

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

**SUBJECT:** 4900 Orange Boulevard – Russell and Stefanie Kitner applicants; Request for a special exception to allow a landscape contractor as an accessory use to a wholesale nursery in the A-1 (Agriculture District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT:** 7389

**Agenda Date** 2-25-08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Approve** the request for a special exception to allow a landscape contractor as an accessory use to a wholesale nursery per staff conditions in the A-1 (Agriculture District); or
2. **Deny** the request for a special exception to allow a landscape contractor as an accessory use to a wholesale nursery in the A-1 (Agriculture District); or
3. **Continue** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	Russell & Stefanie Kitner 4900 Orange Boulevard Sanford, Fl. 32771	A-1 District, LDC section 30.124 (special exceptions)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant was cited by Seminole County Code Enforcement for operating a lawn service business on A-1 property without county approval.</li> <li>• The applicant owns Landpro Outdoor which is a lawn care service business.</li> <li>• As stated on their application, applicant is requesting to operate a wholesale nursery with a limited landscape contractor use.</li> <li>• The A-1 zoning district only allows a landscape contractor when it is accessory to the wholesale nursery. Therefore, it is only allowed in conjunction with the wholesale nursery not a lawn care service business.</li> <li>• Special exceptions for landscaping contractor as an</li> </ul>	

	<p>accessory use to a wholesale nursery are only permitted on properties licensed for a wholesale nursery.</p> <ul style="list-style-type: none"><li>• Applicant must present evidence that the wholesale nursery is the primary use of the property rather than a lawn care service. To date the same has not been provided. Landpro Outdoors is licensed as a commercial lawn care service which principal address is 4900 Orange Boulevard. This owner is not licensed to operate a wholesale nursery at this location.</li></ul>
<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>The property in which the proposed wholesale nursery and the accessory landscape contractor will operate consist of 39,375 square feet or .9 acre. The limited area, along with site plan requirements, will only allow the applicant to operate a small wholesale nursery. If the commercial aspect of their lawn care business is not allowed on the property and only activities related to the wholesale nursery are allowed then there will be minimal impact to the character of the area. Therefore, the conditions of approval would only permit that there will be no employees and/or equipment associated with the commercial lawn care business permitted on the property. Only employees and/or equipment needed for the wholesale nursery will be permitted on the property.</p> <p><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></p> <p>Trips generated for the pick up of the proposed wholesale nursery goods for delivery would be typical for other agriculture uses in the A-1.</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</p>

	<p>describes the Suburban Estates (SE) future land use as a transitional land use between urban and general rural uses. The low intensity use of a proposed wholesale nursery on less than one acre and the accessory contractor need to operate the nursery would serve as an appropriate transitional use.</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>The existing home, if used as an office or other non-residential use shall be required to meet all the setbacks and buffer requirements of a commercial use.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Operation of a commercial lawn care service will adversely affect the public interest and is not compatible with the adjacent residential and agriculture uses. If the business conducted on the property is limited to wholesale nursery and commercial lawn care service is prohibited as a primary use, only then shall the use be compatible with adjacent residential and agriculture uses. With appropriate conditions of approval limiting the operation of the wholesale nursery and prohibiting any activities that are associated with a commercial lawn care service, compatibility with adjacent residential and agriculture uses may be permitted.</p>
<p><b>STAFF RECOMMENDATION</b></p>	<p>Staff recommends approval of a landscape contractor as an accessory use to a wholesale nursery subject based upon the following conditions:</p> <ol style="list-style-type: none"><li>1. The applicant shall not allow any employees, equipment, materials and/or activity that is associated with the commercial lawn care business on the property.</li><li>2. There will be no storage of vehicles that are owned by the employees and/or company on the property unless it is exclusively used for the wholesale nursery.</li><li>3. The property shall be certified and/or licensed as a wholesale nursery.</li><li>4. The landscape plantings shall be grown on site and the designated plant/tree areas shall always be stocked at 80% at least.</li><li>5. The general layout of the proposed uses as depicted on the master plan shall not change without reapplication for new Board of Adjustment approval.</li><li>6. No building shall be increased more than 10% without</li></ol>

	<p>Board of Adjustment approval.</p> <p>7. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee.</p>
--	--

Fee: \$370.00

Application # BS 2008-04  
Meeting Date 2-25-08



**SPECIAL EXCEPTION APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Russell P. Kitner and STEFANIE A KITNER  
Address: 4900 ORANGE BLVD City: SANFORD Zip code: 32771  
Project Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Phone number(s): 407-328-9787 / 407-402-4913  
Email address: \_\_\_\_\_

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: WHOLESALE NURSERY IN CONJUNCTION <sup>(w)</sup> LANDSCAPE KIR.

RECEIVED JAN 11 2008

Is the property available for inspection without an appointment?  Yes  No

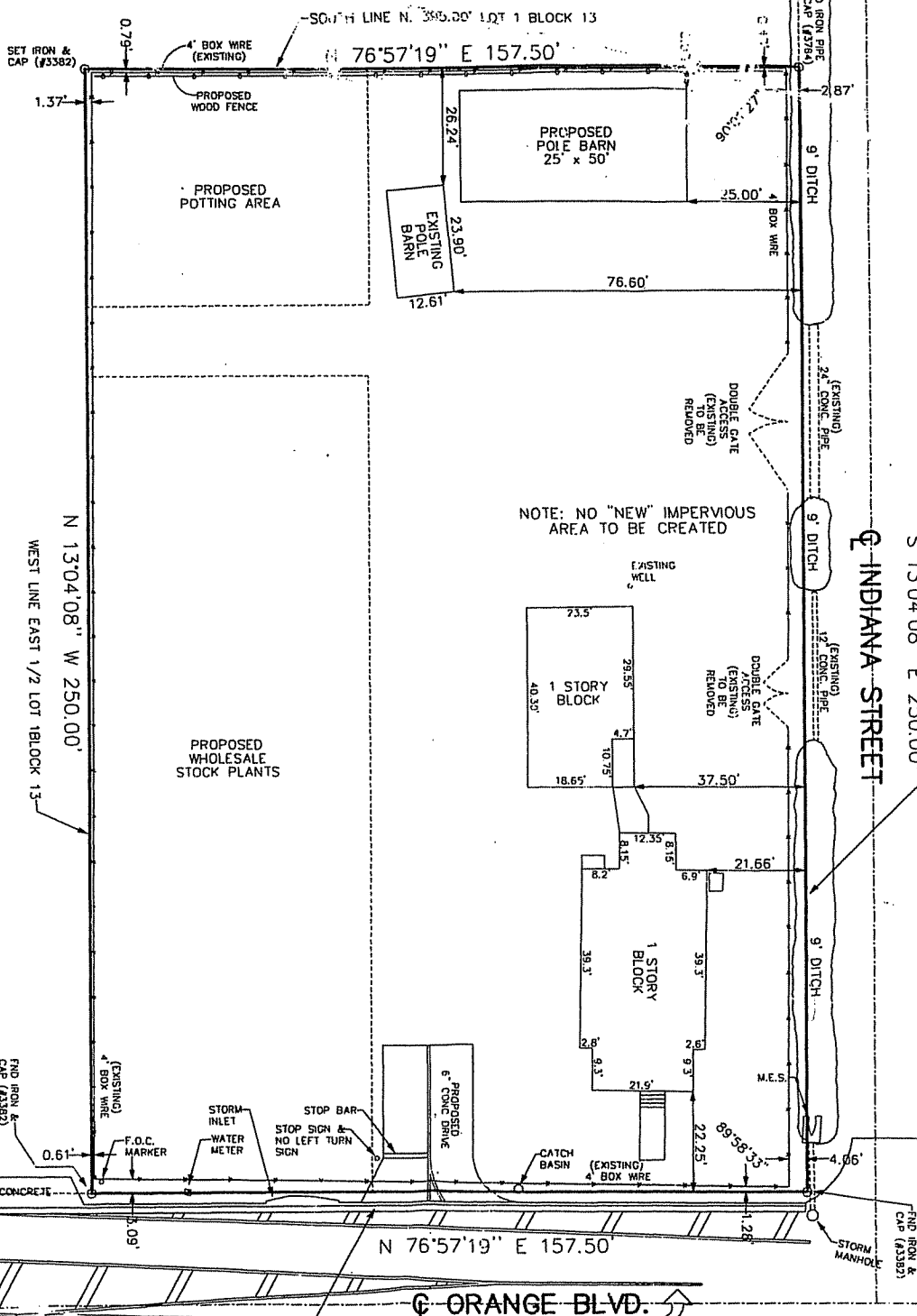
What is the current use of the property? SAME

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required **pre-application conference** has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

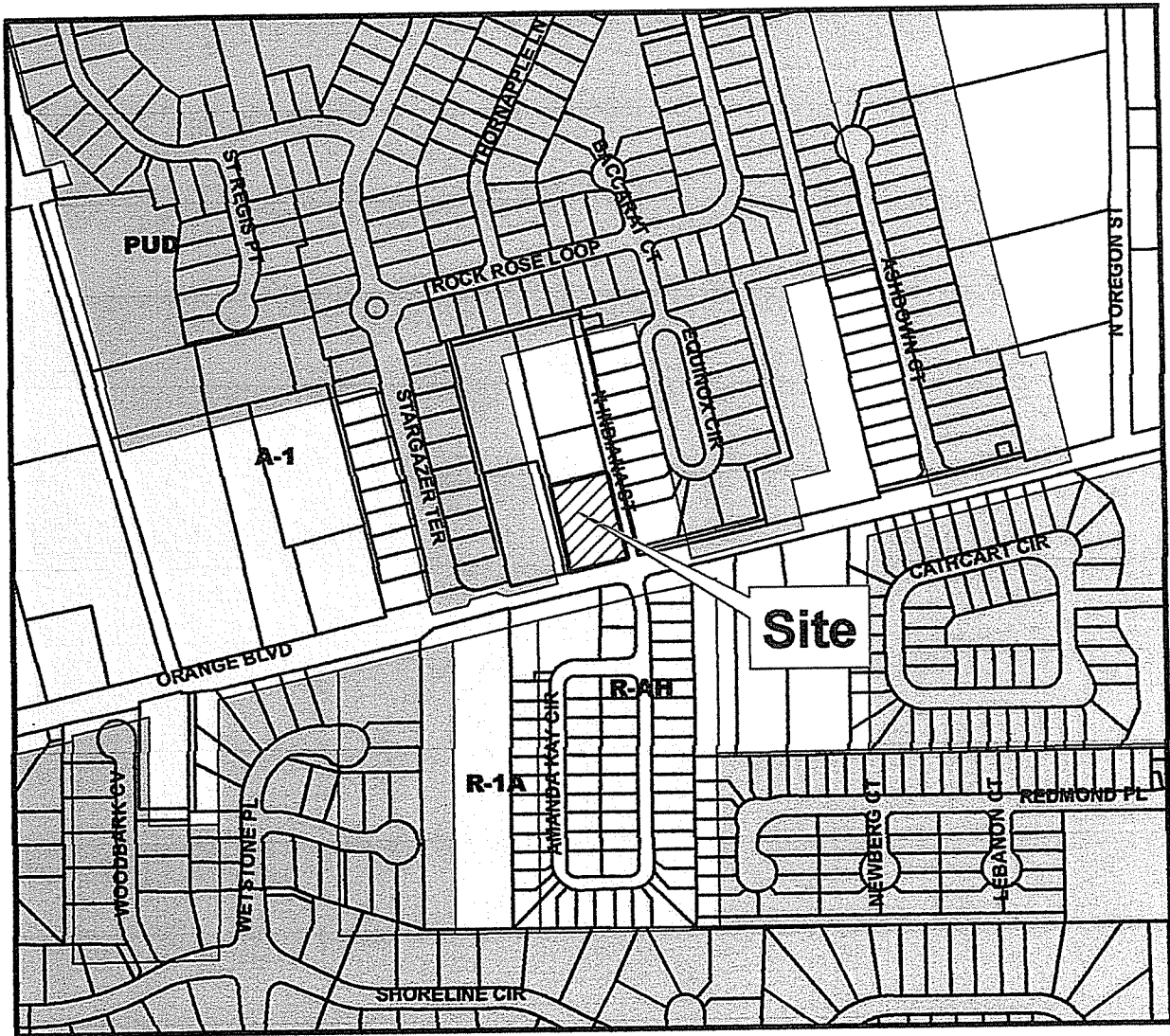
Signed: [Signature]

**FOR OFFICE USE ONLY**

Date Submitted: 1-11-08 Reviewed By: P. Johnson  
 Tax parcel number: 16-19-30-5AB-1300-001B Zoning/FLU AT/SE  
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)     Platted Lot (check easements on lots / in dedication)  
 Lot size \_\_\_\_\_  Meets minimum size and width  
 Past approval # \_\_\_\_\_  Application and checklist complete  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

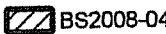

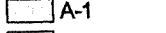

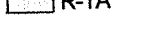



Russell and Stefanie Kitner  
4900 Orange Blvd.  
Sanford, Florida 32771

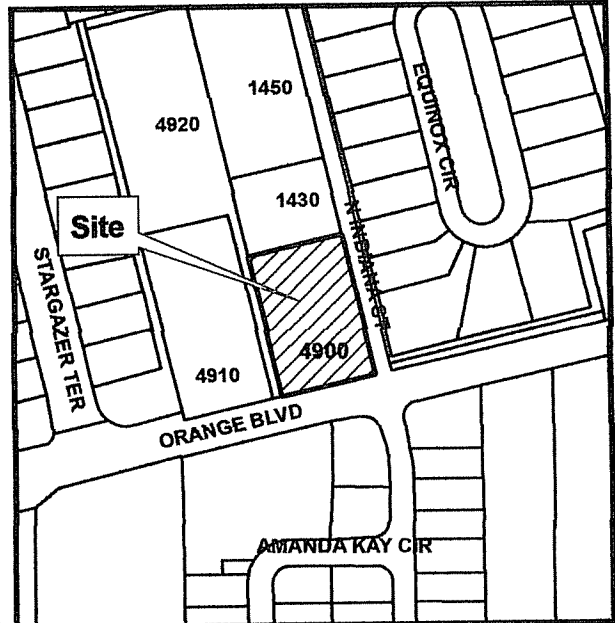


Seminole County Board of Adjustment  
February 25, 2008  
Case: BS2008-04 (Map 2999, Grid D5)  
Parcel No: 16-19-30-5AB-1300-001B

**Zoning**

	BS2008-04		R-AH
	A-1		PUD
	R-1A		

N  




Special Exception

Seminole County Board of Adjustment

Re: 4900 Orange Blvd

***SUMMARY OF USE***

The above described property located at: 4900 Orange Blvd lies within Sanford Farms, parcel i.d # 16-19-30-5AB-1300-001B ,Seminole County and zoned A-1. The owners, Paul and Stefanie Kitner of said property and business Landpro Outdoors are requesting a special exception for wholesale nursery to include landscape contractor use.

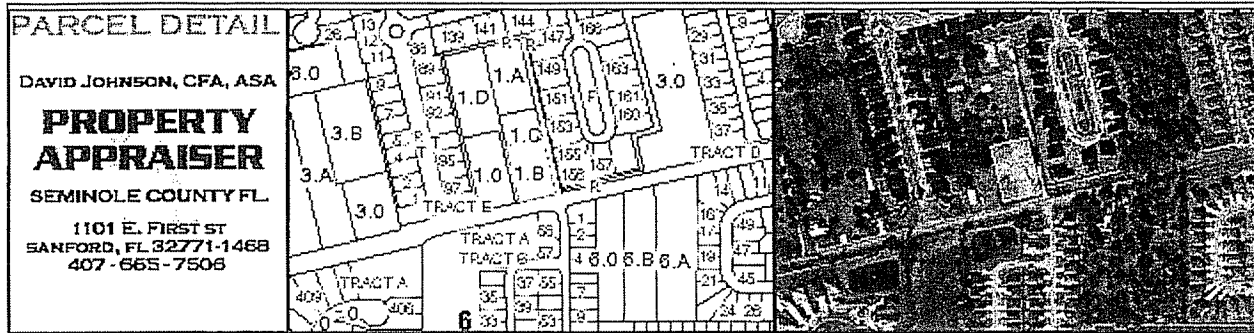
Landpro Outdoors is a full service landscape contractor. The hours of operation are 7:30 am to 4:30 pm. Monday through Friday. The Company employs 8-9 employees throughout the year. The nursery is intended use is for wholesale stock with limited landscape contractor use.

The size and layout of the property is proportionate to the use of the land. The property and 4 adjacent lots are surrounded by a six (6) foot concrete wall. There is a house located on the property that the owner will use for office purposes. The garage houses implements and irrigation supplies.

Landscape planting will be placed in designated areas set forth on site plan. Trees will align the perimeter of property with drip line irrigation. Black landscape cloth will be put down in the areas for the plants as stated on site plan. This cloth is perforated for proper drainage but aids in weed suppression. Mulch and potting mix will be in area for potting and repotting of stock.

In concurrence with the Florida Department of Agriculture owner Stefanie Kitner holds a Stockholder license as well as Dealer License. Landpro Outdoors holds the resell certificate naming Mrs. Kitner as the designee. These licenses allow Landpro Outdoors and Stefanie Kitner as representative to grow, purchase, broker, and resell to the public. The property will NOT be used for retail sales.





**PARCEL DETAIL**  
 DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
 SEMINOLE COUNTY FL  
 1101 E. FIRST ST  
 SANFORD, FL 32771-1468  
 407-665-7506

**GENERAL**  
 Parcel Id: 16-19-30-5AB-1300-001B  
 Owner: KITNER RUSSELL P & STEFANIE A  
 Mailing Address: 100 IDYLLWILDE DR  
 City,State,ZipCode: SANFORD FL 32771  
 Property Address: 4900 ORANGE BLVD  
 Subdivision Name: SANFORD FARMS  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 01-SINGLE FAMILY

**2008 WORKING VALUE SUMMARY**  
 Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$90,934  
 Depreciated EXFT Value: \$824  
 Land Value (Market): \$95,000  
 Land Value Ag: \$0  
 Just/Market Value: \$186,758  
 Assessed Value (SOH): \$186,758  
 Exempt Value: \$0  
 Taxable Value: \$186,758  
 Tax Estimator  
[Tax Reform Calculator](#)

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	11/2006	06492	0781	\$262,500	Improved	Yes
WARRANTY DEED	10/2005	05986	0896	\$240,000	Improved	Yes
WARRANTY DEED	12/1993	02705	0803	\$55,000	Improved	Yes
QUIT CLAIM DEED	01/1993	02561	0576	\$100	Improved	No
WARRANTY DEED	04/1982	01385	0816	\$100	Vacant	No

Find Comparable Sales within this Subdivision

**2007 VALUE SUMMARY**  
 2007 Tax Bill Amount: \$2,839  
 2007 Taxable Value: \$192,224  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	1.000	95,000.00	\$95,000

**LEGAL DESCRIPTION**  
 PLATS:   
 LEG E 1/2 OF LOT 1 (LESS N 395 FT) BLK 13  
 SANFORD FARMS  
 PB 1 PG 128

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1950	5	1,092	2,346	1,290	CONC BLOCK	\$90,934	\$111,575
	Appendage / Sqft		SCREEN PORCH FINISHED / 96						
	Appendage / Sqft		BASE / 198						
	Appendage / Sqft		UTILITY UNFINISHED / 209						
	Appendage / Sqft		OPEN PORCH FINISHED / 55						
	Appendage / Sqft		DETACHED GARAGE UNFINISHED / 696						

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT	Value	Est. Cost New
-------------	----------	-------	------	-------	---------------

**2007 LIMITED LIABILITY COMPANY ANNUAL REPORT**

**FILED  
Apr 10, 2007  
Secretary of State**

**DOCUMENT# L03000007674**

**Entity Name:** LANDPRO OUTDOORS, LLC

**Current Principal Place of Business:**

100 IDYLLWILDE DR  
SANFORD, FL 32771 US

**New Principal Place of Business:**

4900 ORANGE BLVD  
SANFORD, FL 32771 US

**Current Mailing Address:**

100 IDYLLWILDE  
SANFORD, FL 32771 US

**New Mailing Address:**

**FEI Number:** 37-1461236      **FEI Number Applied For ( )**      **FEI Number Not Applicable ( )**      **Certificate of Status Desired ( )**

**Name and Address of Current Registered Agent:**

KITNER, RUSSELL P  
100 IDYLLWILDE DRIVE  
SANFORD, FL 32771 US

**Name and Address of New Registered Agent:**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

**SIGNATURE:** \_\_\_\_\_  
Electronic Signature of Registered Agent      Date

**MANAGING MEMBERS/MANAGERS:**

**Title:** MGRM ( ) Delete  
**Name:** KITNER, RUSSELL P  
**Address:** 100 IDYLLWILDE DR  
**City-St-Zip:** SANFORD, FL 32771 US

**Title:** MGRM ( ) Delete  
**Name:** KITNER, STEFANIE  
**Address:** 100 IDYLLWILDE DR  
**City-St-Zip:** SANFORD, FL 32771 US

**ADDITIONS/CHANGES:**

**Title:** ( ) Change ( ) Addition  
**Name:**  
**Address:**  
**City-St-Zip:**

**Title:** ( ) Change ( ) Addition  
**Name:**  
**Address:**  
**City-St-Zip:**

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

**SIGNATURE:** STEFANIE KITNER      MGRM      04/10/2007  
\_\_\_\_\_  
Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

# FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



[Home](#)

[Contact Us](#)

[E-Filing Services](#)

[Document Searches](#)

[Forms](#)

[H](#)

[Previous on List](#)   [Next on List](#)   [Return To List](#)

[Events](#)

[No Name History](#)

## Detail by Entity Name

### Florida Limited Liability Company

LANDPRO OUTDOORS, LLC

### Filing Information

**Document Number** L03000007674  
**FEI Number** 371461236  
**Date Filed** 03/03/2003  
**State** FL  
**Status** ACTIVE  
**Last Event** LC AMENDMENT  
**Event Date Filed** 03/15/2006  
**Event Effective Date** NONE

### Principal Address

4900 ORANGE BLVD  
SANFORD FL 32771 US

Changed 04/10/2007

### Mailing Address

100 IDYLLWILDE  
SANFORD FL 32771 US

### Registered Agent Name & Address

KITNER, RUSSELL P  
100 IDYLLWILDE DRIVE  
SANFORD FL 32771 US

### Manager/Member Detail

#### **Name & Address**

Title MGRM

KITNER, RUSSELL P  
100 IDYLLWILDE DR  
SANFORD FL 32771 US

Title MGRM

KITNER, STEFANIE

100 IDYLLWILDE DR  
SANFORD FL 32771 US

**Annual Reports**

**Report Year Filed Date**

<b>2005</b>	06/28/2005
<b>2006</b>	01/04/2006
<b>2007</b>	04/10/2007

**Document Images**

<a href="#">04/10/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/15/2006 -- LC Amendment</a>	<a href="#">View image in PDF format</a>
<a href="#">01/04/2006 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">06/28/2005 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">11/12/2004 -- Amendment</a>	<a href="#">View image in PDF format</a>
<a href="#">02/17/2004 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/03/2003 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>

**Note:** This is not official record. See documents if question or conflict.

[Previous on List](#)   [Next on List](#)   [Return To List](#)

[Events](#)   [No Name History](#)

**Entity Name :**

[Home](#)   [Contact us](#)   [Document Searches](#)   [E-Filing Services](#)   [Forms](#)   [Help](#)  
Copyright and Privacy Policies  
Copyright © 2007 State of Florida, Department of State.

## Seminole County Tax Collector Search Results

**\*\*CURRENT YEAR PAID\*\***

<b>Account #:</b>	<b>Date Established:</b>	<b>Business Phone:</b>
114528	12/04/2001	407-328-9787
<b>Business Name:</b>		<b>Business Physical Address:</b>
LANDPRO OUTDOORS LLC		LANDPRO OUTDOORS LLC 4900 ORANGE BLVD SANFORD, FL 32771
<b>Owner(s)/Officer(s):</b>		<b>Business Mailing Address:</b>
RUSSELL P KITNER STEFANIE KITNER		LANDPRO OUTDOORS LLC 100 IDYLLWILDE DR SANFORD, FL 32771
<b>Business Description:</b>		<b>State License(s):</b>
<b>Status:</b>	<b>Comments:</b>	
CURRENT	*****NO SOLICITATION REQUESTED*****	

SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- \_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: RUSSELL P. KITNER  
Address: 100 IDYLLWILDE DR  
Phone #: 407-402-4913

Name: STEFANIE KITNER  
Address: 100 IDYLLWILDE DR  
Phone #: 321-231-3813

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: LANDPRO OUTDOORS, LLC  
Officers: RUSSELL P. KITNER  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: 50 %  
Address: 100 IDYLLWILDE DR

Name of Corporation: \_\_\_\_\_  
Officers: STEFANIE A. KITNER  
Address: \_\_\_\_\_  
Directors: \_\_\_\_\_  
Address: \_\_\_\_\_  
Shareholders: 50 %  
Address: 100 IDYLLWILDE DR

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: \_\_\_\_\_  
Trustees: \_\_\_\_\_  
Address: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)


5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

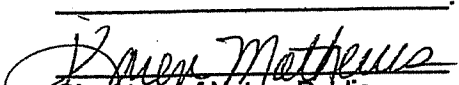
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

1/17/08  
Date

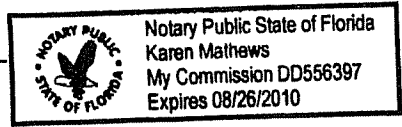
  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 17 day of January, 2008 by \_\_\_\_\_

  
Signature of Notary Public

Karen Mathews  
Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification ✓  
Type of Identification Produced Florida's Drivers License

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 25, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E ½ OF LOT 1 (LESS N 395 FT) BLK 13 SANFORD FARMS PB 1 PG 128

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

### FINDINGS OF FACT

**Property Owner:** Russell and Stefanie Kitner  
100 Idyllwilde Drive  
Sanford, Fl. 32771

**Project Name:** Landpro Outdoors  
4900 Orange Boulevard  
Sanford, Fl. 32771

#### **Requested Development Approval:**

Request for a special exception for a landscaping contractor as an accessory use to a wholesale nursery in A-1 (Agriculture District)

The Development Approval was sought to establish a wholesale nursery with an accessory use as a landscaping contractor. The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner  
1101 East First Street  
Sanford, Florida 32771



**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG E ½ OF LOT 1 (LESS N 395 FT) BLK 13 SANFORD FARMS PB 1 PG 128

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

### FINDINGS OF FACT

**Property Owner:** Russell and Stefanie Kitner  
100 Idyllwilde Drive  
Sanford, Fl. 32771

**Project Name:** Landpro Outdoors  
4900 Orange Boulevard  
Sanford, Fl. 32771

**Requested Development Approval:**

Request for a special exception for a landscaping contractor as an accessory use to a wholesale nursery in 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: Kathy Fall, Principal 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. The applicant shall not allow any employees, equipment, materials and/or activity that is associated with the commercial lawn care business on the property.
2. There will be no storage of vehicles that are owned by the employees and/or company on the property unless it is exclusively used for the wholesale nursery.
3. The property shall be certified and/or licensed as a wholesale nursery.
4. The landscape plantings shall be growned on site and the designated plant/tree areas shall be fully stock no less than 80%.
5. The general layout of the proposed uses as depicted on the master plan shall not change.
6. No building shall be increased more than 10% without Board of Adjustment approval.
7. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

(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: \_\_\_\_\_  
Alison C. Stettner  
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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

