

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Request for an amendment to a special exception for an existing Adult Living Facility (ALF) to increase from 16 beds to 25 beds in A-1 (Agricultural District); R & J Oakmont, Inc, applicant.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 8/28/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

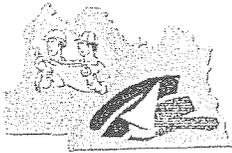
1. **APPROVE** the request for an amendment to a special exception for an existing Adult Living Facility (ALF) to increase from 16 beds to 25 beds in A-1 (Agricultural District); or
2. **DENY** the request for an amendment to a special exception for an existing Adult Living Facility (ALF) to increase from 16 beds to 25 beds in A-1 (Agricultural District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Albert Green Owner: R & J Oakmont, Inc Location: 5520 Howell Branch Road Zoning: A-1 (Agricultural District) Subdivision: Woodcrest Unit 8
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • The applicant proposes to expand an existing Adult Living Facility (ALF) in the A-1 district by increasing the number of beds from 16 beds to 25 beds. • The applicant requires no additional site or facility improvements to accommodate this increase. • The current use of the site was established in 1994 (BA04-1-1SE) with the approval of a special exception for sixteen (16) residents subject to the residents being ambulatory, over 55 years of age and not to be drug

	<p>abuse or mentally handicapped individuals.</p> <ul style="list-style-type: none"> The ALF facility was expanded in 1995 (BA95-11-33SE) from 3,375 Sq. ft. to 7,3,75 sq. ft. subject to the same conditions of BA04-1-1SE. 																								
	<table border="1"> <thead> <tr> <th>DIRECTION</th> <th>EXISTING ZONING</th> <th>EXISTING FLU</th> <th>USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td>SITE</td> <td>A-1</td> <td>LDR</td> <td>ALF</td> </tr> <tr> <td>NORTH</td> <td>A-1</td> <td>LDR</td> <td>Vacant</td> </tr> <tr> <td>SOUTH</td> <td>A-1</td> <td>LDR</td> <td>SFR</td> </tr> <tr> <td>EAST</td> <td>PCD</td> <td>COM</td> <td>Office Bldg.</td> </tr> <tr> <td>WEST</td> <td>R-1A</td> <td>LDR/CONS</td> <td>Conservation</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-1	LDR	ALF	NORTH	A-1	LDR	Vacant	SOUTH	A-1	LDR	SFR	EAST	PCD	COM	Office Bldg.	WEST	R-1A	LDR/CONS	Conservation
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<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</p>	<p>The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>The proposed use would expand the use of an existing ALF with an increase from 16 beds to 25 beds without the need for any site improvements. The ALF has been operating on this site since 1994.</p> <p>This facility is located on Howell Branch Road. There is one single family residence to the south, and vacant single family to the north. This ALF is residential in style and blends with the existing character of the western side of Howell Branch. On the east side of Howell Branch is a new office building.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>This facility is located on Howell Branch Road, a major and recently improved County road. Although increasing the number of beds, an ALF typically is a low traffic generator. Additionally, the applicant does not propose nor require an increase in staff to serve these additional clients therefore, the increased number of residents will generate minimal additional traffic than what is currently generated. The site will be evaluated for any traffic impacts while reviewed for concurrency.</p>																								

	<p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes the Low Density Residential (LDR) future land use as a transitional land use between urban and suburban uses. The approved uses listed in the LDR land use include single family at 4 units per acre, schools (elementary, middle and high) and, by special exception, basic service and facilities such as group homes, churches, and daycares. The property use as proposed is consistent with the LDR future land use.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>Based on the submitted site plan, the proposed use meets the minimum area and dimensional requirements of the A-1 district.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>Within the A-1 district ALFs are allowed as conditional uses. The prior establishment of the ALF which the expanded use would constitute a part, demonstrates consistency with the trend of nearby and adjacent development in the area.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.124(a)</p>	<p>The BOA may permit any use allowed by special exception in the A-1 (Agriculture District) upon making findings of fact, in addition to those required by section 30.43(b)(2) of the land development code, that the use:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></p> <p>The Agriculture zoning district permits uses that have an agriculture purpose and non-agriculture uses with conditions to protect the character of the area.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>Impact of the increased number of beds would be minimal as proposed as they will not require site improvements nor additional staffing.</p>

	<p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>The property is located in the Southeast Service Area in which water and sewer will be provided by Seminole County utilities. Capacity availability for the proposed improvements will be determined at concurrency. Other county services, including emergency services and garbage disposal, are also available to the site.</p>
<p>STAFF FINDINGS</p>	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none"> • The property is located within the urban/rural boundary in which the proposed uses would perform as a transitional use. • The prior establishment of the ALF of which the proposed use would constitute a part, demonstrates consistency with the trend of nearby and adjacent development in the area. • Based on the submitted site plan, the proposed use would conform to the minimum dimensional standards of the A-1 district.
<p>STAFF RECOMMENDATION</p>	<p>Staff recommends approval subject to the proposed amendment to the existing special exception based upon the following conditions:</p> <ol style="list-style-type: none"> 1. The general layout of the proposed uses as depicted on the master plan shall not change. 2. No building shall be increased more than 10% without Board of Adjustment approval. 3. As in the previous approvals, the residents shall be ambulatory, over 55 years of age and not be drug abuse or mentally handicapped individuals. 4. Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).



COPY

APPL. NO. BS2006-009

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE: RECEIVED JUL 07 2006

- VARIANCE
- SPECIAL EXCEPTION to Amend the special exception R-1 Oakmont to permit up to 25 residents
- LIMITED USE
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>R & J Oakmont, Inc</u>	<u>ALBERT GREEN</u>
ADDRESS	<u>5520 Howell Branch Rd</u>	
	<u>Winter Park, FL 32792</u>	
PHONE 1	<u>(407) 435-2402</u>	
PHONE 2	<u>(407) 695-0469</u>	
E-MAIL		

PROJECT NAME: R & J Oakmont, Inc
 SITE ADDRESS: 5520 Howell Branch Rd, Winter Park, FL 32792
 CURRENT USE OF PROPERTY: ACLF 16 Bed
 LEGAL DESCRIPTION: Leg Lot 1 (Less PO) Woodcrest Unit 8 PB 23 PG 15

SIZE OF PROPERTY: 2.09 acre(s) PARCEL I.D. 35-21-30-514-0000-0010
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 8, 28, 06 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT* [Signature] DATE 7/7/06

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL _____

APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 370.00 COMMISSION DISTRICT _____ FLU / ZONING A-1 / LOR

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

COUNTY OF SEMINOLE



FLORIDA

CURRENT PLANNING OFFICE
PHONE: (407) 321-1130 EXT 7441

COUNTY SERVICES BUILDING
1101 E 1st STREET
SANFORD, FLORIDA 32771

February 1, 1994

Ramon Rodil
P. O. Box 0722
Longwood, Florida 32752

RE: File #BA94-1-1SE

Dear Mr. Rodil:

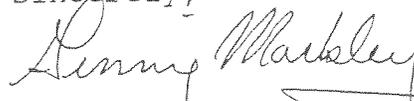
At their meeting of January 31, 1994, the Seminole County Board of Adjustment approved your request for a Special Exception to permit an Adult Congregate Living Facility (A.C.L.F.) for up to 16 residents on the following described property:

Lot 1, Woodcrest, Unit 8, PB 23, Pg 18, Section
35-21-30; W side of Howell Branch Road and 700 ft.
S of Dodd Road. (DIST 1)

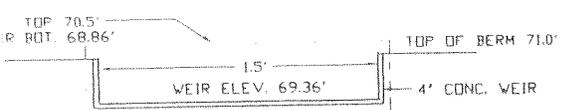
The approval of this request is subject to the residents being ambulatory, over 55 years of age and not to be drug abuse or mentally handicapped individuals.

Please be advised, there is a 15 day appeal period in which this decision can be appealed to the Board of County Commissioners. Therefore, the Development Order granted by the Board of Adjustment is not final until the appeal period has lapsed and no appeals have been filed. This means that a building permit incorporating the Special Exception cannot be issued prior to February 16, 1994.

Sincerely,


Ginny Markley,
Zoning Coordinator

GM/tb



OVERFLOW STRUCTURE

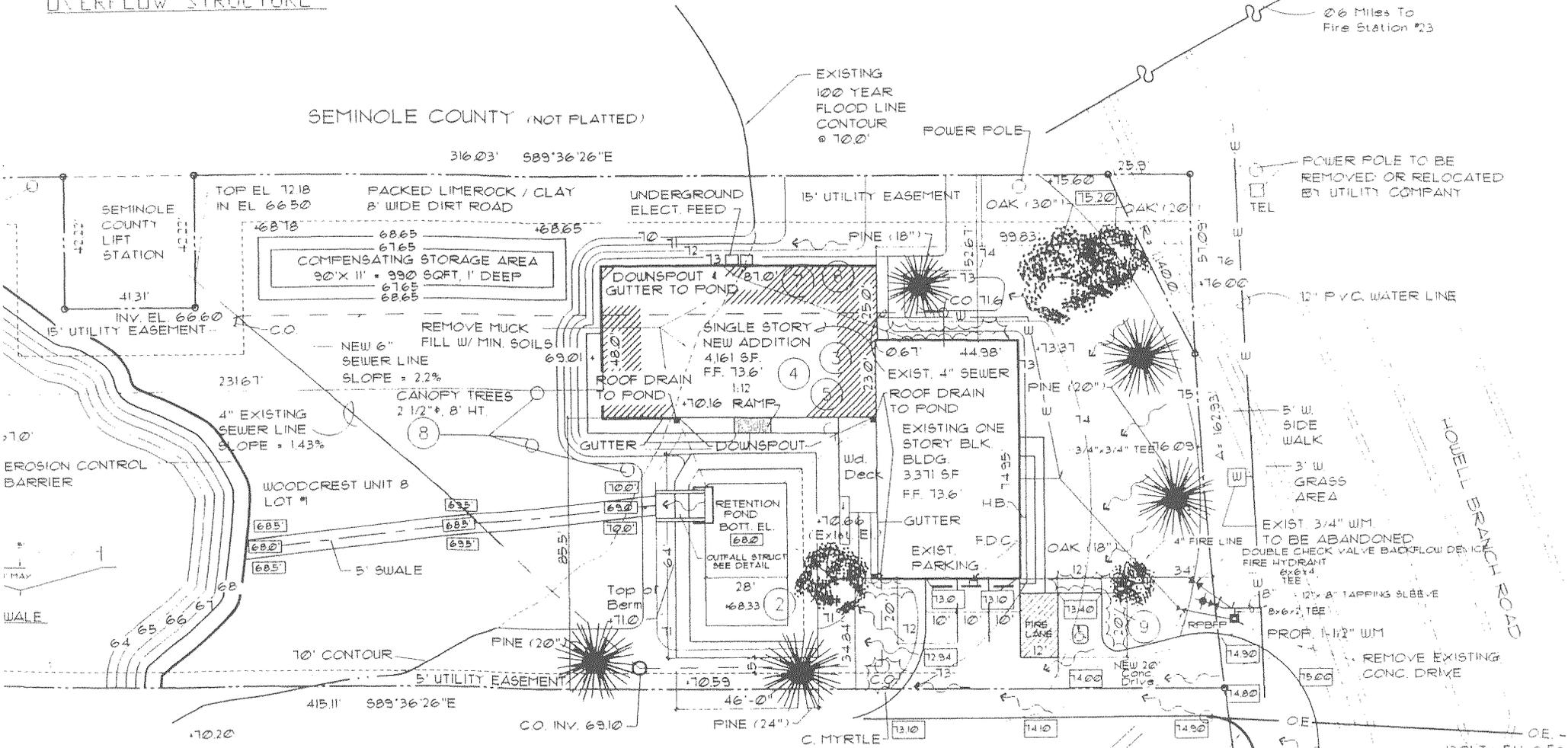
DISH OUT POND BOTTOM @ SKIMMER
MAINTAIN 12' OF CLEARANCE

COMPENSATING STORAGE POND

N.T.S.

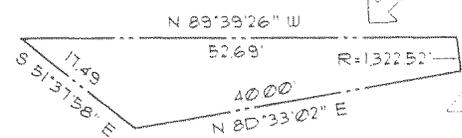
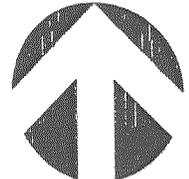
Therefore a pond
Square Root of 1.2

Retention required
Actual retention pr.



Site Plan

Scale: 1" = 30'



LOT 2
RELOCATED 30" HIGH INTENSITY STOP SIGN
1" WIDE THEMOPLASTIC STOP BAR

0.6 Miles To
Fire Station #23

POWER POLE TO BE
REMOVED OR RELOCATED
BY UTILITY COMPANY

HONELL BRANCH ROAD

REMOVE EXISTING
CONC. DRIVE

130' To FH & Po

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>	
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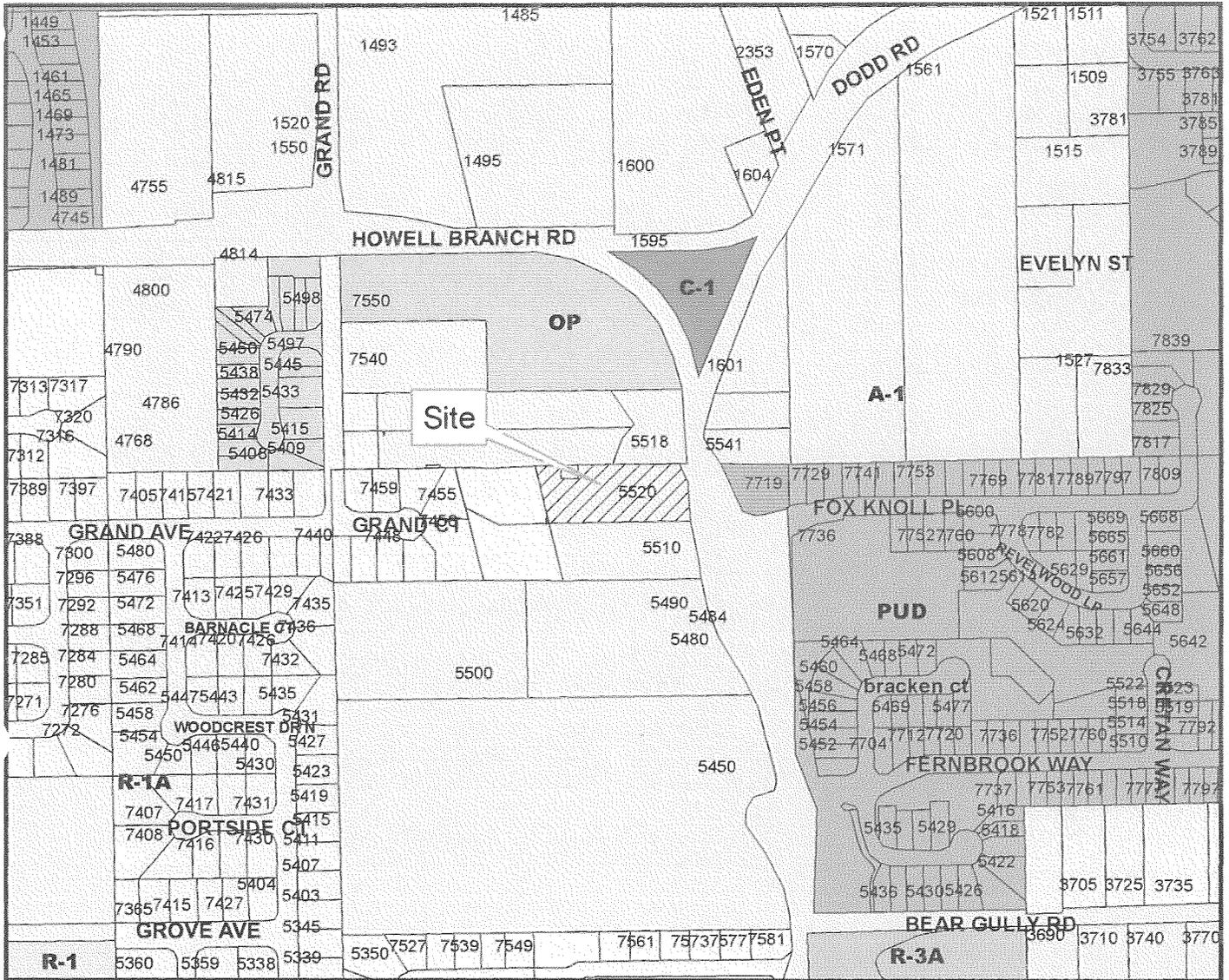
EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1984	1	\$675	\$1,500
WOOD DECK	1984	300	\$600	\$1,500
WALKS CONC COMM	2000	730	\$1,241	\$1,460
MOTEL HT & COOL UNIT	2000	10	\$2,000	\$2,000
IRON FENCE	2000	604	\$2,567	\$3,020
ALUM GLASS PORCH	2005	529	\$7,737	\$7,935

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

R & J Oakmont Inc
 5520 Howell Branch Rd
 Winter Park, FL 32792



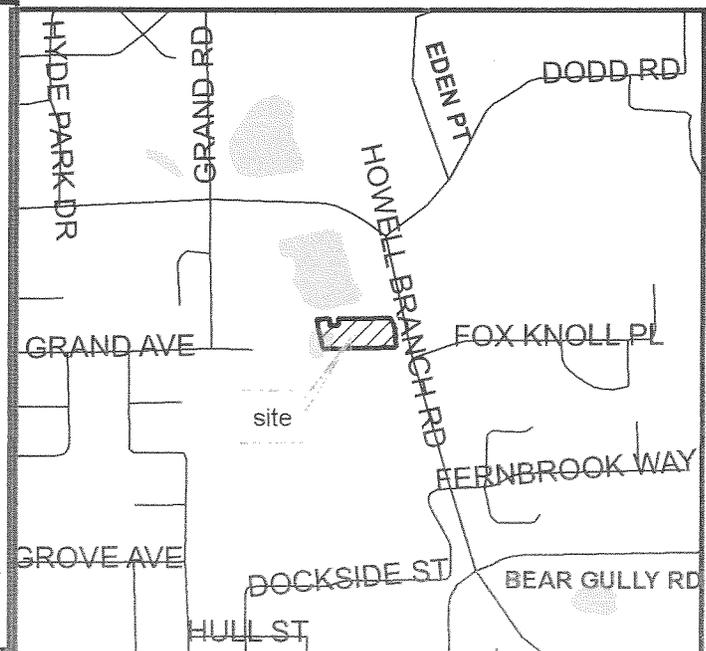
Seminole County Board of Adjustment
 August 28 2006

Case: BS2006-008

Parcel No: 35-21-30-514-0000-0010

Zoning

	BS2006-008		R-1		C-1
	A-1		R-2		PUD
	R-1AA		R-3A		PCD
	R-1A		OP		



R & J Oakmont

Adult Congregate Living Facility

Special Exemption Details

Background:

R & J Oakmont Adult Congregate Living Facility has been providing a caring home to residents of our close nit community since 1994. As you are aware, our facility has been licensed to serve 16 residents since its inception back in 1994. As such, we've had the pleasure of serving countless citizens and families from Winter Park, Casselberry, Winter Springs and the surrounding communities during the past 12 years. For the elderly and aged in these communities, we have encouraged active and independent lifestyles; including planned social activities, wellness programs and educational opportunities. Our residents range in age from a young 61 to a very active 88 year old. And we are delighted to serve each one in our home.

Although we are currently licensed to serve 16 residents, our building can accommodate up to 30 residents. Our prior owners were somewhat elderly themselves and felt the additional State requirement once you reached 17 residents would be to much of a burden at their age, and as such, they never requested to increase the number of residents that could be served. The State regulations require at least one staff person be awake during the night once you reach 17 residents. Since our prior owners also lived on the premises, they could sleep during the night as long as they served no more than 16 residents.

Our Request:

We are requesting that we be allowed to serve **25** residents. Since the building is already designed to serve more than this amount, there would be **no** additional construction or development required. Since the State requires the same staff coverage for 16 to 25 residents we would not need to hire any additional staff (hence the reason we are not requesting 26 or more). If we find it necessary to hire additional staff to continue our record of outstanding service however, we certainly have no objection to it.

Finally, increasing the number of residents we serve is good for our local community. We receive numerous calls weekly from elderly citizens who have heard about our home and need an affordable place to live. Currently, we have to turn them away; although, we have plenty of room to serve them. We can only see this trend increasing as the baby boomer population begins to retire and require the type of care we provide. We hope our request to serve 25 residents instead of only 16 within the confines of our current space will be granted. Thank you very much for your consideration.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 28, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 1 (LESS RD) WOODCREST UNIT 8 PB 23 PG 18

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: R & J Oakmont, Inc
5520 Howell Branch Road
Winter Park FL 32792

Project Name: Howell Branch Road (5520)

Requested Development Approval:

Request for an amendment to a special exception for an existing Adult Living Facility (ALF) to increase from 16 beds to 25 beds in A-1 (Agricultural District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The Special Exception granted will apply only to the number of beds.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Tony Walter
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: