

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

SUBJECT: 2041 West SR 426 – Lutheran Haven, applicant; Request for a Special Exception to operate a home health care agency in R-3A (Multi-Family Dwelling District).

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

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

Agenda Date 12-03-07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for a Special Exception to operate a home health care agency in R-3A (Multi-Family Dwelling District); or
2. **Deny** the request for a Special Exception to operate a home health care agency in R-3A (Multi-Family Dwelling District); or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	Lutheran Haven 2041 West SR 426 Oviedo, Florida	R3A Multi-Family Dwelling District, LDC section 30.250(c) (General provisions and exceptions); personal services uses.
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • Lutheran Haven proposes to include a home health care agency that will primarily serve the Lutheran Haven campus. The Lutheran Haven campus includes independent living facilities, a nursing home facility, and an assisted living facility. • The home health care agency would utilize existing office space within the administration building on the campus. • No office visits for home health care services will be allowed. 	

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	R-3A	MDR	Lutheran Haven Administration Building Home Health Care
	NORTH	R-2	MDR	Lutheran Haven Childcare Center
	SOUTH	R-2	MDR	Lutheran Haven Nursing Home
	EAST	R-3A	MDR	Lutheran Haven Independent Living
	WEST	SR 426		
<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 represent the addition of a personal service health care agency to an existing health care and independent living facility campus. It will be imbedded into the existing office administration building and will require no additional infrastructure. Home health care services are compatible and consistent with the trend of development of the area.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>There will be minimal change to the existing traffic pattern, movement or volume.</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 Medium Density Residential (MDR) future land use as a transitional land use between more intense urban and general residential. The approved uses listed in the MDR land use include on-site amenities within multi-family</p>			

	<p>developments. This service will provide an on-site amenity to the Lutheran Haven campus.</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>No additional requirements apply.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>The prior establishment of the Lutheran Haven campus of which the proposed 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 R-3A MULTI-FAMILY DWELLING DISTRICT, LDC SECTION 30.250(c)</p>	<p>The BOA may permit any use allowed by special exception in the R-3A Multi-Family Dwelling District, LDC section 30.250(c) (General provisions and exceptions) 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>R-3A allows by special exception those personal services that primarily service a complex where there are 100 or more units. A home health care agency that provides services primarily to the Lutheran Haven community meets this definition.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>The home health care use will be a small addition to health care services provided to the Lutheran Haven community.</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 site has all services necessary and no additional services are required.</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"> • R-3A allows by special exception those personal services that primarily service a complex where there are 100 or more units.

	<ul style="list-style-type: none">• Home health care services are consistent with the presently established uses on the Lutheran Haven campus.• The use will be established within an existing office building on the Lutheran Haven campus.• The prior establishment of Lutheran Haven campus demonstrates consistency with the trend of nearby and adjacent development in the area.
STAFF RECOMMENDATION	<p>Staff recommends approval of the special exception based upon the following conditions:</p> <ol style="list-style-type: none">1. Home health care agency to primarily serve the Lutheran Haven campus.2. The home health care office facility shall be located in the Administration Building located at 2041 West State Road 426.3. The Special Exception shall be for home health care services only, office visits are prohibited.4. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

Fee: \$370.00

COPY

Application # 652007-24
Meeting Date 12-3-07



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: LUTHERAN HAVEN

Address: 2041 W. SK 426 City: OVIEDO Zip code: 32765

Project Address: 2041 W. SK 426 City: " " Zip code: " "

Phone number(s): (407) 365-5676

Email address: dkovack@lutheranhaven.org

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: LUTHERAN HAVEN HOME HEALTHCARE, LLC

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

What is the current use of the property? RETIREMENT CENTER, NURSING HOME, ALF

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required pre-application conference has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

Signed: Howard Kevon Executive Director

FOR OFFICE USE ONLY

Date Submitted: 10-12-07 Reviewed By: D. Gibbs

Tax parcel number: 20-21-31-300-0110-0000 Zoning/FLU R-3A / MAR

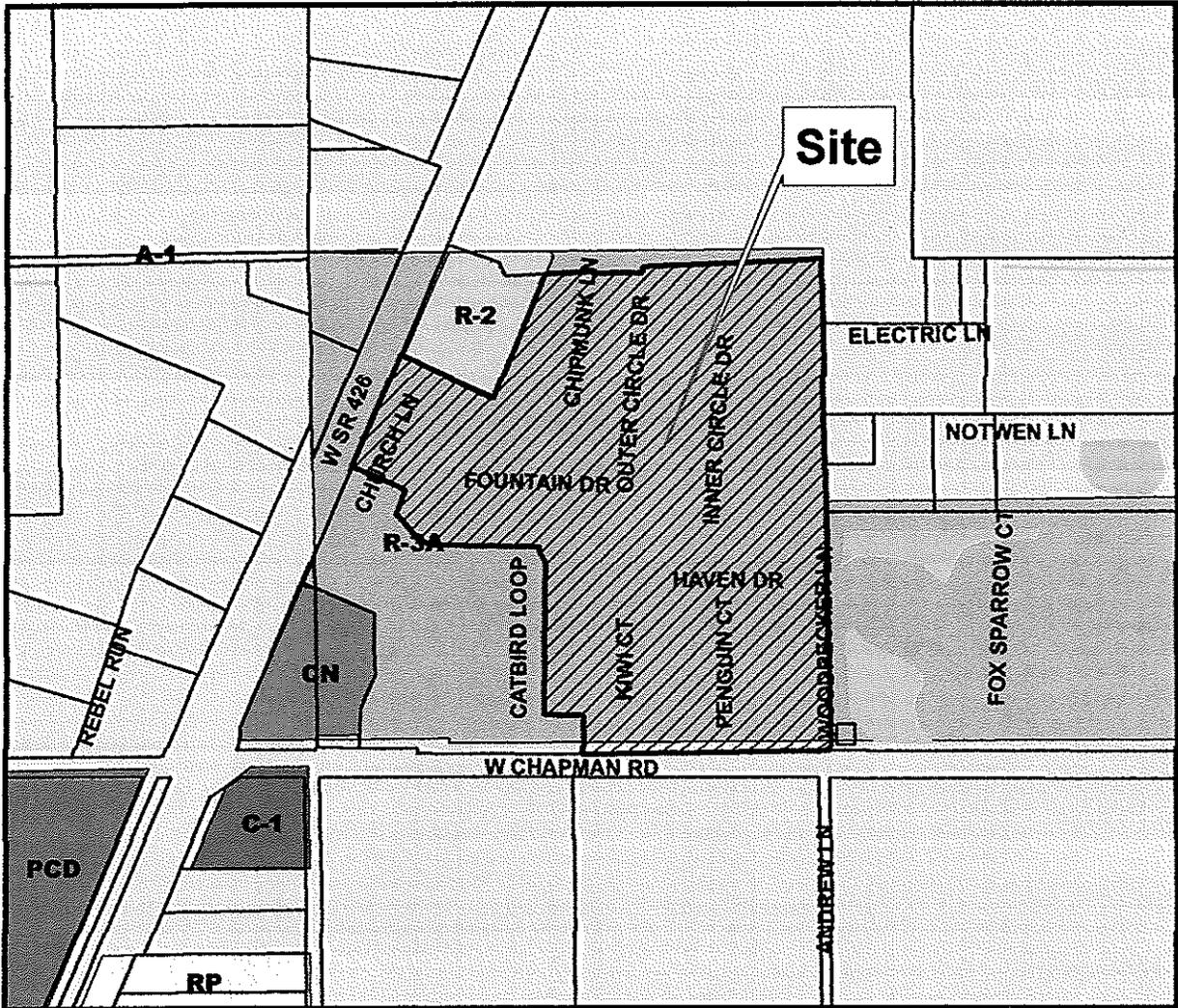
Legally created parcel (1971 tax roll, 5-acre dev, lot split) Platted Lot (check easements on lots / in dedication)

Lot size _____ Meets minimum size and width

Past approval # _____ Application and checklist complete

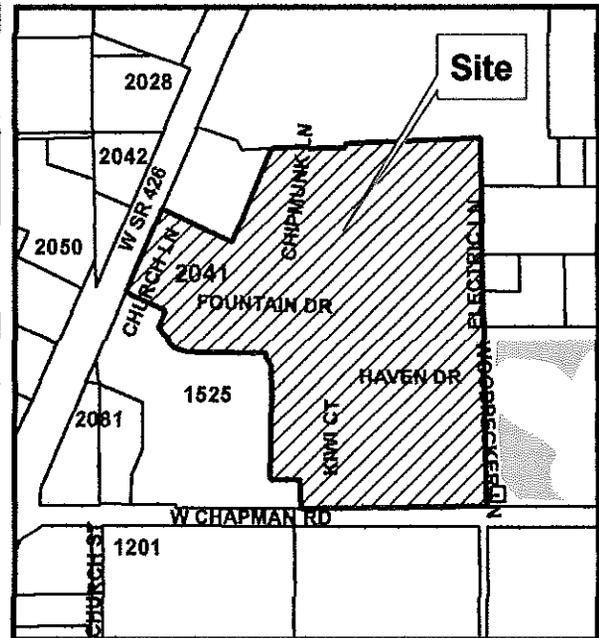
Notes: _____

Lutheran Haven
 2041 W SR 426
 Oviedo, Florida 32765



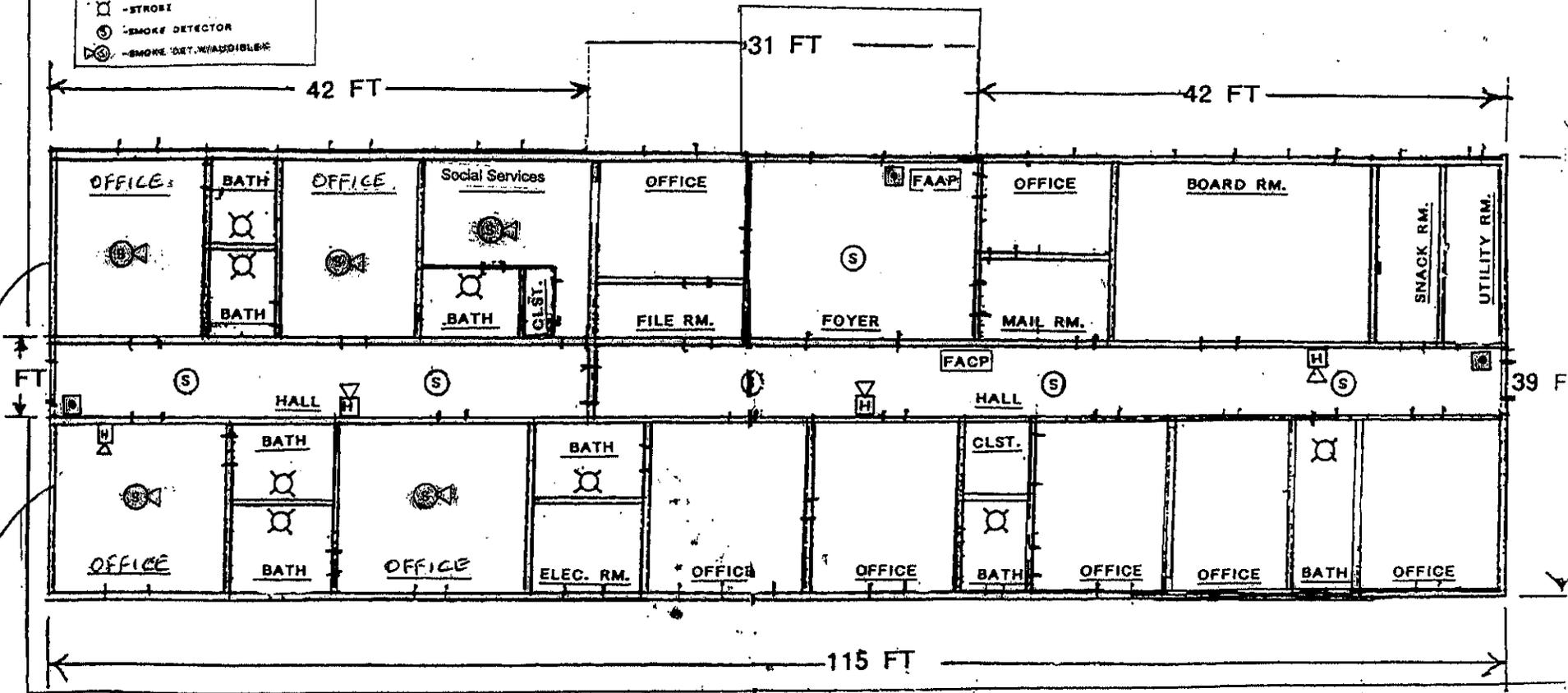
Seminole County Board of Adjustment
 December 3, 2007
 Case: BS2007-24 (Map 3212, Grid C2)
 Parcel No: 20-21-31-300-0110-0000

Zoning



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505																							
GENERAL Parcel Id: 20-21-31-300-0110-0000 Owner: LUTHERAN HAVEN Mailing Address: 2041 W STATE ROAD 426 City,State,ZipCode: OVIEDO FL 32765 Property Address: 2041 426 SR W Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: 36-CHURCH/RELIGIOUS () Dor: 71-CHURCHES				2008 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 77 Depreciated Bldg Value: \$9,517,211 Depreciated EXFT Value: \$60,173 Land Value (Market): \$3,788,576 Land Value Ag: \$0 Just/Market Value: \$13,365,960 Assessed Value (SOH): \$13,365,960 Exempt Value: \$13,365,960 Taxable Value: \$0 Tax Estimator																			
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>01/2001</td> <td>04000</td> <td>0579</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p>Find Sales within this DOR Code</p>				Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	01/2001	04000	0579	\$100	Vacant	No	2007 VALUE SUMMARY 2007 Tax Bill Amount: \$0 2007 Taxable Value: \$0 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS					
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																	
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LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>SQUARE FEET</td> <td>0</td> <td>0</td> <td>999,999</td> <td>4.50</td> <td>\$3,374,997</td> </tr> <tr> <td>SQUARE FEET</td> <td>0</td> <td>0</td> <td>122,542</td> <td>4.50</td> <td>\$413,579</td> </tr> </tbody> </table>				Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	SQUARE FEET	0	0	999,999	4.50	\$3,374,997	SQUARE FEET	0	0	122,542	4.50	\$413,579	LEGAL DESCRIPTION SEC 20 TWP 21S RGE 31E BEG 2005.24 FT W & 24.51 FT N OF SW COR OF SE 1/4 RUN N 64.55 FT W 103.36 FT N 396.61 FT N 31 DEG 22 MIN 2 SEC W 33.33 FT N 2 DEG 42 MIN 49 SEC W 15.96 FT W 268.35 FT N 75 DEG 44 MIN 46 SEC W 49.32 FT N 39 DEG 52 SEC W 92.16 FT N 22 DEG 17 MIN 54 SEC E 66.24 FT N 67 DEG 42 MIN 6 SEC W 147.07 FT N 24 DEG 3 MIN 11 SEC E TO A PT 293.66 FT S 24 DEG 3 MIN 11 SEC W OF N LI OF SE 1/4 OF SE 1/4 S 66 DEG 39 MIN 5 SEC E 268.44 FT N 22 DEG 24 MIN 52 SEC E 368.95 FT N 87 DEG 44 MIN 21 SEC E 120.37 FT S 2 DEG 15 MIN 39 SEC E 12 FT N 87 DEG 44 MIN 21 SEC E 138 FT N 2 DEG 15 MIN 39 SEC W 12 FT N 87 DEG 44 MIN 21 SEC E TO E LI OF SEC S TO NLY RW CHAPMAN RD W TO BEG	
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LEGEND	
	- BK5238 REMOTE ANNUNCIATOR
	- SILENT KNIGHT 3207 FACP
	- MANUAL PULL STATION
	- HORN / STROBE
	- STROBE
	- SMOKE DETECTOR
	- SMOKE DET. W/AUDIBLE



Lutheran Haven
Home Healthcare
Offices

LUTHERAN HAVEN
2041 W S.R. 426
OMEDO, FL. 32765

SCALE: 1/8" = 1'

EE0000772
SENTRY ALARM
548 VIRGINIA AVE.
WINTER PARK, FL. 32789



Lutheran Haven, Inc.

2041 West State Road 426 • Oviedo, Florida 32765
407-365-5676 phone • 407-366-0128 fax • www.lutheranhaven.org

October 12, 2007

Ms. Denny Gibbs, AICP
Senior Planner
Seminole County
Planning & Development
1101 East First Street
Sanford, FL 32771

RE: Special Exception Application
Lutheran Haven Home Healthcare, LLC
Parcel: 20-21-31-300-0110-0000

To Whom It May Concern:

Lutheran Haven, Inc. is applying for a *Special Exception* to operate its newly created Lutheran Haven Home Healthcare, LLC (HHC). We are in the process of applying for a State License to operate the HHC agency.

DESCRIPTION OF PROJECT

Lutheran Haven operates a Retirement Center for independent living residents, a 42 bed Medicare/Medicaid certified nursing home and a 28 bed assisted living facility (ALF). There are 265 independent living residents living in 210 units.

On any given day, 2-4 independent living and ALF residents may be in the hospital. Upon discharge, many residents require home health care. Until now, many home health care agencies provide home health care to our residents. Lutheran Haven is applying for a license to operate its own home health care agency to assure continuity of services to our residents and to support their desire to remain in their homes as long as possible. Also, from time to time, home health care is provided to our assisted living residents as we are unable to provide certain medical services limited by our ALF license.

Our home health agency will be an extension of health services already provided our residents in the nursing home and assisted living facility. Our HHA will complement other services we provide as well, for example, transportation for medical appointments, church and shopping; meals on wheels; recreational activities, etc.

page two
Ms. Gibbs
October 12, 2007

LOCATION/SIZE

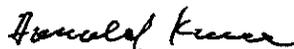
The HHC agency will be housed in two offices in our current Administration Building located at 2041 West State Road 426, Oviedo. The offices are 13'7"x 13' equipped with all utilities, cable and internet services.

HHC personnel located permanently in the office will be the Director of Nursing/Administrator and a Secretary. Back-office functions will be carried out by our current staff - accounting, HR, IT, receptionist, administrative assistant, housekeeping, maintenance, etc. The Administration Office also has a conference room, restrooms, reception area and a record storage area. (Additional space is available in our nursing home.) The Administration Building is equipped with smoke detectors and a fire alarm system monitored by ADT. There are 20 parking spaces including 1 handicap parking space. There are currently 7.5 FTE employees who work in the Administration Office. The office is a rectangular, 4,485 square foot building.

Clients are seen in their homes. There are no "office visits" in home care. Home care staff - RNs, aids, therapists, etc. do not have offices in the building. They report to the Administrator receiving their assignments and submitting reports. We anticipate using several of our current licensed nurses, aides and therapists from our nursing home and ALF, so many "administrative" activities will take place there as well. This will be similar to the kinds of interaction and flow currently taking place between our nursing home and ALF staff.

I appreciate your attention to our application. If you have any questions, please call me.

Sincerely,



Donald Kovac
Executive Director

ENCLOSURES

Ariel view of campus with Administration Office highlighted.
Administration Building Floor Plan
A check for \$370.00
SPECIAL EXCEPTION APPLICATION

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 20 TWP 21S RGE 31E BEG 2005.24 FT W & 24.51 FT N OF SW COR OF SE 1/4 RUN N 64.55 FT W 103.36 FT N 396.61 FT N 31 DEG 22 MIN 2 SEC W 33.33 FT N 2 DEG 42 MIN 49 SEC W 15.96 FT W 268.35 FT N 75 DEG 44 MIN 46 SEC W 49.32 FT N 39 DEG 52 SEC W 92.16 FT N 22 DEG 17 MIN 54 SEC E 66.24 FT N 67 DEG 42 MIN 6 SEC W 147.07 FT N 24 DEG 3 MIN 11 SEC E TO A PT 293.66 FT S 24 DEG 3 MIN 11 SEC W OF N LI OF SE 1/4 OF SE 1/4 S 66 DEG 39 MIN 5 SEC E 268.44 FT N 22 DEG 24 MIN 52 SEC E 368.95 FT N 87 DEG 44 MIN 21 SEC E 120.37 FT S 2 DEG 15 MIN 39 SEC E 12 FT N 87 DEG 44 MIN 21 SEC E 138 FT N 2 DEG 15 MIN 39 SEC W 12 FT N 87 DEG 44 MIN 21 SEC E TO E LI OF SEC S TO NLY R/W CHAPMAN RD W TO BEG

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

FINDINGS OF FACT

Property Owner: LUTHERAN HAVEN
2041 W STATE ROAD 426
OVIEDO FL 32765

Project Name: W STATE ROAD 426 (2041)

Requested Development Approval:

Request for a Special Exception to operate a home health care agency in R-3A (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: 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:
 - a. The Special Exception granted will apply only to the Home Health Care use as depicted on the attached site plan.
 - b. Home health care agency to primarily serve the Lutheran Haven campus.
 - c. The home health care office facility shall be located in the Administration Building located at 2041 West State Road 426.
 - d. The Special Exception shall be for home health care services only, office visits are prohibited.
- (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: _____
Dori L. DeBord
Planning & Development Director

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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: