

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

SUBJECT: Request for special exception to allow gas pumps as an accessory use to an existing business in the C-2 (Retail Commercial District); (Wal-Mart Stores, Inc, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Michael Rumer **EXT.** 7387

Agenda Date <u>10/24/05</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Public Hearing – 6:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

1. **APPROVE** The request for special exception to allow gas pumps as an accessory use to an existing business in the C-2 (Retail Commercial District); (Wal-Mart Stores, Inc., applicant); or
2. **DENY** The request for special exception to allow gas pumps as an accessory use to an existing business in the C-2 (Retail Commercial District); (Wal-Mart Stores, Inc., applicant); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	Wal-Mart Stores, Inc., CO # 18-8214 1301 SE 10 th Street # 0555 Bentonville, AR 72716	C-2 uses LDC section 30.743(c); (gasoline pumps as an accessory use)		
BACKGROUND / REQUEST	<ul style="list-style-type: none"> The applicant proposes to establish gasoline pumps as an accessory use to an existing Sam’s Club located in a C-2 zoning. Within in the C-2 district, gasoline pumps are permitted only by special exception. 			
ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	C-2	Commercial	Sam’s Wholesale Club
	NORTH	C-2	Commercial	Strip Mall / Restaurant
	SOUTH	C-2	Commercial	Medical
	EAST	City of Casselberry	City of Casselberry	Parking Lot
	WEST	C-2	Commercial	Strip Mall
STANDARDS FOR	The Board of Adjustment (BOA) shall have the power to hear			

**GRANTING A
SPECIAL
EXCEPTION; LDC
SECTION 30.43(b)(2)**

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 NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:

The proposed use is similar to other commercial uses occurring along W. State Road 426. For this reason, staff does not believe the proposed gasoline pumps as an accessory use to an existing Sam's Wholesale would be detrimental to the character of surrounding development.

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

The proposed 6 gasoline pumps (12 fueling positions) is estimated to generate between 147 and 175 trips per peak (a.m. and p.m.) hour of operation. Capacity along the adjoining road network was determined to be sufficient for the range of existing and special exception uses. A traffic study will be required during site plan review to study concurrency.

IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:

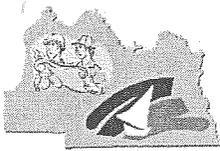
The Seminole County Vision 2020 Comprehensive Plan describes Commercial (COM) as a future land use category appropriate for a variety of commercial uses (including convenience stores with accessory gasoline pumps) that are located at the intersections of major roadways and along major roadways as infill development where the use is already established.

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:

	<p>The proposed use would be consistent with other convenience stores with gasoline pumps located to the west of this site.</p>
STAFF FINDINGS	<ul style="list-style-type: none">• The property is served by existing water and sewer services.• There are no identified areas of environmental concern.• In evaluating this request, staff has determined the following:<ul style="list-style-type: none">○ The proposed use would not have a significant adverse impact on existing traffic patterns, movements or volumes;○ The proposed use would be consistent with the comprehensive plan's designation of Commercial Future Land Use for the subject property;○ The proposed use would not adversely affect the public interest; and○ The proposed use would be compatible with the commercial character of development along this segment of W. State Road 436.○ The existing Sam's Wholesale would not violate its approved site plan for parking requirements.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends the board of adjustment approve the request for special exception with the imposition of the following conditions:</p> <ul style="list-style-type: none">○ AUTOMOTIVE MECHANICAL REPAIRS SHALL BE PROHIBITED;○ THE OUTDOOR STORAGE OF SUPPLIES, MATERIALS OR MERCHANDISE SHALL BE PROHIBITED;○ THE PROPOSED USE SHALL OTHERWISE COMPLY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.



COPY

SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET (ROOM 2201)
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. B5 2005-018

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed on 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. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

SPECIAL EXCEPTION
 SEP - 1 2005

APPLICATION TYPE:

- VARIANCE**
- SPECIAL EXCEPTION** FILED SALES / GAS STATION IN C-2 ZONING
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR _____) PROPOSED (YEAR _____)
- REPLACEMENT (YEAR _____) 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**

PLANNING DIVISION

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	WAL-MART STORES, INC.	JACK ABRAMS
ADDRESS	CO # 19-8214 1301 SE 10TH ST # 0555	3904 CORPOREX PARK DR SUITE 125, TAMPA, FL 33619
PHONE 1	BENTONVILLE, AR 727160550	813-490-1755
PHONE 2		727-415-1166
E-MAIL		jabrams@corp-eng.com

PROJECT NAME: SAM'S GAS

SITE ADDRESS: 355 E SEMORAN BLVD

CURRENT USE OF PROPERTY: SAM'S CLUB, DISCOUNT STORE

LEGAL DESCRIPTION: SEE PARCEL ID

SIZE OF PROPERTY: 11.4 acre(s) PARCEL I.D. 17-21-30-300-025W-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 10 124 105 (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.

Jack M. Abrams
 SIGNATURE OF OWNER OR AGENT*

8/31/05
 DATE

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

MK

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

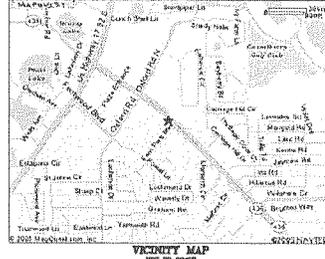
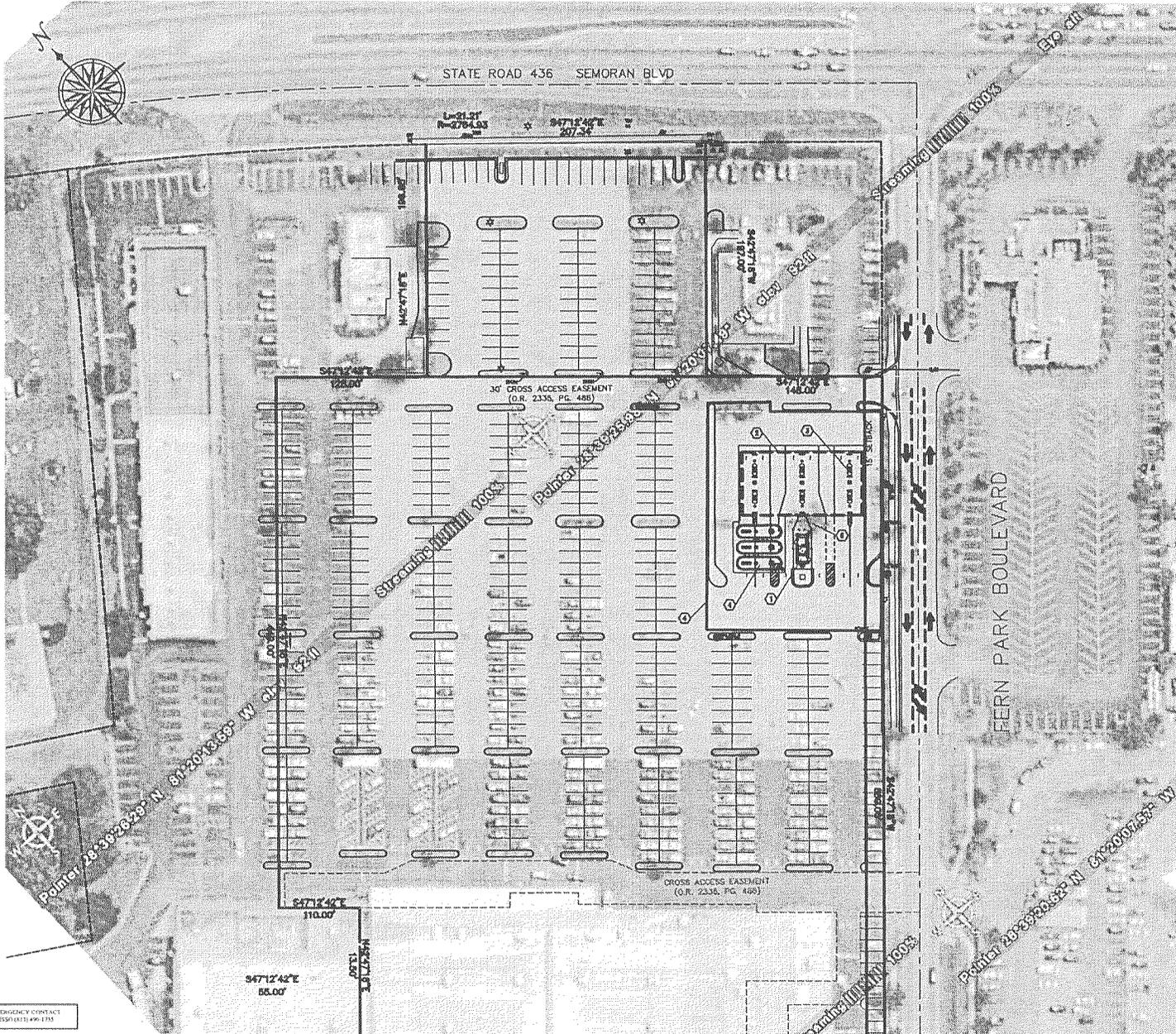
APPELLANT INFORMATION	
NAME	_____
ADDRESS	_____
PHONE 1	_____
PHONE 2	_____
E-MAIL	_____

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$ 370.00 COMMISSION DISTRICT 4 FLU/ZONING COM/c-2
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS southside of E. Semoran Blvd at
intersection of Fern Park Blvd + E. Semoran Blvd.
PLANNING ADVISOR MR DATE 9-1-05
SUFFICIENCY COMMENTS _____



- KEYED NOTES**
1. NEW KIOSK
 2. NEW CANOPY WITH CONCRETE PAD
 3. NEW FUEL DISPENSER (6 TOTAL)
 4. NEW UNDERGROUND STORAGE TANK (3 TOTAL)
 5. NEW LIMITS OF CONSTRUCTION
 6. 14' OAK TREE TO BE REMOVED.

PROPOSED BUILDING INFORMATION

BUILDING	SQUARE FOOTAGE	TOP OF ROOF (FT)
KIOSK	224	12'-0"
CANOPY	5,428.75	22'-6"

PARKING RATIO

	BLDG SF	SPACES	RATIO	W/ GAS	SPACES	RATIO
EXISTING	127,206	725	5.70	634	4.96	

SPACES LOST TO GAS = 91

NOTE:
THIS PLAN IS BASED ON A FIELD SURVEY PROVIDED BY SHANNON SURVEYING INC. DATED JUNE 2, 2005. THE CONTRACTOR SHALL VERIFY THAT THE EXISTING IMPROVEMENTS SHOWN MATCH EXISTING SITE CONDITIONS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE OWNERS REPRESENTATIVE OF ANY OVIATION OR OMISSIONS THAT MAY AFFECT THE CONSTRUCTION OF THE PROPOSED FUELING STATION.

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www.callsunshine.com

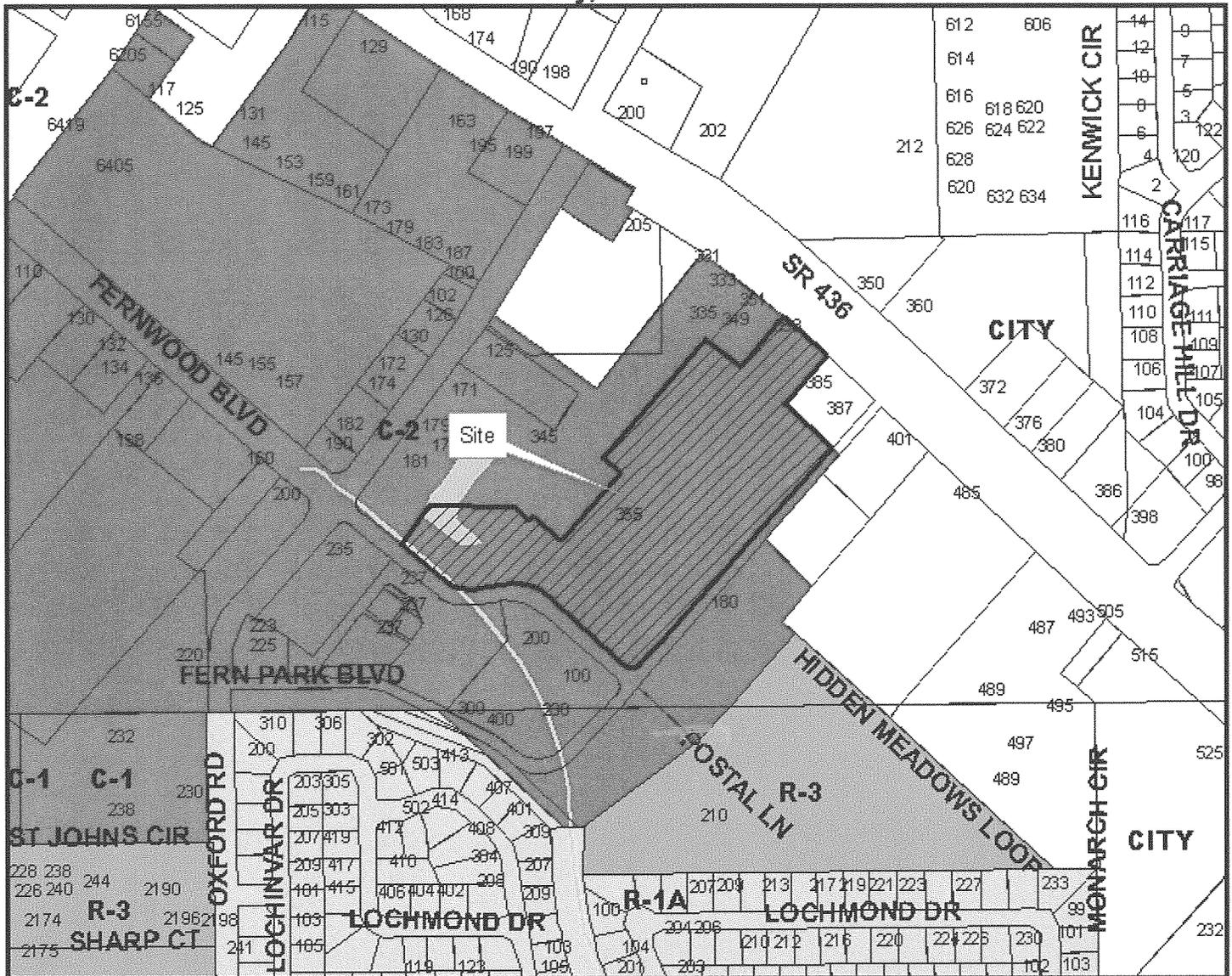
THE LOCATION OF ALL UTILITIES (ABOVE OR BELOW GROUND) SHOWN ON THIS DRAWING ARE APPROXIMATE & WERE OBTAINED FROM OBSERVATIONS AT THE SITE AND/OR FROM THE UTILITY OWNERS. CORE STATES, INC. DOES NOT GUARANTEE THE LOCATIONS SHOWN ARE EXACT. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY OR HIS AGENT AND/OR THE CONTRACTOR TO DETERMINE EXACT LOCATIONS OF EXISTING UTILITIES (ABOVE OR BELOW GROUND) & TO NOTIFY UTILITY OWNERS BEFORE BEGINNING ANY CONSTRUCTION.

<p>Sams Real Estate Business Trust Fuel Center at Sam's Club #8214 355 East Semoran Boulevard, Fern Park, FL 32730</p> <p>Sit: Development Plan</p>	<p>SAMS</p> <p>CORE STATES W N B I N O SURVEYING & ENGINEERING INCORPORATED</p> <p>3142 E. Lake Nona Blvd, Suite 100 Orlando, FL 32837 Phone: (407) 241-9200</p>	<p>Job#: SAM-2042 Scale: 1"=40' Date: 06-26-05 Drawn By: JHC Checked By: ERE</p>	<p>Sheet # C-4 of 15</p>
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24-HOUR EMERGENCY CONTACT
THE CALLSUNSHINE GROUP, INC.

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																		
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 17-21-30-300-025W-0000 Owner: WAL-MART STORES INC Own/Addr: C/O # 18-8214 Mailing Address: 1301 SE 10TH ST #0555 City,State,ZipCode: BENTONVILLE AR 72716 Property Address: 355 436 SR CASSELBERRY 32707 Facility Name: SAM'S WHOLESALE CLUB Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 1302-DISCOUNT STORE</p>		<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$2,695,629 Depreciated EXFT Value: \$211,312 Land Value (Market): \$2,979,504 Land Value Ag: \$0 Just/Market Value: \$5,886,445 Assessed Value (SOH): \$5,886,445 Exempt Value: \$0 Taxable Value: \$5,886,445 Tax Estimator 2005 Notice of Proposed Property Tax</p>																																																
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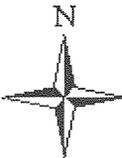
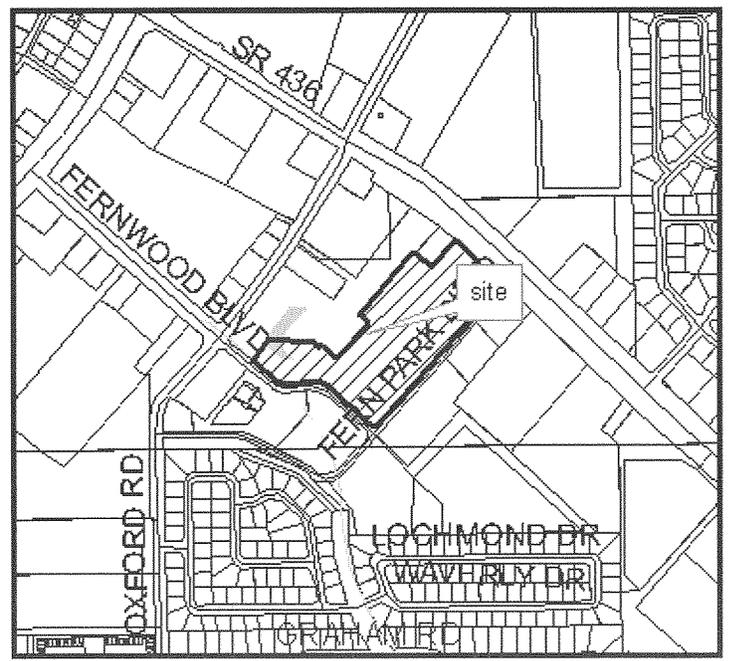


Seminole County Board of Adjustment
 October 24, 2005
 Case: BS2005-018
 Parcel No: 17-21-30-300-025W-0000

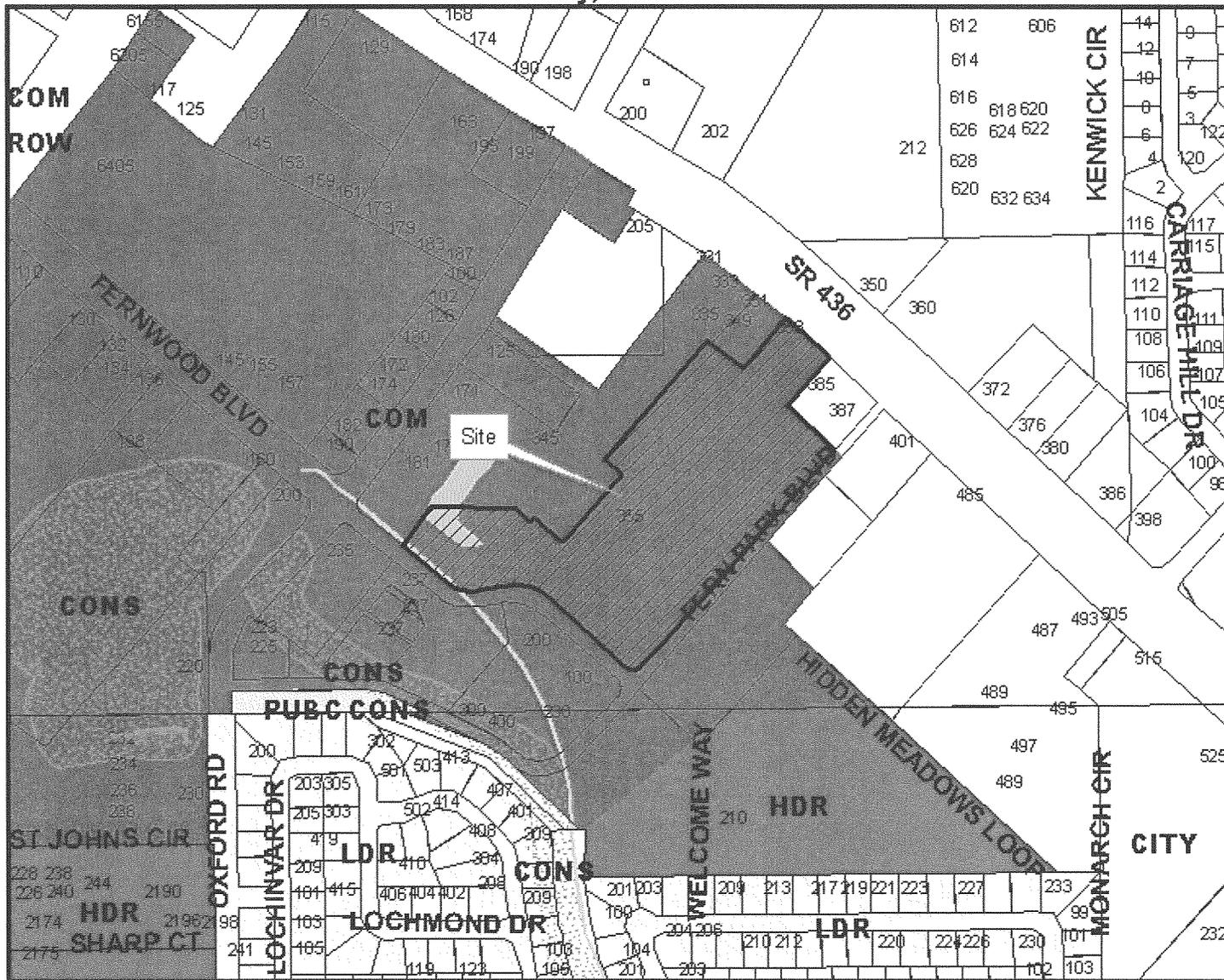
Zoning

-  R-1A Single Fam-9000
-  R-3 Multi-Family-13DU
-  C-1 Retail Commercial
-  C-2 Retail Commercial
-  BS2005-018

0 112.5 225 450 675 900 Feet

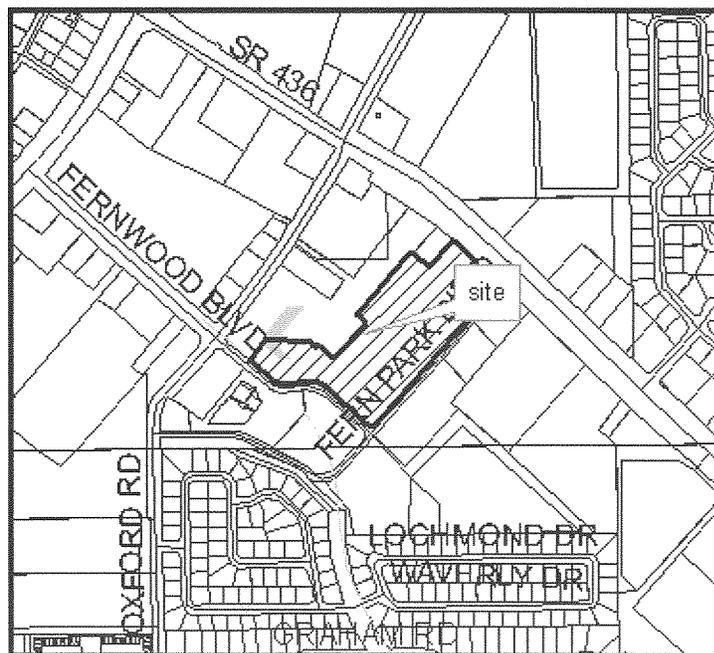
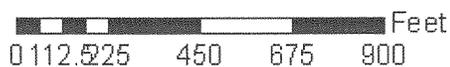
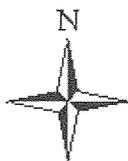
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 Casselberry, FL 32707

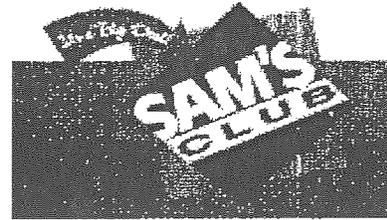


Seminole County Board of Adjustment
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Future Land Use

- | | | |
|--|------------|------------|
| | CONS, PUBC | LDR, NONE |
| | CONS, LDR | HDR, NONE |
| | CONS, HDR | COM, NONE |
| | CONS, COM | BS2005-018 |
| | PUBC, NONE | |





Sam M. Walton Development Complex • Dept. 9569 • 2001 SE 10th Street • Bentonville, AR 72716-0550
Bruce Hawkins Email: dbhawki@wal-mart.com

August 23, 2005

Re: Sam's Club 8214

To Whom It May Concern:

Wal-Mart Realty / Sam's Club, with a usual place of business in Bentonville, Arkansas, does hereby authorize the employees of CoreStates Engineering to apply for and represent Wal-Mart Realty / Sam's in filing of any applications for required permits and/or approvals for the construction, operation and maintenance of an accessory fuel station located in Fern Park (Seminole County), Florida, including, but not limited to, appearing before any governmental agency at general meetings or public hearing addressing such construction/improvement Wal-Mart Realty / Sam's Club facilities.

Sincerely,

Bruce Hawkins
Fueling Station Permitting Manager

On this 23rd day of August, before me, the undersigned notary public, personally appeared , proved to me through satisfactory evidence of identification, which was her driver's license, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public:
My Commission Expires:
REGINA WISE
"NOTARY PUBLIC"
State of Arkansas, Benton County
My Commission Expires 4/24/2015

Jack Abrams
Permit Manager3904 Corporex Park Drive
Suite 125
Tampa, FL 33619
813-490-1755
813-490-1759 fax
727-415-1166 cell
jabrams@core-eng.com
www.core-eng.comengineers
constructors
project managers
program managers**Locations:**
Georgia
New Jersey
Virginia
Massachusetts
Missouri
Florida
New Brunswick, CAN

September 1, 2005

To: The Seminole County Board of Adjustment

From: Core States Engineering representing Wal-mart

Re: Special Exception request to construct a Service Station and gas pumps at the existing Sams Club at 350 E Semoran Blvd.

We respectfully request consideration of the above under provisions of the Seminole County Land Development Code, sections 30.43 and 30.763. We believe the following apply to this request:

- (A) Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area; and
- (B) Does not have an unduly adverse effect on existing traffic patterns, movements and volumes; and
- (C) Is consistent with the County's comprehensive plan; and
- (D) Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification; and
- (E) Will not adversely affect the public interest.

We look forward to working with the Board and County Staff on this project and having this considered at your meeting scheduled October 24, 2005. Should you have any questions prior to this date, please do not hesitate to contact us.

Thank you.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 17 TWP 21S RGE 30E BEG 174.86 FT W & 92.15 FT N 42 DEG 47 MIN 18 SEC E OF S 1/4 COR
RUN N 47 DEG 12 MIN 42 SEC W 372.55 FT NWLY ON CURVE 349.65 FT N 49 DEG 24 MIN 59 SEC W 139.10
FT N 36 DEG 39 MIN 13 SEC E 145 FT S 85 DEG 55 MIN 2 SEC E 245.95 FT S 47 DEG 12 MIN 42 SEC E 55 FT
N 42 DEG 47 MIN 18 SEC E 13.50 FT S 47 DEG 12 MIN 42 SEC E 110 FT N 42 DEG 47 MIN 18 SEC E 263 FT N 47
DEG 12 MIN 42 SEC W 68 FT N 42 DEG 47 MIN 18 SEC E 449 FT S 47 DEG 12 MIN 42 SEC E 128 FT N 42 DEG 47 MIN
18 SEC E 196.85 FT SELY ON CURVE 28.66 FT S 47 DEG 12 MIN 42 SEC E 207.34 FT S 42 DEG 47 MIN 18 SEC W
197 FT S 47 DEG 12 MIN 42 SEC E 178 FT S 42 DEG 47 MIN 18 SEC W 869 FT TO BEG (LESS RD)

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

FINDINGS OF FACT

Property Owner: Wal-Mart Stores, Inc.
CO #18-8214
1301 SE 10th Street # 0555
Bentonville, AR 72716

Project Name: EAST SEMORAN BLVD (355)

Requested Development Approval:

REQUEST FOR SPECIAL EXCEPTION TO ALLOW GAS PUMPS AS AN ACCESSORY USE TO AN EXISTING BUSINESS IN THE C-2 (RETAIL COMMERCIAL DISTRICT).

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: Michael Rumer
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. AUTOMOTIVE MECHANICAL REPAIRS SHALL BE PROHIBITED;
 2. THE OUTDOOR STORAGE OF SUPPLIES, MATERIALS OR MERCHANDISE SHALL BE PROHIBITED;
 3. THE PROPOSED USE SHALL OTHERWISE COMPLY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.
- (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: _____
Tony Walter,
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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: