

Item# 46

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment's decision to approve a request for special exception to establish a contractor's establishment with no outside storage in the C-2 (Retail Commercial District).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald Fisher CONTACT: Francisco Torregrosa EXT. 7387

Agenda Date 8/24/04 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. **UPHOLD** the Board of Adjustment's decision to approve a request for special exception to establish a contractor's establishment with no outside storage located on the east side of Longwood-Lake Mary Road approximately 0.1 mile south of Green Way Boulevard in the C-2 (Retail Commercial District); (Ron Edwards, applicant); or
2. **REVERSE** the Board of Adjustment's decision to approve a request for special exception to establish a contractor's establishment with no outside storage located on the east side of Longwood-Lake Mary Road approximately 0.1 mile south of Green Way Boulevard in the C-2 (Retail Commercial District); (Ron Edwards, applicant); or
3. **CONTINUE** the request to a time and date certain.

(District 2 - Morris)

(Francisco Torregrosa, Planner)

**BOARD OF ADJUSTMENT DECISION:**

On July 26, 2004, the Board of Adjustment approved a request to establish a contractor's establishment with no outside storage in the C-2 (Retail Commercial District) located on the east side of Longwood-Lake Mary Road across from the YMCA. The Board of Adjustment based its approval on commitments agreed to by the applicant to develop the site in conformance with commercial design standards. These included applying a commercial architectural finish to the fronts of the proposed buildings and including the storefront

Reviewed by: [Signature]  
Co Atty: [Signature]  
DFS: [Signature]  
Other: [Signature]  
DCM: [Signature]  
CM: [Signature]  
File No. ph700pdp03

and the adjoining storage area as the minimum rentable unit. Staff had recommended denial of the request citing the proposed contractor's establishment use would be inconsistent with the general character of surrounding development and would not serve as an effective transitional use between any of the surrounding single-family, office, vacant or planned commercial uses.

**STAFF RECOMMENDATION:**

Based upon the findings stated in the staff report, staff recommends the Board of County Commissioners reverse the decision of the Board of Adjustment and deny the request to establish a contractor's establishment with no outside storage in the C-2 (Retail Commercial District).

**STAFF REPORT**

<b>General Information</b>	Ron Edwards, Applicant 2530 Magnolia Avenue Sanford, FL 32773	C-2 District, LDC Section 30.763(B); (Contractors Establishment With No Outside Storage)																									
<b>Background / Request</b>	<ul style="list-style-type: none"> <li>The applicant proposes to construct two commercial buildings totaling 21,000 square feet for a contractor's establishment with no outside storage on a parcel located on Longwood-Lake Mary Road.</li> </ul>																										
<b>Zoning &amp; FLU</b>	<table border="1"> <thead> <tr> <th data-bbox="558 1142 760 1220">Direction</th> <th data-bbox="760 1142 922 1220">Existing Zoning</th> <th data-bbox="922 1142 1133 1220">Existing FLU</th> <th data-bbox="1133 1142 1446 1220">Use Of Property</th> </tr> </thead> <tbody> <tr> <td data-bbox="558 1220 760 1262">Site</td> <td data-bbox="760 1220 922 1262">C-2</td> <td data-bbox="922 1220 1133 1262">Commercial</td> <td data-bbox="1133 1220 1446 1262">Vacant</td> </tr> <tr> <td data-bbox="558 1262 760 1331">North</td> <td data-bbox="760 1262 922 1331">A-1</td> <td data-bbox="922 1262 1133 1331">Low Density Residential</td> <td data-bbox="1133 1262 1446 1331">Single-Family Residential</td> </tr> <tr> <td data-bbox="558 1331 760 1373">South</td> <td data-bbox="760 1331 922 1373">OP</td> <td data-bbox="922 1331 1133 1373">Office</td> <td data-bbox="1133 1331 1446 1373">Office</td> </tr> <tr> <td data-bbox="558 1373 760 1478">East</td> <td data-bbox="760 1373 922 1478">A-1</td> <td data-bbox="922 1373 1133 1478">Low Density Residential</td> <td data-bbox="1133 1373 1446 1478">CSX Railroad Tracks And Retention Ponds</td> </tr> <tr> <td data-bbox="558 1478 760 1556">West</td> <td data-bbox="760 1478 922 1556">PUD</td> <td data-bbox="922 1478 1133 1556">Planned Development</td> <td data-bbox="1133 1478 1446 1556">YMCA Of Central Florida</td> </tr> </tbody> </table>			Direction	Existing Zoning	Existing FLU	Use Of Property	Site	C-2	Commercial	Vacant	North	A-1	Low Density Residential	Single-Family Residential	South	OP	Office	Office	East	A-1	Low Density Residential	CSX Railroad Tracks And Retention Ponds	West	PUD	Planned Development	YMCA Of Central Florida
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West	PUD	Planned Development	YMCA Of Central Florida																								
<b>Standards For Granting A Special Exception; LDC Section 30.43(B)(2)</b>	<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><b><u><i>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area:</i></u></b></p> <p>Abutting properties along this segment of Longwood-Lake</p>																										

Mary Road are characterized by single-family, office, vacant and planned commercial. Given the light industrial character of the proposed use, in combination with the Comprehensive Plan's characterization of light industrial uses as an inappropriate transition between the aforementioned surrounding uses, staff believes the proposed use would be incompatible and inconsistent with the character of surrounding development.

**Does not have an undue adverse effect on existing traffic patterns, movements and volumes:**

The proposed use is not expected to generate more peak hour traffic than other similar commercial uses allowed in the C-2 District. Furthermore, the Traffic Engineer has confirmed that capacity along the adjoining segment of Longwood-Lake Mary Road is sufficient to serve the proposed use.

**Is consistent with the Seminole County Vision 2020 Comprehensive Plan:**

The Seminole County Vision 2020 Comprehensive Plan describes commercial future land use as appropriate for a variety of commercial uses (including contractors' establishments) that are located at the intersections of major roadways and along major roadways as infill development where the use type is already established.

Although the abutting segment of Longwood-Lake Mary Road is considered a collector roadway, the trend of development is clearly established for uses of a lesser intensity than the use proposed. For this reason, staff believes the request would be inconsistent with the Comprehensive Plan's classification of properties in the area as mostly low density residential, office and planned commercial development.

**Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:**

Based on the submitted site plan, the proposed use would meet the minimum area and dimensional requirements of the C-2 District.

	<p><b><u>Will not adversely affect the public interest:</u></b></p> <p>Within the C-2 District, contractors' establishments are allowed by special exception. However, the proposed use would be inconsistent with the general character of existing development in this area, for example by exposing loading areas to view from Longwood-Lake Mary Road.</p>
<p><b>Staff Findings</b></p>	<p>In the evaluation of this application, staff has reached the following findings:</p> <ul style="list-style-type: none"> <li>• The property would be served by central water and sewer.</li> <li>• Adequate transportation facilities are available to serve the proposed development.</li> <li>• There are areas of environmental concern. In particular, the 100 year flood plain extends through the northern half of the parcel.</li> <li>• A special exception for a mini warehouse establishment was approved on the property by the Board of Adjustment and was reviewed and approved on appeal by the Board of County Commissioners in 1995. The approval by the BCC requirements that the development meet certain architectural design standards and color schemes conditions to insure compatibility with the surrounding uses and nearby residential neighborhoods. That special exception approval has since expired due to failure by the owner to secure a development permit within a year of special exception approval.</li> <li>• Although contractors' establishments are permitted by special exception in the C-2 District when deemed compatible with surrounding uses, the nature and intensity of the proposed use would be inconsistent with the general character of surrounding development and would not serve as an effective transitional use between any of the surrounding single-family, office, vacant or planned commercial uses.</li> </ul>
<p><b>Staff Recommendation</b></p>	<p>Based on the stated findings, staff recommends that the Board of County Commissioners reverse the decision of the Board of Adjustment and deny the request for special exception to establish a contractor's establishment with no outside storage. If the board should decide to uphold the decision by the Board of Adjustment, staff recommends the application of the following conditions that were agreed to at the July 26, 2004 Board of Adjustment public hearing:</p> <ul style="list-style-type: none"> <li>○ Dedication through a conservation easement of all</li> </ul>

	<p>lands lying below the post-development 100 year flood elevation;</p> <ul style="list-style-type: none"> <li>○ All contractors equipment shall be stored within the enclosed principal structures; outdoor storage of equipment or supplies shall be prohibited; and</li> <li>○ Preservation of existing trees along Longwood Lake Mary Road and along the northern property boundary shall be conducted to the fullest extent practicable.</li> </ul>
<p><b>Board of Adjustment Action</b></p>	<ul style="list-style-type: none"> <li>○ The Board of Adjustment approved the special exception for a contractor's establishment with no outside storage subject to staff conditions listed above.</li> </ul>

- ATTACHMENTS:**
- Zoning & Future Land Use maps
  - Application for special exception
  - Proposed site plan
  - Location map
  - Aerial Photograph
  - Property appraiser report
  - Proposed development order
  - Board of Adjustment meeting minutes
  - Decision on appeal

**SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**  
**DECISION ON APPEAL**

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 24<sup>th</sup> day of August 2004, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, reversing a decision of the Board of Adjustment to approve a special exception for the establishment of a contractor's establishment with no outside storage in the C-2 (Retail Commercial District).

**A. FINDINGS OF FACT**

1. On July 26, 2004, the Board of Adjustment approved a special exception to allow the establishment of a contractor's establishment with no outside storage in the C-2 Zoning District, as requested by Ron Edwards, on the property further described by the following legal description:

LEG SEC 20 TWP 20S RGE 30E S 430 FT OF NE 1/4 OF SE 1/4 W OF RY

2. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43(f), LDC.

3. On August 24, 2004, the Board of County Commissioners heard an appeal of this decision.

**B. CONCLUSIONS OF LAW**

The Board of County Commissioners finds that the subject special exception is not in conformance with Section 30.763 of the Land Development Code of Seminole County due to the following:

1. The Board hereby agrees with and adopts the staff recommendations as reflected in the Agenda Memorandum, Item # \_\_\_\_\_.
2. The subject special exception does not meet all of the criteria in Section 30.763(b), LDC, for granting special exceptions because:

- a. The subject special exception would allow development that would be inconsistent with the character and trends of residential, office and commercial development in the area.

**C. DECISION**

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on August 24, 2004, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **REVERSED** and the special exception requested is denied.

**DATED** this 24<sup>th</sup> day of August 2004.

Board of County Commissioners  
Seminole County, Florida

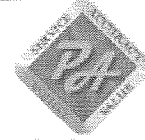
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Daryl G. McLain, Chairman

Seminole County, Florida

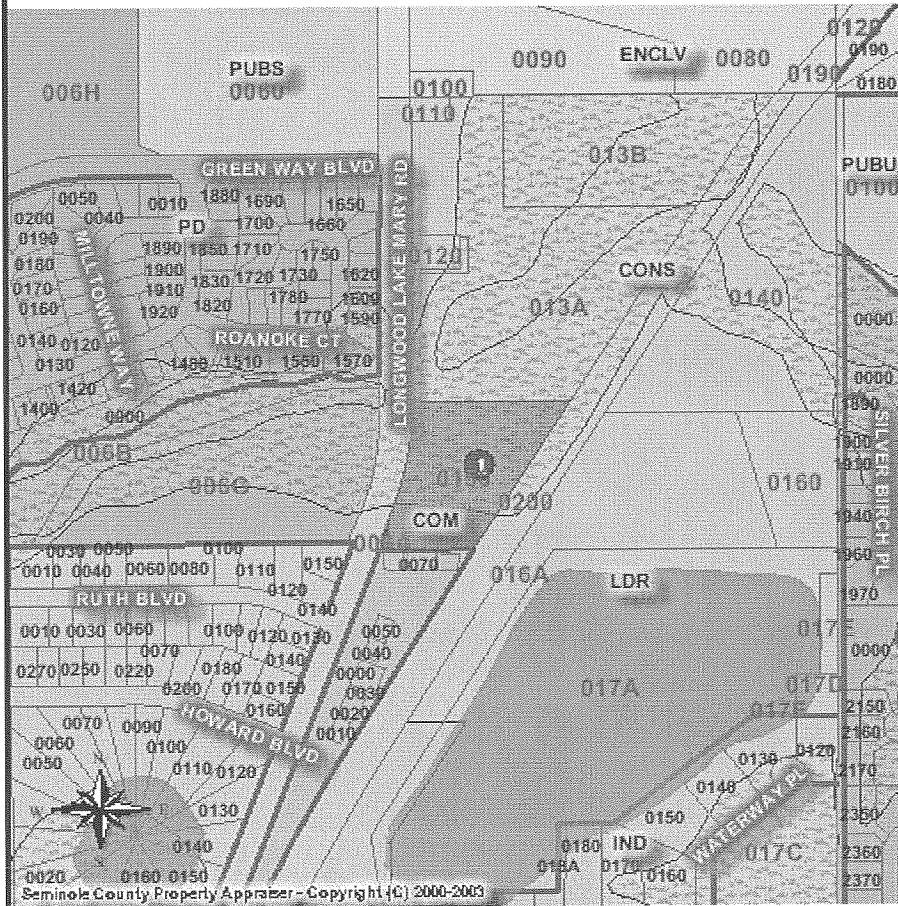
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H.W. "Bill" Suber CFA, ASA



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Seminole County, Florida

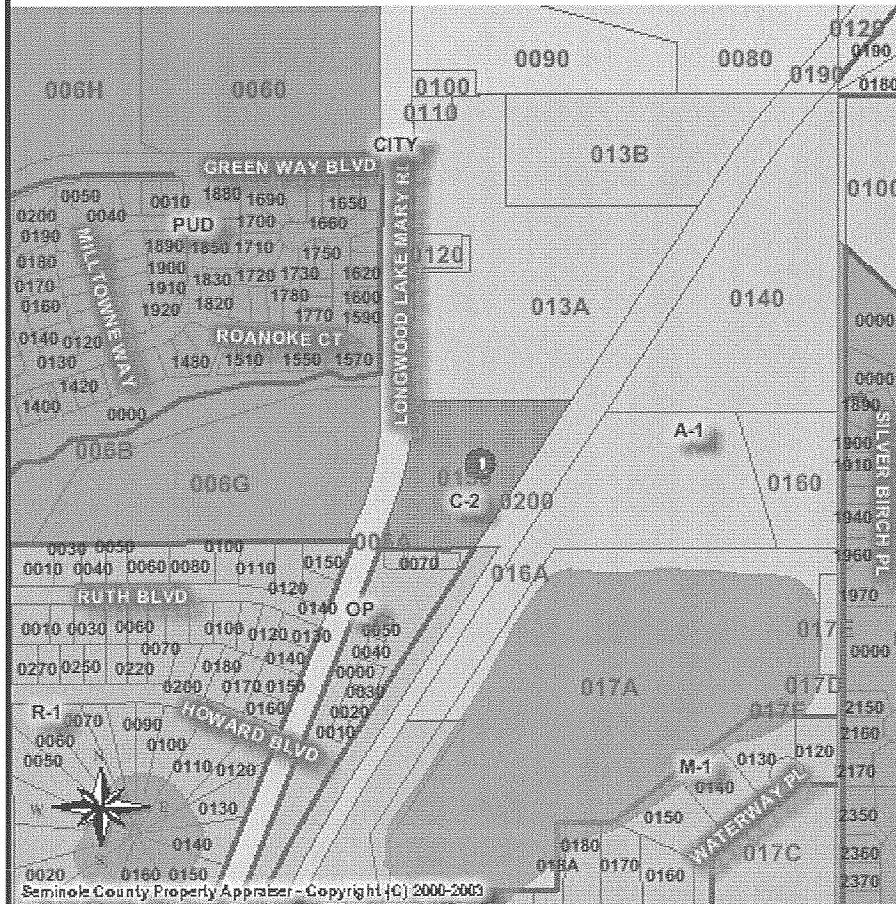
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. 1852004-018

**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.

**APPLICATION TYPE:**

**VARIANCE**

**SPECIAL EXCEPTION** To allow contractors establishment w/o outside storage and allow development below 100 yr. flood elevation (42.0

**MOBILE HOME SPECIAL EXCEPTION**

EXISTING  PROPOSED  REPLACEMENT

MOBILE HOME IS FOR

YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_

ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_

PLAN TO BUILD  YES  NO IF SO WHEN \_\_\_\_\_

MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	Ron Edwards	
ADDRESS	2530 Magnolia Ave.	
	Sanford, Fla. 32773	
PHONE 1	407-321-2808	
PHONE 2		
EMAIL	jackreynolds@bellsouth.net	

PROJECT NAME: Young & Edwards Business Center

SITE ADDRESS: E/S of Longwood Lake Mary Rd., 600' north of Ruth Blvd.

CURRENT USE OF PROPERTY: Vacant

LEGAL DESCRIPTION: \_\_\_\_\_

SIZE OF PROPERTY: 3.89 acre(s) PARCEL I.D. 20-20-30-300-0150-0000

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 \_\_\_\_\_ (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] Ron Edwards 4/19/04  
SIGNATURE OF OWNER OR AGENT\* DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

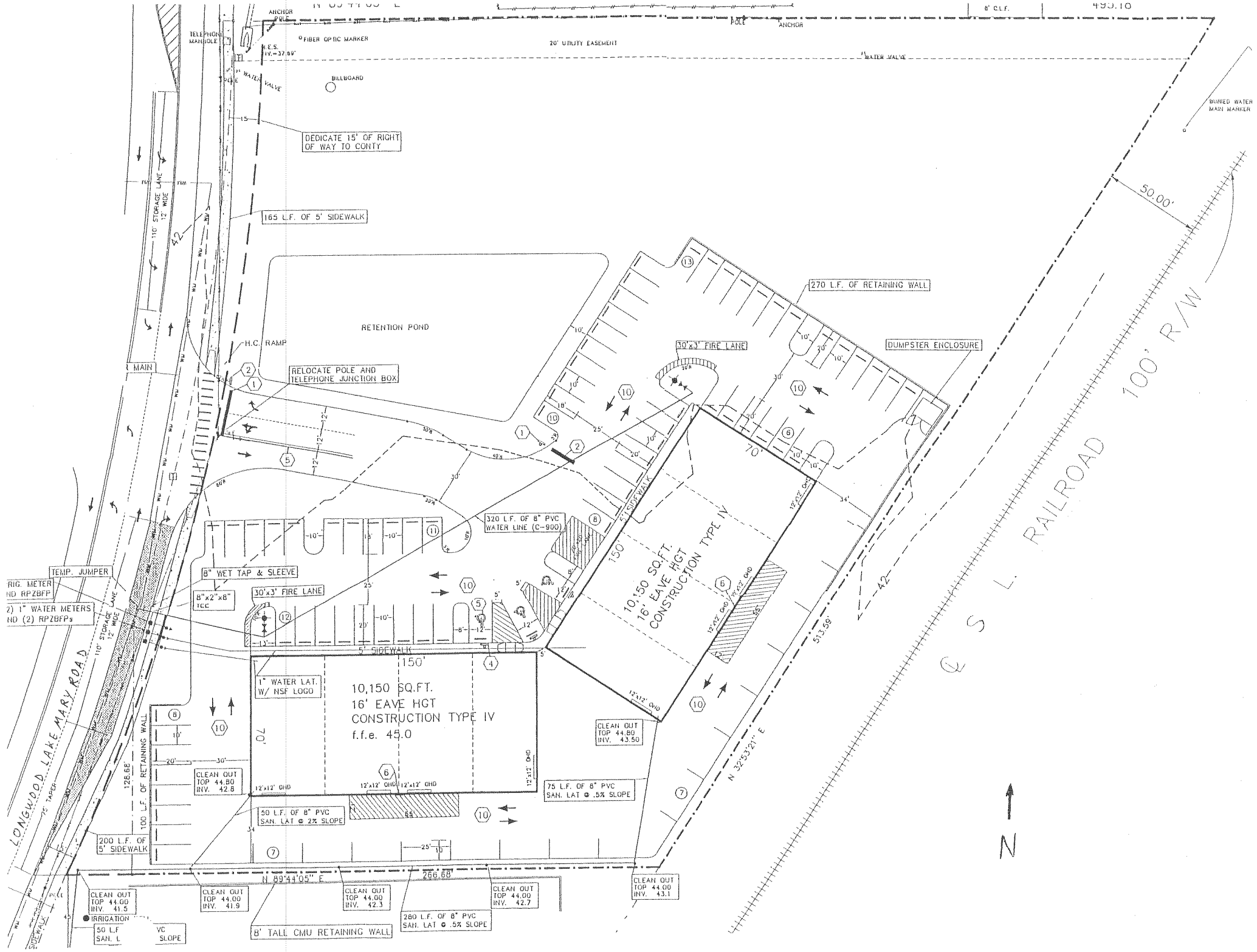
FOR OFFICE USE ONLY

PROCESSING:

FEE: \$370 COMMISSION DISTRICT 2 FLU/ZONING COM/C-2  
 LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF LONGWOOD LAKEWAY  
ROAD APPROX 0.1 MI N. OF RUTH BLVD.

PLANNER VB DATE 6/2

EFFICIENCY COMMENTS NEED IMMEDIATE REVIEW TO  
DETERMINE IF A SPECIAL EXCEPTION IS EVEN NEEDED



493.10

LONGWOOD LAKE MARY ROAD

Q S L RAILROAD 100' R/W

DEDICATE 15' OF RIGHT OF WAY TO COUNTY

165 L.F. OF 5' SIDEWALK

270 L.F. OF RETAINING WALL

RELOCATE POLE AND TELEPHONE JUNCTION BOX

320 L.F. OF 8" PVC WATER LINE (C-900)

10,150 SQ.FT. 16' EAVER HGT CONSTRUCTION TYPE IV

10,150 SQ.FT. 16' EAVER HGT CONSTRUCTION TYPE IV f.f.e. 45.0

RIG. METER HD RPZBFP  
2) 1" WATER METERS HD (2) RPZBFP

CLEAN OUT TOP 44.00 INV. 41.5  
50 L.F. SAN. L  
VC SLOPE

CLEAN OUT TOP 44.80 INV. 42.8

CLEAN OUT TOP 44.00 INV. 41.9

CLEAN OUT TOP 44.00 INV. 42.3

CLEAN OUT TOP 44.00 INV. 42.7

CLEAN OUT TOP 44.00 INV. 43.1

75 L.F. OF 8" PVC SAN. LAT @ .5% SLOPE

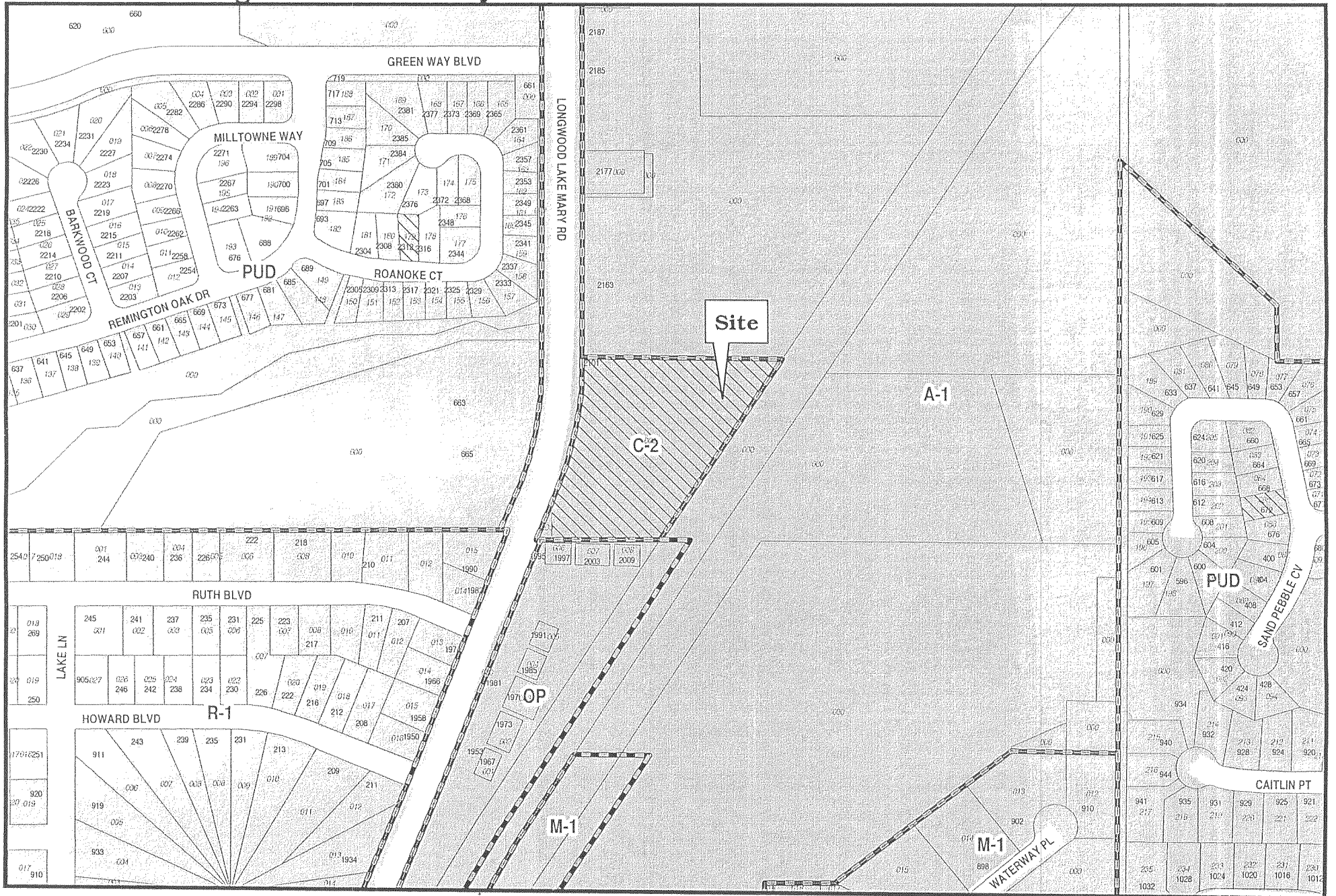
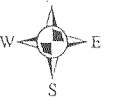
50 L.F. OF 8" PVC SAN. LAT @ 2% SLOPE

8' TALL CMU RETAINING WALL

280 L.F. OF 8" PVC SAN. LAT @ .5% SLOPE

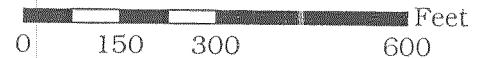


# Ron Edwards Longwood Lake Mary Road


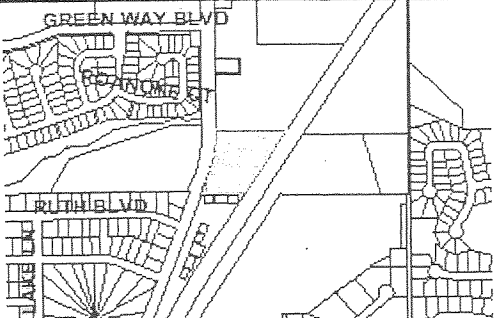



Parcel: 20-20-30-300-0150-0000 / District: 2

**BS2004-018**





<b>PARCEL DETAIL</b>	<a href="#">REAL ESTATE</a> <a href="#">PERSONAL PROP</a> <a href="#">TAX ROLL</a> <a href="#">SALES SEARCH</a>	◀ ◁ Back ▷ ▶												
 <p> <b>Seminole County</b>  <i>Property Appraiser Services</i>        1101 E. First St.        Sanford FL 32771        407-665-7506     </p>														
<p align="center"><b>GENERAL</b></p> <p>         Parcel Id: 20-20-30-300-0150-0000    Tax District: 01-TX DIST 1 - COUNTY          Owner: EDWARDS RONALD W &amp; SIDNEY B    Exemptions:          Own/Addr: YOUNG &amp; LINDA K YOUNG          Address: 32633 WEKIVA PINES BLVD          City,State,ZipCode: SORRENTO FL 32776          Property Address: LONGWOOD/LAKE MARY RD LONGWOOD 32750          Facility Name:          Dor: 99-ACREAGE NOT AGRICULT       </p>		<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>         Value Method: Market          Number of Buildings: 0          Depreciated Bldg Value: \$0          Depreciated EXFT Value: \$0          Land Value (Market): \$105,000          Land Value Ag: \$0          Just/Market Value: \$105,000          Assessed Value (SOH): \$105,000          Exempt Value: \$0          Taxable Value: \$105,000       </p>												
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>02/1986</td> <td>01715</td> <td>1971</td> <td>\$85,200</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	02/1986	01715	1971	\$85,200	Vacant	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>         2003 Tax Bill Amount: \$1,800          2003 Taxable Value: \$105,000          DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS       </p>
Deed	Date	Book	Page	Amount	Vac/Imp									
WARRANTY DEED	02/1986	01715	1971	\$85,200	Vacant									
<p align="center"><b>LAND</b></p> <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>ACREAGE</td> <td>0</td> <td>0</td> <td>3.500</td> <td>30,000.00</td> <td>\$105,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	3.500	30,000.00	\$105,000	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>LEG SEC 20 TWP 20S RGE 30E S 430 FT OF NE 1/4 OF SE 1/4 W OF RY</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value									
ACREAGE	0	0	3.500	30,000.00	\$105,000									
<p>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.</p>														

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**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 20 TWP 20S RGE 30E S 430 FT OF NE 1/4 OF SE 1/4 W OF RY

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

**FINDINGS OF FACT**

**Property Owner:** RONALD EDWARDS, SIDNEY YOUNG AND LINDA YOUNG  
32633 WEKIVA PINES BOULEVARD  
SORRENTO, FL 32776

**Project Name:** LONGWOOD LAKE MARY ROAD

**Requested Development Approval:**

SPECIAL EXCEPTION TO ESTABLISH A CONTRACTORS ESTABLISHMENT WITH NO OUTSIDE STORAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) AT LONGWOOD LAKE MARY ROAD (PARCEL ID# 20-20-30-300-0150-0000), AS DEPICTED ON THE ATTACHED SITE PLAN.

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: Francisco Torregrosa  
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. DEDICATION THROUGH A CONSERVATION EASEMENT OF ALL LANDS LYING BELOW THE POST-DEVELOPMENT 100 YEAR FLOOD ELEVATION;
2. BUILDING FRONTS SHALL HAVE A COMMERCIAL ARCHITECTURAL FINISH;
3. INDIVIDUAL RENTAL UNITS SHALL INCLUDE STORE FRONT / OFFICE AND ANCILLARY INTERIOR STORAGE SPACE IN REAR;
4. ALL CONTRACTORS EQUIPMENT SHALL BE STORED WITHIN THE ENCLOSED PRINCIPAL STRUCTURES; OUTDOOR STORAGE OF EQUIPMENT OR SUPPLIES SHALL BE PROHIBITED; AND
5. PRESERVATION OF EXISTING TREES ALONG LONGWOOD LAKE MARY ROAD AND ALONG THE NORTHERN PROPERTY BOUNDARY SHALL BE CONDUCTED TO THE FULLEST EXTENT PRACTICABLE.

(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: \_\_\_\_\_  
Matthew West  
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 \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



- 22. 3000 WEST OSCEOLA ROAD** - William Lowery & Robert Flood, applicants; Request for special exception to expand an existing private airport in the A-5 (Rural Zoning Classification District); Located on the northeast corner of the intersection of West Osceola Road and Kimmie Kay Drive; (BS2004- 015).  
Francisco Torregrosa, Planner

**(ITEM 22 WAS CONTINUED TO AUGUST 23, 2004)**

- 23. 2441 S ORANGE BLOSSOM TRAIL** - Gabriel Lynch, Gabe Auto Tech, Inc. applicant; Request for special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the northeast corner of the intersection of US 441 and Center Street; (BS2004-016).  
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the special exception request with the following conditions:

- Automotive work shall include mechanical repairs and service. Paint and Body Repair shall be prohibited.
- All automotive work shall be conducted within the enclosed principal structures.
- The outdoor storage of service equipment shall not be prohibited.

Gabriel Lynch stated that he bought the property 30 days ago and he was not aware that he needed a special exception to continue to do business there. He also stated that once he found out he needed the special exception, he applied and would like to be able to establish a mechanical garage.

**Mr. Bass made a motion to approve the request with conditions.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent.**

- 24. LONGWOOD LAKE MARY ROAD** - Ronald Edwards & Sidney Young, applicants; Request for special exception to establish a contractors establishment without outside storage in the C-2 (Retail Commercial District); Located on the east side of Longwood Lake Mary Road, approximately 0.1 mile south of the intersection of Longwood Lake Mary Road and Green Way Boulevard; (BS2004-018).  
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended denial of the special exception request.

John Reynolds, American Civil Engineering Company, stated that he represented the applicants. He stated that they have a piece of property that is 3.89 acres and

of that, 12% would be developed for the buildings, 46% total impervious area and 54% would remain open space. He also stated that staff's objection was due to incompatibility with the surrounding uses. He further stated that to the south of the property was an office park under construction, to the east were railroad tracks, to the west of the property the YMCA is currently doing a major renovation and to the north the property is currently single family homes. He also stated that everything north of the property would be compensating storage, retention pond or conservation easement, and they would give ample setback and buffer for the A-1 zoned property (single family homes). He further stated that the owner, Mr. Ronald Edwards currently has a dry wall company and he would like to use 5,000 square feet of the building for his business. He also stated that the building would have a Commercial look to it, the building will be mansard and stucco with a glass store front look, the warehouse would be in the back of each bay. He lastly stated that if the special exception was not granted, they had the ability to continue with C-2 (Retail Commercial Zoning) and they had enough parking, if it is granted they would be able to eliminate some of the parking spacing and save some of the trees along Longwood Lake Mary Road.

Sidney Young, owner, stated that what they would like to do is have an office building with storage in the back for the offices. He also used a carpet installer as type of business that they would welcome to this facility. He further stated that they would comply with the Land Development Code and they wanted a nice looking establishment.

**Mrs. Buchanan made a motion to approve the request according to staff recommendations for development.**

**Mr. Bass seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 25. 9176 OVERLAND ROAD, APOPKA - Sue Walsh, applicant; Request for special exception to establish a mechanical garage, living quarters for security purposes, and a paint and body shop in the C-2 (Retail Commercial District); Located on the west side of Overland Road, approximately 400 feet south of the intersection of US 441 and Overland Road; (BS2004-020).**

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated the owner was cited by Code Enforcement on March 22, 2004 for operating without the required special exception. He also stated that staff recommended approval of the request for special exception with the following conditions:

- Automotive work shall include mechanical repair, service and paint and body work.
- All automotive work shall be conducted within enclosed principle structures.
- The outdoor storage of service equipment or junk vehicles shall be prohibited.