

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

SUBJECT: Request for special exception to expand an existing private school for elementary and middle school age children in the A-1 (Agriculture District); (Learning Center/ Ken Leeming P.E. (International Engineering Consultants), applicants).

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

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

Agenda Date 11-28-05 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

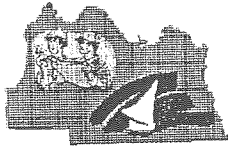
1. **APPROVE** The request for special exception to expand an existing private school for children in the A-1 (Agriculture District); (Learning Center/ Ken Leeming P.E. applicants); or
2. **DENY** The request for special exception to expand an existing private school for children in the A-1 (Agriculture District); (Learning Center/ Ken Leeming P.E. applicants); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	Learning Center/ Ken Leeming P.E. applicants 1625 Tuskawilla Road Oviedo, FL 32765	A-1 District, LDC section 124 (conditional uses); private & public schools		
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to expand an existing private school in the A-1 district by adding a gym, pool, and two buildings and a parking lot and incorporating the same into the overall school site. The site is proposed to be phased in over three phases. 			
ZONING & FLU	DIRECTION EXISTING ZONING EXISTING FLU USE OF PROPERTY			
	SITE	A-1	LDR	PRIVATE SCHOOL
	NORTH	R-1AAA	LDR	SFR

	SOUTH	A-1	LDR	MOBILE HOME
	EAST	A-1	LDR	MOBILE HOME
	WEST	A-1	OFFICE	DOG KENNEL
<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 an expansion of existing school facilities grades K through 8. It would therefore be consistent with the character of the area, as the previously enumerated conditions imposed on the overall development would continue to apply.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>The increased enrollment will generate more peak hour traffic than what is currently generated.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes LDR (low density residential) future land use as mostly appropriate for detached single-family development. Certain other uses, including schools of the type proposed, are allowed by special exception. With the imposition of reasonable conditions, many of which already apply to the existing school site, the proposed use would be compatible with the LDR flu designation.</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 (existing private school) meets the minimum area and dimensional requirements of the A-1 district.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p>			

	<p>Within the A-1 district, schools are allowed as conditional uses. The prior establishment of the school, of which the proposed use would constitute a part, demonstrates consistency with the trend of nearby and adjacent development in the area.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.124(a)</p>	<p>The BOA may permit any use allowed by special exception in the A-1 (agriculture 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-1 (AGRICULTURE DISTRICT):</u></p> <p>As previously stated, the proposed use would provide additional recreational and classroom space for a school use already approved in the A-1 district. The proposed use (would otherwise comply with the standards of the A-1 district, as stated elsewhere in this report.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>The request would be more intensive in nature, since the additional improvements will allow an increase in student enrollment. However, stormwater management, requisite parking, and vehicular / pedestrian access will be provided.</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 subject property is served by water and sewer. Other county services, including emergency services and garbage disposal, are also available to the site.</p>
<p>STAFF FINDINGS</p>	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none"> ○ Staff evaluated the site in regards to its proposed additions and not the amount of students that may be enrolled in the future. ○ Within the A-1 zoning district, elementary schools are a permitted use and would not be required to receive a special exception. Any improvements to an existing elementary school site would only go through the Development Review Committee. ○ Based on the submitted site plan, the proposed use would conform to the minimum dimensional standards

	<p>of the A-1 district.</p> <ul style="list-style-type: none">o The existing school, of which the proposed use would constitute an expansion thereof, has an approved special exception for a school facility. With the imposition of the same conditions applicable to the school, the proposed use would be compatible with the existing trend of development in the area.
STAFF RECOMMENDATION	<p>Staff recommends approval subject to the proposed site plan's compliance with chapter 40 of the land development code and the imposition of the conditions stated below:</p> <ol style="list-style-type: none">1. Access shall be provided to the site from Tuskawilla Road; existing access to Dike Road shall be closed.2. Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).



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

COPY

APPL. NO. BS 2005-023

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. Applications for **SPECIAL EXCEPTION** shall only be received for processing following pre-application conference.

APPLICATION TYPE:

VARIANCE

SPECIAL EXCEPTION

MOBILE HOME SPECIAL EXCEPTION

RECEIVED

OCT - 7 2005

PLANNING DIVISION

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

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	TUSKAWILLA LEARNING CTR	INTERNATIONAL ENG. CON
ADDRESS	1625 TUSKAWILLA RD OVIEDO, FLORIDA 32765	KEN LEEMING P.E. 3165 McCrory Pl. Suite 100 Orlando FL 32803
PHONE 1	407-678-3879	407-281-1775
PHONE 2		407-281-1790
E-MAIL		kleeming@iecfl.com

PROJECT NAME: TUSKAWILLA LEARNING CTR MASTER PLAN

SITE ADDRESS: 1625 TUSKAWILLA RD OVIEDO, FLORIDA 32765

CURRENT USE OF PROPERTY: SCHOOL

LEGAL DESCRIPTION: SEE ATTACHMENT

SIZE OF PROPERTY: 6.16 AC. acre(s) PARCEL I.D. 25-21-30-300-0060-0000 25-21-30-300-0070-0000 25-21-30-300-0100-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 11 / 28 / 05 (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] 10-7-05
 SIGNATURE OF OWNER OR AGENT* DATE

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

STATEMENT OF REQUEST

EXPANDING THE EXISTING SPECIAL EXCEPTION
FOR TUSKAWILLA LEARNING CENTER.

PRESENT SCHOOL POPULATION

206 STUDENTS

24 EMPLOYEES

FUTURE SCHOOL POPULATION

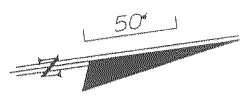
500 STUDENTS

45 EMPLOYEES

LEGAL DESCRIPTION:
 THE NORTH 150' OF THE WEST 425' AND THE EAST 210'
 OF THE SW 1/4 OF THE NE 1/4 OF THE NE 1/4 OF
 SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST,
 (LESS THE SOUTH 210' OF THE EAST 210') SEMINOLE
 COUNTY, FLORIDA.

TOGETHER WITH:

SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTH
 EAST 1/4 OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE
 30 EAST (LESS EAST 210 FEET, AND NORTH 150 FEET
 AND WEST 105 FEET OF THE EAST 315 FEET OF SOUTH
 210 FEET AND SOUTH 210 FEET OF NORTH 465 FEET OF
 WEST 210 FEET, AND SOUTH 105 FEET OF NORTH 255 FEET
 OF WEST 210 FEET, AND SOUTH 170 FEET OF NORTH 635
 FEET OF WEST 325 FEET, AND ROADS R/W, SEMINOLE
 COUNTY, FLORIDA.



PRESENT SCHOOL POPULATION
 206 STUDENTS
 24 EMPLOYEES

FUTURE SCHOOL POPULATION
 500 STUDENTS
 45 EMPLOYEES

FUTURE PARKING REQUIREMENTS
 45 EMPLOYEES
 1 SPACE PER EMPLOYEE

PROPOSED AND EXISTING PARKING
 TOTAL
 26 EXISTING + 44 PROPOSED =
 70 SPACES

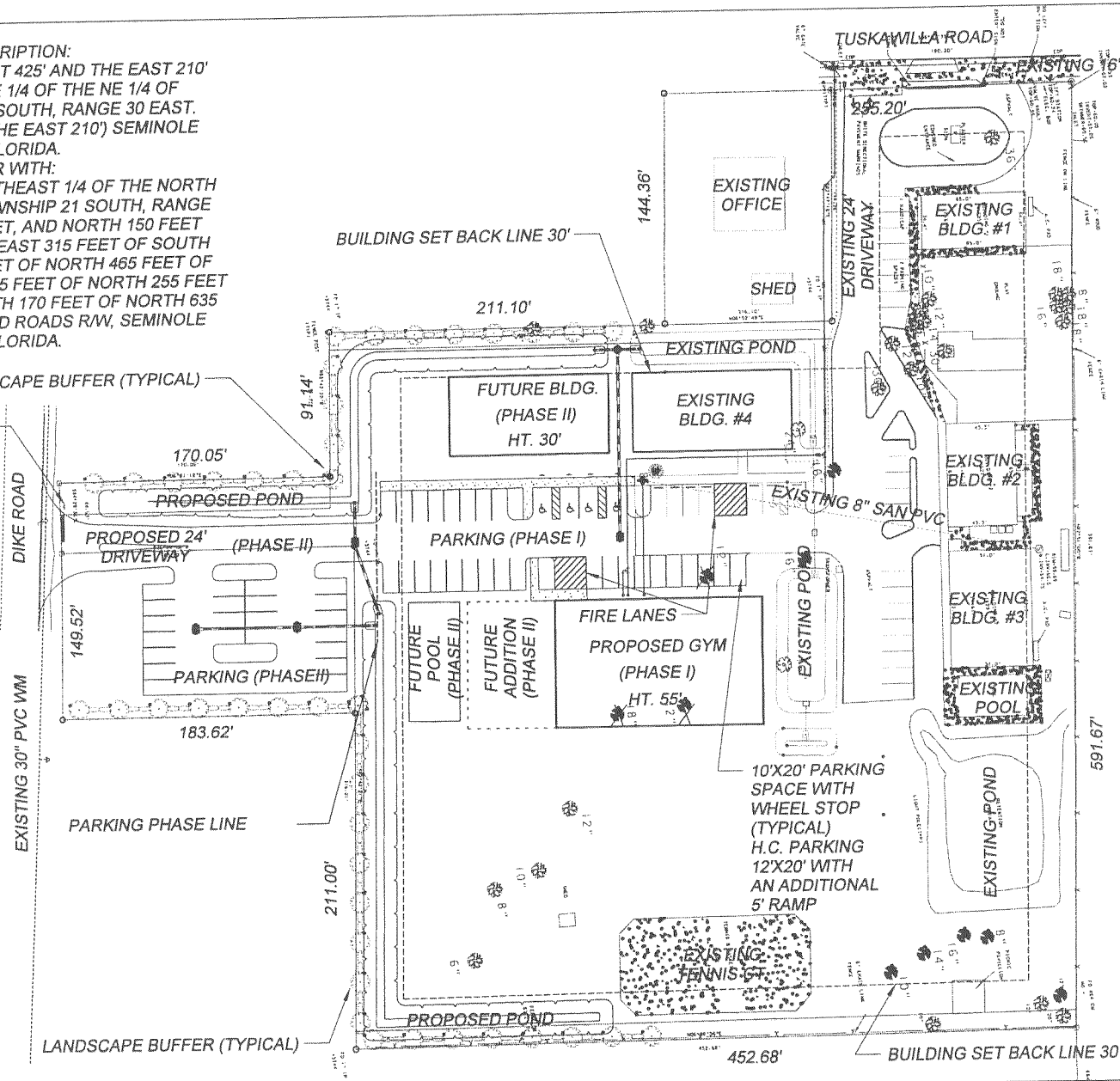
HOURS OF OPERATION
 M-F 7:00 AM TO 7:00 PM
 INCLUDING AFTER
 SCHOOL DAYCARE

LANDSCAPE BUFFER (TYPICAL)

STOP SIGN AND 24" STRIPPING
 AND 6" DOUBLE YELLOW
 (TYPICAL FOR ALL ENTRANCES)

SITE PLAN SHALL
 COMPLY WITH
 LAND DEVELOPMENT
 CODE PART 4

PARCEL ID#
 25-21-30-300-0060-0000
 25-21-30-300-0070-0000
 25-21-30-300-0100-0000



TREE LEGEND	
	PINE TREE W \ SIZE
	OAK TREE W \ SIZE
	MAPLE TREE W \ SIZE
	PALM TREE W \ SIZE

NO.	DATE	REVISIONS COMMENT	APPROVED BY

INTERNATIONAL ENGINEERING CONSULTANTS, INC.
 LAND DEVELOPMENT
 ARCHITECT DESIGN
 SURVEY DESIGN
 CONSTRUCTION ADMINISTRATION
 ENVIRONMENTAL PERMITTING
 3185 McGarry Place Suite 100
 Orlando, Florida 32803
 Phone: 407.281.1770 • Fax: 407.281.1700
 I.C.C. CERTIFICATE OF AUTHORIZATION # 7404

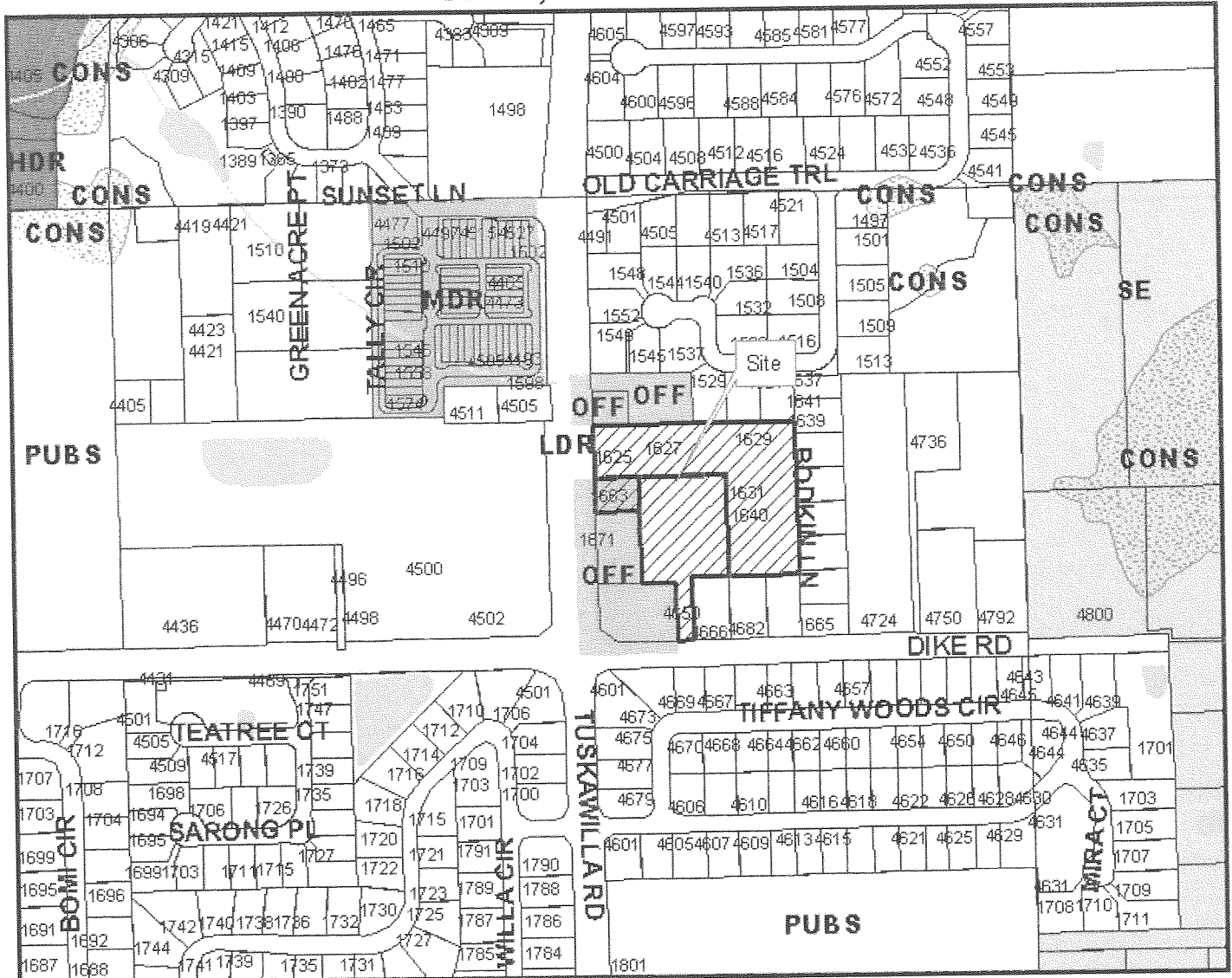
PREPARED FOR:
TUSKAWILLA LEARNING CENTER
 1825 TUSKAWILLA ROAD
 OVIEDO, FLORIDA 32765

TUSKAWILLA LEARNING SPECIAL EXCEPTION
MASTER PLAN
ORANGE COUNTY FLORIDA

NOT VALID FOR CONSTRUCTION UNLESS
 SIGNED AND SEALED IN THIS BLOCK
 APPROVED BY
 KENNETH J. LEEMING, P.E. # 40294
 DATE

JOB NUMBER:	08148
DATE:	AUG. 2006
DESIGNED:	V.D.L.
DRAWN:	J.G.L.
CHECKED:	K.J.L.
C-1	

**International Engineering Con
1625 Tuskawilla Road
Oviedo, FL 32765**

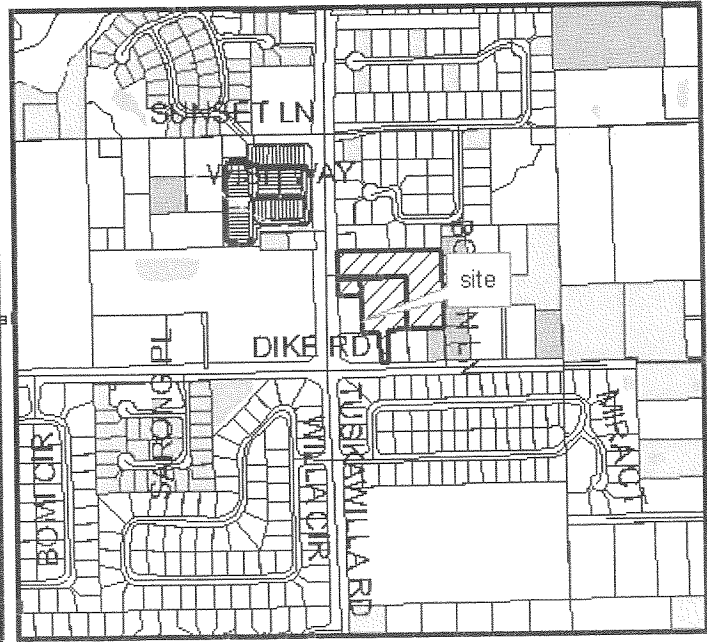


**Seminole County Board of Adjustment
November 28, 2005
Case: BS2005-023
Parcel No: 25-21-30-300-0060-0000
25-21-30-300-006B-0000
25-21-30-300-0100-0000**

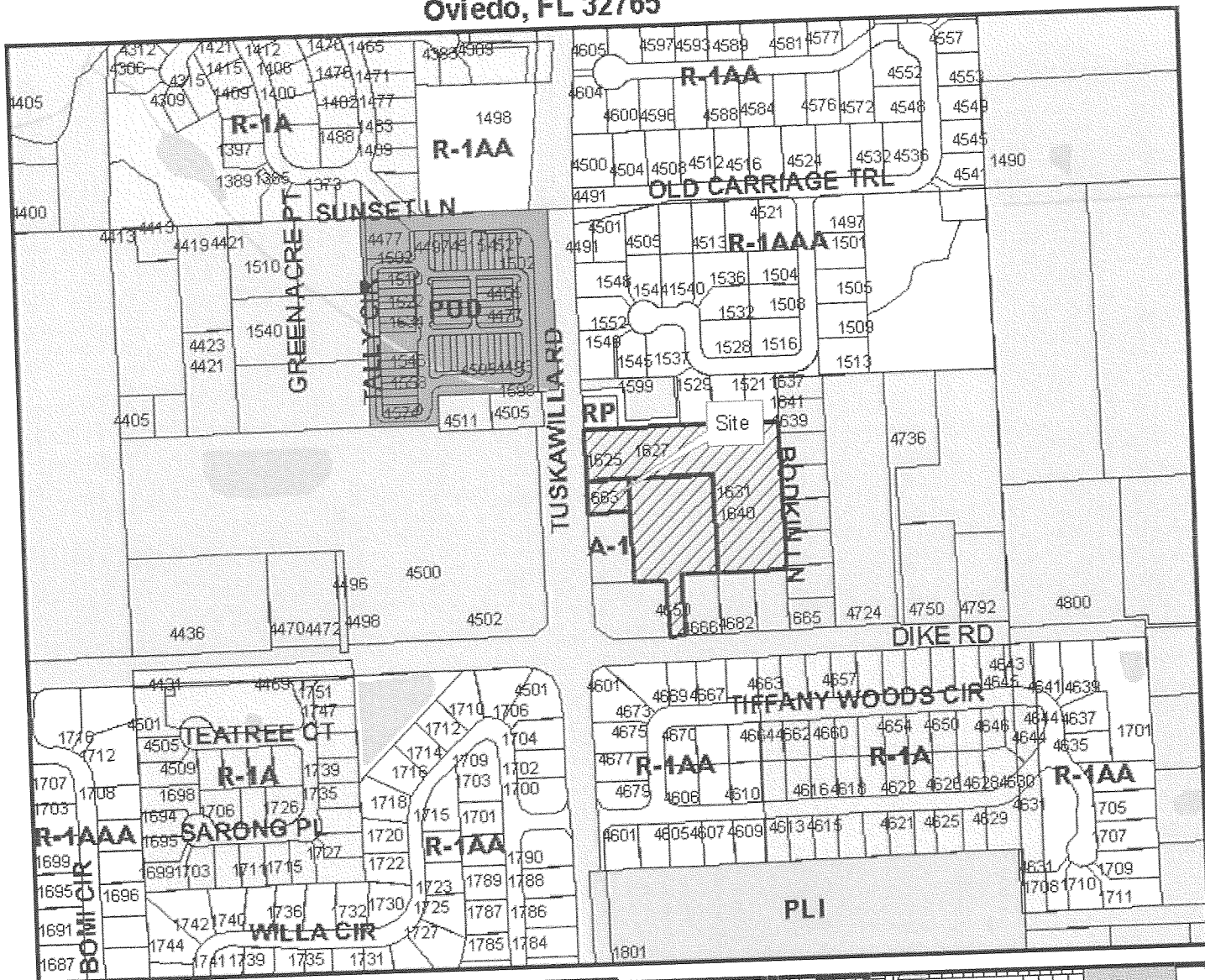
Future Land Use

	CONS, PUBS		LDR, NONE		Vacant Residential
	CONS, SE		MDR, NONE		Single Family Residential
	CONS, LDR		HDR, NONE		Mobile Home
	CONS, HDR		OFF, NONE		BS2005-023
	PUBS, NONE		All Other Values		
	SE, NONE				

0 100 200 400 600 800 Feet

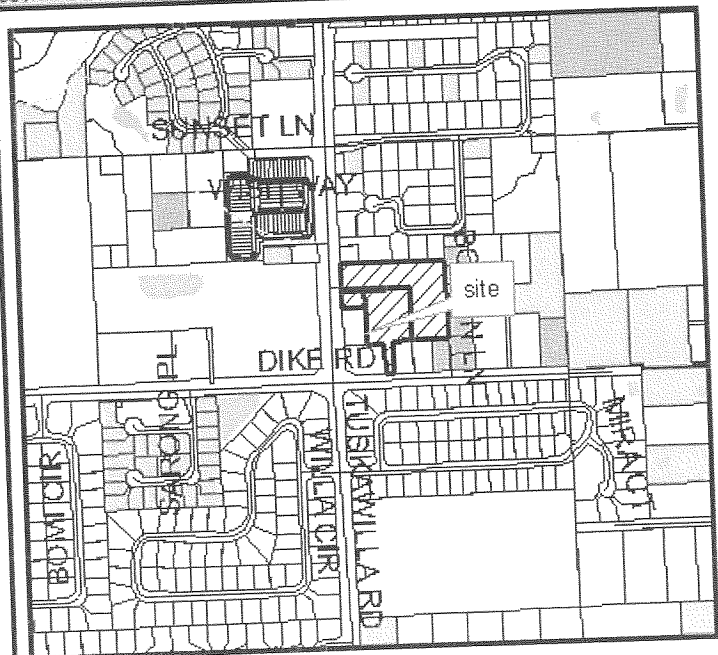
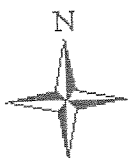


**International Engineering Con
1625 Tuskawilla Road
Oviedo, FL 32765**



**Seminole County Board of Adjustment
November 28, 2005
Case: BS2005-023
Parcel No: 25-21-30-300-0060-0000
25-21-30-300-006B-0000
25-21-30-300-0100-0000**

- Zoning**
- A-1 Agricultural-1Ac
 - R-1AAA Single Fam-13500
 - R-1AA Single Fam-11700
 - R-1A Single Fam-9000
 - RP Residential Professional
 - PUD Planned Unit Dev.
 - PLI Public Land & Institutions
 - All Other Values
 - Vacant Residential
 - Single Family Residential
 - Mobile Home
 - BS2005-023



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

THE NORTH 150' OF THE WEST 425' AND THE EAST 210' OF THE SW ¼ OF THE NE ¼ OF THE NE ¼ OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST. (LESS THE SOUTH 210' OF THE EAST 210') SEMINOLE COUNTY, FLORIDA. TOGETHER WITH: SOUTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST (LESS EAST 210 FEET, AND NORTH 150 FEET AND WEST 105 FEET OF THE EAST 315 FEET OF SOUTH 210 FEET AND SOUTH 105 FEET OF NORTH 255 FEET OF WEST 210 FEET, AND SOUTH 170 FEET OF NORTH 635 FEET OF WEST 325 FEET, AND ROADS R/W, SEMINOLE COUNTY, FLORIDA.

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

FINDINGS OF FACT

Property Owner: TUSKAWILLA LEARNING CENTER
1625 TUSKAWILLA ROAD
OVIEDO, FL 32765

Project Name: TUSKAWILLA ROAD (1625)

Requested Development Approval:

SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE SCHOOL FOR CHILDREN IN THE A-1 (AGRICULTURE 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. Access shall be provided to the site from Tuskawilla Road; the existing access to Dike Road shall be closed.
 2. Prior to the issuance of development permits, a site plan that meets the requirements of Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee.
- (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: