Item# 36

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

CONTINUED FROM THE AUGUST 24, 2004 BCC REGULAR MEETING

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 9/14/04 **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:

Reviewed by:
Co Atty:
DFS:
Other:
DCM:
CM:
File No. ph130pdp03

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 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.

This item was continued to September 14, 2004 at the request of the applicant.

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

<table>
<tr><td>General Information</td><td>Ron Edwards, Applicant
2530 Magnolia Avenue
Sanford, Fl 32773</td><td>C-2 District, LDC Section 30.763(B); (Contractors Establishment With No Outside Storage)</td></tr>
<tr><td>Background / Request</td><td colspan="2">• 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.</td></tr>
<tr><td>Zoning & FLU</td><td colspan="2">
<table>
<tr><th>Direction</th><th>Existing Zoning</th><th>Existing FLU</th><th>Use Of Property</th></tr>
<tr><td>Site</td><td>C-2</td><td>Commercial</td><td>Vacant</td></tr>
<tr><td>North</td><td>A-1</td><td>Low Density Residential</td><td>Single-Family Residential</td></tr>
<tr><td>South</td><td>OP</td><td>Office</td><td>Office</td></tr>
<tr><td>East</td><td>A-1</td><td>Low Density Residential</td><td>CSX Railroad Tracks And Retention Ponds</td></tr>
<tr><td>West</td><td>PUD</td><td>Planned Development</td><td>YMCA Of Central Florida</td></tr>
</table>
</td></tr>
<tr><td>Standards For Granting A Special Exception; LDC Section 30.43(B)(2)</td><td colspan="2">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:

Is not detrimental to the character of the area or</td></tr>
</table>

	neighborhood or inconsistent with trends of development in the area: Abutting properties along this segment of Longwood-Lake 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 unduly 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. ***Will not adversely affect the public interest:*** 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.
Staff Findings	In the evaluation of this application, staff has reached the following findings: • The property would be served by central water and sewer. • Adequate transportation facilities are available to serve the proposed development. • There are areas of environmental concern. In particular, the 100 year flood plain extends through the northern half of the parcel. • 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. • 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.
Staff Recommendation	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: o Dedication through a conservation easement of all lands lying below the post-development 100 year flood elevation; o All contractors equipment shall be stored within the enclosed principal structures; outdoor storage of equipment or supplies shall be prohibited; and o Preservation of existing trees along Longwood Lake Mary Road and along the northern property boundary shall be conducted to the fullest extent practicable.
Board of Adjustment Action	o The Board of Adjustment approved the special exception for a contractor's establishment with no outside storage subject to staff conditions listed above.

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 24th 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 24th day of August 2004.

Board of County Commissioners
Seminole County, Florida

_____
Daryl G. McLain, Chairman

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 24th 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 24th day of August 2004.

Board of County Commissioners
Seminole County, Florida

_____
Daryl G. McLain, Chairman

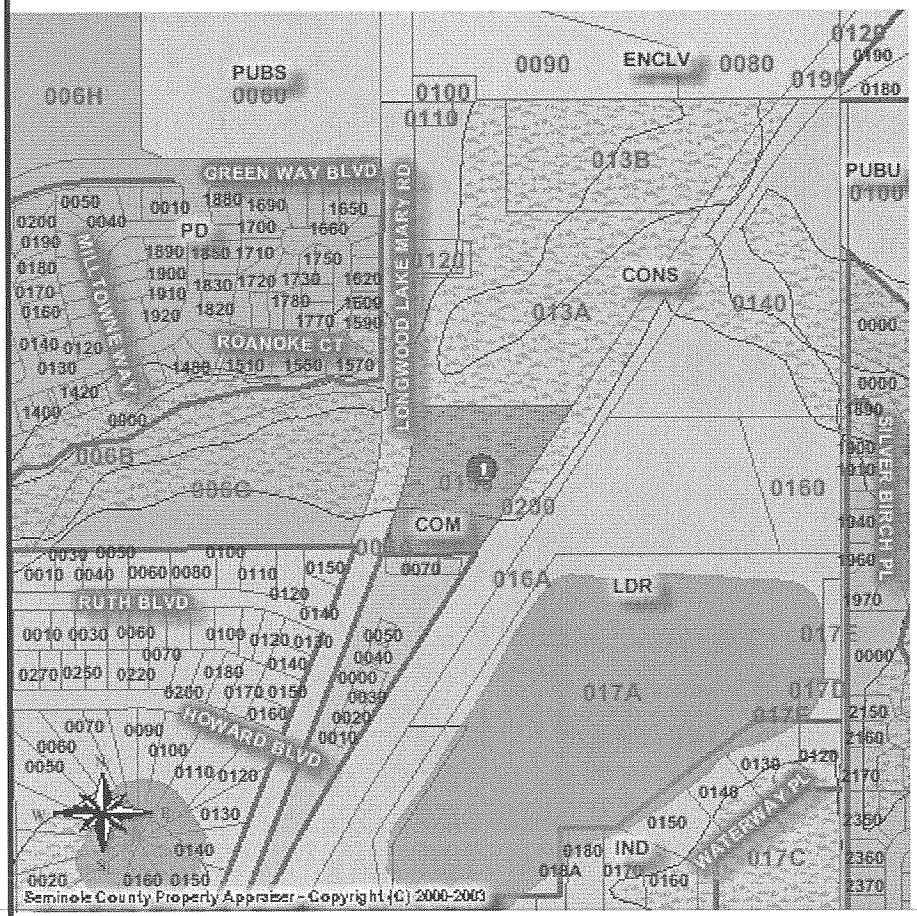
Seminole County, Florida

Property Appraiser Services

Your Source for Property Information... Quick, Convenient, Accurate

H.W. "Bill" Suber CFA, ASA

Seminole County
Property Appraiser Services
1101 E. First St.
Sanford Fl. 32771
407-665-7506



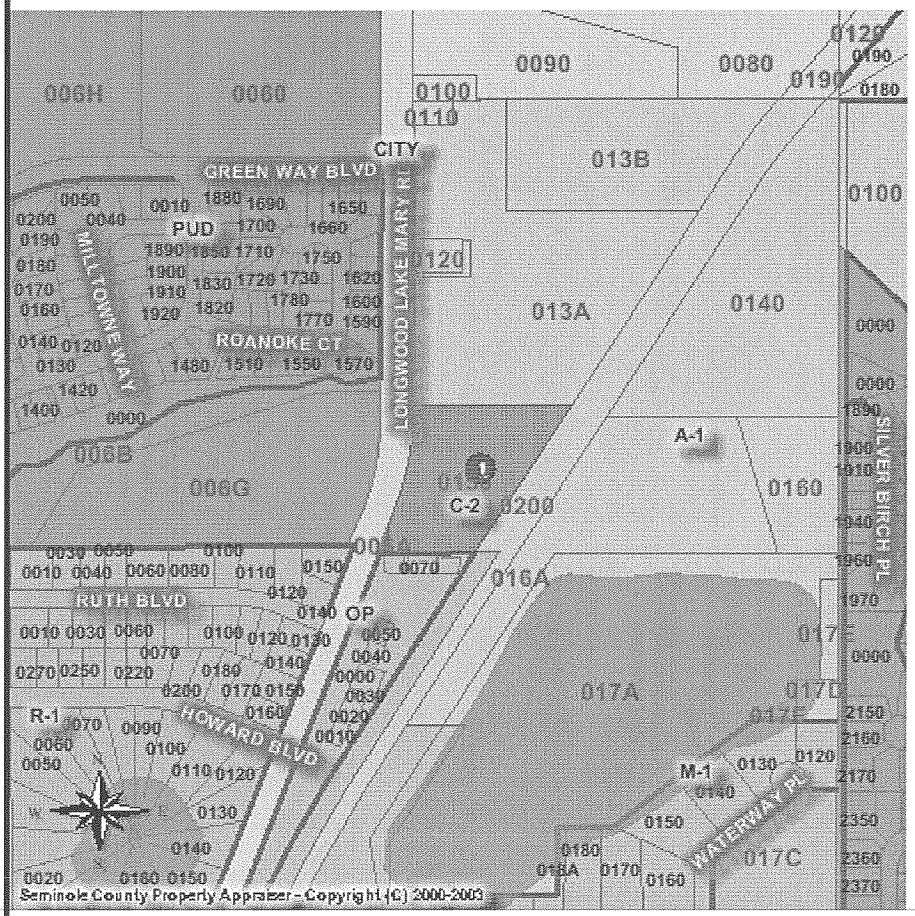
Seminole County, Florida

Property Appraiser Services

Your Source for Property Information... Quick, Convenient, Accurate

H.W. "Bill" Suber CFA, ASA

Seminole County
Property Appraiser Services
1101 E. First St.
Sanford FL 32771
407-665-7506



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BS2004-018

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		
E-MAIL	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.

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:

VARINACE 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

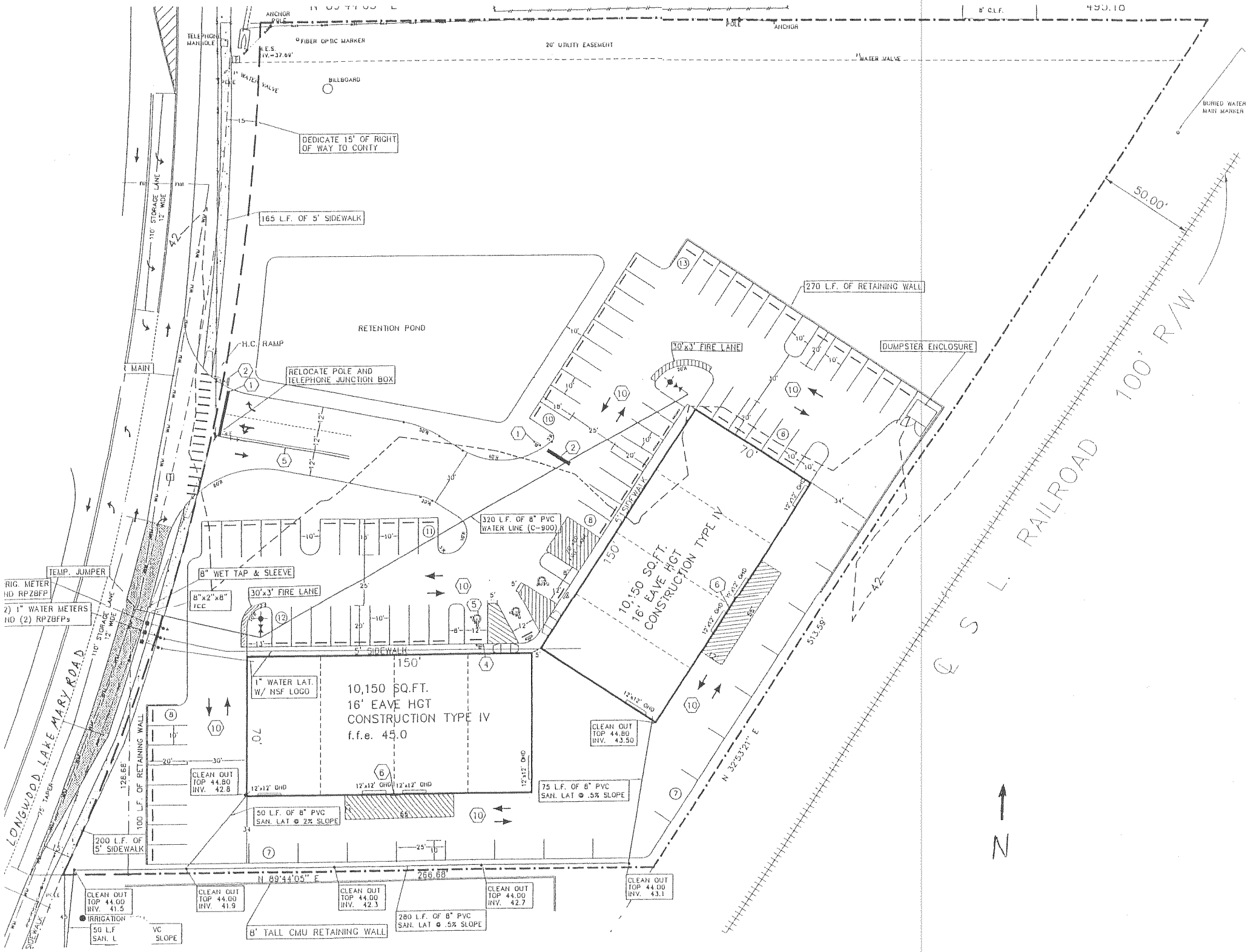
PROCESSING:

FEE: $370 COMMISSON DISTRICT 1, 2 FLU / ZONING COM / C-2

LOCATION FURTHER DESCRIBED AS ON THE EAST SIDE OF LONGWOOD LAKE MARY ROAD APPROX 0.1 MI N. OF RUTH BLVD.

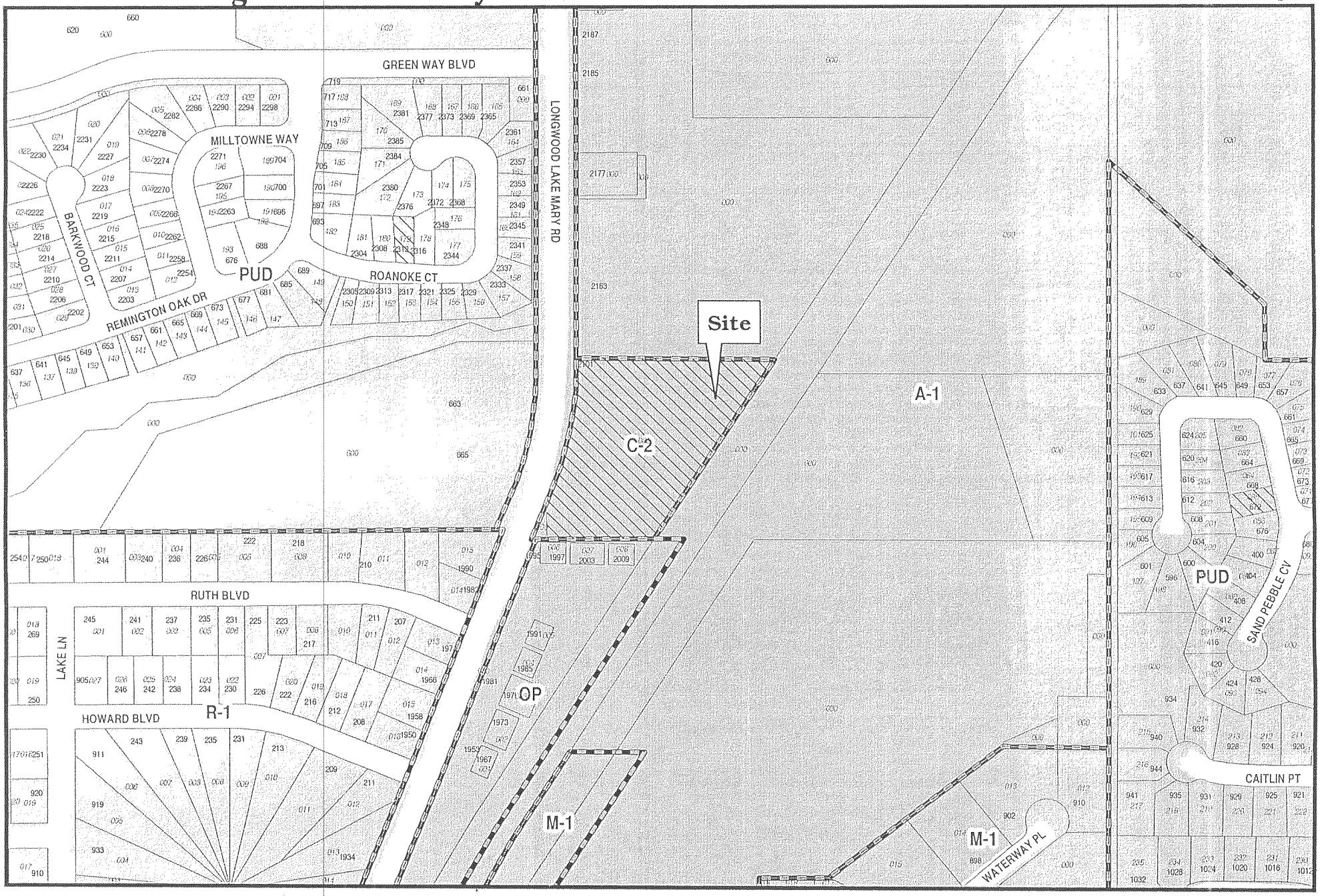
PLANNER VB DATE 6/2

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



ANCHOR POLE
TELEPHONE MANHOLE
FIBER OPTIC MARKER
20' UTILITY EASEMENT
WATER VALVE
BILLBOARD
DEDICATE 15' OF RIGHT OF WAY TO CONTY
165 L.F. OF 5' SIDEWALK
110' STORAGE LANE 12' WIDE
RETENTION POND
H.C. RAMP
RELOCATE POLE AND TELEPHONE JUNCTION BOX
270 L.F. OF RETAINING WALL
30'x3' FIRE LANE
DUMPSTER ENCLOSURE
BURIED WATER MAIN MARKER
50.00'
100' R/W
℄ S. L. RAILROAD
320 L.F. OF 8" PVC WATER LINE (C-900)
10,150 SQ.FT. 16' EAVE HGT CONSTRUCTION TYPE IV
TEMP. JUMPER
8" WET TAP & SLEEVE
8"x2"x8" TEE
30'x3' FIRE LANE
5' SIDEWALK
1" WATER LAT. W/ NSF LOGO
10,150 SQ.FT. 16' EAVE HGT CONSTRUCTION TYPE IV f.f.e. 45.0
CLEAN OUT TOP 44.80 INV. 43.50
CLEAN OUT TOP 44.80 INV. 42.8
75 L.F. OF 8" PVC SAN. LAT @ .5% SLOPE
50 L.F. OF 8" PVC SAN. LAT @ 2% SLOPE
200 L.F. OF 5' SIDEWALK
LONGWOOD LAKE MARY ROAD
100 L.F. OF RETAINING WALL
N 89°44'05" E
266.68
N 32°53'21" E
513.59'
CLEAN OUT TOP 44.00 INV. 41.5
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
280 L.F. OF 8" PVC SAN. LAT @ .5% SLOPE
8' TALL CMU RETAINING WALL
IRRIGATION
N

Ron Edwards
Longwood Lake Mary Road



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

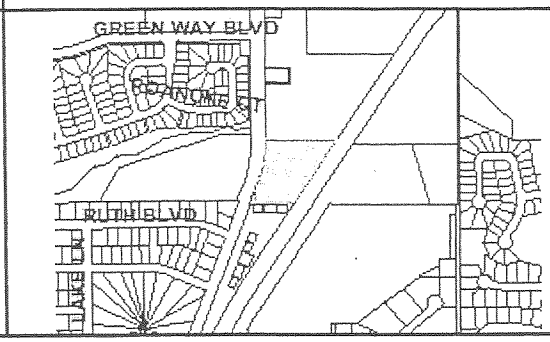
BS2004-018

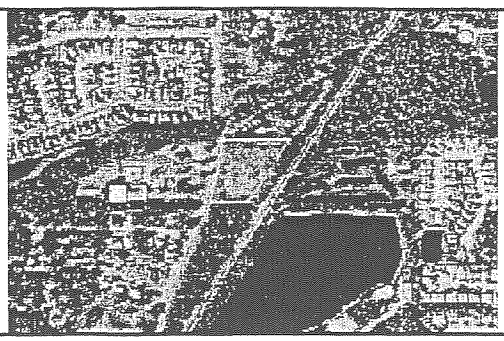
0 150 300 600 Feet

PARCEL DETAIL

REAL ESTATE | PERSONAL PROP. | TAX ROLL | SALES SEARCH | Back

Seminole County
Property Appraiser
Services
1101 E. First St.
Sanford FL 32771
407-665-7506





GENERAL

Parcel Id:	20-20-30-300-0150-0000	Tax District:	01-TX DIST 1 - COUNTY
Owner:	EDWARDS RONALD W & SIDNEY B	Exemptions:	
Own/Addr:	YOUNG & 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		

2004 WORKING VALUE SUMMARY

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

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	02/1986	01715	1971	$85,200	Vacant

Find Comparable Sales within this DOR Code

2003 VALUE SUMMARY

2003 Tax Bill Amount:	$1,800
2003 Taxable Value:	$105,000

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	3.500	30,000.00	$105,000

LEGAL DESCRIPTION

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

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.*

BACK | PROPERTY APPRAISER HOME PAGE | CONTACT

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 aforedescribed legal description has been provided to Seminole County by the owner of the aforedescribed 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 aforedescribed 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 aforedescribed 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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, RONALD EDWARDS, SIDNEY YOUNG & LINDA YOUNG, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consents to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

_____ _____

Witness Authorized Agent or Trustee

_____

Witness

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 Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

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 or 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 alone 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.