shall be less than fifteen thousand (15,000) square feet plus one thousand (1000) square feet additional for each resident person over fifteen (15) in number.
- (3) All Principal Buildings shall be located thirty (30) feet or more from any other Lot in an RS or RD Zone.
- (4) No Structure so used shall be more than one Story in height.
- (5) Not more than twenty (20) patients shall be accommodated at one time.
- (6) Any other condition which the Board may impose for the protection of adjacent properties and in the public interest.
- (e) Homes for the Retired and Nursing or Convalescent Homes accommodating more than twenty (20) persons in residence or patients at one time, subject to the following conditions:
  - (1) Such homes shall be established and operated under standards established in accordance with State laws governing such homes.
  - (2) No Lot so used shall be less than forty thousand (40,000) square feet in area.
  - (3) No Structure so used shall be greater than two Stories in height where the Lot is less than (4) acres in area.
  - (4) All Principal Buildings shall be located fifty (50) feet or more from any other Lot in an RS or RD Zone.

## Multiple Residence Zones:

- (1) Such homes shall be established and operated under standards established in accordance with State laws governing such homes.
- (2) No Lot so used shall be less than ten thousand (10,000) square feet in area.
- (3) All Principal Buildings shall be located fifteen (15) feet or more from any other Lot in an R Zone.
- (4) No more than twenty (20) persons shall be in residence at one time.

Parking: One space for each 2 staff doctors, plus one for each 5 employees, plus one for each 6 beds.

Tacoma (1962)

#### Definition:

NURSING HOME: Any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practioner of the healing arts. It may also include care of mentally incompetent persons if they do not require psychiatric treatment by or under the supervision of a physician who devotes all or a major portion of his time to this specialized field of medicine. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both; provided, that the mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not be deemed to constitute such place or institution a hospital or sanitarium under the provisions of this chapter.

TM District (Medical Center Transitional)
(Combined with other districts with special permit procedure)

- (d) Nursing homes, properly licensed by the state, county, or city, provided that the following lot area, yard setback and frontage regulations are complied with:
  - (1) Where not more than five persons are cared for: Total lot area: 6,000 square feet. Frontage: 50 feet. Yard setback: Same as the residential district with which
  - (2) Where more than five but not more than ten persons are cared for:

Total lot area: 15,000 square feet.

the TM District is combined.

Frontage: 75 feet.

Yard setback: Same as the residential district with which the TM District is combined.

(3) Where eleven or more persons are cared for: Total lot area: 20,000 square feet. Frontage: 150 feet. Yard setback: 20 feet from all property lines.

Parking: One space per five beds.

# APPENDIX C

# PARKING REQUIREMENTS FOR NURSING HOMES IN SELECTED ZONING ORDINANCES

City and Population (and date of zoning ordinance)	Convalescent, Nursing and Other Health Homes and Institutions
Phoenix, Ariz. 439,170 (1961)	
Fresno, Calif. 133,929 (1960)	1/400 sq. ft. of gross floor area plus 1/3 employees
Mountain View, Calif. 30,889 (1962)	1/2 beds plus 1/employee
Santa Clara, Calif. 58,880 (1960)	1/1,000 sq. ft. of gross floor area
New Haven, Conn. 152,048 (1963)	1/6 beds plus l/staff or visiting doctor plus 1/4 employees
Fort Lauderdale, Fla. 83,648 (1960)	1/2 beds
Cook County, III. 5,129,725 (1960)	1/4 beds plus 1/2 employees plus 1/staff doctor
Evanston, I11. 79,283 (1960)	1/6 beds plus 1/4 employees plus 1/3 staff doctors
Lake County, Ill. 293,656 (1963)	1/4 patient beds plus 2/3 employees plus 1/staff doctor
Cecil County, Md. 48,408 (1962)	1/800 sq. ft. of floor area
Worcester, Mass. 186,587 (1963)	1/2 beds
Minneapolis, Minn. 482,872 (1963)	1/4 beds plus 1/2 employees plus 1/doctor
Ithaca, N. Y. 28,799 (1960)	1/2 beds
Abilene, Tex. 90,368 (1960)	1/3 beds
Seattle, Wash. 557,087 (1963)	1/6 beds plus 1/5 employees plus 1/2 staff doctors

Tacoma, Wash. 147,979 (1962)	1/5 beds
St. Clair County, Mich. (prototype 1962)	1/6 beds and 1/2 employees
Tulsa Area, Okla. (prototype 1963)	1/2 beds
Fox Valley, Wis. (prototype 1961)	1/3 beds and bassinettes plus 1/3 employees plus 1/staff doctor
Lorain County, Ohio (prototype 1960)	1/3 beds plus 1/2 employees and staff members

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# Counteracting 'Not in My Backyard': The Positive Effects of Greater Occupancy within Mutual-help Recovery Homes

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#### **Abstract**

Group homes sometimes face significant neighborhood opposition, and municipalities frequently use maximum occupancy laws to close down these homes. This study examined how the number of residents in Oxford House recovery homes impacted residents' outcomes. Larger homes (i.e., 8 or more residents) may reduce the cost per person and offer more opportunities to exchange positive social support, thus, it was predicted that larger Oxford Houses would exhibit improved outcomes compared to smaller homes. Regression analyses using data from 643 residents from 154 U.S. Oxford Houses indicated that larger House size predicted less criminal and aggressive behavior; additionally, length of abstinence was a partial mediator in these relationships. These findings have been used in court cases to argue against closing down larger Oxford Houses. 125 words

Keywords: Oxford Houses, group homes, 'Not in My Backyard', substance abuse recovery

#### Group Homes and 'NIMBY'

Since the 1960's, many institutional settings have been replaced with community-based programs for persons with mental illnesses, developmental disabilities, and substance abuse disorders (Michelson & Tepperman, 2003). An example of a community-based, mutual-aid recovery home for individuals dealing with substance abuse problems is Oxford House (OH; Jason, Ferrari, Davis, & Olson, 2006a). Oxford House has grown since 1975 to over 1,200 homes across the U.S., 30 in Canada, and eight in Australia. All homes are single-sex (i.e., men or women-only), and some women Houses allow residents' minor children. Individuals are typically referred to Oxford Houses by treatment facilities or through word of mouth, and new residents are admitted based on an 80% House vote. Regarding the operation and maintenance of Oxford Houses, no professional staff is involved, enabling residents to create their own rules for communal governance (Oxford House, 2002). Residents are held accountable to abstain from substance use or disruptive behavior; find and maintain a job; complete chores; and pay for rent, food, and utilities. Failure to comply with these rules along with any disruptive/criminal behavior or substance use is grounds for expulsion, and all rules are enforced by the house residents; as

long as rules are followed, residents are allowed to stay indefinitely. In addition, residents are required to hold house positions (e.g., president or treasurer) elected for six-month intervals by 80% majority vote. A randomized study found that at two-year follow up, the Oxford House participants had lower substance use (31% vs. 65%, respectively), higher monthly income (\$989 vs. \$440), and lower incarceration rates (3% vs. 9%) compared to usual-aftercare participants (Jason, Olson, Ferrari, & Lo Sasso, 2006b).

There are numerous theoretical reasons why group homes such as Oxford Houses should be located in residential areas (Seymour, no date). For example, group homes in residential communities may allow for community integration, an active ingredient in the treatment of substance abuse and many other disorders. Group homes might also serve to educate the community about stigmatized populations (e.g., people with substance abuse problems, developmental disabilities, or mental illnesses). Finally, group homes can be a deterrent to crime because residents are generally required to maintain positive behaviors (e.g., sobriety) and are often vigilant. The Oxford House national organization dictates that new Houses be established in safe, low crime, economically stable neighborhoods with minimal opportunities for relapse (Oxford House, 2002). Regardless of geographic location, Oxford Houses are typically situated in low-drug, low-crime communities in which residents have access to resources and amenities that enable autonomy and substance-free lifestyles (Ferrari, Jason, Blake, Davis, & Olson; 2006a; Ferrari, Groh, Jason, & Olson, 2007).

Nonetheless, group homes in residential areas sometimes face significant opposition (Zippay, 1997), with neighbors' concerns relating to property values, traffic, noise, inappropriate behavior (Cook, 1997), and safety (Schwartz & Rabinovitz, 2001; Solomon & Davis, 1984). This phenomenon is commonly referred to as the 'Not in My Backyard' syndrome (NIMBY; e.g., Dear, 1992; Kim, 2000; Low, 1993). Oxford Houses are certainly not immune to NIMBY; for instance, a North Carolina Oxford House was protested and vandalized by neighbors before it opened. In addition to neighborhood opposition, municipalities employ several techniques to legally regulate, restrict, or even close down group homes (Gathe, 1997). To start out with, cities sometimes decline to provide the required license to prevent the opening of a recovery home. Other regulatory tactics involve density limitations, which may include the Fair Housing Act and Landlord-Tenant Laws (e.g., group homes cannot remove substance-using or disruptive residents without a court order), prohibiting more than one recovery home within a certain radius, and maximum occupancy rules, the focus of the current investigation (i.e., too many unrelated people living in the same dwelling).

Despite the resistance faced by these homes, group homes actually have very little impact on their surrounding neighborhoods and generally blend into the community (Cook, 1997). Community members frequently expect to have more problems with group homes than really occur (Cook; McConkey et al., 1993), and residential facilities do not tend to negatively affect public safety (Center for Community Corrections, 2002). In fact, contrary to popular fears, literature reviews suggest that these settings may actually increase property values in their neighborhoods (Aamodt & Chiglinksy, 1989; Center for Community Corrections). Similar patterns have been demonstrated for Oxford House recovery homes. Local communities reported Oxford House residents blended well into the neighborhood and made good neighbors (Jason, Roberts, & Olson, 2005). The majority of Oxford House neighbors interviewed had either gained resources, friendships, or a greater sense of security following contact with the Oxford House residents. Furthermore, no evidence of property devaluation was found for neighborhoods containing Oxford Houses; community members who knew of the Oxford House actually saw an increase in property value over an average of 3 years.

Several studies investigated factors that influence the reception of group homes in residential areas. The <u>Center for Community Corrections (2002)</u> interviewed community members and found that neighbor acceptance of community justice facilities and halfway homes was enhanced by an engaged public, a well-run program with access to substance abuse treatment and job development, community

input and continuing involvement, discernible contributions to the community, and a careful assessment of the community prior to entry. Additionally, the more a facility resembles the neighborhood in which it resides and the more autonomous the facility residents, the more likely residents will integrate into the community (Makas, 1993). Further, research indicates that closer proximity (Gale, Ng, & Rosenblood, 1988) and increased contact (Butterfield, 1983) between community members and group home residents has a positive effect on the reception of the homes. Jason and colleagues (2005) revealed that residents who lived adjacent to an Oxford House, as opposed to a block away, had significantly more positive attitudes towards the need to provide a supportive community environment for those in recovery, allow substance abusers in a residential community, and the willingness to have a self-run home on their block.

In attempt to reduce the amount and level of concern related to Oxford Houses and other group homes, educational efforts might be developed such as documenting the effects of group homes on property values, having facility residents maintain friendly rapport with neighbors, and residents becoming more familiar with their surroundings in order to address neighbors' fears (Cook, 1997). For example, staff at a residential facility implemented educational measures to inform the neighborhood about the opening of the home (Schwartz & Rabinovitz, 2001). Significant interactions were found between neighbors visiting these facilities and decreases in dissatisfaction. Finally, it has been suggested that researchers should focus on developing ways that the public can become more familiar with halfway houses and other group homes (Center for Community Corrections, 2002).

## **Group Home Size**

In order to implement educational efforts, this research study focused on one NIMBY threat to group homes: house size. While very little research exists on this topic, one study (Segal & Darwin, 1996) found that within sheltered care facilities for individuals with mental illness, although home size did not relate to levels of management, larger homes were less restrictive in their rules and procedures. Larger homes also spent more on program activities for their residents, and their residents were more involved in facility-based activities. It is possible that these greater occupancy facilities were able to provide more of an opportunity for residents to develop a sense of community. However, this type of sheltered care facility is fairly different from Oxford House recovery homes.

It is suggested that a sufficient number of residents in each home might be a necessary component in the effectiveness of Oxford House through the mechanism of social support. Individuals recovering from addictions should be surrounded by a community in which they feel they belong and are able to obtain sobriety goals (Jason & Kobayashi, 1995). Oxford House residents rated "fellowship with similar peers" the most important aspect of living in an Oxford House (Jason, Ferrari, Dvorchak, Groessl, & Malloy, 1997). The Oxford House experience also provides residents with abstinent-specific social support networks consisting of other residents in recovery (Flynn, Alvarez, Jason, Olson, Ferrari, & Davis, 2006). Individuals who spent more time in an Oxford House had a greater sense of community with others in recovery, less support for substance use (Davis & Jason, 2005), and more support for abstinence (Majer, Jason, Ferrari, Venable, & Olson, 2002). Oxford Houses with more residents might have greater opportunities for members to provide and receive these vital social resources. It is believed that larger Houses will promote recovery through their ability to promote larger (Zywiak, Longabaugh, & Wirtz, 2002), more supportive social networks (MacDonald, 1987) that include sober others in recovery (Hawkins & Fraser, 1987; Zywiak et al.), constructs linked to sober living.

In addition to increased levels of social support, there are other hypothesized benefits to larger Oxford Houses. For instance, rent may be lower in larger homes because residents can split the costs. Additionally, having more residents allows members to learn from each other and increases opportunities for diversity. In this study, we examined the effects of House size on criminal and

aggressive behaviors among Oxford House residents, two areas of significant concern to communities containing group homes (Cook; Schwartz & Rabinovitz, 2001; Solomon & Davis, 1984). Oxford House has been found to promote positive outcomes regarding both criminal activity (Jason et al., 2006b; Jason, Davis, Ferrari, & Anderson, 2007a; Jason, Olson, Ferrari, Majer, Alvarez, & Stout, 2007b) and self-regulation (Jason et al., 2007b), which relates to aggression. Therefore, it was hypothesized in the present study that residents of larger Houses (with 8 or more members) would exhibit fewer criminal and aggressive behaviors as measured by the Global Appraisal of Individual Needs-Quick Screen than residents of smaller Houses.

#### Method

#### Procedure

Data included in the present study were from the baseline data collection (completed between December 2001 and April 2002) of a community evaluation of residents living in one of 213 U.S. Oxford Houses (see Jason et al., 2007a for details). Participants from this Institutional Review Board-approved study were recruited and surveyed using two strategies. The majority of participants (n = 797) were recruited through an announcement published in the monthly Oxford House newsletter that provided contact information for the study. We then contacted Oxford Houses via letters to House Presidents, conducted follow-up phone calls to the Houses, and where possible, members of the research team arranged to visit Houses. Of the 189 Oxford Houses that were approached, 169 (89.4%) had at least one individual who agreed to participate in the study, and the average number of individuals per House choosing to participate in the study was 4.7. For the second method, 100 individuals were randomly selected to fill out the baseline questionnaires at an annual Oxford House Convention attended by 300. Analyses revealed no difference in demographic or outcome variables between the two recruitment groups.

In each case, the nature, purpose, and goals of the study were explained to the potential participants. As part of the consent process, staff members explained that participation was entirely voluntary and that withdrawal from the study was possible at any time. Fifteen dollar payments were made to participants following the survey. These data were gathered by research staff who primarily administered questionnaires in person to the participants. Some data were collected by telephone, which was often the case for those who had left Oxford House. No significant differences were found based on data collection method.

In addition, an environmental survey (assessing House size) was mailed to the House Presidents of all 213 Oxford Houses. No identifiable information about any House resident was requested, and confidentially was maintained for all data. Most often the survey was completed by the House President (60.2%) or another House officer (31.6%), such as the Secretary or Treasurer. The survey then was returned by mail, and a small package of coffee was subsequently sent to the House for participation. Pilot testing indicated that it would take less than 20 minutes to complete and mail the survey, which were collected over a four month period.

#### **Participants**

For this investigation, we only included participants from the 154 Houses for which we had data on House size, representing 72.3% of Houses in the larger study. On average, Houses had about 7 total members (M = 7.1, SD = 2.0, Median = 7), and Houses in this study ranged in size from 3–18 residents. Regarding geographic region within the U.S., 27.7% of Houses were located in the West, 18.4% were in the Midwest and Texas, 28.3% were in the Northeast, and 25.7% were in the Southeast.

This present baseline sample consisted of 643 Oxford House residents, including 227 females (35.3%) and 416 males (64.7%). The sample was ethnically diverse, with 62.5% European American, 29.2% African American, 3.9% Hispanic/Latino, and 4.4% others. At baseline, the average age of the sample was 38.3 (SD = 9.2), and the average education level was 12.7 years (SD = 2.0). Regarding marital status, 50.4% were single or never married, 45.4% were divorced/widowed/separated, and 4.2% were married. With respect to employment, 67.4% reported being employed full-time, 14.2% part-time, 13.3% unemployed, and 5.1% retired or disabled, and the average monthly income of the sample was \$965 (SD = 840). The average participant had stayed in an Oxford House for 1.0 years (SD = 1.4). The mean length of sobriety was 1.7 years (SD = 2.4) for alcohol and 1.9 years (SD = 3.2) for illicit drugs. Regarding recent substance use, participants on average consumed alcohol on 2.3 days (SD = 9.1) and drugs on 5.1 days (SD = 18.3) in the past 90 days. Concerning legal status, 30% of participants were currently on probation, and 14% claimed that their entry into OH was prompted by the law. Regarding lifetime data, the average participant was charged with a crime 9.9 times (SD = 14.0) and were incarcerated a total of 15.9 months (SD = 36.8).

#### Measures

Baseline demographic information (e.g., gender, race, substance disorder typology) was obtained from items on the 5<sup>th</sup> Edition of the *Addiction Severity Index-lite* (ASI; McLellan et al., 1992). The ASI assesses common problems related to substance abuse: medical status, drug use, alcohol use, illegal activity, family relations, and psychiatric condition. The ASI has been used in a number of alcohol and drug use studies over the past 15 years and has been shown to have excellent predictive and concurrent validity (McLellan et al.).

The Form-90 (Miller & Del Boca, 1994) was administered to obtain a continuous record of alcohol and drug consumption and intensity within a 90-day time span. This measure gathers information related to employment, health care utilization, incarceration, and alcohol and other drug use over a 90-day retrospective (which provides a reliable time frame for abstinence assessment; Miller & Del Boca).

The number of residents per Oxford House was determined using a brief version of a reliable environmental audit developed and utilized by Ferrari and colleagues (Ferrari et al., 2006a; Ferrari, Jason, Davis, Olson, & Alvarez, 2004; Ferrari, Jason, Sasser, Davis, & Olson, 2006b) for use with group recovery settings. This survey requested responses to forced choice and frequency items in a number of domains, including information about the House setting such as the percentage of residents in recovery from alcohol, drugs, and poly-substances, along with the number of inhabitants within a House. Other sections of this audit gathered information on the interior and immediate exterior House characteristics, amenities found within a 2-block radius of the House, and characteristics of the surrounding neighborhood.

The Global Appraisal of Individual Needs-Quick Screen (GAIN-QS; Dennis & Titus, 2000) is a self-report, clinical screening tool examining whether or not a psychological or substance abuse symptom has occurred in the past 12 months similar to the DMV-IV Axis I criteria. While the GAIN-QS is not a diagnostic tool, it has been utilized within clinical screening contexts to identify problem areas and psychological symptoms that warrant further explanation. For the purposes of this study, 2 indices from the GAIN-QS were used as the outcome variables measuring aggressive and criminal behaviors: Conduct Disorder/Aggression Index (6 items; Cronbach's alpha = .78, Mean Score = 1.34) and General Crime Index (4 items; Cronbach's alpha = .69; Mean Score = .29).

#### Results

House Size and GAIN-QS Subscores

The average House size in this study was about 7 members (M = 7.1, median = 7), and because a pending court case attempted to make it illegal for Oxford Houses to house 8 or more residents, we decided to compare 7 or fewer members in a House (i.e., smaller Houses) with 8 or more residents of an Oxford House (i.e., larger Houses). Regression analyses determined that this dichotomized House size variable significantly predicted the GAIN-QS subscales of Conduct Disorder/Aggression,  $\beta = -.10$ , t(632) = -2.52, p = .01, and General Crime Index,  $\beta = -.10$ , t(634) = -2.44, p = .02. House size accounted for 0.8% of the variance in General Crime Index scores and 1.9% of the variance in Conduct Disorder/Aggression scores. Larger Houses had fewer problems related to conduct disorder/aggression, and criminal activity. Smaller Houses had a General Crime Index mean score of 0.34 and a Conduct Disorder/Aggression Index mean score of 1.43, whereas the respective scores for larger Houses were 0.21 and 1.16 (lower scores indicate fewer problem symptoms in each area).

#### House Size and Demographic Analyses

Next, one-way ANOVA and chi-square analyses were run to determine whether large and small Houses (7 or less vs. 8 or more) differed on demographic variables. Results indicated that the groups only differed on one key demographic variable: larger House residents had been abstinent from drugs and alcohol longer than individual from smaller Houses, F(1,637) = 4.42, p = .04. Residents in smaller Houses had 298.1 (SD = 458.6) cumulative days of abstinence on average, compared to 379.5 (SD = 476.5) days for residents of larger Houses. This indicates that individual living in larger Houses maintained abstinence for about 81 days longer. Since larger Houses had significantly longer lengths of cumulative abstinence, we ran correlations to determine if this variable also related to the GAIN-QS subscale scores. Among participants for whom we have House size data, cumulative days sober did significantly and negatively correlate with the GAIN-QS subscales of  $Conduct\ Disorder/Aggression$ , r(633) = -.26, p = .000, and  $General\ Crime\ Index$ , r(631) = -.30, p = .000.

#### **Mediational Analyses**

We next examined whether the variables in the House size and GAIN-QS subscore regression analyses were only significant because individuals in larger Houses had been sober for longer periods of time. In order to evaluate this possibility, we utilized Baron & Kenny's (1986) framework for testing of mediation. In Baron & Kenny's model, the influence of variable A (the initial variable) on variable B (the outcome) may be explained by a third variable known as variable C (the process variable). Complete mediation occurs when variable A no longer affects B after C has been controlled. Partial mediation occurs when the path from variables A to B (the total effect) is diminished in total size but still different from zero after the mediating variable is controlled. The mediational model is a causal one; therefore, the mediator is presumed to bring about the outcome and not vice versa.

We used <u>Baron & Kenney's</u> (1986) framework to determine whether cumulative days sober mediated the relationship between House size and *Conduct Disorder/Aggression* (A = House size [7 or less vs. 8 or more], B = cumulative days sober, and C = *Conduct Disorder/Aggression*). As demonstrated earlier with linear regression analyses, House size significantly predicted *Conduct Disorder/Aggression*. House size also significantly predicted cumulative days sober (A $\rightarrow$ B;  $\beta$  = .08, t[637] = 2.10, p = .04;  $r^2$  = .007), and cumulative days sober predicted *Conduct Disorder/Aggression* (B $\rightarrow$ C;  $\beta$  = -.30, t[630] = -7.86, p = .000;  $r^2$  = .089). Finally, when both House size and cumulative days sober were put in the model predicting *Conduct Disorder/Aggression* (A and B $\rightarrow$ C), House size maintained significance, but less than earlier (House size:  $\beta$  = -.08, t[628] = -2.11, p = .04; cumulative days sober:  $\beta$  = -.29, t[628] = -7.69, p = .000;  $r^2$  = .096). Therefore, House size is related to *Conduct Disorder/Aggression*, and cumulative abstinence is a partial mediator in this association. These two variables (i.e., House size and cumulative abstinence) explained almost 10% of the variance in *Conduct Disorder/Aggression* scores.

We again employed Baron & Kenney's (1986) framework to determine whether cumulative days sober mediated the relation between House size and General Crime Index (A = House size [7 or less vs. 8 or more], B = cumulative days sober, and C = General Crime Index). As reported earlier, House Size was a significant predictor of General Crime Index, and House Size significantly predicted cumulative days sober. Regarding new analyses, cumulative days sober predicted General Crime Index (B $\rightarrow$ C;  $\beta$  = -.26, t[631] = -6.77, p = .000;  $r^2$  = .068). Finally, with both House size and cumulative days sober as predictors of General Crime Index (A and B $\rightarrow$ C), House size retained significance but less so than before (House Size:  $\beta$  = -.08, t[630] = -2.04, p = .04; cumulative days sober:  $\beta$  = -.25, t[630] = -6.60, p = .000;  $r^2$  = .074). Thus, House size is related to General Crime Index scores, and cumulative sobriety is a partial mediator in this relationship. These two variables (i.e., House size and cumulative abstinence) explained more than 7% of the variance in General Crime Index scores.

#### Discussion

The objective of the present investigation was to examine how the number of residents in an Oxford House impacted outcomes related to aggression and crime among residents. Regression analyses supported our hypotheses that larger House size (i.e., 8 or more residents) would predict less criminal and aggressive behavior. However, an unexpected result was that length of abstinence was a significant mediator in these relationships. House size lost a fair amount of significance when the mediator of cumulative days sober was entered into the models predicting *GAIN* subscale scores, and the addition of cumulative sobriety to the models greatly increased the amount of variance explained. Cumulative sobriety partially explained the relationships between House size and *General Crime Index* and House size and *Conduct Disorder/Aggression*. Thus, greater House size leads to greater cumulative abstinence, which in turn leads to less criminal activity and aggression; however, House size does have some independent impact of its own on these outcomes. It is clear that having more residents in a House is beneficial to residents' recovery from alcohol and drug abuse.

These findings have important policy implications regarding the future of recovery homes. It is argued that local governments allow Oxford Houses immunity from maximum occupancy regulations due to the great need in many communities for these settings. It is very difficult for individuals lacking stable living environments to maintain a sober lifestyle following residential treatment (Milby, Schumacher, Wallace, Feedman, & Vuchinich, 1996). As the cost of housing continues to rise, many individuals leaving inpatient facilities are unable to find affordable housing. Without Oxford House or other recovery home options, former addicts frequently have no choice but to return to their old negative environments and fall back into their pre-treatment habits, which frequently include antisocial activities such as substance use and criminal activity. Regardless of how successful a client has been in treatment, this progress can be reversed through residence in an environment that promotes crime and drug use (Polcin, Galloway, Taylor & Benowitz-Fredericks, 2004). As demonstrated in this study, a sufficient number of House residents is a factor in the ability of Oxford House to promote these outcomes that benefit local communities.

Furthermore, it is suggested that maximum occupancy regulations that apply to recovery homes are often based on false beliefs and fears. Neighbors often oppose recovery homes because they fear increased crime and violence (Cook, 1997; Schwartz & Rabinovitz, 2001; Solomon & Davis, 1984; Zippay, 1997), and in order to appease these residents, cities frequently use maximum occupancy laws to close the group homes (Gathe, 1997). This pattern is quite ironic given that the Houses being closed (i.e., larger homes) should actually give neighbors less reason for concern. It seems obvious that laws based on these misconceptions should be eliminated. Overall, Oxford Houses have positive (not negative) effects on local communities (Jason et al., 2005), and residents of larger Houses appear to be highly desirable community members (i.e., who engage in less criminal and aggressive behaviors).

This investigation provides one more step in the movement to improve the reception of Oxford Houses and other group homes in local communities. While second-order change alters the systems that cause the problems (<u>Dalton, Elias, & Wanderman, 2001</u>), 'Not in My Backyard' typically serves to inhibit this type of change. Changing the attitudes of mental health professionals, community members, and policy makers may break down the barriers to second-order change (<u>Olson et al., 2002</u>). Educational efforts along with successes in the court room may promote a more positive social climate and set legal precedents. Finally, researchers have argued that social scientists should explore ways that the public can become more familiar with residential facilities (<u>Center for Community Corrections, 2002</u>). We hope that these efforts and the efforts of other researchers, individuals in recovery, treatment providers, lawyers, and political activists are successful in reducing the opposition to group homes in residential areas.

Concerning limitations, our findings might not apply to other group homes or residential facilities, which can vary greatly in focus, procedures, setting, and size. For instance, a "large" Oxford House setting (i.e., greater than 7 members) might be very small in comparison to other residential settings, which may accommodate several dozen residents. It is actually possible in these cases that somewhat smaller settings are more effective. In addition, we were typically not able to collect data from all members within a House; thus, some Houses have more representation than others in this sample. Future studies in this area should acquire information from all members of a House if possible. Furthermore, data analyzed in this study were self-report; therefore, it may have been useful to obtain House size estimates using data from other sources such as Oxford House Inc., the national body that oversees Oxford Houses. Also, alcohol and drug use had little variability within this sample because all participants were recruited from Oxford Houses instead of treatment or detoxification centers (suggesting a later stage in recovery), and because residents caught using can be evicted. Perhaps future research assessing occupancy levels of recovery homes should consider a sample with more variability with regards to substance use. A final limitation is our use of regression analyses as opposed to Hierarchical Linear Modeling due to the tested nature of the data; however, we wanted to test the mediational model, which can be done using regression but not HLM. Nonetheless, future researchers assessing group home size may want to seriously consider the use of HLM.

In order to improve the reception of Oxford Houses in local communities and counteract the NIMBY syndrome, the Oxford House Research Team has provided expert testimony in court cases, sent information to legislators, disseminated research findings with policy implications, collaborated with community partners and state-level agencies, and worked with the media to change the image of recovery homes (see <u>Jason, Davis, Ferrari, & Bishop, 2001</u>). In particular, the DePaul University research team has been involved in several court cases over past several years on the behalf of Oxford Houses. Most recently, municipalities located in Kansas, Iowa, and North Carolina have attempted to close down Oxford Houses or similar recovery homes due to too many unrelated individuals living in one dwelling. Findings from the present study were used in these court cases, and at the present time, the Oxford House organization has won every court case.

#### Acknowledgments

The authors appreciate the financial support from the National Institute on Drug Abuse (grant number DA13231).

#### **Footnotes**

<sup>1</sup>Although participants were nested within Oxford Houses, we decided not to focus on Hierarchical Linear Modeling results because we wanted to test for mediation, which can be done using regression but not HLM. However, we did run HLM analyses and found that House size (as a level 2 group variable) significantly

predicted individually-assessed level 1 General Crime Index scores (f[144] = -2.18, p = .03) but not level 1 Conduct Disorder/Aggression scores (f[144] = -1.17, p = .25).

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### Effects of group homes on neighborhood property values

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## Effects of Group Homes on Neighborhood Property Values

Carey S. Ryan and Ann Coyne

Abstract: Several indicators of property values were examined to determine the effect that group homes have on property values. Data were collected for 525 houses which sold around 13 group homes. Independent variables were the time of sale (before or after group home occupancy) and distance from the group home. No significant differences were found in length of rime on the market and sale/list ratios. Exceptionally high sale prices in certain areas are believed to have accounted for significant differences in list and sale prices. The results support the notion that group homes do not adversely affect neighborhood property values.

The Eastern Nebraska Community Office of Retardation (ENCOR) was formed in 1970 to provide community-based services to persons with mental retardation. Their services include residential services which are provided through the establishment of small group homes in which individuals with mental retardation live with staff support.

Group homes located in two of the five counties served by ENCOR were selected for the Study. Douglas County (population approximately 411,000) includes the city of Omaha—a metropolitan area of Nebraska. Omaha is described as a medium sized service center. A substantial proportion of its economic activity stems from agriculture.

Sarpy County (which is adjacent to Douglas County) b the location of the Strategic Air Command (SAC)—Offutt Air Force Base. SAC is an important part of the economy in Sarpy County and the leading employer in the metropolitan area.

The stability of the population in the Omaha metropolitan area is comparable to cities of similar size in the United States.

Approximately 12% of the population is black, which is about the national average. About 2.1% is Chicano according to documented reports (D. Dimartino, University of Nebraska at Omaha Center for Applied Urban Research, personal communication, February, 1985).

The purpose of ENCOR's residential services is to prepare children and adults with mental retardation for the independent use of the same residential environments and other community resources and settings available to ail citizens. Some individuals live in a group of two or three. Others live in their own homes or apartments

with friends or alone. Skills and abilities determine the level of staff support. In some cases, it may be 24-hour supervision. In others, staff persons may drop in for only an hour or two each week.

ENCOR maintains residences within neighborhoods such that they are not landmarks. Neither the residential facilities nor their residents are intended to be more conspicuous than any other segment of their community.

Residential services, like all other ENCOR services, are based on the theory of normalization. That is, they are based on the belief that all people, whether or not they have mental retardation, should have the opportunity to enjoy the same environment and have access to the same resources. Indeed, such opportunities are essential if people are to grow and learn to live as part of the larger society.

There are two aspects involved in living as part of the larger society. One is the physical setting or integration of the person's home. The other is social integration or the day-to-day interaction with other individuals in the community including neighbors, merchants, etc. Exclusion by the community can be a major barrier facing providers and consumers of community-based residential services. The community may exclude persons with mental retardation by blocking their entrance into the community through zoning laws, city ordinances, and various informal methods such as neighborhood and community pressure (Aviram & Segal. 1973). Thus, neighborhood and community acceptance is an important part of assisting persons with mental retardation to live as part of the larger society.

Before making a decision to rent a house in which to provide residential services to persons

with mental retardation. ENCOR staff persons routinely conduct neighborhood surveys. Staff persons inform the neighbors of the agency's programs ana goals. provide some reading material, answer questions, and solicit their opinion on having a residence in their neighborhood. i.e., favorable, no opinion, or unfavorable. Their responses are only one factor on which the decision to rent a house is made.

One area of concern to potential and current neighbors of ENCOR residences and to the agency, is the effect that group homes have on neighborhood property values. Such community concerns can be a major barrier towards the physical and social integration of persons with mental retardation. This study examines several measures of property values to determine what effects, if any, the presence of ENCOR group homes have on neighborhood property values. Such research should prove useful as a source of information to the agency and property owners.

#### Literature Review

Several studies (Caulkins, Noak & Wilkerson, 1976; City of Lansing Planning Department, 1976: Dear, 1977; Developmental Disabilities Program, 1982; Knowles & Baba, 1973; Wiener, Anderson 8c Nietupski, 1982) examining various measures of property values have revealed no evidence that neighborhood values are adversely affected by the presence of a group home.

A study issued by the Metropolitan Human Services Commission (Wagner & Mitchell, 1980) in Columbus, Ohio examined real estate transactions which occurred before and after the location of group homes serving a variety of populations including developmentally disabled women. No statistical differences were found between the before and after measures of property values. Indicators of value used were the time that a parcel remained on the market and sale price as a percentage of list price. A quick sale was assumed to be more beneficial to the seller so that a better investment could be made and the inconvenience involved in the sales process could be eliminated. The price ratio was used to permit comparisons of different real properties and to decrease the biasing effects of time and history.

According to Wagner and Mitchell (1980), the study was criticized for defining location date as the purchase date of the facilities studied. That is, it was suggested that property values would not be affected by the presence of a group home until the neighborhood became fully aware of the

intended use of a house as a group home. Thus, the study was replicated and the date of occupancy was used to define the establishment of the group home.

Again, the results showed that group homes did not adversely affect neighborhood property values. Three homes showed no statistically signifiant differences in che before and after measures for the two variables. For two homes, there was a statistically significant difference such that the measures after the date of occupancy were more positive than the before measures for at least one of the variables.

Other researchers have reported chat property values in communities with group homes had the same increase (or decrease) in market prices as other similar neighborhoods; that the close proximity of neighboring properties to a group home did not significantly affect their market values; that adjacent properties did not experience property value declines; and that the establishment of the group homes did not generate a higher degree of neighboring property turnover than in other similar neighborhoods (Mambort Thomas 8c Few, 1981; Wolpert, 1978).

In another study, property transactions were examined for houses located in the immediate area of a group home, those located on the same street, and chose located in che same block. An analysis of turnover rates, mean selling prices. mean annual rates of appreciation, che mean number of days properties were listed before selling, and the actual selling prices as percentages of the asking prices showed no evidence that property values or marketability were adversely affected by che establishment or presence of group homes in residentially zoned neighborhoods (Wickware & Goodale, 1981).

Thus, researchers examining a number of possible indicators of property values have found no evidence that che presence of group homes affects property values. The methodology has included che analysis of real estate transactions occurring before the establishment of group homes with those occurring after, the use comparison neighborhoods or a matched control group, and the analysis of real estate transactions for houses located at progressively further distances from the group home.

#### Method

#### Overview

In order to determine the effects that group homes serving individuals with mental retarda-

tion have on neighborhood property values, property transactions occurring during a period if time both before and after the occupancy dates of group homes were analyzed. In addition, property transactions were analyzed in relation to their distance from the group homes. Thus, effects, if any, can be seen as occurring after the establishment of the group homes and/or as a result of proximity to the group homes (diminishing as distance from the group home increases).

#### **Group Home Selection**

Thirteen group homes administered by ENCOR were selected for the study. The following criteria were used in the selection process: (1) 24-hour staff coverage; (2) occupancy by two or more clients; (3) location in Douglas or Sarpy County, Nebraska; and (4) location in a primarily non-rental neighborhood (e.g., not located in an apartment complex). Facilities established prior to 1978 were not included because of a lack of available information.

#### **Data Collection**

Data were collected from the Omaha Statistical Marketing Analysis (Multiple Listing Service) and included the following: (I) the date each house sold: (2) the amount of each transaction; (3) the list price of each house sold; (4) the number of days each house was on the market; and (5) the address of each house sold. Data was also collected from the 1980 Census on Population and Housing on median housing value for each group home neighborhood. Data did not include those houses sold by the owner (which, according to a local real estate agent are minimal) and those houses that never sold and went off the market as this information was not available.

Data were collected on a total of 525 homes for the period of time from one year before (n = 198) to three years after (n = 327) the date of occupancy for each group home. Occupancy dates were used rather than dates of leases as it is believed that it is at occupancy when neighbors become aware that individuals with mental retardation have moved into the homes. It should be noted that neighborhood surveys (the soliciting of neighbors' opinions prior to renting) were begun by ENCOR only in July of 1980. Thus, for two of the thirteen group homes, neighbors would have become aware of the potential establishment of a group home in their neighborhood

prior to the date of occupancy. For the other eleven group homes neighbors would not have known.

Data were collected for those homes that sold within 1200 feet of each group home. Each house was determined to be in a certain zone with reference to the group home, i.e., Zone 1 included houses located within 400 feet of the group home. Zone 2 included those located between 400 and 800 feet of the group home, and Zone 3 included those located between 800 and 1200 feet of the group home. In cases where the dividing line ran through a house, the house was included in the zone nearest to the group home.

Of the 537 houses located in the Zone 1 areas around the group homes, 111 sales took place. Of the 1,118 houses in the Zone 2 areas. 246 sales took place. Finally, of the total 1.381 houses located in the Zone 3 areas, 225 sales took place.

Turnover rates were calculated for each zone of each group home based on the number of property transactions that occurred and the total number of houses in each zone. The latter information was derived from aerial photographs which were obtained from the Omaha and Bellevue (Nebraska) City Planning Departments. Rates were calculated separately for before and after the group home occupancy dates as well as by zone.

Sale price/list price percentages were individually calculated for each transaction.

#### Results and Discussion

#### Market Time

A two-way analysis of variance indicated there were no statistically significant differences in che number of days that houses were on the market before being sold. This held true for both independent variables—distance from the group home and whether a house sold before or after the occupancy date of the group home. There was also no significant interaction.

#### Turnover Rate

Turnover for homes before and after the establishment of the group homes was analyzed using chi-square. The chi-square x<sup>2</sup> 7.82, df = 1) was significant at the .05 level. Turnover after the establishment of the group homes was significantiv lower than turnover before While this most likely represents a slow-down in the housing

market, it also indicates that presence of a group home does not increase turnover.

it can be concluded chat che presence of a group home in a neighborhood did not adversely affect (i.e., cause an increase in) che number of property transactions in a neighborhood-

#### List Price, Sale Price, and

#### Sale/List Rates

Two-way analyses of variance revealed a significant interaction effect of distance from che group home and time of sale (i.e whether che house sold before or after the occupancy date of the group home) on both list and sale prices (F = 3.33.2/254 df,p < .022 and F = 4.19, 2/523 df,p< .016 respectively). After group home establishment, there was a greater increase in list prices and sale prices further away from some of the group homes. However, there was no significant difference in the sale/list ratios (i.e., sale prices expressed as percentages of list prices). Thus, homeowners were still getting the same percentage of their asking price for their property regardless of the distance from che group home or whether the house sold before or after the group home was established.

Overall che list and sale prices increased in every zone after the group homes were established. However, it appeared chat in Zone 3 list prices were considerably higher after the establishment of che group homes. Table 1 shows the mean list and sale prices and the mean sale/list ratios by zone and time of sale.

It appeared however that these differences by zone existed only around four of che thirteen group homes where exceptionally high sales appear to have occurred in Zone 3 after che establishment of the four group homes. An analysis was done on the list and sale prices for properties around the nine other group homes in = 273 and n = 277, respectively). There were no significant differences by zone when data for one year before the establishment of the group homes were compared with che data for one year after che establishment of the group homes.

The median housing value for Zone 3 areas around and che four group homes where exceptional sales occurred was 344,320. In contrast, che mean list price for homes in chose areas that sold after che establishment of the group homes was \$65,670 and the mean sale price was \$63,230. Some of the actual sale prices in this group were \$107,500, \$80,000, \$95.000, and 382,500.

The median housing value for Zone 3 around the nine group homes where no exceptional sales occurred was \$45,270. The mean list and sale prices were \$43,160 and \$41,350, respectively. Thus, the data suggests chat for some reason (probably unrelated to the presence of a group home in che neighborhood) a few exceptionally high sales occurred in Zone 3 around four of the group homes after group home establishment which may have caused a significant difference by zone in che overall analysis.

#### Discussion

The results of this analysis of several possible indicators of property values are very similar to chose that have been reported in similar studies of group home effects on property values. Results for three of che five indicators—the length of time a house remained on che market, che rate of turnover in the neighborhood, and the sale-price as a percentage of che list price—lend sup-

TABLE
MEAN PRICES AND SALE/LIST RATIOS BY ZONE AND TIME OF SALE

Zones	Number of sales	List price**		Sale price**		Sale/list ratio*	
		Sefore	After	Before	Atter	Sefore	After
1	111	38.52	44.38	36.63	42.90	.959	982
2	248	39.55	42.24	38.75	40.85	.980	.363
3	225	39.71	50.22	37.98	48.08	.959	.958
	582						

Note. Prices are expressed in thousands of dollars. Before and after indicate time of sale in relation to grows home occupancy dates.

<sup>&</sup>lt;sup>a</sup> Zane 1 = 0—100 feet from group home, Zane 2 = 400—800 feet from group home. Zane 3 = 800—1200 feet from group home.

Number of sales = 582. Number of houses = 525.

<sup>°</sup>p<.30, ~p<.022, ~p<.016.

port to the notion that group homes do not adversely affect neighborhood property values. Indeed, turnover rates appeared to be lower and the sale prices and list prices significantly increased after group homes were established. This is probably the result of the overall slowdown of the housing market and inflation of housing costs in the 1979-83 period of the study rather than anything related to group home establishment. Although differences were found in list and sale prices by zone, there is evidence to suggest that these differences may be due to factors unrelated to the presence of group homes. In four specific areas exceptionally high list and sale prices for homes selling after the establishment of the group homes were noted. When these areas were Removed from the analysis the apparent differences disappeared. It appears that neighborhood fears of lowered property values are unfunded.

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# PARTY OF RECORD

## **NONE**