

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Appeal of the Board of Adjustments decision to deny a special exception request to establish a retail tire service automotive garage in the PUD (Planned Unit Development) zoning district, located at the corner of Red Bug Lake Road and Pine Bluff Place. (Rich Sommer, appellant)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Joy Williams

EXT: 7399

MOTION/RECOMMENDATION:

1. Reverse the Board of Adjustment decision to deny a special exception request to establish a retail tire service automotive garage in PUD (Planned Unit Development); or
2. Uphold the Board of Adjustment decision to deny a special exception request to establish a retail tire service automotive garage in PUD (Planned Unit Development); or
3. Continue the request to a time and date certain.

District 1 Bob Dallari

Joy Williams

BACKGROUND:

At the July 28th, 2008, regular meeting; the Board of Adjustment denied the the special exception request to establish a retail tire service automotive garage in the Oviedo Marketplace PUD (Planned Unit Development). The Developer's Commitment Agreement for the PUD only allows automotive garages by special exception.

On July 31st, 2008, applicant Rich Sommer appealed the Board of Adjustment's decision to the Board of County Commissioners. The applicant proposes to establish a "Discount Tire" retail tire service automotive garage. The proposed establishment will only provide retail sales and installation of tires and wheels, no other mechanical repairs of any kind will take place on site. All installation of tires and wheels will take place within the building. The proposed hours of operation will be Monday - Friday from 8:00 a.m - 6:00 p.m, Saturday from 8:00 a.m - 5:00 p.m, and closed on Sunday.

Staff Findings:

Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:

The proposed use as a retail commercial site with no other automotive mechanical repairs being done on site, would be consistent with the trend of retail commercial development in the area.

The hours of operation will be limited, and the requested use would be no more intensive in nature than the other permitted uses listed in the Developers Commitment Agreement, which include, but are not limited to, all permitted uses in the C-1 Retail Commercial District.

STAFF RECOMMENDATION:

Staff Recommendation:

Staff recommends the Board of County Commissioners reverse the Board of Adjustment decision to deny a special exception request to establish a retail tire service automotive garage in PUD (Planned Unit Development).

Staff recommends approval subject based upon the following conditions:

1. The establishment will only provide retail sale and installation of passenger car and light truck tires and wheels.
2. There will be no performance of any other mechanical repairs on site.
3. All work will be performed inside the building.
4. Hours of operation will be Monday – Friday from 8:00 a.m – 6:00 p.m, and Saturday from 8:00 a.m – 5:00 p.m, no business conducted on Sunday.
5. Prior to the issuance of development permits, a site plan that meets all applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

ATTACHMENTS:

1. Notice of Appeal to BCC
2. Staff Report
3. Location Map
4. Reduced Copy of Site Plan
5. Building sketch
6. Property Appraiser Data
7. BOA Meeting Minutes
8. DCA Permitted Uses
9. Letters of Opposition
10. MAP 3rd letter of opposition

Additionally Reviewed By:

County Attorney Review (Melissa Clarke)

DISCOUNT TIRE

20225 NORTH SCOTTSDALE ROAD • SCOTTSDALE, ARIZONA 85255 • (480) 606-6000

July 31, 2008

RECEIVED AUG 04 2008

**Board of County Commissioners
of Seminole County
BOARD OF ADJUSTMENT**
1011 East First Street
Sanford, Florida 32771

**RE: Discount Tire Service Center
BS 2008-07**

To Whom It May Concern:

We are hereby appealing the Seminole County Board of Adjustment (BOA) decision from the July 28, 2008 hearing regarding the Discount Tire Company Special Exception Request. This appeal is requested on the grounds that Seminole County Planning Staff had recommended this project for approval prior to the hearing. We feel that the paramount issue influencing the BOA's decision was that of compatibility with the surrounding area. It is our intention to show that the requested conditional approval for the tire service center will be compatible with the surrounding uses.

We have enclosed a check in the amount of \$370.00 to cover the fee for the appeal; if you require additional information to grant our request, please let us know. Thank you for your consideration.

Sincerely,



Don Thrailkill

DT:mar
Enclosure

Cc: Mr. Jason Lewis – Kimley Horn and Associates, Inc.
Ms. Joy Williams – Seminole County

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

SUBJECT: Red Bug Lake Road (Vacant) – Rich Sommer, applicant; Request for a special exception to establish a retail tire service automotive garage “Discount Tire Company” in PUD (Planned Unit Development).

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

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

Agenda Date 7-28-08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for special exception to establish a retail tire service automotive garage “Discount Tire Company” in PUD (Planned Unit Development) ; or
2. **Deny** the request for special exception to establish a retail tire service automotive garage “Discount Tire Company” in PUD (Planned Unit Development) ; or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	SCI Funeral Serv of Fla Red Bug Lake Road Oviedo, FL 32765	Oviedo Market Place PUD (Planned Unit Development); Conditional uses: Alcoholic beverage establishments, Gasoline stations, Mechanical or automotive garage, Gasoline pumps.
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to establish a Discount Tire Company that would provide retail sales and installation of tires and wheels. • The independent retail tire dealer will only provide retail sales and installation of tires and wheels, no mechanical repairs of any kind will take place on site. • All installation of tires and wheels will take place within the building. 	

- The proposed hours of operation will be Monday – Friday from 8:00 a.m – 6:00 p.m, Saturday 8:00 a.m – 5:00 p.m, and closed on Sunday.

DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
SITE	PUD	PD	VACANT
NORTH	R-1A	LDR	SFR
SOUTH	PUD	PD	Funeral Home
EAST	PUD	PD	Conservation
WEST	PUD	PD	Vacant

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 would be consistent with the trend of development in the area. The surrounding uses consist of office and retail businesses with a small portion of residential.

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 VISION 2020 COMPREHENSIVE PLAN:

The Seminole County Vision 2020 Comprehensive Plan describes the Planned Development (PD) future land use as providing a variety of land uses and intensities while maintaining compatibility with the surrounding areas.

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

	<p>The site is required to go through full site plan review and meet all requirements per the PUD Developer's Commitment Agreement and any additional requirements of the Land Development Code.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>Within the PUD commitment agreement; mechanical / automotive garages are conditional uses. The proposed use of this site as a retail tire sales and installation establishment demonstrates consistency with the retail trend of nearby and adjacent development in the area.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43</p>	<p>The BOA may permit any of the conditional uses listed in the PUD Developers Commitment Agreement upon making findings of fact, in addition to those required by section 30.43(b)(2) of the Land Development Code, that the use:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE PUD (PLANNED UNIT DEVELOPMENT):</u></p> <p>The Oviedo Market Place Planned Unit Development Developers Commitment Agreement allows for mechanical / automotive garages as a conditional use.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>The hours of operation will be limited, and the requested use would be no more intensive in nature than the surrounding retail uses.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>The 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>STAFF FINDINGS</p>	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none">• The use is consistent with the adjacent retail/commercial uses of the surrounding area and would not be detrimental to the character of the area.

	would not be detrimental to the character of the area.
STAFF RECOMMENDATION	<p>Staff recommends approval subject based upon the following conditions:</p> <ol style="list-style-type: none">1. The establishment will provide retail sale and installation of passenger car and light truck tires wheels.2. There will be no performance of any mechanical repairs on site.3. All work will be performed inside the building.4. Hours of operation will be Monday – Friday from 8:00 a.m – 6:00 p.m, and Saturday from 8:00 a.m – 5:00 p.m, no business conducted on Sunday.5. Prior to the issuance of development permits, a site plan that meets all applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

Fee: \$370.00

RECEIVED JUN 27 2008

Application # B5 2008-07
Meeting Date 7-28-08



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

COPY

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

Name: Rich Sommer, Assistant Vice President, Discount Tire Company, Inc.

Address: 20225 North Scottsdale Road City: Scottsdale, AZ Zip code: 85255

Project Address: 7565 Red Bug Lake Road City: Oviedo, FL Zip code: 32765

Phone number(s): (480) 606-5781

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: Mechanical/Automotive Garage (Tire Service Center)

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: _____ Reviewed By: Joy Williams

Tax parcel number: 20-51-31-5ME-0000-0060 Zoning/FLU PUD / Ad

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: _____

SPECIAL EXCEPTION SUBMITTAL CHECKLIST

<p>A Special Exception is approved to a detailed conceptual site plan. Following approval of the Special Exception by the Board of Adjustment a final engineered site plan is required to be submitted to Development Review. <u>View Site Plan Review information.</u></p>	
	<p>1. Completed application.</p>
	<p>2. Provide a statement of the request including a summary of the business operation. Include information such as: square footage of facilities; hours of operation; seating capacity; number of clients, or students; number of staff and how many shifts; and address any other site concerns that may impact adjacent properties.</p>
	<p>3. Owner's authorization letter (if needed). <i>This form can be obtained online.</i></p>
	<p>4. A Special Exception is approved to a detailed conceptual site plan and should include, at minimum, the following information:</p>
	<ul style="list-style-type: none"> o Size and dimensions of the parcel
	<ul style="list-style-type: none"> o Location of wetland and/or flood plain line, if applicable
	<ul style="list-style-type: none"> o Location and names of all abutting streets
	<ul style="list-style-type: none"> o Location of driveways
	<ul style="list-style-type: none"> o Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	<ul style="list-style-type: none"> o Location, size and type of any septic systems, drainfield and wells
	<ul style="list-style-type: none"> o Location of all easements
	<ul style="list-style-type: none"> o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<ul style="list-style-type: none"> o Building height
	<ul style="list-style-type: none"> o Setbacks from each building to the property lines
	<ul style="list-style-type: none"> o Proposed fences
	<ul style="list-style-type: none"> o Location and size of buffers: show existing and proposed landscaping, fences and walls
	<ul style="list-style-type: none"> o Location, number and size of existing and proposed parking spaces
	<ul style="list-style-type: none"> o Location of existing and proposed outdoor lighting
	<ul style="list-style-type: none"> o Location of existing and proposed signage
	<ul style="list-style-type: none"> o Location of fire lanes
	<p>5. Provide an 8 ½ x 11 reduction of the site plan.</p>

DISCOUNT TIRE

20225 NORTH SCOTTSDALE ROAD • SCOTTSDALE, ARIZONA 85255 • (480) 606-6000

June 18, 2008

To Whom It May Concern:

Discount Tire is working to establish a new location in your city at 7565 Red Bug Lake Rd, Oviedo. We believe that our business will be a valuable asset to the community. Discount Tire Co. is the most successful, largest and fastest growing independent retail tire dealer in the United States. We have a passion to serve our customers, provide valuable services to the community and create employment opportunities.

Retail sale and installation of passenger car and light truck tires and wheels is our only business. We do not perform any mechanical repairs or handle any hazardous wastes such as antifreeze and oil. All our work is performed within the building in a safe, clean environment. Discount Tire Co. provides this customer experience in facilities that are clean, modern and efficient. We have a regional department that diligently maintains our buildings, interior and exterior.

Discount Tire Co will have 5 staff members on site at a time, hours of operation are Monday through Friday, 8:00am to 6:00pm, and Saturday, 8:00am through 5:00pm, closed on Sunday. We pride ourselves in being very customer oriented and providing fast service in a pleasant retail environment.

Please contact me at (480) 606-5781 if you have any questions regarding this proposed site.

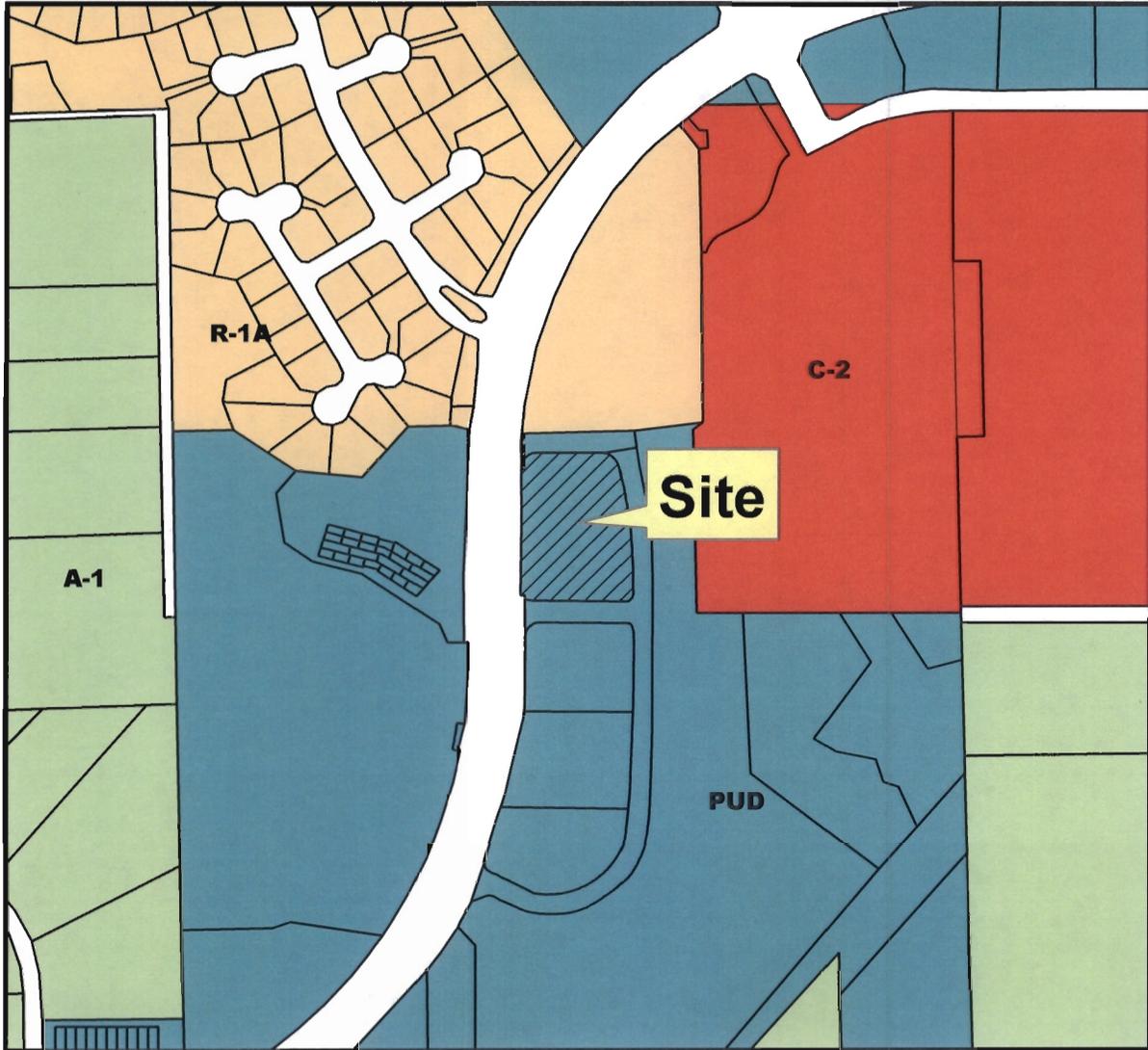
Respectfully,



Don Thrailkill
Assistant Vice President

da/DT

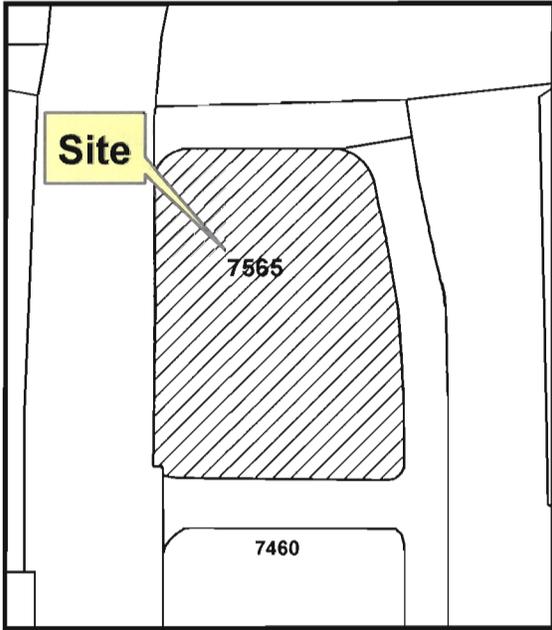
Discount Tire Company, Inc
7565 Red Bug Lake Road
Oviedo, Florida 32765

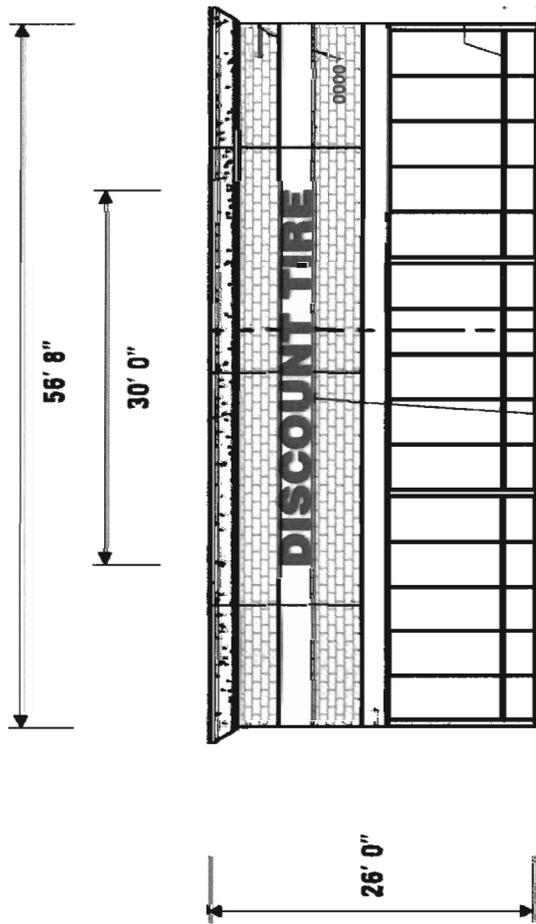


Seminole County Board of Adjustment
September 23, 2008
Case: BS2008-07 (Map 3212, Grid A2)
Parcel No: 20-21-31-5ME-0000-0060

Zoning

- BS2008-07 (hatched pattern)
- A-1 (green)
- R-1A (orange)
- C-2 (red)
- PUD (blue)

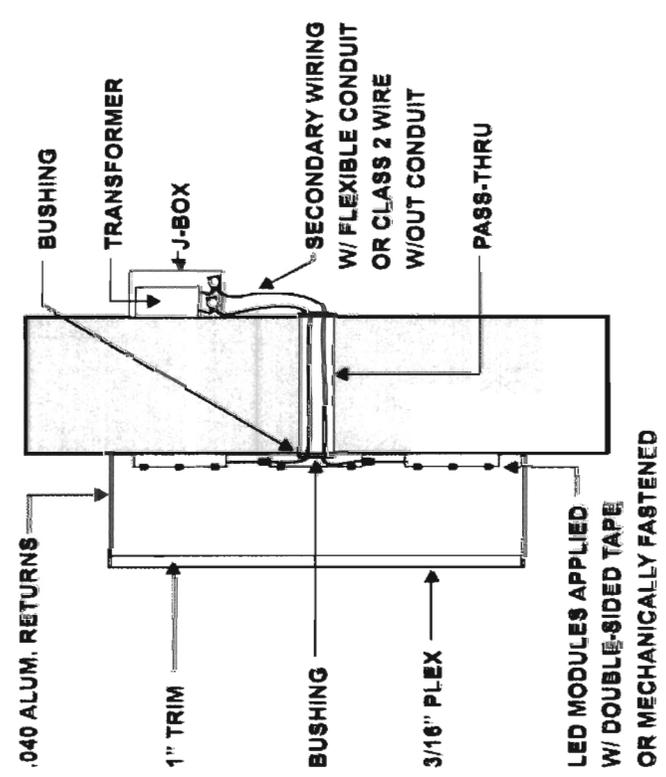




12" H x 3/16" THICK
#2157 RED FCO PLEX
ADDRESS NUMBERS

SOUTH ELEVATION SCALE: 1/16" = 1' 0"

NOTES:
 RED CHANNEL LTRS - FACES 3/16" #2157 RED PLEX
 W/ 1" RED JEWELITE TRIM, RETURNS 5" x .040
 ALUMINUM PAINTED RED TO MATCH, BACKS .063
 ALUMINUM, INTERIOR OF LTRS PAINTED WHITE,
 DOUBLE STROKE 12 VOLT RED LED & W/ 1/2 VOLT
 ADVANCE POWER SUPPLIES



Created exclusively for: **DISCOUNT TIRE**

Address: **N BELT DRIVE & SAM HOUSTON TOLLWAY**

City: _____ State: _____

Sign Location: **STOREFRONT**

Account Rep.: **GLORIA BAKER** Date _____

Client's Approval: _____ Date _____

Landlord's Approval: _____ Date _____

Design No.: _____ Sheet No. _____

US32588 _____

Date: **10/30/07** Rev. Date _____

Designer: **SPH** Scale **NOTED**

PRIMARY WIRING OF ADEQUATE VOLTAGE AND CIRCUITS TO SIGN FURNISHED AND CONNECTED BY CLIENT.

SS SIGNS

Corporate Office
 1800 Bering, Ste. 200
 Houston, TX 77067
 713-977-7800
 FAX: 713-977-7903

Dallas Regional Office
 2220 San Jacinto Blvd.
 Denton, TX 76205
 940-380-9153
 FAX: 940-380-9395

Austin Regional Office
 1117 Brinkley Dr.
 Cedar Park, TX 78613
 512-828-0000
 FAX: 512-828-1209

Buffalo Regional Office
 25 Northpointe Parkway
 Amherst, NY 14228
 716-831-7000
 FAX 716-831-1778

The purchaser agrees to hold the seller harmless against any cause for action for damages which may occur as a result of drilling for piers and foundations, including but not limited to sewer, gas lines or any underground obstacles which the purchaser or others may deem valuable.

THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL, AND THE RIGHT TO USE AND REPRODUCE OR EXHIBIT IN ANY FORM, IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS

Created exclusively for:
DISCOUNT TIRE

Address:
N BELT DRIVE & SAM HOUSTON TOLLWAY

City:

State:

Sign Location:
STOREFRONT

Account Rep.:
GLORIA BAKER

Client's Approval: _____ Date _____

Landlord's Approval: _____ Date _____

Design No.:
US32590

Date:
10/30/07

Designer:
SPH

Sheet No.: _____

Rev. Date _____

Scale: **NOTED**

PRIMARY WIRING OF ADEQUATE VOLTAGE AND CIRCUITS TO SIGN FURNISHED AND CONNECTED BY CLIENT.



Corporate Office
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 Houston, TX 77067
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 FAX: 713-877-7903

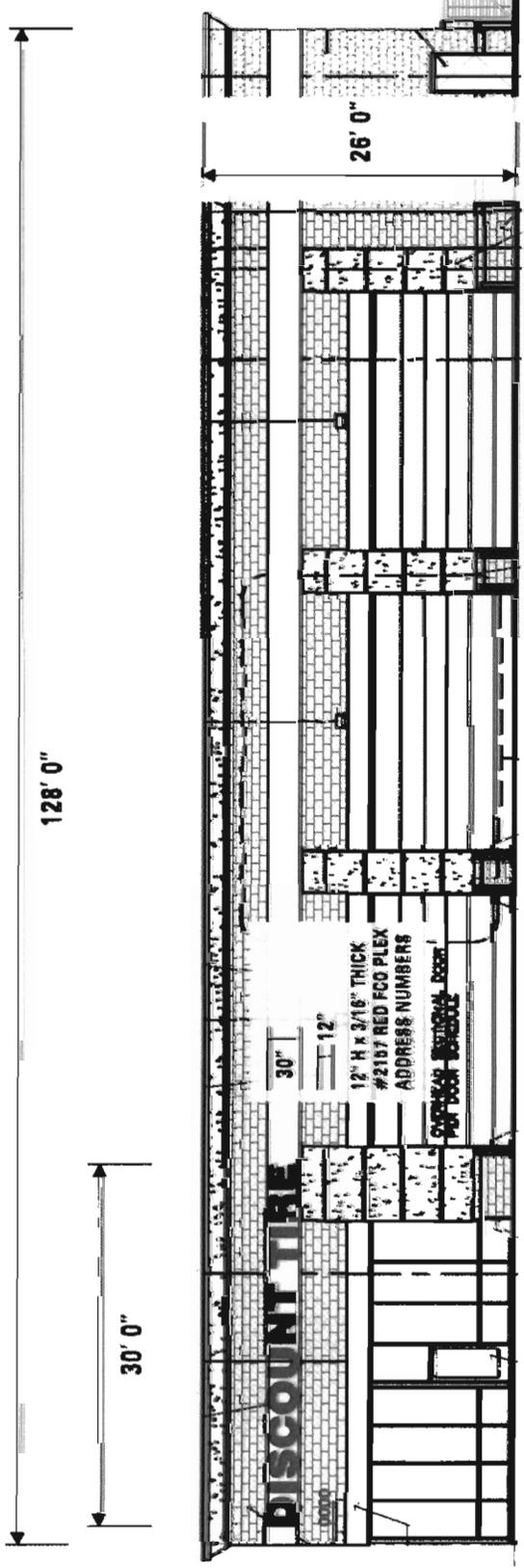
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 Denton, TX 76205
 940-380-8153
 FAX: 940-380-8385

Austin Regional Office
 1117 Brinkley Dr.
 Cedar Park, TX 78613
 812-828-0066
 FAX: 812-828-1208

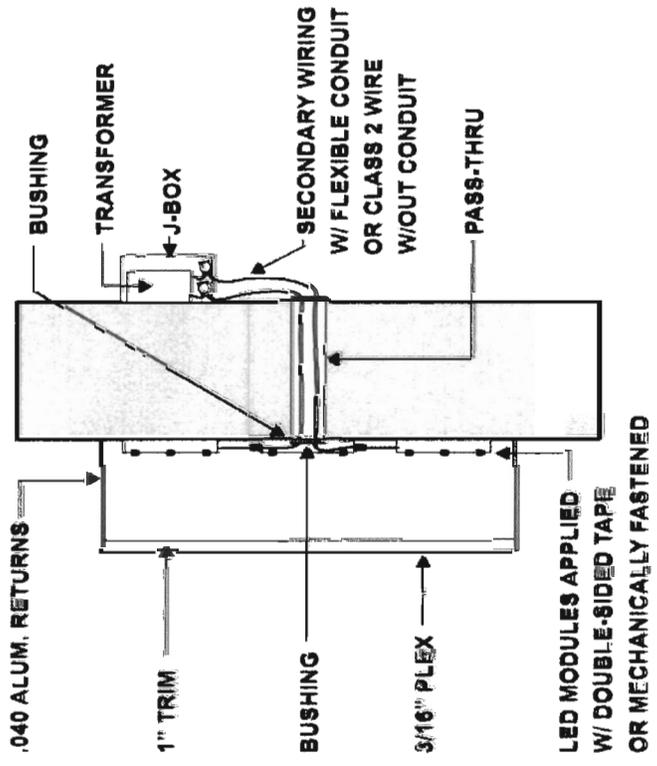
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EAST ELEVATION SCALE: 1/16" = 1' 0"



NOTES:
 RED CHANNEL LTRS - FACES 3/16" #2157 RED PLEX
 W/ 1" RED JEWELITE TRIM, RETURNS 5" x .040
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 ALUMINUM, INTERIOR OF LTRS PAINTED WHITE,
 DOUBLE STROKE 12 VOLT RED LEDs W/ 12 VOLT
 ADVANCE POWER SUPPLIES



Personal Property

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>		
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<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 20-21-31-5ME-0000-0060 Owner: SCI FUNERAL SERV OF FLA INC Own/Addr: 8TH FLOOR #2920 PROPERTY TAX Mailing Address: 1929 ALLEN PKWY City,State,ZipCode: HOUSTON TX 77019 Property Address: 7565 RED BUG LAKE RD Facility Name: Tax District: 02-COUNTY-DOVERA Exemptions: Dor: 76-MORTUARIES/CEMETERIE</p>	<p style="text-align: center;">2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$617,208 Depreciated EXFT Value: \$25,216 Land Value (Market): \$709,509 Land Value Ag: \$0 Just/Market Value: \$1,351,933 Assessed Value (SOH): \$1,351,933 Exempt Value: \$0 Taxable Value: \$1,351,933</p> <p style="text-align: center;">Tax Estimator Portability Calculator</p>
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<p style="text-align: center;">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>08/1994</td> <td>02815</td> <td>0546</td> <td>\$705,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Sales within this DOR Code</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	08/1994	02815	0546	\$705,000	Vacant	No	<p style="text-align: center;">2007 VALUE SUMMARY</p> <p>2007 Tax Bill Amount: \$20,114 2007 Taxable Value: \$1,361,945 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified									
SPECIAL WARRANTY DEED	08/1994	02815	0546	\$705,000	Vacant	No									

<p style="text-align: center;">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>SQUARE FEET</td> <td>0</td> <td>0</td> <td>98,202</td> <td>8.50</td> <td>\$709,509</td> </tr> </tbody> </table>	Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	SQUARE FEET	0	0	98,202	8.50	\$709,509	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOTS 6 & 7 OVIEDO CROSSING PH 1-B PB 47 PGS 80 THRU 83</p>
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
SQUARE FEET	0	0	98,202	8.50	\$709,509								

BUILDING INFORMATION								
Bld Num	Bld Class	Year Bld	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1995	14	8,800		CONCRETE BLOCK-STUCCO - MASONRY	\$617,208	\$736,965
			Subsection / Sqft: OPEN PORCH FINISHED / 1200					

[Permits](#)

EXTRA FEATURE					
Description	Year Bld	Units	EXFT Value	Est. Cost New	
COMMERCIAL ASPHALT DR 2 IN	1995	25,488	\$15,656	\$23,194	
WALKS CONC COMM	1995	2,425	\$5,418	\$8,027	
POLE LIGHT CONCRETE 1 ARM	1995	1	\$1,038	\$1,038	
POLE LIGHT CONCRETE 2 ARM	1995	1	\$2,594	\$2,594	
BLOCK WALL	1995	252	\$510	\$756	

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.

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT
JULY 28, 2008 MEETING
ITEM#12**

Red Bug Lake Road (lot 6) – Rich Sommer, applicant; Request for a Special Exception to establish a mechanical / automotive garage (Discount Tire Service Center) in PUD (Planned Unit Development) district; Located at the intersection of Red Bug Lake Road and Pine Bluff Place; (BS2008-07). (District-1)
Joy Williams, Planner

Joy Williams introduced the location of the property and stated the applicant proposed to establish a Discount Tire Company that would provide retail sales and installation of tires and wheels. She further stated the independent retail tire dealer will do no mechanical repairs of any kind on the proposed site. She then stated all installation of tires and wheels will take place within the building. She also stated the proposed hours of operation would be Monday – Friday from 8:00 a.m. – 6:00 p.m., Saturday 8:00 a.m. – 5:00 p.m., and closed on Sunday. She lastly stated staff found that the proposed use was compatible with the adjacent retail/commercial uses within the surrounding area and therefore recommended approval based on the following conditions:

- The establishment will provide retail sale and installation of passenger car and light truck tires wheels
- There will be no performance of any mechanical repairs on site
- All work will be performed inside the building
- Hours of operation will be Monday – Friday from 8:00 a.m. – 6:00 p.m. and Saturday from 8:00 a.m. – 5:00 p.m., no business conducted on Sunday
- Prior to the issuance of development permits, a site plan that meets all applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Mark Frederick stated he was with Kimley – Horn & Associates and he was speaking on behalf of Discount Tire Company. He further stated they had representatives from Discount Tire Company that could answer any questions the Board of Adjustment may have about the typical operation of the store. He then stated he would be happy to answer any questions about the site plan.

John Bess stated he managed the Discount Tire Company on Alafaya Trail and he would answer any questions the Board of Adjustment had.

Mr. Hattaway asked if there would be any outside storage.

John Bess stated the way the buildings are setup there was no outside storage. He further stated they had storage inside the building which was where the scrap tires were

held and picked up twice weekly. He further stated they didn't do any alignments or any other mechanical work. He lastly stated they would change the tire put on the rim balance it and reinstall it on the vehicle.

Mr. Bass asked what noise was associated.

John Bess stated the tire machines were electric and the air guns had mufflers on them to reduce any noise. He further stated they used all of the newest equipment available and the air compressor was stored indoors and they could not be heard at all.

Mr. Hattaway asked if they had an elevation of the site.

The applicants showed the Board of Adjustment a south elevation of the proposed building, they also showed a view from the west facing Red Bug Lake Road.

Walt Stesney stated he happened to be one of the houses the store would directly affect with noise. He further stated the only buffer between his rear bedrooms and the houses on each side of him was the four lane road. He then stated his main concern was noise. He also stated he didn't want to hear compressors or air guns all day long.

Mr. Hattaway asked if there was a wall behind the houses.

Walt Stesney stated there was a wall but it was not sufficient to stop the traffic noise let alone the air guns the tire store would be using.

Janice Simonds stated she lived in the neighborhood across the street from the proposed tire store. She further stated her thoughts were based on compatibility and all the other businesses were shops and family orientated places that you would want in your community. She then stated that the proposed tire store was not something that was wanted in the community. She lastly stated there were a lot of tires shops in the area.

Robert Adolphe stated the approval for a retail tire service store directly across from the neighborhood entrance would adversely impact the quality of life and values of the neighborhood. He further stated it would be inconsistent with the character of the area and should not be granted. He then stated traffic in and out of the neighborhood was already complicated and the tire store would negatively impact the condition. He lastly stated the proposed tire store was more of an Industrial type use.

Don Dodge stated he was there to speak in opposition of the special request. He further stated he knew that at the end of Red Bug Lake Road and Semoran there were about 6 tire stores and another 4 at Tuskawilla and Red Bug. He then mentioned three other locations and stated he didn't know how many more tires store were needed on Red Bug Lake Road, let alone across from his subdivision.

Jerry Kranz stated he and his wife often go for walks in and out of the neighborhood visiting the restaurants and retail shops. He further stated there is some traffic but it is not over whelming, but the proposed tire shop would be very noticeable and it would change the character of living in a residential community. He then stated with all the other tire or auto care facilities within three miles was this tire shop needed. He lastly stated the proposed tire shop was not compatible with the existing commercial development.

Jeff Ebber stated the school bus stop for the neighborhood was located at the entrance of the neighborhood which is a concern of the homeowners because the proposed tire shop would be across the street from the entrance of the neighborhood. He further stated he drove around and counted 9 tire shops within 2 miles of the proposed location and didn't think another one was needed.

Mark Frederick showed the Board of Adjustment a noise study that was done by the applicant at a similar tire store stating the decibel level range was around 59 which is in the range of normal conversation within 3 feet. He further stated there was a 134 foot right of way associated with Red Bug Lake Road which would be a buffer between the tire store and any residential homes. He then stated that as far as compatibility the proposed location is a commercial out parcel and there will be some sort of retail there. He also stated the automotive or tire shop put it under special exception. He further stated it was important to note that staff agreed that the proposed use was compatible with the surrounding area. He then stated as far as other tire stores within the area his client would not be interested if they had not conducted a market study and found that it was financially feasible to have a tire store in the proposed location.

Mr. Bass made a motion to approve the request with staff conditions.

Mr. Gashlin seconded the motion.

The motion failed by a (2-3) vote. Mr. Bushrui, Mr. O'Malley and Mr. Hattaway were in opposition.

Mr. Bushrui made a motion to deny the request based on inconsistency with character of the area and traffic pattern.

Mr. O'Malley seconded the motion.

The motion passed by (3-2) vote. Mr. Bass and Mr. Gashlin were in opposition.

feet within 300 feet of the boundary, nor 65 feet for the remainder of the said parcel.

- d. A 6-foot high masonry wall and 4-inch caliper trees, planted on 40-foot centers will be included in the buffer, where existing natural vegetation does not exist (see item #8).

* 6. Permitted Uses *For subject property*

a. Commercial (Retail Services)

- 1) Permitted uses shall include all permitted uses in the C-1 district as of the date hereof plus the following uses;

- Gasoline pumps at convenience store in Parcel 20
- Delicatessen
- Restaurants that serve alcohol
- Living quarters in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee
- Hospitals and nursing homes
- Health clubs
- Fast food restaurants with drive through windows
- Other uses approved by the Current Planning Division Manager which are similar or compatible with those uses set forth above

The determination of the Current Planning Division Manager shall be subject to appeal to the Board of County Commissioners.

2) Conditional Uses

The following uses may be considered as Conditional Uses and must be approved by the Board of Adjustment:

- Alcoholic beverage establishments
- Gasoline stations in all parcels other than Parcel 20
- Mechanical or automotive garage
- Gasoline pumps

b. Regional Shopping Center

- 1) Permitted uses shall include all permitted uses permitted in the Oviedo Marketplace Commercial district plus the

Williams, Joy

From: Venn, Gretchen
Sent: Monday, August 11, 2008 10:51 AM
To: Williams, Joy
Subject: FW: Red Bug & Discount Tire Store

From: Betsy [mailto:sunnyfun6@earthlink.net]
Sent: Monday, August 11, 2008 8:54 AM
To: Venn, Gretchen
Subject: Red Bug & Discount Tire Store

Dear Commissioner Henley,

There is a proposal to grant a special exception to build a tire store directly across from the front of my neighborhood on Red Bug Lake Rd. A tire store is NOT a good fit nor consistent with a neighborhood atmosphere-there is too much noise, too much additional traffic. It could bring a decrease in our property values as well, which as you know, we have all struggled with this last couple of years. Additionally, there are several school bus stops directly across from this lot, and we already have a very difficult time getting into and out of this neighborhood safely as it is.

My neighbors and my family respectfully request that you deny this special exception to allow a tire store here should there be an appeal to the commission on rezoning.

Thank you,

Betsy Adolphe
1042 Alvina Lane
Tuska Ridge

Williams, Joy

From: Bob Adolphe [adolphe.bob@earthlink.net]
Sent: Monday, July 28, 2008 3:16 PM
To: Williams, Joy
Subject: Deny Special Exception for Tire Service Garage

Dear Joy,

The residents of Tuska Ridge find that approval for a retail tire service store directly across from the neighborhood entrance will adversely impact the quality of life and values of this neighborhood. It is wholly inconsistent with the character of the area and should not be granted an exception. Traffic in and out of the neighborhood is already complicated and this establishment will negatively impact this condition. Please deny the request for special exception for this intrusive business.

Sincerely,

Robert G. Adolphe
1042 Alvina Lane
Oviedo, FL 32765
Tuska Ridge

Williams, Joy

From: Shirley Rubens [scrubens@cfl.rr.com]
Sent: Monday, July 28, 2008 3:20 PM
To: Plan Desk
Cc: cal tang; Williams, Joy
Subject: Public Hearing, 28 July RE: Case BS2008-07
Attachments: Discount Tire Request.xls; Discount Tire Request July 2008.ppt

Importance: High

Dear Sir/Madam:

Reference Request for Special Exception, Case BS2008-07 (Map 3212, Grid A2), Parcel No: 20-21-31-5ME-0000-0060

I am opposed to having a Special Exception being approved to allow a Discount Tire store to be built at 7565 Red Bug Lake Road. I live in the Tuskaridge community (1164 Needlewood Loop) which is diagonally across Red Bug Lake Road from the proposed store site. My house is .7 miles from the site. My concern is saturation: there are already six tire stores within 3 miles of this site. The entire area is starting to look like S.R. 17-92, with mattress stores & nail salons, as well as a defunct empty bank site. It looks crappy. Altho I understand that the nearby funeral parlor owns the land in question and apparently is not opposed to having a tire store next to its edifice, I think it is very tacky. I realize that there is not a Discount Tire Store in the Oviedo-Winter Springs area, but a better location would be near the Macaroni Grill (where a stop light is being installed) or next to the new ABC Liquor store near Target. Putting a tire store outside of my complex does my house and everyone else's an injustice.

I have enclosed two documents: an excel sheet with the current tire stores listed; and a map with the locations of the current stores, my house, and the site in question. Please consider what this does to the residents when this request is being evaluated for approval.

Sincerely,

Shirley C. Rubens

Data on Request to obtain Special Exception

Case: BS2008-07 (Map 3212, Grid A2)

Parcel no: 20-21-31-5ME-0000-0060

Business name	Street address	City	Zip	Miles from site
Action Gator Tires	1330 Alafaya Trail	Oviedo	32765	2.9
Big 10 Tire Stores	907 S. Lake Jessup Avenue	Oviedo	32765	2.1
Firestone Complete Auto Care	5960 Red Bug Lake Road	Winter Springs	32708	1.8
Goodyear Auto Service Center	5535 Red Bug Lake Road	Winter Springs	32708	2.3
Tire Kingdom	1485 E. Mitchell Hammock Road	Oviedo	32765	3.7
Tire Kingdom	1481 Tuskawilla Road	Winter Springs	32708	2.2
Tires Plus Total Car Care	5375 Red Bug Lake Road	Winter Springs	32708	2.3

