

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Request for a special exception for an assisted living facility for 13 residents in the R-3 (Multiple-Family District), (Mary Duran, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

Agenda Date 12/4/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a special exception for an assisted living facility for 13 residents in the R-3 (Multiple-Family District), (Mary Duran, applicant); or
2. **DENY** the request for a special exception for an assisted living facility for 13 residents in the R-3 (Multiple-Family District), (Mary Duran, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Mary Duran Owner: Unto Him Ministries, Inc. Location: 334 Foster Cove Zoning: R-3 Subdivision: North Chuluota
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting to establish an assisted living facility within an existing 3600 square foot building. • The assisted living facility will accommodate 13 residents along with one on-site employee. • The facility will provide care to elderly patients that would not have their own transportation and there will no additional staff needed except for one employee. • February 22, 1993 the Board of Adjustment denied without prejudice a variance to the State requirement for an ALF, Assisted Living facility with up to 12 residents to maintain a separation distance of 500 ft. from an existing

single-family residence. The abutting property to the north is zoned and developed as single-family dwellings. The Board of Adjustment denied the request because they were concerned that the ALF could not be restricted to use by the elderly that it could turn into a half-way house or a substance abuse rehabilitation facility.

- April 26, 1993, the Board of Adjustment approved an ALF to be located within 500 feet of a single-family zoning district subject to the following findings listed in Development Order # 93-013:
 - 1) The Seminole County Board of Adjustment has concluded that, in this particular case, the location of the proposed Adult Congregate Living Facility, with the following conditions does not substantially alter the nature and character of the area:
 - a) License shall be limited to the standard Adult Congregate Living Facility license pursuant to Chapter 400, Florida Statutes and shall not be funded by the State.
 - b) The ALF shall be limited to 12 residents 55 years of age or older needing minor assisted care who are not presently nor in the past been in a treatment program for drug addiction or mental illness.
 - c) No change in license to be requested. A Change in license would result in a new application for Special Exception to be considered by the Board of Adjustment.
 - 2) Board of Adjustment also finds that developments including, but not limited to a community residential home, a rehabilitation center or halfway house would substantially alter the nature and character of the area.
 - 3) Subject to the conditions and terms listed on the Certificate of Concurrency # CC-93-091-930000-0000.
- November 27, 2000 the Board of Adjustment denied the request to permit a 12 bed group home for dependent children due to impact on the adjacent residential community and based upon the previous approvals.
- The use has been abandoned for more than 180 days therefore a special exception is required for the proposed use.

<p><u>STANDARDS FOR GRANTING A SPECIAL EXCEPTION & STAFF FINDINGS:</u> (Section 30.43 (2) Land Development Code)</p>	<p>In order for the Board of Adjustment to approve a Special Exception to permit a group home for up to 12 residents within an R-3, Multiple-family zoning district, the Board must make a determination that the request:</p> <ol style="list-style-type: none"> 1. The request is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; <p style="margin-left: 40px;"><i>The low intensity impact of an assisted living facility for 13 elderly residents would be consistent with the trends of the area with single and multi-family uses.</i></p> 2. Does not have an unduly adverse effect on existing traffic patterns, movements, or intensity; and <p style="margin-left: 40px;"><i>Unlike other assisted facilities this use would generate less traffic than the permitted use of a multi-family building because the residents would not have their own vehicles. Additionally, we can not limit the occupancy of the multi-family units but we can place limit on the number of residents for the assisted living facility.</i></p> 3. Is consistent with the County's Comprehensive Land Use Plan; <p style="margin-left: 40px;"><i>The High Density Residential Future Land Use allows for residential development greater than 10 units per acre, such as condominiums, townhomes, motels and boarding houses. The use of an assisted living facilities would have the same impact or less than the above uses and would serve as a transitional use between the Medium Density Residential and the nonresidential uses.</i></p> 4. Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification; <p style="margin-left: 40px;"><i>Section 30.1356 Group homes and assisted living facilities (b): States the Board of Adjustment shall determine that the proposed use is compatible in R-3 zoning based upon the factor of twenty seven (27) persons per acre. Using this calculation the</i></p>
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	<p><i>applicants 1/2 acre site would allow up to 13 1/2 persons.</i></p> <p>5. In granting any Special Exception, the Board shall find that such grant will not adversely affect the public interest.</p> <p>The proposed use of an assisted living facility for 13 elderly residents would have less of an impact on the public interest than the permitted uses allowed in the R-3 zoning and High Density Residential Land Use.</p>
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends approval of the request, per the following conditions:</p> <ol style="list-style-type: none">1. License shall be limited to the standard Adult Congregate Living Facility license pursuant to Chapter 400, Florida Statutes; and2. The ALF shall be limited to 13 residents 55 years of age or older needing minor assisted care who are not presently nor in the past been in a treatment program for drug addiction or mental illness; and3. No change in license to be requested. A change in license would result in a new application for Special Exception to be considered by the Board of Adjustment; and4. Site plan shall comply with all Land Development Code regulations; and5. The special exception approval shall apply only to the existing building as depicted on the attached site plan; and6. Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.

