

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

(THIS ITEM IS BEING RE-HEARD TO PROVIDE PUBLIC NOTICE)

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE AIRFIELD IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3000 WEST OSCEOLA ROAD; (WILLIAM LOWERY & ROBERT FLOOD, APPLICANTS).

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

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

Agenda Date 09-27-04 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE AIRFIELD IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3000 WEST OSCEOLA ROAD; (WILLIAM LOWERY & ROBERT FLOOD, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE AIRFIELD IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3000 WEST OSCEOLA ROAD; (WILLIAM LOWERY & ROBERT FLOOD, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

THIS ITEM IS BEING RE-HEARD BECAUSE THE OWNER WAS NOT NOTIFIED OF THE DATE OF CONTINUANCE OF THE ITEM.

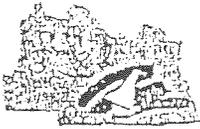
GENERAL INFORMATION	WILLIAM LOWERY & ROBERT FLOOD, APPLICANTS 1940 RUSSELL COVE ROAD GENEVA, FL 32782	A-5 DISTRICT, LDC SECTION 30.104(b)(8); (PRIVATE CLUBS)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS REQUEST A SPECIAL EXCEPTION TO EXPAND THE USE OF AN EXISTING PRIVATE AIRFIELD FROM TWO (2) OWNERS TO UP TO TEN (10) HANGARED PLANES ON A 108 ACRE SITE IN THE A-5 DISTRICT. • ALTHOUGH A PRIVATE AIRFIELD IS NOT EXPRESSLY DESCRIBED IN THE LAND DEVELOPMENT CODE AS A SPECIAL EXCEPTION USE IN THE A-5 DISTRICT, STAFF HAS DETERMINED THE USE PARAMETERS OF THE AIRFIELD TO BE CONSISTENT WITH THOSE OF A 	

	<p>PRIVATE (FLYING) CLUB, WHICH IS A SPECIAL EXCEPTION USE IN THE A-5 DISTRICT.</p> <ul style="list-style-type: none"> • THIS ITEM WAS ORIGINALLY SCHEDULED FOR BOARD OF ADJUSTMENT (BOA) CONSIDERATION ON JULY 26, 2004; AT THE REQUEST OF THE APPLICANTS, WHO WERE UNAVAILABLE TO ATTEND THE HEARING, THE ITEM WAS CONTINUED TO THE AUGUST 23, 2004 REGULAR MEETING, WHERE THE BOARD HEARD AND DENIED THE REQUEST. • THE APPLICANTS HAVE SINCE EXPRESSED THEIR UNAWARENESS OF THE ITEM'S CONTINUANCE TO THE AUGUST 23, 2004 MEETING AND HAVE IDENTIFIED THIS FACTOR AS THE REASON FOR THEIR ABSENCE FROM THE PUBLIC HEARING. • IN RESPONSE TO THE APPLICANTS' CLAIMS THAT NOTICE WASN'T PROVIDED, STAFF HAS RESCHEDULED THIS ITEM FOR BOA CONSIDERATION AND NOTIFIED ALL PARTIES, INCLUDING THE PUBLIC AND APPLICANTS, AT THE ADVISEMENT OF THE COUNTY ATTORNEY'S OFFICE. 																								
<p>ZONING & FLU</p>	<table border="1"> <thead> <tr> <th data-bbox="553 865 748 940">DIRECTION</th> <th data-bbox="748 865 911 940">EXISTING ZONING</th> <th data-bbox="911 865 1105 940">EXISTING FLU</th> <th data-bbox="1105 865 1417 940">USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td data-bbox="553 940 748 972">SITE</td> <td data-bbox="748 940 911 972">A-5</td> <td data-bbox="911 940 1105 972">RURAL-5</td> <td data-bbox="1105 940 1417 972">PRIVATE AIRFIELD</td> </tr> <tr> <td data-bbox="553 972 748 1041">NORTH</td> <td data-bbox="748 972 911 1041">A-5</td> <td data-bbox="911 972 1105 1041">RURAL-5</td> <td data-bbox="1105 972 1417 1041">SINGLE-FAMILY AND VACANT LAND</td> </tr> <tr> <td data-bbox="553 1041 748 1110">SOUTH</td> <td data-bbox="748 1041 911 1110">A-5</td> <td data-bbox="911 1041 1105 1110">RURAL-5</td> <td data-bbox="1105 1041 1417 1110">SINGLE-FAMILY AND VACANT LAND</td> </tr> <tr> <td data-bbox="553 1110 748 1180">EAST</td> <td data-bbox="748 1110 911 1180">A-5</td> <td data-bbox="911 1110 1105 1180">RURAL-5</td> <td data-bbox="1105 1110 1417 1180">SINGLE-FAMILY AND VACANT LAND</td> </tr> <tr> <td data-bbox="553 1180 748 1247">WEST</td> <td data-bbox="748 1180 911 1247">A-5</td> <td data-bbox="911 1180 1105 1247">RURAL-5</td> <td data-bbox="1105 1180 1417 1247">SINGLE-FAMILY AND VACANT LAND</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-5	RURAL-5	PRIVATE AIRFIELD	NORTH	A-5	RURAL-5	SINGLE-FAMILY AND VACANT LAND	SOUTH	A-5	RURAL-5	SINGLE-FAMILY AND VACANT LAND	EAST	A-5	RURAL-5	SINGLE-FAMILY AND VACANT LAND	WEST	A-5	RURAL-5	SINGLE-FAMILY AND VACANT LAND
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<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 USE EXPANSION OF AN EXISTING AIRFIELD FROM TWO (2) OWNERS TO A MAXIMUM OF TEN (10) HANGARED PLANES. BESIDES THE MINOR FACILITY UPGRADES, DESCRIBED ELSEWHERE IN THIS REPORT, THE PROPOSED USE WOULD NOT CONSTITUTE A MAJOR CHANGE IN THE INTENSITY OF THE EXISTING AIRFIELD. FOR THIS REASON, STAFF BELIEVES THE PROPOSED USE WOULD NOT BE DETRIMENTAL TO THE CHARACTER OF THE</p>																								

	<p>SURROUNDING AREA, WHICH INCLUDES LARGE TRACTS OF UNDEVELOPED RURAL LANDS.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>THE PROPOSED USE IS NOT EXPECTED TO GENERATE ANY SIGNIFICANT AMOUNT OF TRAFFIC. IF THE PROPOSED USE IS RESTRICTED TO A MAXIMUM OF TEN (10) HANGARED PLANES, IT IS EXPECTED TO GENERATE UP TO A MAXIMUM OF TWENTY (20) VEHICLE TRIPS PER DAY, WHICH WOULD HAVE A NEGLIGIBLE EFFECT ON TRAFFIC VOLUMES ALONG THE ABUTTING SEGMENT OF WEST OSCEOLA ROAD. FURTHERMORE, STAFF BELIEVES THAT SOME OF THOSE VEHICLE TRIPS WOULD BE NEGATED BY CLUB MEMBERS FLYING TO THE SITE, RATHER THAN ARRIVING BY AUTOMOBILE.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES RURAL-5 FUTURE LAND USE AS APPROPRIATE FOR A VARIETY OF USES, INCLUDING PRIVATE FLYING CLUBS.</p> <p>WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED CHANGE IN USE FOR THE AIRFIELD WOULD BE CONSISTENT WITH THE RANGE OF USES CONSIDERED APPROPRIATE FOR THIS CATEGORY.</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>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT), PRIVATE AIRFIELDS ARE ALLOWED AS SPECIAL EXCEPTION USES. WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED USE WOULD BE CONSISTENT WITH ABUTTING RURAL LANDS.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 DISTRICT</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-5 DISTRICT 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-5 DISTRICT:</u></p> <p>AS PREVIOUSLY STATED, THE PROPOSED USE WOULD BE CONSISTENT WITH THE RURAL-5 FLU AND UNDERLYING A-5 ZONING DISTRICT WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS. THE PROPOSED USE WOULD OTHERWISE COMPLY WITH THE DIMENSIONAL STANDARDS OF THE A-5 DISTRICT.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>STAFF BELIEVES THE REQUEST WOULD NOT BE HIGHLY INTENSIVE IN NATURE, IF IMPROVEMENTS ARE LIMITED TO THOSE DESCRIBED ON THE ATTACHED SITE PLAN, WHICH INCLUDES:</p> <ul style="list-style-type: none"> • ELECTRIC SECURITY GATE • TIE DOWN AREA FOR TEN (10) AIRCRAFT • POWER POLE • GROUND IDENTIFICATION SIGN • 8,000 SF (80 FT X 100 FT) HANGAR • NEW (RUNWAY) TURNING AREA <p>THE PROPOSED FACILITY WOULD BE OPERATED EXCLUSIVELY BY THE OWNERS AND USED EXCLUSIVELY BY MEMBERS OF THE PRIVATE FLYING CLUB, FOR WHICH THE SPECIAL EXCEPTION IS REQUESTED.</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 IS CURRENTLY SERVED BY WELL AND SEPTIC SYSTEMS AND WOULD NOT IMPACT SCHOOL SERVICES. OTHER COUNTY SERVICES, INCLUDING POLICE, EMERGENCY, AND GARBAGE DISPOSAL ARE OTHERWISE AVAILABLE TO THE SITE.</p>
<p>STAFF FINDINGS</p>	<p>IN THE EVALUATION OF THIS APPLICATION, STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> • THE PROPERTY IS CURRENTLY SERVED BY WELL AND SEPTIC SYSTEMS. • THERE ARE AREAS OF ENVIRONMENTAL CONCERN, INCLUDING WETLANDS AND FLOOD PLAINS, BUT NO IMPACTS ARE PROPOSED IN THOSE AREAS. • WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED CHANGE IN USE WOULD NOT HAVE AN ADVERSE IMPACT ON EXISTING TRAFFIC

	<p>PATTERNS, MOVEMENTS OR VOLUMES.</p> <ul style="list-style-type: none">• THE PROPOSED USE WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF RURAL-5 FUTURE LAND USE FOR THE SUBJECT PROPERTY, AS WELL CONSISTENT WITH THE RANGE OF USES PERMITTED IN THE A-5 DISTRICT.• WITH THE CONDITIONS RECOMMENDED BY STAFF, THE PROPOSED USE WOULD BE COMPATIBLE WITH THE RURAL CHARACTER OF DEVELOPMENT IN THE VICINITY AND WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST.
STAFF RECOMMENDATION	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">○ FLIGHT ACCESS TO THE AIRFIELD SHALL BE LIMITED EXCLUSIVELY TO FLYING CLUB MEMBERS;○ NO MORE THAN TEN (10) PERMANENTLY HANGARED AIRCRAFT SHALL BE ALLOWED ON THE SITE; AND○ AVIATION EVENTS INVOLVING MORE THAN TEN (10) CLUB MEMBERS SHALL NOT BE ALLOWED MORE THAN FOUR (4) TIMES PER CALENDAR YEAR; SUCH EVENTS SHALL NOT EXCEED THREE (3) DAYS IN DURATION DURING ANY SINGLE-EVENT.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 865-7444 PHONE (407) 665-7385 FAX

APPL. NO. BS 2004-015

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**
- 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	William Lowery/Robert Flood	
ADDRESS	1940 Russell Cove Rd. Geneva, FL 32732	
PHONE 1	407-349-2183	407 349-0863
PHONE 2	407-947-5777	
E-MAIL	WDL@MSN.COM	

PROJECT NAME: Cedar Knoll Flying Ranch
 SITE ADDRESS: 3000 W. Osceola Rd., Geneva, FL 32732
 CURRENT USE OF PROPERTY: Airport
 LEGAL DESCRIPTION: Sec 06, Twp 20S, Rge 32E, W 1/2 N of Osceola (Brick) Rd (Less Beg NW Cor Run S to NLY R/W Osceola Rd
 SIZE OF PROPERTY: 108 acres(crefs) PARCEL I.D. 06-20-32-300-0150-0000
 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 July 26, 2004 ~~June 28, 04~~
 (mo/day/yr), in the Board Chambers (Room 1023) 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 OF OWNER OR AGENT:

* Proof of owners authorization is required with submittal if signed by agent

1/27/04
DATE

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 5 FLU/ZONING RS/A5

LOCATION FURTHER DESCRIBED AS _____

ON THE NE AND NW CORNERS OF THE INTERSECTION OF ^{W. OSEOLA RD AND} RUSSELL COVE RD

PLANNER VB DATE MAY 10, 04

SUFFICIENCY COMMENTS APPLICANT CHECK IS DUE.



"Warren Stowell"
<sunstar3@ix.netcom.com>

09/18/2004 11:18 PM

Please respond to
"Warren Stowell"
<sunstar3@ix.netcom.com>

To <plandesk@seminolecountyfl.gov>

cc

bcc

Subject September 18, 2004

Enclosed is my letter of opposition to the expansion of the Lowery Airport (BS2004-015)

Thank You;



Warren Stowell Lowery Airport Expansion 9-18.doc

Warren D. Stowell
2704 Shad Lane
Geneva, Fl. 32732
407-349-0812

September 18, 2004

Seminole County Planning Division
1101 East First Street
Sanford, Florida 32771

Sent by U.S Postal Service and e-mail
plandesk@seminolecountyfl.gov

Regarding William Lowery & Robert Flood Request for Special Exception to expand a private airport. (BS2004-015)

Dear Sir:

Please be advised that my property is directly adjacent to the "Lowery" airport requesting an expansion. Mr. Lowery's plane must fly directly over my house and horse barns in order to land. The takeoff and landing is quite disruptive to my horses, since they are usually less than 50 feet from his planes takeoff point when grazing in our pasture. The landings are much worse as he buzzes right over their heads. While we have tolerated this, the influx of more powerful planes and his air shows are unbearable.

When Mr. Lowery runs his air shows it is very disruptive to my family and my horses. In fact, his last "air show" where he had friends and guests flying at high speed and doing aerobics, buzzing at low altitude right over my horse barns and pastures caused significant damage to my horses and my fences, as my horses ran right through them! I also incurred several hundred dollars in veterinary bills to stitch up all of the wounds to the horses. That kind of situation is absolutely unacceptable!

Our horse farm directly borders Mr. Lowery's airport and I expected only occasional use of his own small single engine airplane. Mr. Lowery assured me of this several years ago when he asked me not to oppose his request for an airstrip. I agreed at that time. I now regret my decision not to oppose the airstrip as he continues to press things further and further and as such jeopardizes the safety of my family and my horses.

Please do not allow any further use of this airstrip beyond Mr. Lowery's personal single engine aircraft. If possible, please limit the visiting aircraft that Mr. Lowery currently allows to fly in and out as some of those planes are incredibly loud and buzz our property causing disruption to my family and our horses.

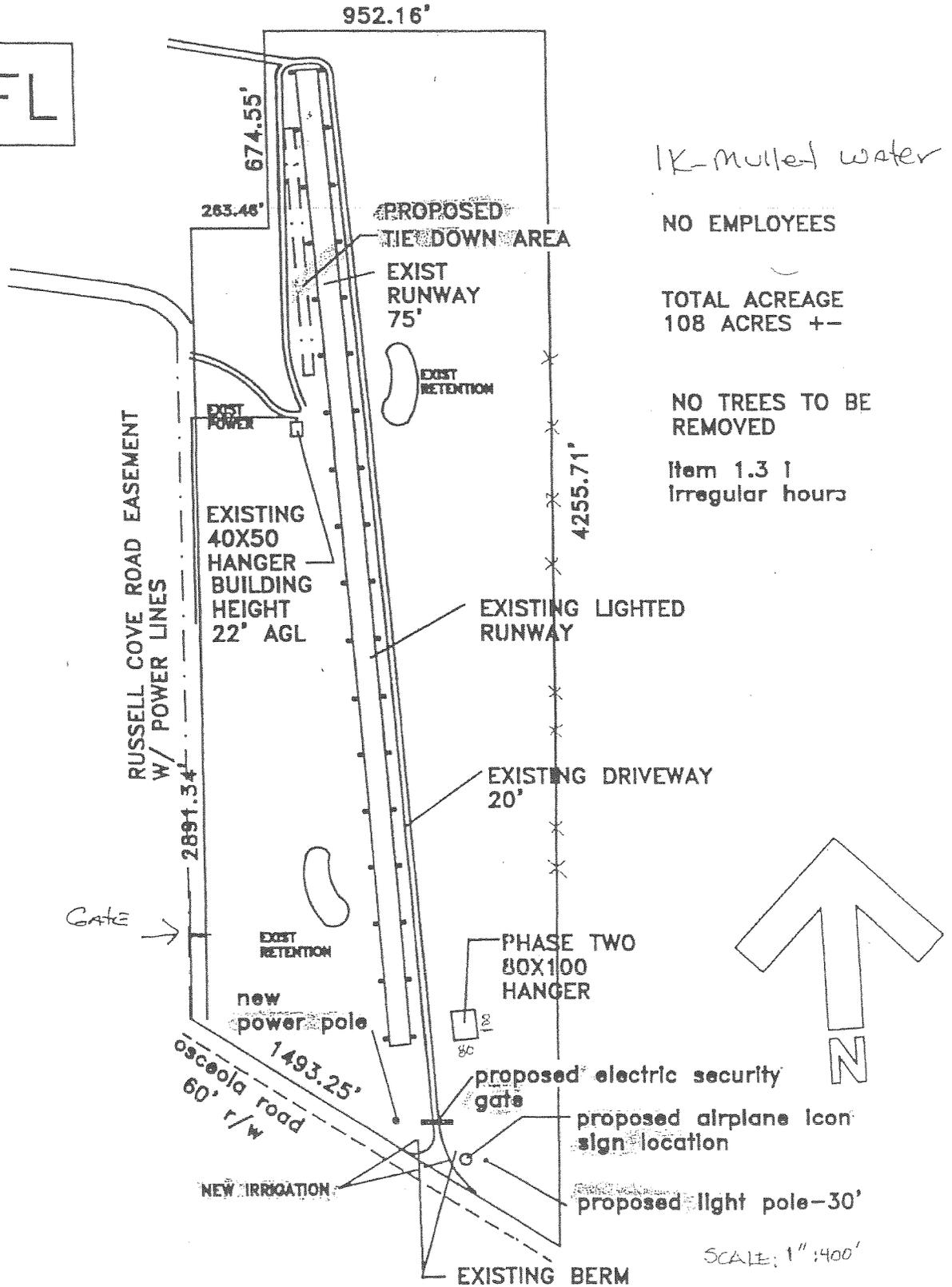
Sincerely,

Warren D. Stowell

CEDAR KNOLL FLYING RANCH AIRPORT

CEDAR KNOLL SUBDIVISION PARCEL "A"

01FL



1K-mulched water
 NO EMPLOYEES
 TOTAL ACREAGE
 108 ACRES +-
 NO TREES TO BE
 REMOVED
 Item 1.3 1
 Irregular hours

PROPERTY ACCESSIBLE BY APPOINTMENT ONLY

SCALE: 1" = 400'

Seminole County, Florida **Property Appraiser Services** H. W. "Bill" Suber CFA, ASA
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Seminole County
Property Appraiser Services
 1101 E. First St.
 Sanford FL 32771
 407-665-7506

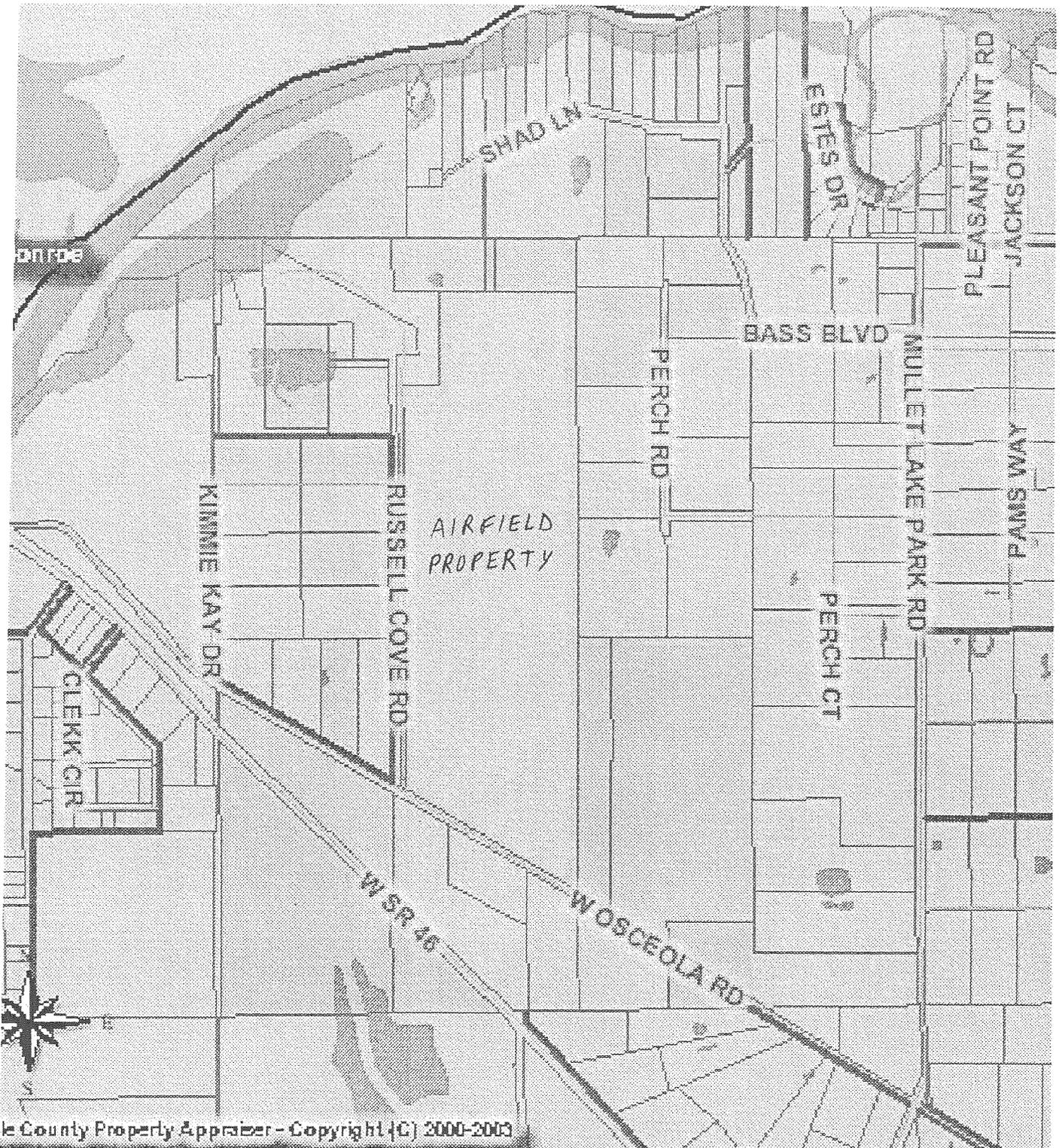
- Legend**
- Selected Features
 - County Boundary
 - Streets
 - Hydrology
 - Subdivision Lines
 - Parcels
 - Facilities
 - Golf Course
 - Parks
 - 1999 Color Aerials

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	2119295MQ00000110	MUSE DOUGLAS & MUSE GARY &	206 WEKIVA PARK DR	SANFORD	FL	32771

County, Florida

Property Appraiser Services

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



County Property Appraiser - Copyright (C) 2000-2003

VACANT LAND

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 27, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 06 TWP 20S RGE 32E W 1/2 N OF OSCEOLA (BRICK) RD (LESS BEG NW COR RUN S TO NLY R/W OSCEOLA RD SLY ALONG R/W 1540.64 FT N 2831.94 FT E 263.48 FT N TO A PT 379.35 FT S OF N LI SEC E TO E LI OF NW 1/4 N TO N LI SEC 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: WILLIAM LOWERY & ROBERT FLOOD
1940 RUSSELL COVE ROAD
GENEVA, FL 32782

Project Name: WEST OSCEOLA ROAD (3000)

Requested Development Approval:

SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE AIRFIELD AND FLYING CLUB IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) AT 3000 WEST OSCEOLA ROAD, 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 owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforementioned property.

Prepared by: Francisco Torregrosa, 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:

1. FLIGHT ACCESS TO THE AIRFIELD SHALL BE LIMITED TO FLYING CLUB MEMBERS;
2. NO MORE THAN TEN (10) PERMANENTLY HANGARED AIRCRAFT SHALL BE ALLOWED ON THE SITE; AND
3. AVIATION EVENTS INVOLVING MORE THAN TEN (10) CLUB MEMBERS SHALL NOT BE ALLOWED MORE THAN FOUR (4) TIMES PER CALENDAR YEAR; SUCH EVENTS SHALL NOT EXCEED THREE (3) DAYS IN DURATION DURING ANY SINGLE EVENT.

(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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, WILLIAM LOWERY & ROBERT FLOOD, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

William Lowery, Owner

Witness

Robert Flood, Owner

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: