

## Legislation Text

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File #: 2024-0751, Version: 1

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### Title:

**5080 Wayside Drive Special Exception** - Consider a Special Exception to allow an Assisted Living Facility with twelve (12) residents in the A-1 (Agriculture) district on 1.44 acres, located on the north side of Wayside Drive, west of International Parkway; (Syed Zaidi, Applicant) District5 - Herr (**Angi Gates, Planner**).

### Division:

Development Services - Planning and Development

### Authorized By:

Dale Hall

### Contact/Phone Number:

Angi Gates/407-665-7465

### Background:

The Applicant is requesting Special Exception approval to operate an Assisted Living Facility that will care for twelve (12) non-driving residents located at 5080 Wayside Drive in Sanford, located approximately 1,000 feet west of International Parkway. The subject property is zoned A-1 (Agriculture).

In 1998, the Board of Adjustment approved a Special Exception for an existing six (6) resident Assisted Living Facility to allow an increase in residents to a maximum of twelve (12) at the subject property.

The Seminole County Land Development Code Section 30.3.6 provides the following: "When the use of land under a Special Exception has been discontinued or abandoned for one hundred eighty (180) days or longer, the use of the land shall revert to the Permitted Uses in the district in which said land is located." The 1998 Special Exception expired when the property became vacant for over 180 days sometime in 2021. Thus, the current owner is required to apply for a new Special Exception.

The requested use is not detrimental to the character of the area and is consistent with the trend of development. The surrounding area consists of single-family residential,

multi-family apartments and retail commercial.

In compliance with Seminole County Land Development Code Sec. 30.3.5 - Community Meeting Procedures, the Applicant conducted a community meeting on October 31, 2023. Details of the community meeting have been provided in the Board's agenda package.

### STAFF FINDINGS

As provided for in Section 30.3.1.5 of the Land Development Code of Seminole County, The Planning and Zoning Commission shall hold a public hearing to consider a proposed Special Exception and submit in writing its recommendations on the proposed action and if the Special Exception should be denied or granted with appropriate conditions and safeguards to the Board of County Commissioners for official action. After review of an application and a public hearing thereon, with due public notice, the Board of County Commissioners may allow uses for which a Special Exception is required; provided, however, that said Board must first decide that the use requested:

### *IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:*

Special Exception approval would allow for a twelve (12) resident Assisted Living Facility. The subject parcel was previously approved for a twelve (12) resident Assisted Living Facility in 1998, named Four Seasons. The existing trend of development of the area is single-family residential, multi-family apartments and retail commercial. The requested development would be in character with the existing uses surrounding the subject property and compatible with the trend of development in the area.

### *DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:*

The site was previously used as an Assisted Living Facility that cared for twelve (12) residents. The new Assisted Living Facility will also only care for twelve (12) non-driving residents, two (2) staff members on the day shift and one (1) staff member on the night shift; as such, the Assisted Living Facility is not expected to have an unduly adverse impact on existing traffic patterns, movements, and volumes and is consistent with the historical use of the property.

### *IS CONSISTENT WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN:*

Assisted Living Facilities are permitted by Special Exception in the A-1 zoning district, which is permitted by Special Exception in the Suburban Estates (SE) Future Land Use designation; and is therefore, consistent with the Seminole County Comprehensive Plan.

**MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:**

- i. Is consistent with the general zoning plan of the rural zoning classifications; and
- ii. Is not highly intensive in nature; and
- iii. Is compatible with the concept of low-density rural land use; and
- iv. Has access to an adequate level of public services such as sewer, water, police, fire, schools, and related services.

Based on the submitted Special Exception Site Plan, the proposed use and existing building that has been used in the past as a twelve (12) resident Assisted Living Facility, meets the minimum area and dimensional requirements of the A-1 (Agriculture) district.

The subject property is 1.44 acres and is residential in nature. The properties to the north and west are similar in size and are also zoned A-1 (Agriculture). The properties to the east are zoned PD (Planned Development) with multi-family and commercial uses. The properties on the south side of Wayside Drive are zoned R-1AAA (single-family dwelling) and PD (Planned Development) townhomes; therefore, the impacts on adjacent properties will be minimal.

The subject property is serviced by Seminole County Water and has a septic system in place.

**WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:**

The Special Exception would allow for an Assisted Living Facility with twelve (12) residents. The residents that will occupy the facility do not drive. The Applicant is requesting the same number of residents that were previously approved by the Board of Adjustment in 1998. The previous Special Exception was active until approximately 2021. The proposed Special Exception will not cause any adverse traffic issues. Therefore, the granting of the subject Special Exception will not adversely affect the

public interest.

**Requested Action:**

Staff requests the Board of County Commissioners approve the Special Exception and associated Development Order for an Assisted Living Facility with no more than twelve (12) residents in the A-1 zoning district on 1.44 acres, located on the north side of Wayside Drive, west of International Parkway.