Fee: \$370.00

COPY

Application # BS 2006-018
Meeting Date 12-4-06



SPECIAL EXCEPTION APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Mary Durand
Address: 290 Stoner Rd, Winter Springs City: WS Zip code: 32708
Project Address: 335 Foster Cove City: Chuluota Zip code: 32766
Contact number(s): (407) 402-1400 (321) 647-1888
Email address: Rkester@mac.com, dg4@bellsouth.net

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage License
- Communication Tower
- Other: _____

Is the property available for inspection without an appointment? Yes No

What is the current use of the property? Vacant, abandoned Residence

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE SPECIAL EXCEPTION APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: Mary Durand

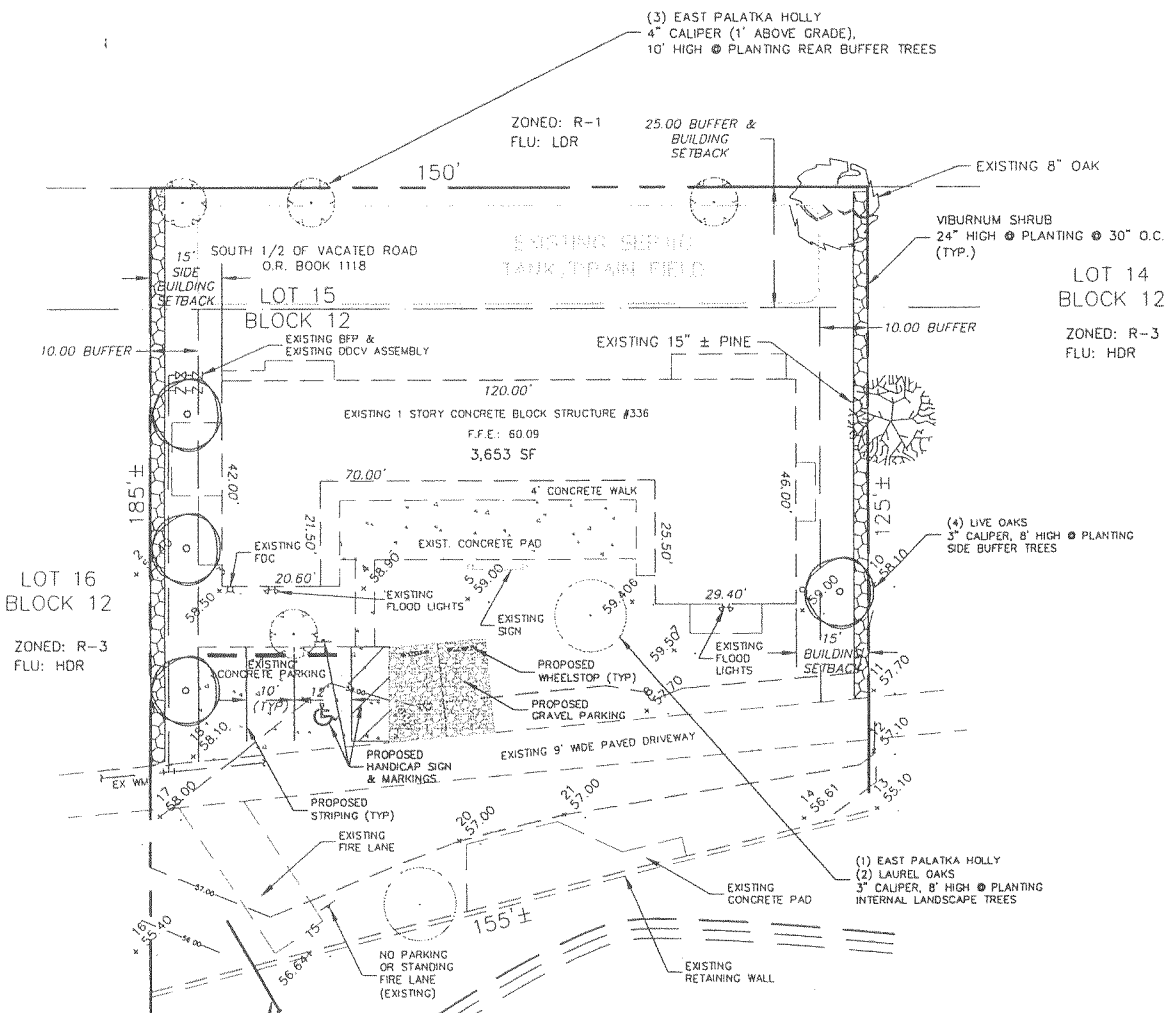
FOR OFFICE USE ONLY

Date Submitted: 10-13-06 Reviewed By: KF
 Tax parcel number: 21-21 Zoning/FLU R-31 HOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split) Platted Lot (check easements on lots / in dedication)
 Lot size _____ Meets minimum size and width
 Past approval # _____ Application and checklist complete
 Notes: _____

Dear Sir or Madam,

Currently there are no assisted living facilities or adult family care homes in the city of Chuluota. With the aging population growing so quickly there is a need for affordable assisted living. My plans are to open a thirteen bed, Assisted Living Facility providing seniors assistance with their activities of daily living. The facility will have a caregiver present at all times. My mission is to provide seniors the opportunity to age gracefully with dignity and respect in a homelike setting. The neighborhood currently has a variety of dwellings and an assisted living facility seems to be a good addition to this diverse community. Thank you for your consideration in the matter.

Sincerely,
Mary Durand, RN



LEGAL DESCRIPTION:
 LOT 15, BLOCK 12 AND 1/2 VACATED STREET ON THE NORTH, REPLAT OF PART OF TOWNSITE OF NORTH CHULUOTA AS RECORDED IN PLAT BOOK 12, PAGES 44 AND 45 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SITE AREA:
 CONTAINING THEREIN 22,192 SF, MORE OR LESS.

PARCEL ID#: 21-21-32-5CG-1200-0150

SITE ADDRESS:
 335 FOSTER CV,
 CHULUOTA, FL 32766

OWNER/APPLICANT:
 CONTACT: MR. JIM HALL
 UNTO HIM MINISTRIES, INC.
 P.O. BOX 941381
 MAITLAND, FL 32794
 PH: 407-831-3566 FAX: 407-754-9420

ZONING: R-3
FUTURE LAND USE: HIGH DENSITY RESIDENTIAL

SPECIAL EXCEPTION STATEMENT:
 APPLICANT REQUESTS A SPECIAL EXCEPTION TO ALLOW THE SITE TO BE USED FOR AN ASSISTED LIVING FACILITY. THE FACILITY WILL ACCOMMODATE UP TO 13 RESIDENTS AND OPERATE 24 HOURS A DAY, 7 DAYS A WEEK. 1 STAFF MEMBER WILL BE PRESENT AT ALL TIMES, ROTATING AT 2-3 SHIFT INTERVALS PER DAY.

SETBACKS:
 REAR - 25'
 FRONT - 25'
 SIDE - 15'

PARKING: 1 SP / 2 BEDROOMS
 REQUIRED: 9 BR * 1 SP / 2 BR = 4.5 SP
 PROPOSED: 5 SP

BUILDING HEIGHT: ±14'

EXISTING SITE CONDITIONS:

BUILDING:	3,653 SF
PVMNT/CONCRETE:	4,307 SF
IMPERVIOUS AREA:	7,960 SF (35.9%)
PERVIOUS AREA:	14,372 SF (64.1%)
TOTAL AREA:	22,192 SF (100%)

PROPOSED SITE CONDITIONS:

BUILDING:	3,653 SF
PVMNT/CONCRETE:	4,307 SF
IMPERVIOUS AREA:	7,960 SF (35.9%)
GRAVEL PARKING:	420 SF (1.9%)
PERVIOUS AREA:	13,812 SF (62.2%)
TOTAL AREA:	22,192 SF (100%)

EXISTING 8" FIRE LINE TO LAKE LINE WAS PREVIOUSLY APPROVED FOR USE WHICH HAS AN UNLIMITED WATER SUPPLY

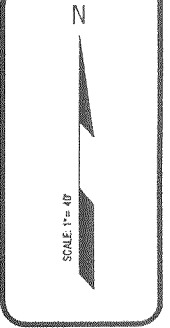
LAKE CATHERINE
 WATER ELEVATION: 53.4 (3/16/99)

BUF	QTY	Common Name	Native	Water Use	Botanical Name	Specifications
TREES						
PARK	2	Laurel Oak	Y	L	Quercus laurifolia	Min 45 Cal. or Approved Equal, Min. 3" Cal., 8'Ht x 5" Spr., Full Heavy Canopy, Min 5'CT, Single Straight Trunk, No Low Drotch, Full Rounded Canopy, Specimen Quality
S	4	Live Oak	Y	L		Min 45 Cal. or Approved Equal, Min. 3" Cal., 8'Ht x 5" Spr., Full Heavy Canopy, Min 5'CT, Single Straight Trunk, No Low Drotch, Full Rounded Canopy, Specimen Quality
R*	4	East Palatka Holly	Y	L		Min 45 Cal. or Approved Equal, Min. 3" Cal., 8'Ht x 5" Spr., Full Heavy Canopy, Min 5'CT, Single Straight Trunk, No Low Drotch, Full Rounded Canopy, Specimen Quality (see plan for rear tree sizes)
SHRUBS						
S	80	Sandbarba Viburnum	N	L	Viburnum suspensum	Min. 3 CAL., 24" HT x 24" SPR, Full Foliage, Full Rounded Appearance, 30" O.C.

* - 3 TREES ARE USED IN THE REAR BUFFER WHILE 1 TREE IS FOR THE PARKING LANDSCAPE ONLY. REAR BUFFER IS FOR THE PARKING LANDSCAPING. SIZE OF TREES SHOWN ON THIS TABLE OR WITH THE SIZES SHOWN ON THE PLAN.

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BOX
 APPROVE AND SIGN IF IN REG. POWER
 DATE:

Rev #	Date	By	Revision Comment
0	10/08	AM	ISSUE FOR PERMIT CLIENT REVIEW



FOSTERS COVE
 Seminole County, Florida
SPECIAL EXCEPTION EXHIBIT

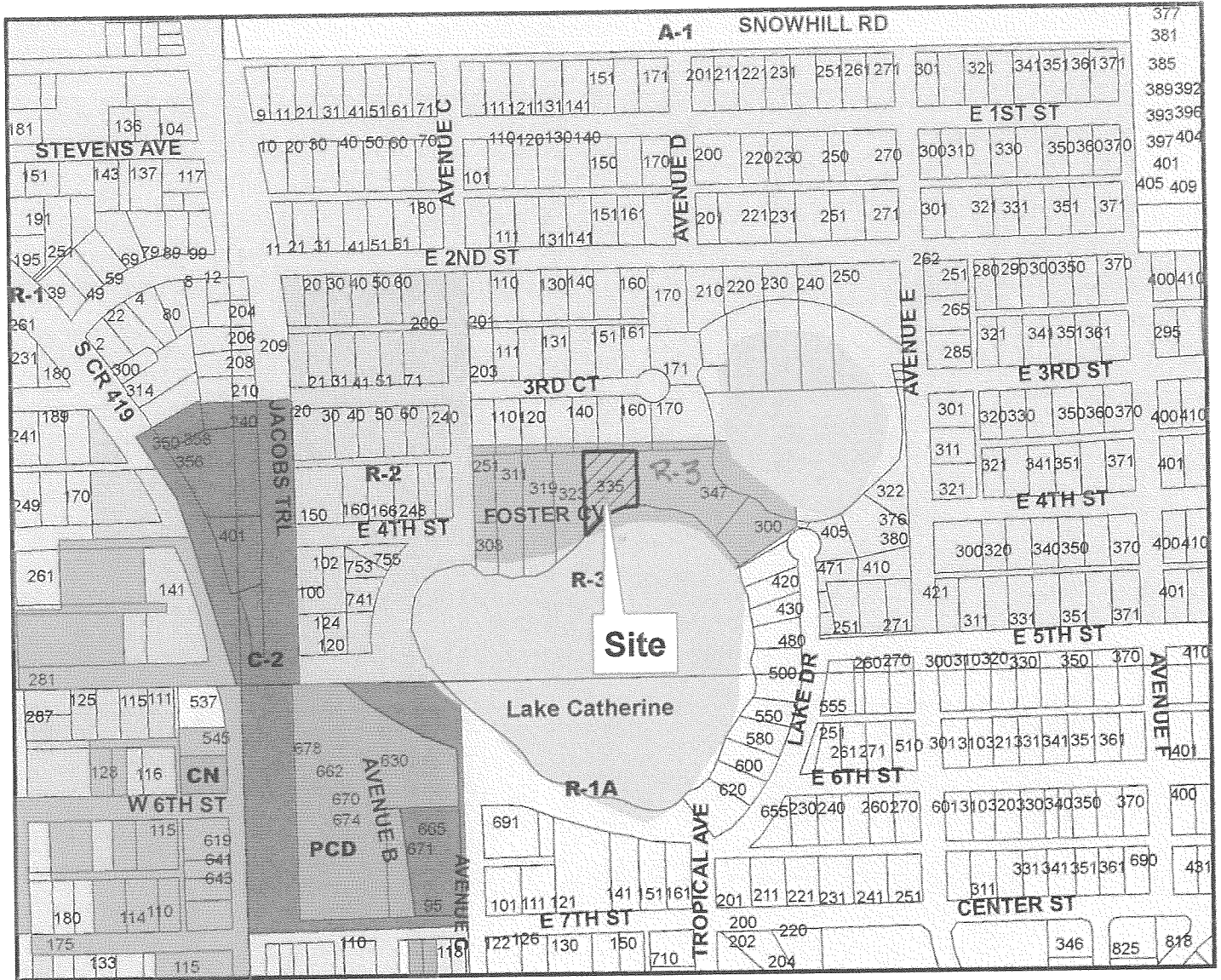
Unto Him Ministries, Inc.
 7183 S. Orange Blossom Trail
 Ocala, Florida 32037-1109
 (352) 335-1100 / (352) 438-3111

EDG of Florida, L.L.C.
 357 Plaza Drive, Suite - D, Oviedo, Florida 32765
 Phone: (407) 971-0856, Fax: (407) 971-1017
 email: edg@edgllc.com
 Certificate of Authorization: #7331 - Survey & #27021 - Engineering
EDG L.L.C.

Drawn By/Checked By:
 CON/AMW
 Project No.:
 05-108-00
 Scale:
 N.T.S.
 Date:
 OCTOBER, 2006
 Sheet No.:
SE01
 1 of 1

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Mary Durand
 335 Foster Cove
 Chuluota, FI 32766

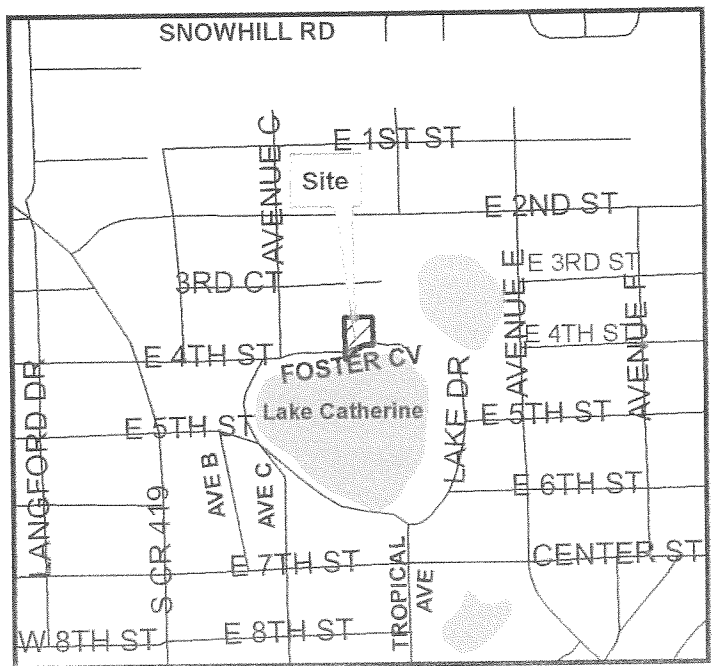


Seminole County Board of Adjustment
 December 4, 2006
 Case: BS2006-012, (Map 3214, Grid E3)
 Parcel No: 21-21-32-5CG-1200-0150

Zoning

	BS2006-012		R-1B		CN
	A-1		R-2		C-2
	R-1A		R-3		PCD
	R-1		RP I		

N



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																										
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 21-21-32-5CG-1200-0150 Owner: UNTO HIM MIMISTRIES INC Mailing Address: PO BOX 941381 City,State,ZipCode: MAITLAND FL 32794 Property Address: 335 FOSTER CV CHULUOTA 32766 Facility Name: UNTO HIM MINISTRIES Tax District: 01-COUNTY-TX DIST 1 Exemptions: 34-CHARITABLE/CIVIC Dor: 7401-SFR GROUP HOMES</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 2 Depreciated Bldg Value: \$300,533 Depreciated EXFT Value: \$546 Land Value (Market): \$34,875 Land Value Ag: \$0 Just/Market Value: \$335,954 Assessed Value (SOH): \$335,954 Exempt Value: \$335,954 Taxable Value: \$0 Tax Estimator</p>																																																								
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PHYSICAL DESCRIPTION

- ❖ Situated in the growing community of Chuluota, on a paved road, facing beautiful Lake Catherine, within 3 miles of SR 419, 8.01 miles from SR 417 and 22 miles from downtown Orlando, Fl.
- ❖ 1 story concrete block building, built 1959, effective year rebuilt 1974 with major rehab in 2001-2004. Situated on .53 rectangular shaped acre of land. The lot includes irrigation with 6-12 parking spaces fenced with chain link.
- ❖ Central air & heat, public utilities with a paved road frontage
- ❖ Alarm system and inside wet sprinkler system
- ❖ Handicapped accessible doors, hallways and baths
- ❖ Brand new septic system with 3 tanks (1200, 1500 & 1050 gal) with 1513 sq ft of drain field in back yard
- ❖ 2 Hot water heaters, 2 a/c units, serviced regularly
- ❖ New interior & exterior paint
- ❖ Built up roof
- ❖ Remodeled kitchen includes all new appliances: dual side by side Kenmore refrigerators, dual Maytag stoves, dual dishwashers, 3 sets of washer & dryers, new cabinets, counter tops, new sinks & faucets
- ❖ Remodeled baths include new toilets, vanities, cabinetry, sinks & faucets, some new tubs
- ❖ New flooring of tile & carpet, all bedrooms have new pergo wood flooring
- ❖ New ceiling fans & light fixtures



PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



October 20, 2006

Mary Durand
280 Stoner Road
Winter Springs, Fl. 32708

RE: Special Exception for 335 Foster Cove/BS2006-012

Dear Applicant:

The Seminole County Planning Division is in receipt of your application for the above referenced request. A preliminary sufficiency review indicates that the application is incomplete concerning the requirements under Sec. 30.1356 in the Seminole County Land Development Code. The following information is needed to process the request:

(1) In order to prevent concentration of foster care and group home facilities and the detrimental impact to a neighborhood caused by a high concentration of these facilities, the Board of Adjustment shall exercise care in considering a request to establish a foster care or group home facility by determining that the approval of the new facility or addition to an existing facility, when considered in light of the number of other such facilities licensed by the state (excluding foster homes) in the vicinity of the proposed site will not stress the limited capacity of a neighborhood's existing social structure to accommodate foster care and group home facilities. A second intention of this provision is to protect existing foster care and group home facilities from the possibility that an over concentration of such facilities in a neighborhood might develop which may inadvertently recreate an institutional setting. Such a setting is an impediment to the successful functioning of foster care and group home facilities.

(2) To help fulfill this intent the applicant is required to provide a list of the location of all group care facilities indicating the number of clients at each facility. The list is to be certified by the State department licensing such facilities.

Please provide this information to our office by October 27, 2006 in order to meet the deadlines for the December 4, 2006 public hearing.

Should you have any questions regarding this matter, please do not hesitate to contact me at (407) 665-7489.

Sincerely,

Kathy Fall, Principal Planner
Planning Division

Mary Durand
290 Stoner Road
Winter Springs, Florida 32708

Phone (321) 947-1888
FAX (407) 327-3952

FAX

Date: 10/31/06 No. of pages including this one 7
To: Kathy Fall From: Mary Durand
Phone: _____ FAX: 407-665-7385

Message:

RE: Special Exception for 435 Foster Cove

Attached are the printouts from the Florida Health Stat on area facilities. Page 1 directs the ALF applicant + notes the Florida Statutes. I hope this information allows me to meet the requirements under Sec. 30.1356 in the Seminole County Land Development Code.

Thank You,
Mary Durand

* Kathy please change my address, as it was filled out incorrectly ~~data~~ on the application.
Thank you



JEB BUSH, GOVERNOR

CHRISTA CALAMAS, SECRETARY

September 2006

IMPORTANT NOTICE

RE: ASSISTED LIVING FACILITIES (ALFs) ZONING REQUIREMENTS

Dear ALF Initial License Applicant:

Legislation effective July 1, 2006, Chapter Law 2006-177 (House Bill 351) revised Chapter 419, Florida Statutes (F.S.), Community Residential Homes. Specifically, these changes require that ALF initial license applicants meeting certain size and location criteria comply with notice to the local zoning authority. The attached form was developed to document compliance with this new regulation and should be provided with your licensure application.

Chapter 419, Florida Statutes, may be obtained through the AHCA Assisted Living Unit Web Site at http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/index.shtml.

Questions should be referred to the Assisted Living Unit at (850) 487-2515.

Community Residential Home Information

For information regarding community Residential Homes in your area, please find resources and contact information below.

Homes licensed by Agency for Health for Administration

Visit Florida Health Stat at- <http://www.floridahealthstat.com>

To identify other facilities near your location:

Choose Facility Information

Search by Proximity

Enter your address and search for each of the following provider types with 14 or fewer beds:

Assisted Living facilities

Adult Family Care Homes

Residential Treatment Facilities

Intermediate Care Facilities for the Developmentally Disabled

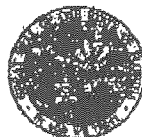
Homes licensed by Agency for Persons with Disabilities

Visit- <http://apd.myflorida.com/about/docs/areacontacts.pdf>

Contact the local Agency for Persons with Disabilities office for a listing of homes.

Homes licensed by Department of Children and Families

Contact the local Department of Children and Families office for your county for a listing of homes as identified on the attached list.





COMMUNITY RESIDENTIAL HOME AFFIDAVIT OF COMPLIANCE WITH CHAPTER 419, FLORIDA STATUTES FOR ASSISTED LIVING FACILITIES

Name of assisted living facility (ALF): Faith House Assisted Living
Address: 335 Foster Cove Telephone: (321) 947-1883
City: Chuluota State: FLORIDA Zip: 32765

Number of Licensed Beds: 13 Is the ALF located in an area zoned single-family or multi-family? Yes No

If NO, compliance with 58A-5.014(1)(a)6., Florida Administrative Code, is required. Please attach AHCA form number 3180-1021 or a letter from the local zoning official verifying zoning.

If YES, please check appropriate zoning: single-family; multi-family.

Compliance with the following is also required:

- I have provided the local zoning authority with the most recently published data compiled by the Agency for Health Care Administration, Agency for Persons with Disabilities, and Department of Children and Families, identifying all community residential homes within the jurisdiction of the local zoning authority.
- I further certify that notification of intent to establish this facility has been made to the local zoning authority (copy of dated letter attached).
- At the time of home occupancy, I will notify local government that the facility is licensed.
- I understand that the Agency for Health Care Administration assumes no financial or other liability in the event an error has been made in calculating, measuring or certifying that this facility meets these dispersion requirements.

(6 or fewer beds): I certify that this assisted living facility is not located within a 1,000 foot radius of another community residential home, or has an approved variance* from the local zoning authority.

(7-14 beds): I certify that this assisted living facility is not located within a 1,200 foot radius of another community residential home or within 500 feet of an area zoned single-family, or has an approved variance* from the local zoning authority.

*Check if you have an approved variance and attach a copy of approval.

State of Florida County of Seminole

Sworn and subscribed to before me
This 10 day of 10, 06

NOTARY PUBLIC

My commission expires: 3/25/08



Anh Thu T. Nguyen
My Commission DD304015
Expires March 25, 2008

The undersigned certifies that the information submitted herein is true and correct.

By Mary Amoral
005358077221
Title Administrative/OWNER
Date 10/10/2006

CHAPTER 2006-177

House Bill No. 351

An act relating to community residential homes; amending s. 419.001, F.S.; revising, providing, and deleting definitions; requiring the sponsoring agency of a community residential home to provide certain information and notification regarding siting requirements to a local government under certain circumstances; providing for the licensing agency to deny or nullify a license to operate a community residential home under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1), (2), (3), and (6) of section 419.001, Florida Statutes, are amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the following definitions shall apply:

(a) “Community residential home” means a dwelling unit licensed to serve residents, as defined in paragraph (d), who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or a dwelling unit licensed by the Agency for Health Care Administration, which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) “Licensing entity” or “licensing entities” means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents, as defined in paragraph (d).

~~(b) “Department” means the Department of Children and Family Services.~~

(c) “Local government” means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) “Resident” means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063; a nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

(e) “Sponsoring agency” means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multi-family zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this section; provided, ~~however, that, prior to licensure,~~ the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. At the time of home occupancy, the sponsoring agency must notify ~~or the department notifies~~ the local government ~~at the time of home occupancy that the home is licensed by the licensing entity department.~~

(3)(a) When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily, the agency shall notify the chief executive officer of the local government in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity ~~district administrator of the department~~ indicating the need ~~for and~~ the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring agency ~~district administrator~~ shall also provide to the local government the most recently published data compiled from the licensing entities that identifies all community residential homes within ~~in~~ the jurisdictional limits of the local government ~~district~~ in which the proposed site is to be located. The local government shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction.

(b) Pursuant to such review, the local government may:

1. Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
2. Fail to respond within 60 days. If the local government fails to respond within such time, the sponsoring agency may establish the home at the site selected.
3. Deny the siting of the home.

(c) The local government shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.

2. Does not meet applicable licensing criteria established and determined by the licensing entity ~~department~~, including requirements that the home be located to assure the safe care and supervision of all clients in the home.

3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

(6) The licensing entity ~~department~~ shall not issue a license to a sponsoring agency for operation of a community residential home if the sponsoring agency does not notify the local government of its intention to establish a program, as required by subsection (3). A license issued without compliance with the provisions of this section shall be considered null and void, and continued operation of the home may be enjoined.

Section 2. This act shall take effect July 1, 2006.

Approved by the Governor June 12, 2006.

Filed in Office Secretary of State June 12, 2006.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 15 & 1/2 OF VACD ST ON N BLK 12 REPLAT OF PART OF
TOWNSITE NORTH CHULUOTA PB 12 PG 45

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

FINDINGS OF FACT

Property Owner: Unto Ministries
P.O. Box 941381
Maitland, Fl. 32794

Project Name: 335 Foster Cove

Requested Development Approval:

Request for a special exception for an assisted living facility for 13 residents in R-3 (Multi-Family Dwelling 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: Kathy Fall, Principal 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. License shall be limited to the standard Adult Congregate Living Facility license pursuant to Chapter 400, Florida Statutes; and
 2. The ALF shall be limited to 13 residents 55 years of age or older needing minor assisted care who are not presently nor in the past been in a treatment program for drug addiction or mental illness; and
 3. No change in license to be requested. A change in license would result in a new application for Special Exception to be considered by the Board of Adjustment; and
 4. Site plan shall comply with all Land Development Code regulations; and
 5. The special exception approval shall apply only to the existing building as depicted on the attached site plan; and
 6. Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.
- (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: _____
April Boswell, AICP
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: