

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

**SUBJECT:** 2987 Alafaya Trail – Edgar Rivas, applicant; Request for a special exception for a mechanical garage in C-2 (Commercial) district.

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

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

**Agenda Date** 9/28/09 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Approve** the request for a special exception for a mechanical garage in C-2 (Commercial) district; or
2. **Deny** the request for a special exception for a mechanical garage in C-2 (Commercial) district; or
3. **Continue** the request to a time and date certain.

<p><b>GENERAL INFORMATION</b></p>	<p>Applicant: Edgar Rivas                  Owner: William Murphy                  Location: 2987 Alafaya Trail                  Zoning: C-2                  Subdivision: Seminole Terrace Replat</p>
<p><b>BACKGROUND / REQUEST</b></p>	<ul style="list-style-type: none"> <li>• The applicant proposes to establish an AAMCO service garage with 4 lift bays which is a special exception use in C-2 as a mechanical garage.</li> <li>• The existing building will be converted to accommodate this use.</li> <li>• All service work will be performed within the building.</li> <li>• The proposed hours of operation will be Monday – Friday from 7:00 a.m – 5:30 p.m; Saturday 8:00 a.m – 4:00 p.m, and closed on Sunday.</li> </ul>

Reviewed by: [Signature]  
 Co Atty: [Signature]  
 Pln Mgr: AS

DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
<b>SITE</b>	<b>C-2</b>	<b>Commercial</b>	<b>Retail</b>
NORTH	C-2	Commercial	Vet
SOUTH	C-2	Commercial	Dental Office
EAST	C-2	Commercial	Vacant
WEST	C-2	Commercial	Across Alafaya is vacant commercial

**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 applicant proposes to convert an existing retail storefront (previous billiard hall) into a mechanical garage. The surrounding uses include office, auto repair and restaurant uses. To the east is residential. The proposed use would be consistent with the trend of development along Alafaya Trail.

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

Prior to obtaining permits, the site must pass concurrency. A traffic study will be determined at that time. The proposed use will be consistent with the established traffic patterns of the surrounding area.

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

The Seminole County Comprehensive Plan describes the Commercial (COM) future land use as a land use along major roadways that provide highway oriented services. Mechanical garages are listed as one of the allowed uses by special exception in the Commercial land use.

**MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:**

	<p>Based on the submitted site plan, the proposed use and proposed buildings meet the minimum area and dimensional requirements of the C-2 district.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Within the C-2 district mechanical garage is allowed as a conditional use. The use of auto repair is typical along a major thoroughfare and will be consistent with the trend of nearby and adjacent development in the area.</p>
<p><b>STAFF RECOMMENDATION</b></p>	<p>Staff recommends approval of the subject request based upon the following conditions:</p> <ul style="list-style-type: none"><li>a. The special exception granted will only apply to the existing building.</li><li>b. No building shall be increased more than 10% without Board of Adjustment approval.</li><li>c. The site is limited to the use of an auto repair facility with four (4) working bays. (Note: One additional working bay may be permitted in the future with an amendment to the special exception and revised site plan)</li><li>d. The proposed hours of operation will be Monday – Friday from 7:00 a.m – 5:30 p.m; Saturday 8:00 a.m – 4:00 p.m, and closed on Sunday.</li><li>e. No outside vehicle storage is permitted.</li><li>f. No outside storage of vehicles used for parts.</li><li>g. Any outside storage of parts, supplies, or materials shall be permitted only in an enclosed or fenced area.</li><li>h. All service work shall be performed within the building.</li><li>i. Compressors shall have a sound attenuating barrier to minimize impacts to the adjacent properties.</li><li>j. Doors at the rear of the building shall remain closed to minimize sound impacts to residential properties.</li><li>k. No outside amplification of sound.</li><li>l. 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></ul>

Fee: \$370.00

Application # B52009-12  
Meeting Date 9-28-09



### SPECIAL EXCEPTION APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201  
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: Edgar Rivas  
Address: 1236 Show Dr. Orlando, City: Orlando Zip code: 32828  
Project Address: 2987 Alafaya Trail City: Oviedo Zip code: 32765  
Phone number(s): Edgar 407-497-9925 Account Steve Pileggi 941-358-7465  
Email address: rivas5913@bellsouth.net (and) spileggi@verizon.net

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: Automotive use (general auto repair) Amco

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

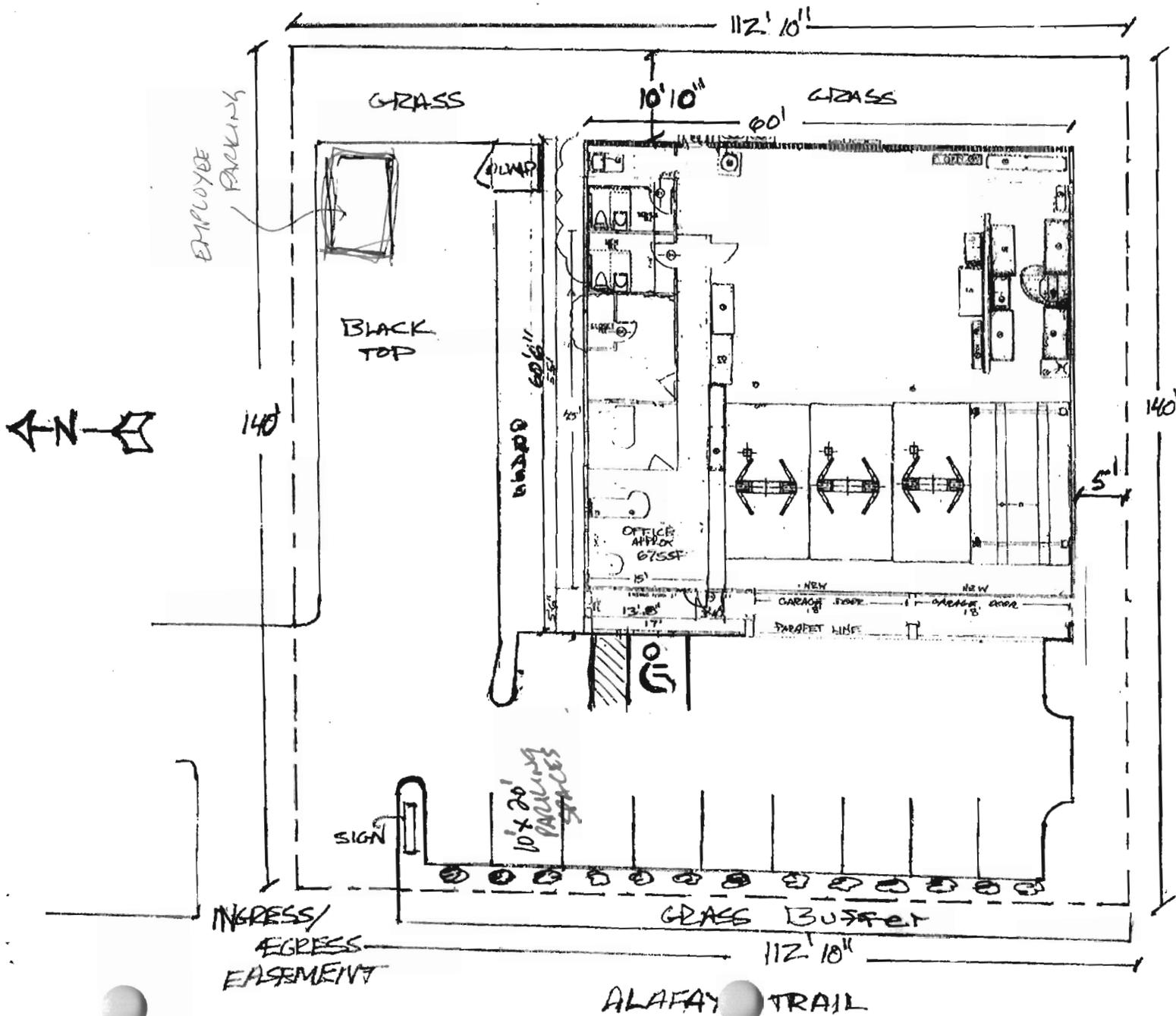
What is the current use of the property? retail

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: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Submitted: <u>8-5-09</u>	Reviewed By: <u>D. Gibbs / P. Johnson</u>
Tax parcel number: <u>2721315CC0A000110</u>	Zoning/FLU: <u>C-2 commercial</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 checked="" type="checkbox"/> Lot size <u>15,796</u>	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	
_____	
_____	



NOT TO SCALE

MTS

## 2987 ALAFAYA SUMMARY

Aamco transmissions and Edgar Rivas (certified Aamco franchisee ) hereby propose general automotive repair use specializing in transmission repair for 2987 Alafaya Trail Oviedo, FL. Aamco Transmissions is the largest and oldest national transmission repair company in the country founded in 1963. Edgar Rivas has been in the general automotive repair business for 30 years. After careful review of the subject property Aamco believes this site will work well for their business model & demographic.

Business hours- 7am to 6pm.

Number of staff -3 to 4 people including owner.

Number of shifts-Single 8 to 10hr shifts.

Number of clients at location at once 2 to 5.

Office seating capacity-6

Office size-675sqft

Building size-3,300sqft

Lot size-15,796sqft

Building Height-16ft

Oil Storage-All used petroleum products are stored in metal containers and removed by DEP certified haulers once a month. These materials are then recycled. New petroleum based products are stored in metal containers.

Customer vehicle storage-All customer vehicles kept overnight to be stored inside building for liability and aesthetic reasons.

Vehicle repair-All vehicles to be repaired inside building. There will be no servicing of vehicles outdoors.

Signage-Lettering on building and freestanding sign near street (existing).

Proposed improvements-Replace 38ft x 8ft of glass storefront with two (2) 18ft x 8ft garage doors. Partition off 675sqft office area. Install four (4) auto lifts.

# AAMCO OIL & CLEANING SUPPLY CLEAN UP

## **Cleaning An Oil Spill:**

Use squigy & dustpan to get oil up & discard in waste oil storage bin. Use selectively absorbant spill pad to get remaining oil. Spill pads properly disposed according to local code.

## **Mopping Floor:**

Mop floor with a degreaser. Remaining water in mop stored & hauled away by certified hauler.

## **Spill Response Kit:**

Each Aamco transmission shop is equipped with a spill response kit.

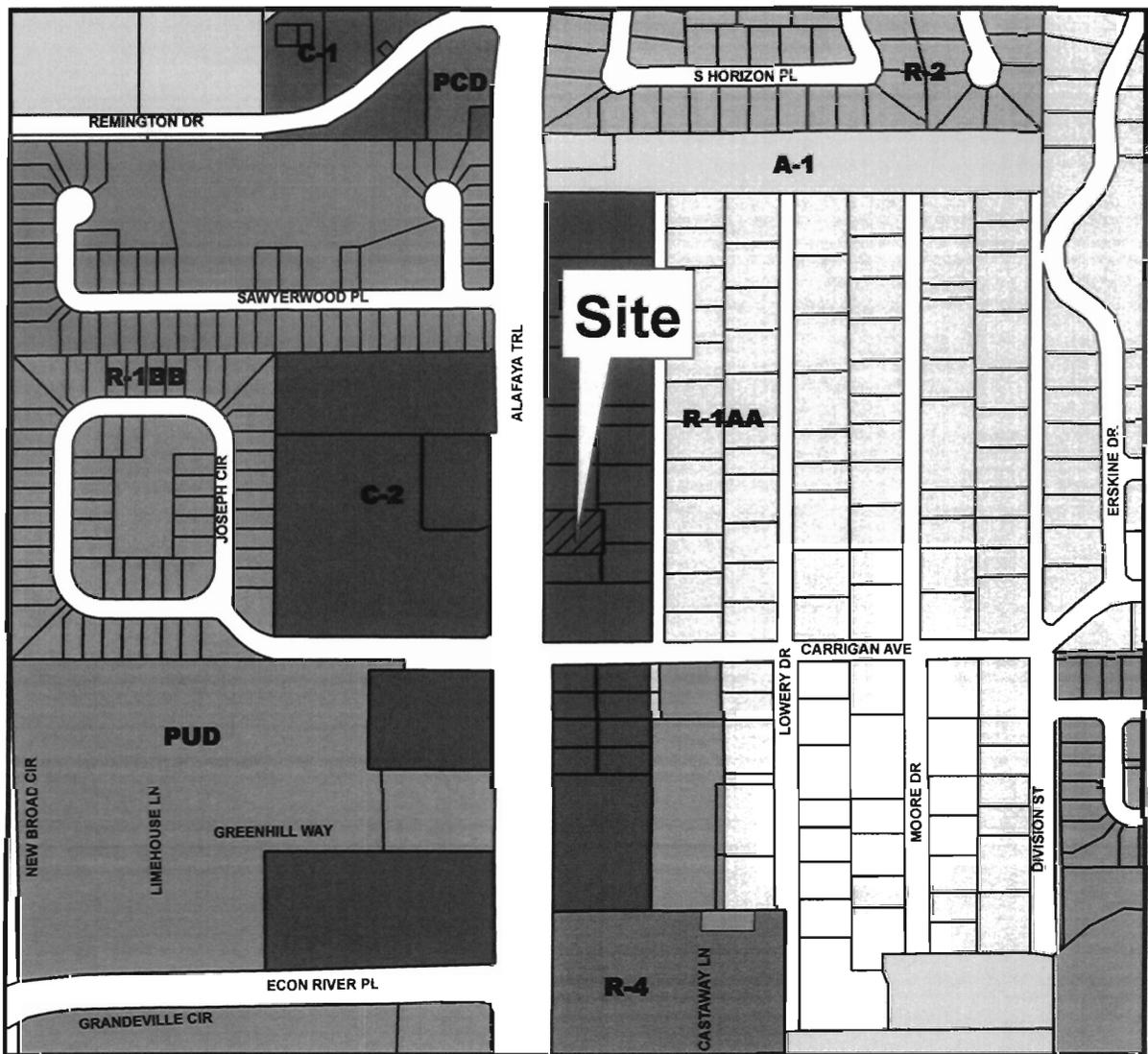
## **Waste Containers:**

Can be single or double wall based on local code requirements.

## **Parts Washer:**

Aqueous parts cleaner used. All water & cleaner byproducts hauled away & recycled.

Edgar Rivas  
 2987 Alafaya Trail  
 Oviedo, FL 32765



Seminole County Board of Adjustment  
 September 28, 2009  
 Case: BS2009-12 (Map 3213 Grid A5)  
 Parcel No: 27-21-31-5CC-0A00-0110

**Zoning**

	BS2009-12		R-4
	A-1		C-1
	R-1AA		C-2
	R-1BB		PUD
	R-2		PCD




<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL                  1101 E. PALM ST                  WINTER, FL 32771-1408                  407-698-7800</p>																																																														
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 27-21-31-5CC-0A00-0110                  Owner: FUN FACTORY &amp; MORE INC                  Mailing Address: 1600 LEE RD                  City,State,ZipCode: WINTER PARK FL 32789                  Property Address: 2887 ALAFAYA TRL E OVIEDO 32765                  Facility Name: FUN FACTORY                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 11-STORES GENERAL-ONE S</p>		<p align="center"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$188,010</td> <td align="right">\$188,182</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$7,788</td> <td align="right">\$3,167</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$189,552</td> <td align="right">\$189,552</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$385,350</td> <td align="right">\$380,901</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$385,350</td> <td align="right">\$380,901</td> </tr> </tbody> </table> <p align="right"><b>Tax Estimator</b></p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$188,010	\$188,182	Depreciated EXFT Value	\$7,788	\$3,167	Land Value (Market)	\$189,552	\$189,552	Land Value Ag	\$0	\$0	Just/Market Value	\$385,350	\$380,901	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$385,350	\$380,901																											
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**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

8-4-09

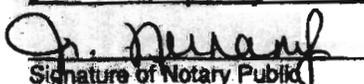
Date

  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Monroe

Sworn to (or affirmed) and subscribed before me this 4<sup>th</sup> day of August, 2009 by William

J. Murphy

  
Signature of Notary Public

Jeanette Hernandez  
Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification  FL License

Type of Identification Produced \_\_\_\_\_

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS



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

Entity Name Search

No Events   No Name History

## Detail by Entity Name

### Florida Profit Corporation

FUN FACTORY & MORE, INC.

### Filing Information

Document Number P08000049262  
FEI/EIN Number 262692271  
Date Filed 05/15/2008  
State FL  
Status ACTIVE

### Principal Address

1600 LEE ROAD  
WINTER PARK FL 32789

### Mailing Address

1600 LEE ROAD  
WINTER PARK FL 32789

### Registered Agent Name & Address

MURPHY, WILLIAM J  
1600 LEE ROAD  
WINTER PARK FL 32789

### Officer/Director Detail

#### Name & Address

Title D  
MURPHY, WILLIAM J  
1600 LEE ROAD  
WINTER PARK FL 32789

### Annual Reports

Report Year Filed Date  
2009 04/15/2009

### Document Images

- 04/15/2009 – ANNUAL REPORT [View Image in PDF format](#)
- 05/15/2008 – Domestic Profit [View Image in PDF format](#)

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

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

# 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 or clauses allowing an application to be filed).

I William J. Murphy, the fee simple owner of the following  
(Owner's Name)  
 described property (Provide Legal Description or Tax Parcel ID Number(s))  
2721315 SCCA000110

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map  
(circle one or more) from retail to automotive and affirm that  
Edgar Rivas / Steve Pileggi is hereby designated to act as my / our authorized agent and to file the  
 attached application for the stated amendment and make binding statements and commitments regarding the  
 amendment request.

[Signature]  
Owner's Signature

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.

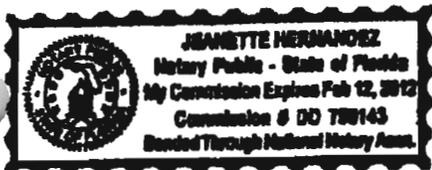
SWORN TO AND SUBSCRIBED before me this 4<sup>th</sup> day of Aug, 2009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to  
 take acknowledgments, personally appeared William Murphy, who is personally known to me or  
 who has produced FL License has 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 4<sup>th</sup> day of  
August, 2009.

[Signature]  
 Notary Public in and for the County and State  
 Aforementioned

My Commission Expires: 7/17/2012



## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

S 1/2 OF LOT 11 & ALL LOT 12 & W 10 FT OF LOT 19 & W 10 FT OF S 37.5 FT OF LOT 20  
BLK A SEMINOLE TERRACE REPLAT PB 11 PG 29

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

### FINDINGS OF FACT

**Property Owner:** Fun Factory & More Inc  
2987 Alafaya Trl E  
Oviedo Fl 32765

**Project Name:** Alafaya Trail (2987)

**Special Exception Approval:**

Special exception to establish a mechanical garage in C-2 (Commercial) district.

All six criteria for granting a special exception 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 only apply to the existing building.
  - b. The general layout of the proposed uses as depicted on the master plan shall not change.
  - c. No building shall be increased more than 10% without Board of Adjustment approval.
  - d. The site is limited to the use of an auto repair facility with four (4) working bays.
  - e. The proposed hours of operation will be Monday – Friday from 7:00 a.m – 5:30 p.m; Saturday 8:00 a.m – 4:00 p.m, and closed on Sunday.
  - f. No outside vehicle storage is permitted.
  - g. No outside storage of vehicles used for parts.
  - h. Any outside storage of parts, supplies, or materials shall be permitted only in an enclosed or fenced area.
  - i. All service work shall be performed within the building.
  - j. Compressors shall have a sound attenuating barrier to minimize impacts to the adjacent properties.
  - k. Doors at the rear of the building shall remain closed to minimize sound impacts to residential properties.
  - l. No outside amplification of sound.
  - m. 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).
  - n. The special exception granted shall expire one (1) year after approval unless a development permit based upon and incorporating the special exception is obtained within the one (1) year period. One six (6) month extension may be granted by the Board. SCLDC 30.45

(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

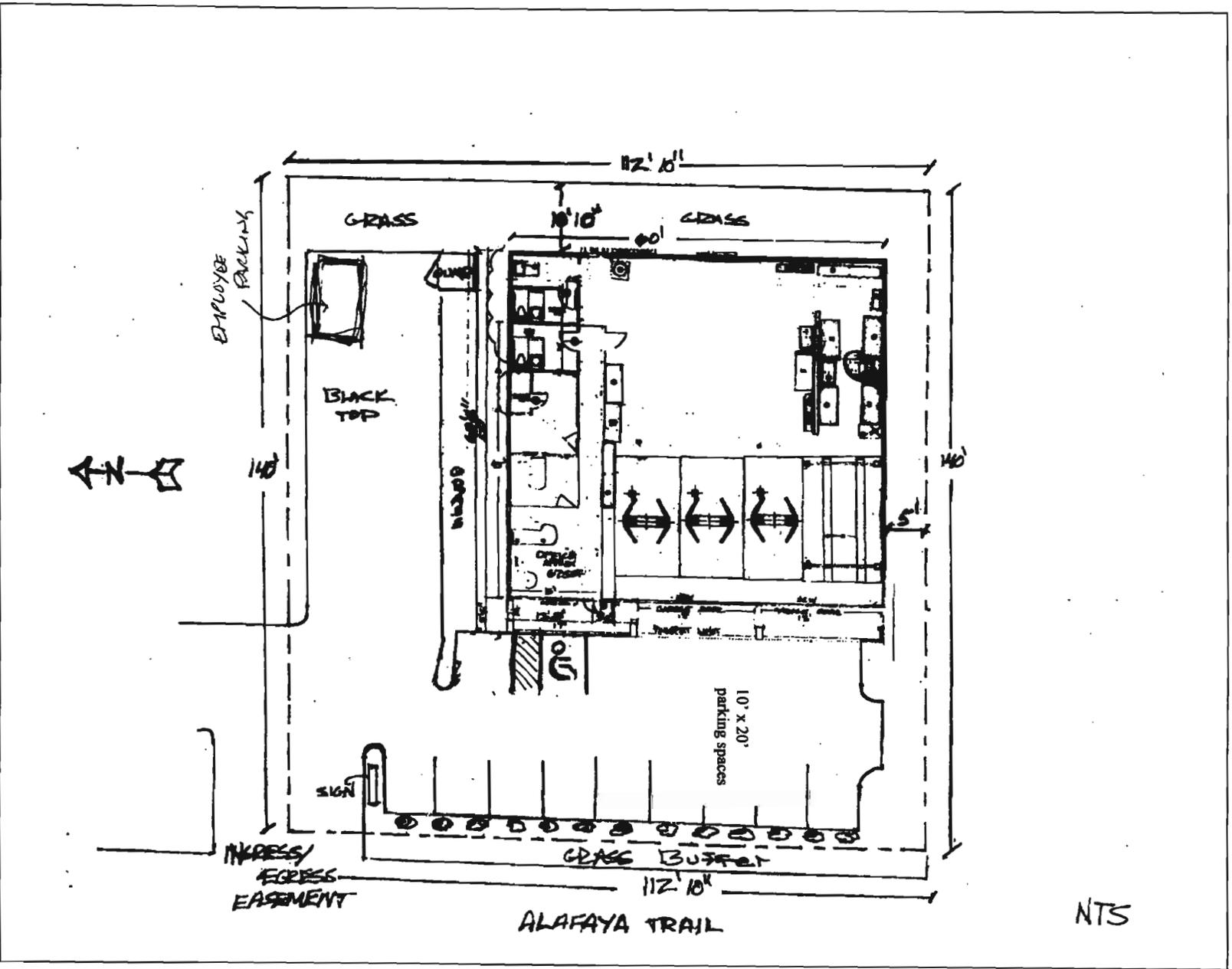
**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

**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 \_\_\_\_\_, 2009.

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

My Commission Expires:



EXISTING SITE

NOT TO SCALE

**SEMINOLE COUNTY DENIAL DEVELOPMENT  
ORDER**

On September 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

S 1/2 OF LOT 11 & ALL LOT 12 & W 10 FT OF LOT 19 & W 10 FT OF S 37.5 FT OF LOT 20  
BLK A SEMINOLE TERRACE REPLAT PB 11 PG 29

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

**FINDINGS OF FACT**

**Property Owner:** Fun Factory & More Inc  
2987 Alafaya Trl E  
Oviedo Fl 32765

**Project Name:** Alafaya Trail (2987)

**Requested Special Exception:**

Special exception to establish a mechanical garage in C-2 (Commercial) district.

Approval was sought to establish a mechanical garage in C-2. 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 )**

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

**My Commission Expires:**