

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

**SUBJECT:** 5779 N CR 427 – Edward Landers, applicant; Request to amend a special exception to allow for the expansion of a nursery/kindergarten in A-1 (Agriculture) district.

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT:** 7399

**Agenda Date** 8/25/08 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Approve** the request to amend a special exception to allow for the expansion of a nursery/kindergarten in A-1 (Agriculture) district; or
2. **Deny** the request to amend a special exception to allow for the expansion of a nursery/kindergarten in A-1 (Agriculture) district; or
3. **Continue** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	Florida Conference Assn of Seventh Day Adventist Winter Park, Fl	A-1 District, LDC section 30.124 (conditional uses); group homes, private & public schools
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to expand an existing nursery/kindergarten by adding four modular units to the rear of the building.</li> <li>• The site was approved in June of 2004 for a special exception to allow for a nursery/kindergarten for 60 children; In August of 2006, the special exception was amended to allow an increase in enrollment to a maximum capacity of 150 children within the existing building. Any additional construction would require an amendment.</li> <li>• The modular units would total 3,610 square feet and would be placed behind the existing building.</li> </ul>	

Reviewed by:

Co Atty: \_\_\_\_\_

Pln Mgr: \_\_\_\_\_

	<b>DIRECTION</b>	<b>EXISTING ZONING</b>	<b>EXISTING FLU</b>	<b>USE OF PROPERTY</b>
	<b>SITE</b>	<b>A-1</b>	<b>LDR</b>	<b>CHURCH</b>
	NORTH	PUD	PD	RETAIL
	SOUTH	A-1	LDR	RESIDENTIAL
	EAST	A-1 / R-1	LDR	RESIDENTIAL
	WEST	A-1	LDR	CHURCH

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

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:

**IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:**

The existing nursery/kindergarten school is an accessory use to the church. The use of this site as a church and nursery/kindergarten facility has already been established.

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

There will be no increase in enrollment; therefore, there will be no additional effects on the existing traffic patterns, movements or volume.

**IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:**

The subject property has low density residential (LDR) future land use (FLU). The Seminole county vision 2020 comprehensive plan describes LDR FLU as appropriate for uses that serve as an effective transition between more intense urban uses and suburban estates. Therefore, the existing church, in combination with the nursery/kindergarten school, appropriately serves as a transitional use between the existing single family uses to the east and the range of uses established along Ronald Reagan boulevard.

**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 existing

	<p>and proposed buildings meet the minimum area and dimensional requirements of the A-1 district.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Within the A-1 district, nursery/kindergarten schools are special exception uses. The use has already been established and no additional enrollment is proposed.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE) DISTRICT; LDC SECTION 30.124(a)</b></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><b><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></b></p> <p>The Agriculture zoning district permits uses that have an agriculture purpose and non-agriculture uses with conditions to protect the character of the area. The use of the site as a church and the nursery/kindergarten as an accessory use is consistent with A-1 zoning and is compatible with the area.</p> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>The site is approximately 25 acres and can provide adequate buffering between the current use and adjacent properties.</p> <p><b><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></b></p> <p>The property is located in the Southeast Service Area in which water and sewer will be provided by Seminole County utilities. Capacity availability for the proposed improvements will be determined at concurrency. Other county services, including emergency services and garbage disposal, are also available to the site.</p>
<p><b>STAFF FINDINGS</b></p>	<p>Staff believes the proposed amendment would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none"> <li>• The existing use at its maximum enrollment capacity would be less intense than the existing church at its peak hours of operation.</li> <li>• Based on the submitted site plan, the proposed use</li> </ul>

	would conform to the minimum dimensional standards of the A-1 district.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval subject based upon the following conditions: <ol style="list-style-type: none"><li>1. The final site plan shall meet all applicable Seminole County land development code and comprehensive plan regulations.</li><li>2. Enrollment shall not increase more than 150 children.</li><li>3. The nursery/kindergarten school operating hours shall be Monday thru Friday, between the hours of 6:00am to 6:00pm.</li><li>4. The nursery/kindergarten facility shall not be expanded without approval from the Board of Adjustment. The expansion shall not exceed the proposed 3,610 square foot modular buildings per the attached site plan.</li><li>5. 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).</li></ol>

Fee: \$370.00

RECEIVED JUL 11 2008

Application # BS2008-08  
Meeting Date Aug 25, 08



# SPECIAL EXCEPTION APPLICATION

## SEMINOLE COUNTY PLANNING DIVISION

# COPY

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: EDWARD H. LANDERS  
Address: 832 N. WEKIUA SPG. RD. City: AROPKA Zip code: 32712  
Project Address: 5799 RONALD RAGAN BLVD City: SANFORD Zip code: \_\_\_\_\_  
Phone number(s): 407 / 299-0001  
Email address: Ed@PROMAXRECYCLING.COM

**What is this request for?**

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: \_\_\_\_\_

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

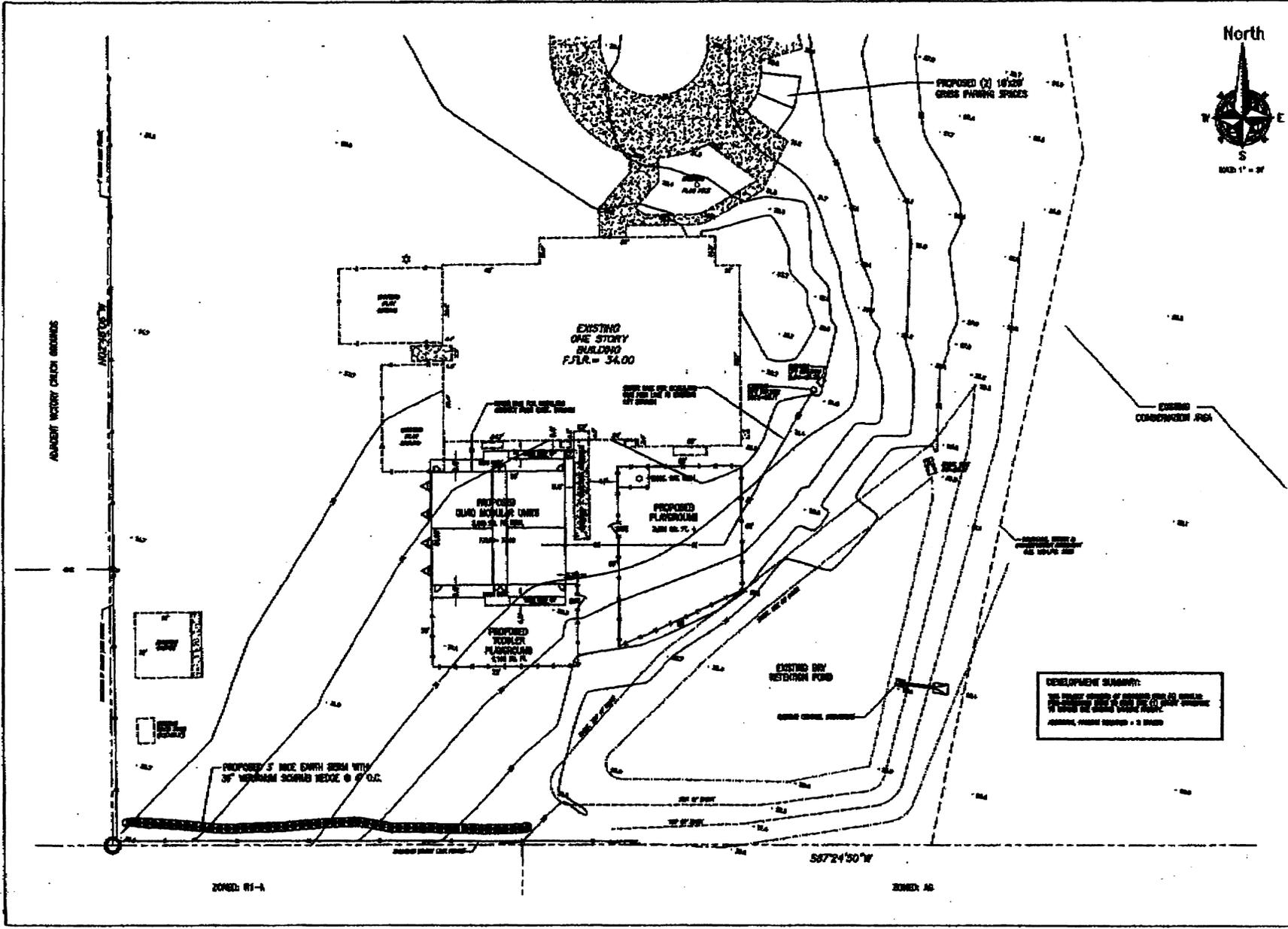
What is the current use of the property? DAYCARE/SCHOOL

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] DPC MTG HELD 7/2/08

**FOR OFFICE USE ONLY**

Date Submitted: <u>7/11/08</u>	Reviewed By: <u>[Signature]</u>
Tax parcel number: <u>1420303000560000</u>	Zoning/FLU: <u>A-1/LDR</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	
_____	
_____	

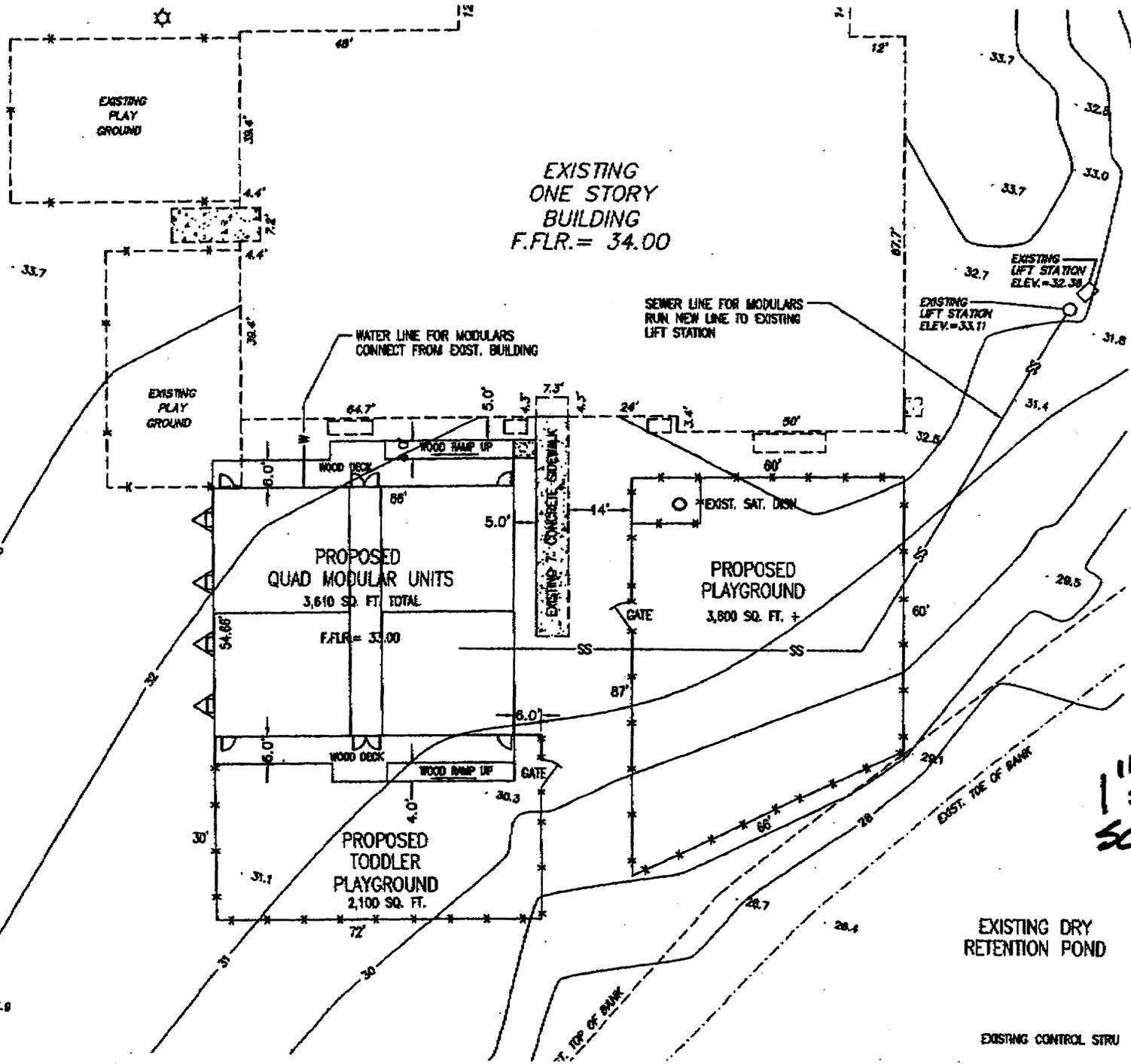


**AMERICAN CIVIL ENGINEERING CO.**  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73106  
 Phone: (405) 241-1111  
 Fax: (405) 241-1112  
 Email: acivil@acivil.com

**AMERICAN CIVIL ENGINEERING CO.**  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73106  
 Phone: (405) 241-1111  
 Fax: (405) 241-1112  
 Email: acivil@acivil.com

**NEW MODULAR BUILDINGS FOR SEVENTH-DAY ADVENTIST CHURCH**  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73106  
 Phone: (405) 241-1111  
 Fax: (405) 241-1112  
 Email: acivil@acivil.com

**4 4 4**



1" = 30'  
SCALE

EXISTING DRY  
RETENTION POND

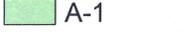
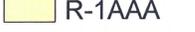
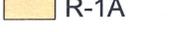
EXISTING CONTROL STRU

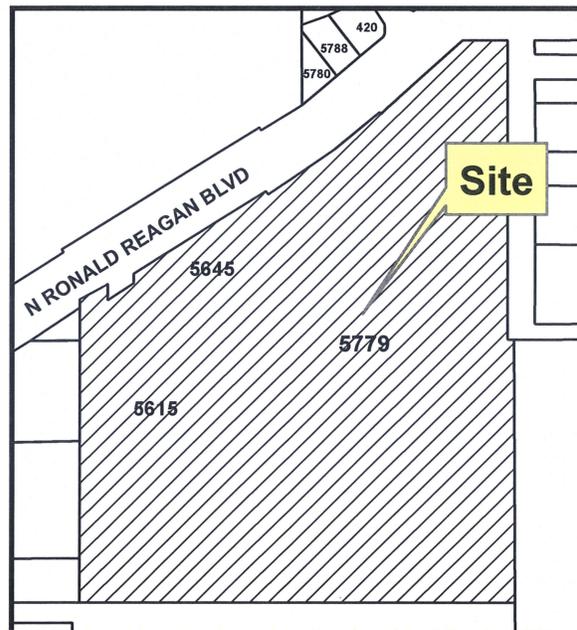
Edward H Landers  
 5779 N Ronald Reagan Blvd  
 Sanford, Florida 32773



Seminole County Board of Adjustment  
 August 25, 2008  
 Case: BS2008-08 (Map3105, Grid A3)  
 Parcel No: 14-20-30-300-0260-0000

**Zoning**

- |   |           |   |     |
|---|-----------|---|-----|
|  | BS2008-08 |  | R-1 |
|  | A-1       |  | PUD |
|  | R-1AAA    |  | PLI |
|  | R-1A      |   |     |



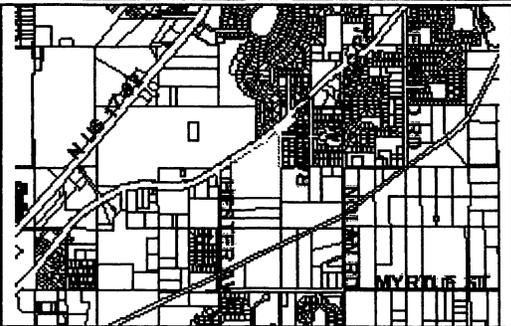
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506



**GENERAL**

Parcel Id: 14-20-30-300-0260-0000  
 Owner: FLA CONFERENCE ASSN OF  
 Own/Addr: SEVENTH-DAY ADVENTISTS  
 Mailing Address: PO BOX 2626  
 City,State,ZipCode: WINTER PARK FL 32790  
 Property Address: 5779 427 CR N SANFORD 32773  
 Facility Name:  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 36-CHURCH/RELIGIOUS ()  
 Dor: 71-CHURCHES

**2008 WORKING VALUE SUMMARY**

Amendment 1 impact not reflected.

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$919,027  
 Depreciated EXFT Value: \$18,990  
 Land Value (Market): \$603,944  
 Land Value Ag: \$0  
**Just/Market Value:** \$1,541,961  
 Assessed Value (SOH): \$1,541,961  
 Exempt Value: \$1,541,961  
 Taxable Value: \$0

Tax Estimator

Portability Calculator

**SALES**

Deed	Date	Book Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	08/1986	01759 1508	\$230,000	Improved	No

Find Sales within this DOR Code

**2007 VALUE SUMMARY**

2007 Tax Bill Amount: \$0

2007 Taxable Value: \$0

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
ACREAGE	0	0	17.251	35,000.00	\$603,785
ACREAGE	0	0	7.950	20.00	\$159

**LEGAL DESCRIPTION**

SEC 14 TWP 20S RGE 30E SW 1/4 OF SE 1/4 S OF ST RD 427 (LESS W 276 FT & RD) & NW 1/4 OF NE  
 1/4 OF 23-20-30 (LESS W 276 FT OF N 666.64 FT & S 661 FT)

**BUILDING INFORMATION**

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1988	16	13,755	1	CONCRETE BLOCK-STUCCO - MASONRY	\$919,027	\$1,201,342
	Subsection / Sqft		OPEN PORCH FINISHED / 28					
	Subsection / Sqft		OPEN PORCH FINISHED / 56					
	Subsection / Sqft		OPEN PORCH FINISHED / 32					

**Permits**

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
CONCRETE WALKWAY	1988	15,000	\$18,750	\$37,500
WOOD UTILITY BLDG	1992	100	\$240	\$600

**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

\*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	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.

*Florida Conference Association of*  
Name of Corporation: Seventh-day Adventists Name of Corporation: \_\_\_\_\_  
Officers: See attached sheet Officers: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_ City/Zip: \_\_\_\_\_  
Directors: \_\_\_\_\_ Directors: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_ City/Zip: \_\_\_\_\_  
Shareholders: No individual shareholders Shareholders: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

*No officers hold interest in the corporation*

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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	City/Zip: _____
City/Zip: _____	

(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: _____
City/Zip: _____	City/Zip: _____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

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 rezoning, 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.

Date 6/11/08

Michael J. Carley  
Owner, Agent, Applicant Signature

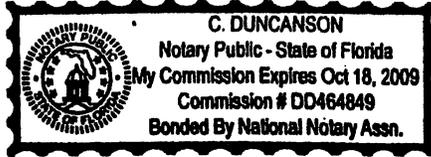
STATE OF FLORIDA  
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 11<sup>th</sup> day of JUNE, 2008 by Michael

C. Duncanson  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



**For Use by Planning & Development Staff**

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

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM**

**(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause of clauses allowing an application to be filed).

I, Florida Conf. Ass. of S.D.A, the fee simple Owner of the following  
 Described property (Provide Legal Description or Tax Parcel ID Number(s) 14-20-30-300-0260-0000

Hereby affirm that John Herbert, Pastor Ric Pleasants, Dr. Julius Garner, Ron Gifford, or Ed Landers are hereby designated to act as my/our authorized agent and to file the attached application for the stated special exception / variance request and make binding statements and commitments regarding the request.

Florida Conf. Ass. of S.D.A by: \_\_\_\_\_

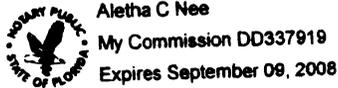
By: *C. Duncanson*  
 Owner's Signature *Vice President*

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

**SWORN TO AND SUBSCRIBED** before me this 17<sup>th</sup> day of July, 2008

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Cynthia Duncanson, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 17<sup>th</sup> day of July, 2008



*Aletha C Nee*  
 Notary Public in and for the County and State  
 Aforementioned

My Commission Expires: 9/9/2008

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

SEC 14 TWP 20S RGE 30E SW 1/4 OF SE 1/4 S OF ST RD 427 (LESS W 276 FT & RD) & NW 1/4 OF NE 1/4 OF 23-20-30 (LESS W 276 FT OF N 666.64 FT & S 61 FT)

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

**FINDINGS OF FACT**

**Property Owner:** Florida Conference Association of Seventh Day Adventist  
P.O Box 2626  
Winter Park, FL 32790

**Project Name:** N CR 427 (5779)

**Requested Development Approval:**

Request to amend a special exception to expand an existing nursery/kindergarten by adding four modular units to the rear of the existing building 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: Joy Williams, 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:
  - a. The final site plan shall meet all applicable Seminole County land development code and comprehensive plan requirements.
  - b. The expansion shall not exceed the proposed 3,610 square foot modular buildings per the attached site plan.
  - c. Enrollment shall not increase more than 150 children.
  - d. The nursery/kindergarten school operating hours shall be Monday thru Friday, between the hours of 6:00am to 6:00pm.
  - e. The nursery/kindergarten facility shall not be expanded without approval from the Board of Adjustment.
  - f. 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:

## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

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

SEC 14 TWP 20S RGE 30E SW 1/4 OF SE 1/4 S OF ST RD 427 (LESS W 276 FT & RD) & NW 1/4 OF NE 1/4 OF 23-20-30 (LESS W 276 FT OF N 666.64 FT & S 61 FT)

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

### **FINDINGS OF FACT**

**Property Owner:** Florida Conference Association of Seventh Day Adventist  
P.O Box 2626  
Winter Park, FL 32790

**Project Name:** N CR 427 (5779)

**Requested Development Approval:**

Request to amend a special exception to allow for the expansion of a nursery/kindergarten in A-1 (Agriculture) district.

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: Joy Williams, 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 GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: East SR 436 (Parcel 21) – Boyd Development, applicant; Request for a special exception to establish off-street parking for an adjacent retail center) in A-1 (Agricultural) district.

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Kathy Fall CONTACT: Denny Gibbs EXT: 7387

Agenda Date 8/25/08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Approve** the request for a special exception to establish off-street parking (for an adjacent retail center) in A-1 (Agricultural) district; or
2. **Deny** the request for a special exception to establish off-street parking (for an adjacent retail center) in A-1 (Agricultural) district; or
3. **Continue** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	Embarq Florida Inc 600 New Century Parkway New Century, Kansas 66031	A-1 District, LDC section 30.124 (conditional uses); Off-street parking.
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The subject property is the A-1 portion at the rear of a larger commercial tract located on the southwest corner of East SR 436 and Balmy Beach Drive.</li> <li>• The applicant proposes a commercial development across two parcels the bulk of which is zoned C-1. A small strip at the rear and west is A-1.</li> <li>• Approximately 20 parking spaces are proposed within the A-1 portion.</li> <li>• The parking and other improvements are proposed within a Florida Power Corp easement and therefore all improvements are subject to approval by Florida Power.</li> <li>• At site plan review, a letter from Florida Power approving the uses within the easement will be required.</li> </ul>	

Reviewed by:
Co Atty: _____
Pln Mgr: _____

DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
SITE	A-1	LDR/CON	Vacant
NORTH	C-1	COM	Vacant
SOUTH	R-1A	LDR	Residential
EAST	C-1	COM	Vacant
WEST	Orange County		Lake

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

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:

**IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:**

The proposed use as a parking area would support a commercial center development proposed on the adjacent C-1 property which is a permitted use. This is situated within a commercial corridor on SR 436 which is a major thoroughfare.

The parking spaces proposed on the A-1 portion will be buffered from the adjacent residential by a 70 foot buffer and the retention pond as shown on the site plan.

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

The subject parking area will not generate additional traffic beyond that proposed with the new commercial development on the adjacent site. Prior to obtaining permits for any development, the site must pass concurrency and any required traffic study will be determined at that time.

**IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:**

The Seminole County Vision 2020 Comprehensive Plan describes the Commercial (COM) future land use as providing for a variety of uses including highway oriented commercial, community shopping centers, convenience stores, and retail, the bulk of the property has commercial land use. The portion that is the subject of this request has Low Density Residential (LDR) land use. LRD land use may serve as an effective transitional use between urban uses.

	<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 subject property has split zoning, A-1 and C-1. Based on the submitted site plan, a small portion of the parking area will be on A-1 and the commercial buildings along with the bulk of the required parking are proposed on the C-1 portion.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Within the A-1 zoning off-street parking is allowed as a conditional use. The small amount of parking proposed for this area will have minimal impact and will not adversely affect public interest. SR 436 is a commercial corridor therefore this use demonstrates consistency with the trend of nearby and adjacent development in the area.</p>
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE) DISTRICT; LDC SECTION 30.124(a)</b></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><b><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></b></p> <p>Agriculture zoning within the urban area generally represents a transitional zoning rather than a zoning slated for an agriculture purpose. In this case the proposed use as a parking lot is consistent with the character of the area.</p> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>The request would not be more intensive in nature as any new impacts to the area would be associated with the new commercial development which is a permitted use under the C-1 zoning.</p> <p><b><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></b></p> <p>The property is located on SR 436 and is served by Seminole County for water and sewer. Other county services, including emergency services and garbage disposal, are also available to the site.</p>

<b>STAFF FINDINGS</b>	<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"><li>• The property is located within a commercial corridor and on SR 436 which is a major thoroughfare therefore this use demonstrates consistency with the trend of nearby and adjacent development in the area.</li><li>• The proposed use as a parking area would support the commercial center development proposed on the adjacent C-1 property which is a permitted use.</li><li>• The 20 proposed parking spaces within the A-1 portion will not generate additional traffic beyond that proposed with the new commercial development on the adjacent C-1 site.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval subject based upon the following conditions:</p> <ol style="list-style-type: none"><li>1. The Special Exception granted will apply only to off-street parking within A-1 as depicted on the attached site plan.</li><li>2. The general layout of the proposed parking area as depicted on the site plan shall not change.</li><li>3. A letter from Florida Power Corp approving the uses within the easement is required at site plan review.</li><li>4. 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).</li></ol>

RECEIVED JUL 11 7008

Fee: \$370.00

Application # 05 2008-10  
Meeting Date 8-25-08



**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: Boyd Development DENNIS SELIGA X 225  
Address: 7586 West Sand Lake Road City: Orlando Zip code: 32819  
Project Address: Parcel ID# 07-21-29-300-0210-0000 City: Seminole County Zip code: \_\_\_\_\_  
Phone number(s): 407 352-5858  
Email address: dseliga@boyddev.com

**What is this request for?**

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower

Other: To construct a driveway and parking within A-1 zoned property.

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

What is the current use of the property? Vacant

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: <u>7-11-08</u>	Reviewed By: <u>P. JOHNSON</u>
Tax parcel number: <u>07-21-29-300-0210-0000</u>	Zoning/FLU <u>A-1 &amp; C-1 / LOR's comm</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input checked="" type="checkbox"/> Application and checklist complete
Notes: _____	
_____	
_____	

## **Statement of the Request**

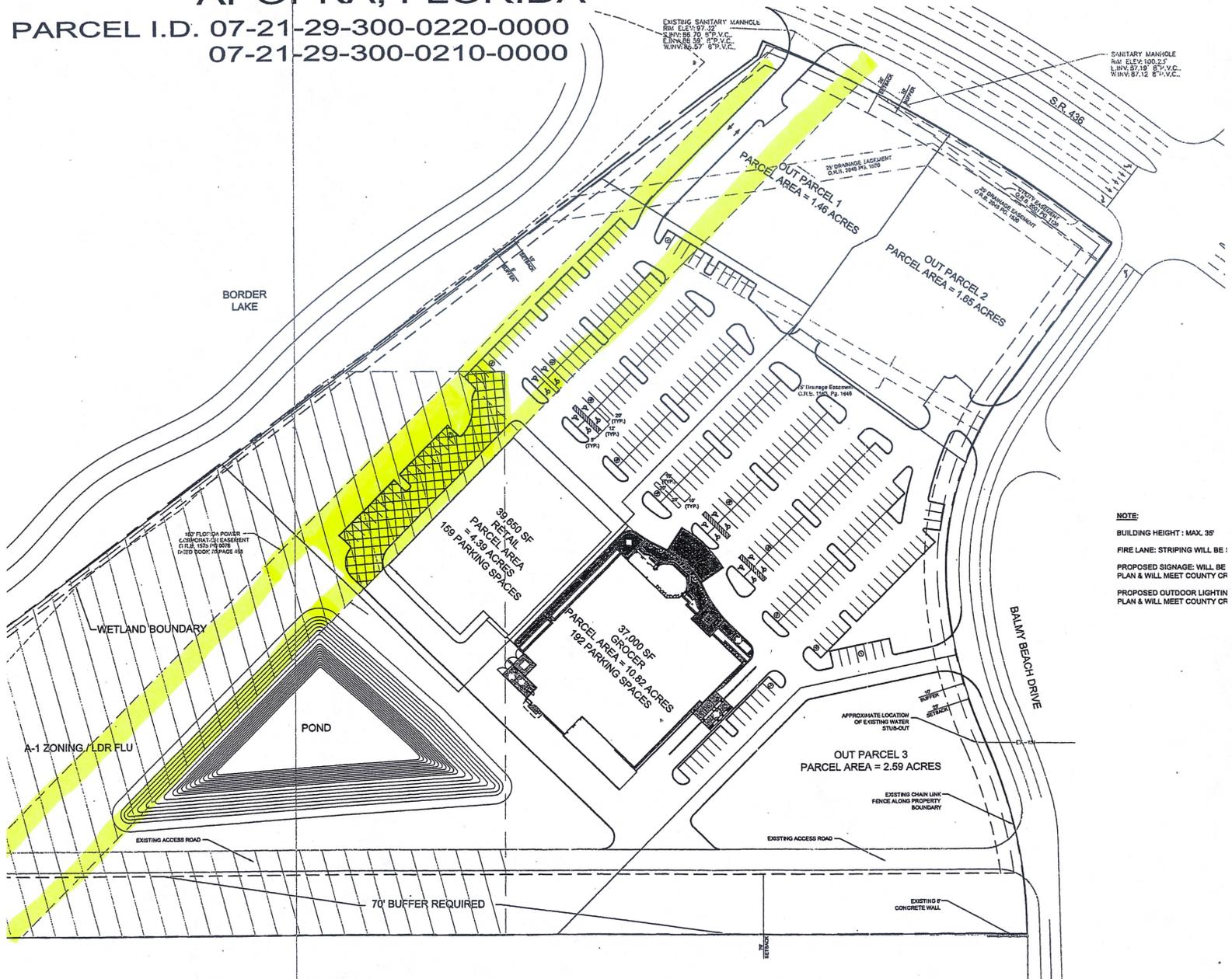
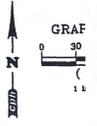
Boyd Development is requesting the approval of this special exception application in an effort to receive approval from Seminole County to allow the construction of parking spaces and a drive isle within property that is currently zoned A-1. The extent of construction within the A-1 zoned property is depicted on the attached site plan.

# SHOPPES AT BALMY BEACH

## THWEST CORNER OF S.R. 436 & BALMY BEACH DRIVE

### APOPKA, FLORIDA

PARCEL I.D. 07-21-29-300-0220-0000  
07-21-29-300-0210-0000



**NOTE:**  
BUILDING HEIGHT : MAX. 35'  
FIRE LANE: STRIPING WILL BE :  
PROPOSED SIGNAGE: WILL BE  
PLAN & WILL MEET COUNTY CR  
PROPOSED OUTDOOR LIGHTIN  
PLAN & WILL MEET COUNTY CR

Revision	By	No.	Date	Revision	By
		1			
		2			
		3			
		4			

Designed by: J.D.C. Date: JULY 2008  
 Drawn by: C.A.M. Job No. 87003  
 Checked by: J.D.C. File: CONCEPT.dwg  
 Approved by: J.D.C.  
 Scale: 1" = 60'

SHOPPES AT BALMY BEACH  
BOYD DEVELOPMENT CO.  
SEMINOLE COUNTY, FLORIDA



Engineers  
Architects  
Surveyors  
Landscape Arch.  
Planners  
Environmental Scientists  
Construction Management  
Display/Print

ICLA No. 2820  
C.A. No. 400000  
C.E. No. 7100  
C.L.A. No. 120000

200 West Fulton Street  
Sarasota, FL 34237  
P.O. Box 2000  
33775-2000  
Phone: 888.332.4841  
Fax: 888.335.0639

AI / CI  
CONS / COM

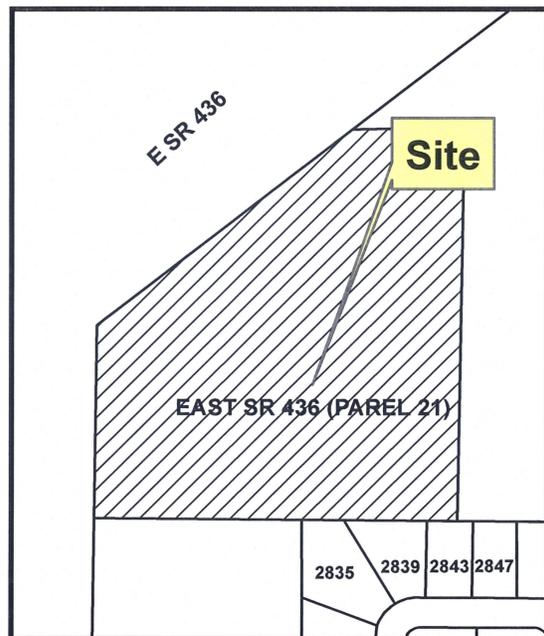
Boyd Development  
 East SR 436 (Parcel 21)  
 Apopka, Florida 32703



Seminole County Board of Adjustment  
 August 25, 2008  
 Case: BS2008-10 (Map3153, Grid E6)  
 Parcel No: 07-21-29-300-0210-0000

**Zoning**

-  BS2008-10
-  A-1
-  R-1A
-  R-1
-  R-3A
-  C-1
-  PUD



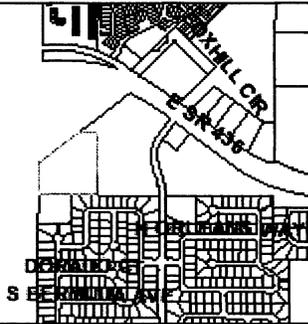
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY FL.

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506



**GENERAL**

Parcel Id: 07-21-29-300-0210-0000  
 Owner: EMBARQ CORP  
 Own/Addr: ATTN PROPERTY TAX  
 Mailing Address: PO BOX 7909  
 City,State,ZipCode: OVERLAND PARK KS 66207  
 Property Address:  
 Facility Name:  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions:  
 Dor: 10-VAC GENERAL-COMMERC

**2008 WORKING VALUE SUMMARY**

Amendment 1 impact not reflected.

Value Method: Market  
 Number of Buildings: 0  
 Depreciated Bldg Value: \$0  
 Depreciated EXFT Value: \$0  
 Land Value (Market): \$259,569  
 Land Value Ag: \$0  
 Just/Market Value: \$259,569  
 Assessed Value (SOH): \$259,569  
 Exempt Value: \$0  
 Taxable Value: \$259,569

**Tax Estimator**  
**Portability Calculator**

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	10/1993	02674	0625	\$900,000	Vacant	No
SPECIAL WARRANTY DEED	03/1990	02163	1160	\$500,000	Vacant	Yes
WARRANTY DEED	12/1988	02027	1776	\$150,000	Vacant	No
SPECIAL WARRANTY DEED	08/1988	01985	1132	\$2,000,000	Vacant	No
WARRANTY DEED	09/1984	01578	1890	\$75,000	Vacant	Yes

Find Sales within this DOR Code

**2007 VALUE SUMMARY**

2007 Tax Bill Amount: \$3,833  
 2007 Taxable Value: \$259,569  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	89,516	7.50	\$201,411
ACREAGE	0	0	3.410	17,000.00	\$57,970
ACREAGE	0	0	1.880	100.00	\$188

**Permits**

**LEGAL DESCRIPTION**

LEG SEC 07 TWP 21S RGE 29E SW 1/4 OF SW 1/4 OF SW 1/4 (LESS WATER STORAGE AREA)

**NOTE:** Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

\*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

**LETTER OF AUTHORIZATION**

THIS LETTER AUTHORIZES BOYD DEVELOPMENT AND THEIR CIVIL ENGINEER, CPH, TO SECURE ANY PERMITS, SPECIAL EXCEPTION, AND CONCURRENCY APPLICATIONS REQUIRED FOR THE CONSTRUCTION OF OUR PROPERTY LOCATED AT:

Parcel ID: 07-21-29-300-0210-0000 AND 07-21-29-300-0220-0000

Address: South West Corner of Balmy Beach & S.R. 436

SEMINOLE COUNTY, FLORIDA

OWNER NAME: EMBARQ FLORIDA, INC.

TAX FOLIO NO: 07-21-29-300-0210-0000 AND 07-21-29-300-0220-0000

AUTHORIZED BY:



Leslie H. Meredith  
Vice President & Treasurer

SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF JULY 9, 2008.

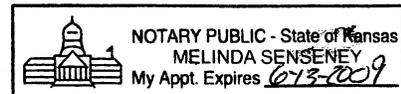
NOTARY PUBLIC:



MY COMMISSION EXPIRES:

6-13-2009

EMBARQ FLORIDA, INC. REPRESENTATIVE:



SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07-23:

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: _____	Name: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Phone #: _____	Phone #: _____
 Name: _____	 Name: _____
 Address: _____	 Address: _____
 City/Zip: _____	 City/Zip: _____
 Phone #: _____	 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.

*(See Exhibit "A")*

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
City/Zip: _____	City/Zip: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(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: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	City/Zip: _____
City/Zip: _____	_____

(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: _____
City/Zip: _____	City/Zip: _____

(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.

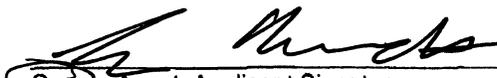
Contract Vendee:	Contract Vendee:
Name: <u>Boyd Development</u>	Name: _____
Address: <u>7586 West Sand Lake Ave</u>	Address: _____
City/Zip: <u>Orlando FL 32819</u>	City/Zip: _____

(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.

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.

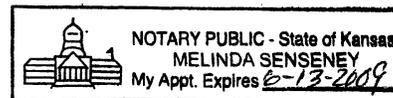
7/9/08  
Date

  
\_\_\_\_\_  
Owner, Agent, Applicant Signature  
Leslie H. Meredith  
Vice-President and Treasurer

STATE OF FLORIDA Kansas  
COUNTY OF Johnson

Sworn to (or affirmed) and subscribed before me this 9 day of July, 2008 by Leslie H. Meredith

Melinda Senseney      Melinda Senseney  
Signature of Notary Public      Print, Type or Stamp Name of Notary Public



Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

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

EXHIBIT "A"						
Officers/Directors/Management			Last Name			
Name	Title	Term	Term	Last	Term	Address
Alcazar, Daniel A.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66211
Apel, Thomas C.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Benedek, Zsuzsanna E.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Campbell, Harry S.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Carnago, Kelly M.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Carrion, Louis	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Carter, Stephen S.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Chase, Dana L.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Cheek, William E.	Director	Perpetual	2-Jan-07	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
	President	Perpetual	2-Jan-07	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Clark, Brad	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Clymer, Byron	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Coleman, Melanie K.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Davis, Patrick M.	Vice President	Perpetual	28-Feb-08	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Eason, Michael J.	Director	Perpetual		28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
	Secretary	Perpetual	28-Feb-08	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Eisenfeld, Esther G.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Gardner, Linda K.	Vice President	Perpetual	15-Apr-08		31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Green, Richard B.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Hansen, James A.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031

Hickman, Gayle G.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Holland, E.J. Ned	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Holmquist, Harold L.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Hrip, Richard A.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Huber, Dennis G.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Johns, Jeffrey M.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Kenyon, Mark R.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Lynch, Jeffrey	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Mackey, Tracy D.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Martin, Ellen S.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Mathisen, Wayne C.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Mayfield, James C.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
McEvoy, Thomas J.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Meredith, Leslie H.	Director	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
	Vice President & Treasurer	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Parrish-Porter, Vallerie	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Platt, David F.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Sarna, Susan S.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Schneider, Christopher D.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Seitz, Michael L.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Shelledy, Nancy L.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Sloboda, Robert H.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Sprouse, Loren V.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Stewart, Joseph R.	Assistant Secretary	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031

Stutzman, Patrick W.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Summers, Richard K.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Toussaint, Claudia S.	Vice President	Perpetual		28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Wyatt, Kenneth D.	Vice President	Perpetual	8-May-06	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
Zesiger, David W.	Vice President	Perpetual	2-Jan-07	28-Feb-08	31-Dec-99	5454 W. 110th Street, Overland Park, Kansas 66031
<b>SHAREHOLDER</b>						
Central Telephone Company owns 100% of the shares of Embarq Florida, Inc.						
The address of Central Telephone Company is:						
5454 W. 110th Street						
Overland Park, KS 66211						

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG SEC 07 TWP 21S RGE 29E SW 1/4 OF SW 1/4 OF SW 1/4 (LESS WATER STORAGE AREA)

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

### FINDINGS OF FACT

**Property Owner:** Embarq Corp  
PO Box 7909  
Overland Park KS 66207

Embarq Florida Inc  
600 New Century Parkway  
New Century, Kansas 66031

**Project Name:** Shoppes at Balmy Beach - East SR 436 (Parcel 21)

**Requested Development Approval:**

Request for a special exception to establish off-street parking (for an adjacent retail center) in A-1 (Agricultural) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Denny Gibbs, Senior 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:
  - a) The Special Exception granted will apply only to off-street parking within A-1 as depicted on the attached site plan.
  - b) The general layout of the proposed parking area as depicted on the site plan shall not change.
  - c) A letter from Florida Power Corp approving the uses within the easement is required at site plan review.
  - d) 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:



## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

LEG SEC 07 TWP 21S RGE 29E SW 1/4 OF SW 1/4 OF SW 1/4 (LESS WATER STORAGE  
AREA)

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

### FINDINGS OF FACT

**Property Owner:** Embarq Corp  
PO Box 7909  
Overland Park KS 66207

Embarq Florida Inc  
600 New Century Parkway  
New Century, Kansas 66031

**Project Name:** Shoppes at Balmy Beach - East SR 436 (Parcel 21)

**Requested Development Approval:**

Request for a special exception to establish off-street parking (for an adjacent retail center) in A-1 (Agricultural) district.

The Development Approval was sought to allow off-street parking in A-1. 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: Denny Gibbs, Senior 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: