

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

**SUBJECT:** REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CONTRACTORS ESTABLISHMENT WITH NO OUTSIDE STORAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) ON LONGWOOD-LAKE MARY ROAD; (RON EDWARDS, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 07-26-04 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

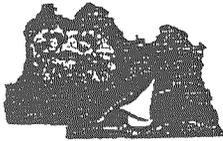
1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CONTRACTORS ESTABLISHMENT WITH NO OUTSIDE STORAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) ON LONGWOOD-LAKE MARY ROAD; (RON EDWARDS, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CONTRACTORS ESTABLISHMENT WITH NO OUTSIDE STORAGE IN THE C-2 (RETAIL COMMERCIAL DISTRICT) ON LONGWOOD-LAKE MARY ROAD; (RON EDWARDS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	RON EDWARDS, APPLICANT 2530 MAGNOLIA AVANUE 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>	<b>DIRECTION    EXISTING ZONING    EXISTING FLU    USE OF PROPERTY</b>			
	<b>SITE</b>	<b>C-2</b>	<b>COMMERCIAL</b>	<b>VACANT</b>
	NORTH	A-1	LOW DENSITY RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL
	SOUTH	OP	OFFICE	OFFICE
	EAST	A-1	LOW DENSITY RESIDENTIAL	CSX RAILROAD TRACKS AND

	WEST	PUD	PLANNED DEVELOPMENT	RETENTION PONDS YMCA OF CENTRAL FLORIDA
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</b></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><b><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></b></p> <p>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 INCONSISTENT WITH THE CHARACTER OF SURROUNDING DEVELOPMENT.</p> <p><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></p> <p>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.</p> <p><b><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></b></p> <p>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.</p> <p>ALTHOUGH THE ABUTTING SEGMENT OF LONGWOOD-</p>			

	<p>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.</p> <p><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE C-2 DISTRICT.</p> <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, AS DESCRIBED ELSEWHERE IN THIS REPORT.</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 IN 1995. 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</li> </ul>

	EFFECTIVE TRANSITIONAL USE BETWEEN ANY OF THE SURROUNDING SINGLE-FAMILY, OFFICE, VACANT OR PLANNED COMMERCIAL USES.
<b>STAFF RECOMMENDATION</b>	BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A CONTRACTORS ESTABLISHMENT WITH NO OUTSIDE STORAGE. IF THE BOARD SHOULD DECIDE TO GRANT THE REQUEST, STAFF RECOMMENDS THE APPLICATION OF THE FOLLOWING CONDITIONS: <ul style="list-style-type: none"><li>○ DEDICATION THROUGH A CONSERVATION EASEMENT OF ALL LANDS LYING BELOW THE POST-DEVELOPMENT 100 YEAR FLOOD ELEVATION;</li><li>○ ALL CONTRACTORS EQUIPMENT SHALL BE STORED WITHIN THE ENCLOSED PRINCIPAL STRUCTURES; THE OUTDOOR STORAGE OF EQUIPMENT SHALL THEREBY 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>



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

APPL. NO. RS 2004-018

**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 5:00 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: 8370 COMMISSION DISTRICT 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

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





**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. ALL CONTRACTORS EQUIPMENT SHALL BE STORED WITHIN THE ENCLOSED PRINCIPAL STRUCTURES; THE OUTDOOR STORAGE OF EQUIPMENT SHALL THEREBY BE PROHIBITED; AND
3. 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:

