

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment's decision to deny a special exception to establish an alcoholic beverage establishment (package liquor store) located on the northwest corner of the intersection Red Bug Lake Road and Oviedo Crossing Terrace; (John Kelly, appellant/applicant).

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 09/27/05 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **OVERTURN** the Board of Adjustment's decision to deny a special exception to establish an alcoholic beverage establishment (package liquor store) located on the northwest corner of the intersection Red Bug Lake Road and Oviedo Crossing Terrace in the Oviedo Marketplace (John Kelly, appellant/applicant); or
2. **UPHOLD** the Board of Adjustment's decision to deny a special exception to establish an alcoholic beverage establishment (package liquor store) located on the northwest corner of the intersection Red Bug Lake Road and Oviedo Crossing Terrace in the Oviedo Marketplace (John Kelly, appellant/applicant); or
3. **CONTINUE** the request to a time and date certain.

Commission District #1

Kathy Fall, Principal Planner

BACKGROUND:

At its July 25, 2005 regular meeting, the Board of Adjustment denied a special exception to establish an alcoholic beverage establishment (package liquor store). The Board found the proposed use is incompatible in size and type with the current approved uses in the Oviedo Marketplace. On August 8, 2005, the applicant appealed the Board of Adjustment's decision to the Board of County Commissioners.

STAFF RECOMMENDATION:

Overturn the Board of Adjustment's decision to deny a special exception to establish an alcoholic beverage establishment (package liquor store).

Reviewed by: KL
Co Atty: _____
DFS: _____
Other: _____
DCM: KL
CM: KL
File No. ph130pdp05

Attachments: Special Exception Application
Letter of Appeal (8/8/05)
BOA meeting minutes (7/25/05)
Property Appraiser Information
Zoning, land use and location maps
Oviedo Crossings (Marketplace) Developer Commitments

STAFF REPORT

GENERAL INFORMATION	John Kelly, P.E., Dyer, Mills, & Precourt, Inc. ABC at Oviedo Marketplace	Alcoholic Beverage Establishments; LDC section 30.1353(b)(2)&(3)																								
BACKGROUND / REQUEST	<ul style="list-style-type: none"> The applicant requests a special exception to establish a packaged liquor store. The proposed 9,200 square foot packaged liquor store will be located on a 1.25 acre parcel located in the Oviedo Marketplace (aka Oviedo Crossing) Planned Unit Development (PUD). The PUD's master plan allows for the permitted uses in the C-1 (Retail Services) zoning classification. Conditional uses, such as alcoholic beverage establishments, are allowed if approved by the Board of Adjustment per the Oviedo Marketplace Development Order. 																									
ZONING & FLU	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: black; color: white;"> <th style="width: 15%;">Direction</th> <th style="width: 20%;">Existing Zoning</th> <th style="width: 25%;">Existing FLU</th> <th style="width: 40%;">Use of Property</th> </tr> </thead> <tbody> <tr> <td>Site</td> <td>PUD</td> <td>HIP</td> <td>vacant</td> </tr> <tr> <td>North</td> <td>PUD</td> <td>HIP</td> <td>vacant</td> </tr> <tr> <td>South</td> <td>C-2</td> <td>Commercial</td> <td>commercial</td> </tr> <tr> <td>East</td> <td>PUD</td> <td>HIP</td> <td>restaurant</td> </tr> <tr> <td>West</td> <td colspan="2">City of Oviedo</td> <td>vacant</td> </tr> </tbody> </table>		Direction	Existing Zoning	Existing FLU	Use of Property	Site	PUD	HIP	vacant	North	PUD	HIP	vacant	South	C-2	Commercial	commercial	East	PUD	HIP	restaurant	West	City of Oviedo		vacant
Direction	Existing Zoning	Existing FLU	Use of Property																							
Site	PUD	HIP	vacant																							
North	PUD	HIP	vacant																							
South	C-2	Commercial	commercial																							
East	PUD	HIP	restaurant																							
West	City of Oviedo		vacant																							
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:</p> <p><u>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area:</u></p> <p>The Oviedo Marketplace master plan allows for 175.5 acres of retail services. The existing retail services in the immediate area consist of a regional mall, restaurants, large and small retail stores.</p> <p><u>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes:</u></p> <p>Staff believes the proposed use would not significantly affect traffic volumes beyond that of other uses permitted in the C-1 zoning classification.</p>																									

	<p><u>Is consistent with the Seminole County Vision 2020 Comprehensive Plan:</u></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes the High Intensity Planned Development – Transitional (HIP-TR) as a land use within the urban area that allows for the medium and high density commercial uses along major roadways.</p> <p><u>Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:</u></p> <p>The proposed use and site plan meets the setbacks, building size and lot size requirements of the Oviedo Marketplace master plan.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>Section 30.1353(b)(2) of the Land Development Code (LDC) requires a special exception for the establishment of any business selling alcoholic beverages in the C-1 district, either for on-premise or off-premise consumption, where the sale of alcoholic beverages is not incidental to other products sold.</p> <p>The LDC further applies minimum separation requirements between any business selling alcoholic beverages as a primary use and like establishments, churches, schools and properties with residential land use or zoning. Staff has determined the following:</p> <ul style="list-style-type: none"> ○ There are no school or church occupied properties located within 1000 feet of the proposed package liquor store, as measured at the shortest distance within public rights-of-way from the entrance of the package liquor store. ○ The proposed package liquor store meets minimum separation requirements from like establishments (500 ft), residential properties (500 ft), and residential buildings (100 ft).
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends approval of the request, subject to the following conditions:</p> <ul style="list-style-type: none"> ○ The on-premise consumption of alcoholic beverages shall be prohibited.



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

Appeal

APPL. NO. BS 2005-008

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

N/A **VARIANCE**

SPECIAL EXCEPTION for establishment of a store for retail sales of alcoholic beverages for consumption off-site only in a PUD parcel designated for Commercial (Retail Services) use.
 The proposed use is permitted under the Master Plan, but is a Conditional Use, requiring BoA approval.

N/A **MOBILE HOME SPECIAL EXCEPTION**

EXISTING (YEAR _____) PROPOSED (YEAR _____)
 REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
 ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 PLAN TO BUILD YES NO IF SO, WHEN _____
 MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO

N/A **APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	James T. Barnes/Jambarco LLC	John C. Kelly, P.E. / DRMP
ADDRESS	1031 W. Morse Blvd., #300 Winter Park, FL 32789	1505 E. Colonial Drive Orlando, FL 32803
PHONE 1	407-628-8700 ext. 125	407-896-0594
PHONE 2		
E-MAIL		jkelly@drmp.com

PROJECT NAME: ABC at Oviedo MarketPlace

SITE ADDRESS: address not yet available; NW cnr of Red Bug Lake Rd. & Oviedo Crossing Terrace

CURRENT USE OF PROPERTY: vacant

LEGAL DESCRIPTION: see attached

SIZE OF PROPERTY: 1.2 acre(s) PARCEL I.D. 17-21-31-509-0000-0020

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS none

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 7 / 25 / 05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

James T. Barnes
 SIGNATURE OF OWNER OR AGENT*

6/2/5
 DATE

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

ADDITIONAL VARIANCES

VARIANCE 2				
VARIANCE 3				
VARIANCE 4				
VARIANCE 5				
VARIANCE 6	<table border="1"> <tr> <td>RECEIVED</td> </tr> <tr> <td>AUG 9 2005</td> </tr> <tr> <td>PLANNING DIVISION</td> </tr> </table>	RECEIVED	AUG 9 2005	PLANNING DIVISION
RECEIVED				
AUG 9 2005				
PLANNING DIVISION				
VARIANCE 7				

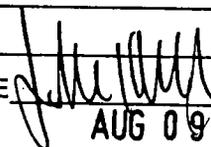
APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION	
NAME	John C. Kelly, P.E. Vice President; Dyer, Riddle, Mills & Precourt, Inc.
ADDRESS	1505 E. Colonial Dr. Orlando, FL. 32803
PHONE 1	407.896.0594
PHONE 2	fax. 407.896.4836
E-MAIL	jkelly@drmp.com

NATURE OF THE APPEAL

SEE LETTER ATTACHED

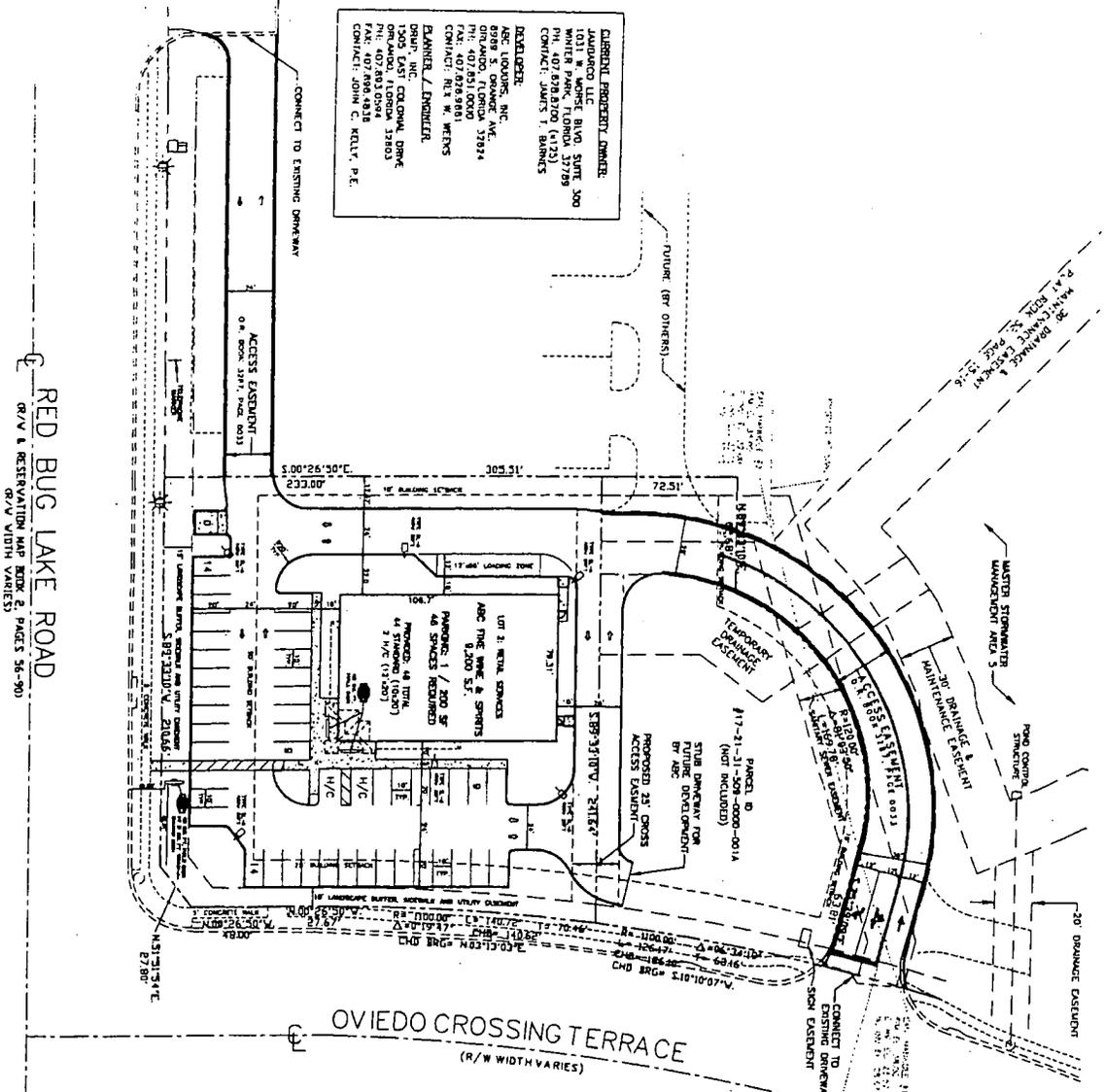
APPELLANT SIGNATURE



AUG 09 2005

FOR OFFICE USE ONLY

PROCESSING	
FEE(S)	COMMISSION DISTRICT FLU / ZONING
BCC HEARING DATE	(FOR APPEAL)
LOCATION FURTHER DESCRIBED AS	
PLANNING ADVISOR	DATE
SUFFICIENCY COMMENTS	

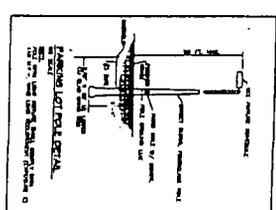


RED BUG LAKE ROAD
 R/W & RESERVATION MAP BOOK 2, PAGES 56-90
 R/W WIDTH VARIES

CLIENT PROPERTY OWNER:
 JAYBROOK LLC
 1011 N. WORME BLVD, SUITE 300
 WINTER PARK, FLORIDA 32789
 PH: 407/831-0000
 CONTACT: JAMES J. BARNES

DEVELOPER:
 ABC LIQUORS, INC.
 1000 EAST CENTRAL PARKWAY
 ORLANDO, FLORIDA 32814
 PH: 407/828-9981
 CONTACT: RICH W. WELLS

PLANNER / ENGINEER:
 MICHAEL J. COLEMAN, P.E.
 1300 EAST CENTRAL PARKWAY
 ORLANDO, FLORIDA 32803
 PH: 407/803-0054
 CONTACT: JOHN C. KELLY, P.E.



LEGAL DESCRIPTION (LOT 2 ONLY):
 LOT 2, OVIEDO CROSSING, PH 2A,
 PLOT BOOK 52, PAGES 13 & 18.

DEVELOPMENT DATA (LOT 2 ONLY):
 MAJOR AND MINOR USE OF PROPOSED USE:
 STORE FOR RETAIL SALES OF ALCOHOLIC BEVERAGES FOR CONSUMPTION
 OFF-SITE ONLY.

SITE DATA:
 EXISTING AREA: 0.17-21-31-500-000-002A
 PROPOSED USE: COMMERCIAL (PACKAGE STORE)
 PROJECT AREA: 54,455.48 S.F. (1.25 ACRES)
 REQUIRED: 20% MINIMUM (10,891.13 S.F.)
 PROVIDED: 18,481.7 S.F. (0.42 ACRES)

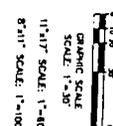
BUILDING DATA:
 PROPOSED BUILDING AREA: 9,200 S.F.
 REQUIRED: 1 SPACE / 200 S.F. = 9700 / 200 = 48 SPACES
 PROVIDED: 46 SPACES (44 STANDING, 2 HANDICAP)

REMARKS:
 FROM PROPOSED GRADE TO TOP OF PARAPET WALL: 18'-8"
 FROM PROPOSED GRADE TO TOP OF ENTRANCE CANOPY: 23'-5"
 FROM EXISTING GRADE TO TOP OF ENTRANCE CANOPY: 325"

REMARKS:
 PROJECTED NUMBER OF EMPLOYEES ON THE LARGEST SHIFT: 3
 HOURS OF PROPOSED OPERATION:
 9:00-11:00 Sun-Thurs / 9-12:00 Fri-Sat.

SEAL CALCULATIONS:
 2.50 FT. X 79.3 LIN. FT. OF BLDG FRONTAGE = 199.50 FT. OF
 ALLOWABLE SIGN FACE AREA.

PROPOSED SIGNAGE:
 WALL SIGN: (2) 48 SQ. FT. = 96 SQ. FT.
 POLE SIGN: (1) 48 SQ. FT. + (1) 15 SQ. FT. READ-A-BOARD = 63 SQ. FT.
 TOTAL PROPOSED SIGNAGE:
 WALL SIGN = 96 SQ. FT.
 POLE SIGN = 63 SQ. FT.
 TOTAL SIGN AREA = 159 SQ. FT.



SITE DEVELOPMENT PLAN

DATE	BY	CHK'D BY
DATE: JUNE 2008	SCALE: 1" = 20'	DATE: JUNE 2008
DATE: JUNE 2008	SCALE: 1" = 20'	DATE: JUNE 2008
DATE: JUNE 2008	SCALE: 1" = 20'	DATE: JUNE 2008

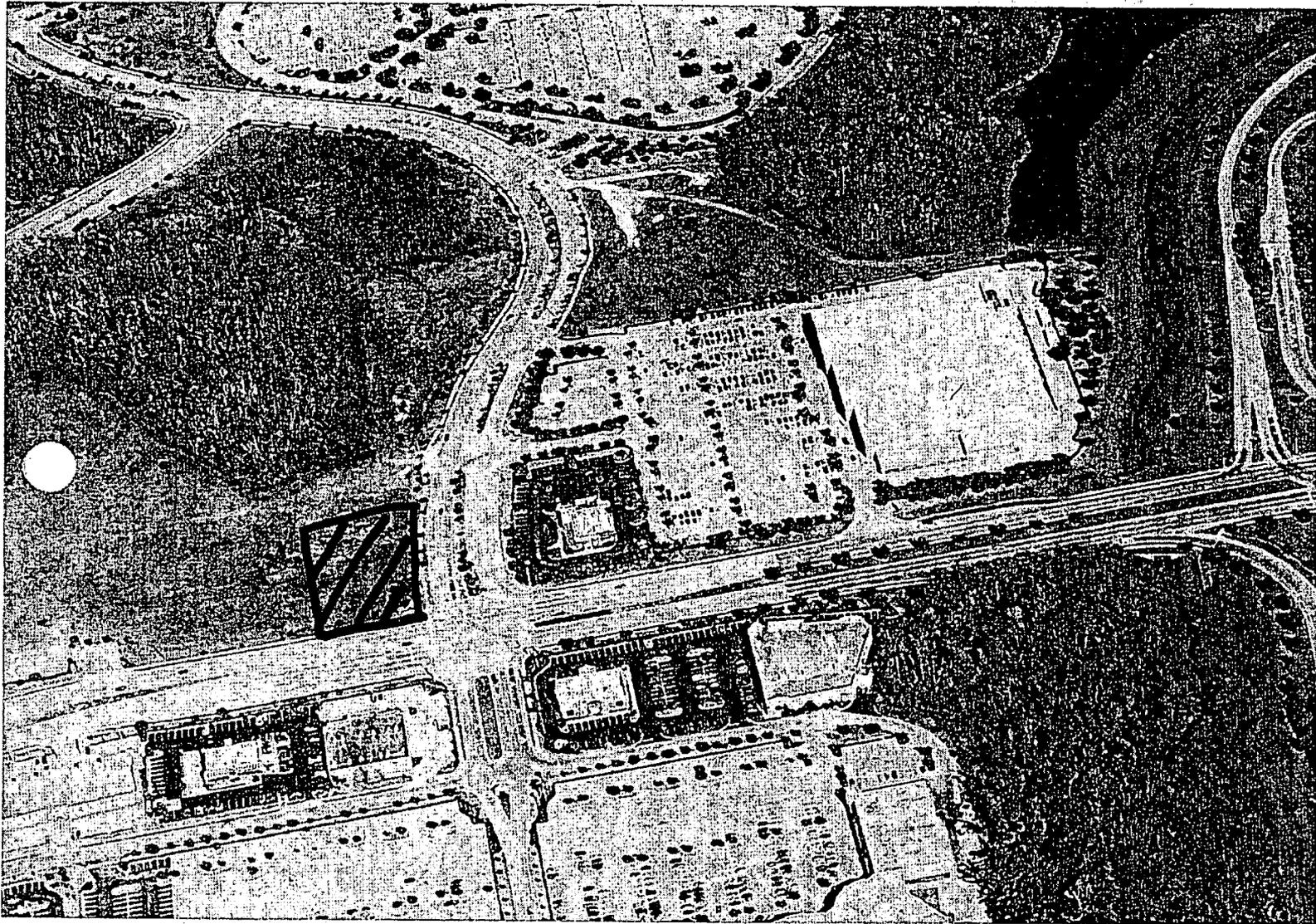
ABC LIQUORS, INC.
 1000 EAST CENTRAL PARKWAY
 ORLANDO, FLORIDA 32814
 PH: 407/828-9981

ABC FINE WINE & SPIRITS STORE OVIEDO
 RED BUG LAKE ROAD @ OVIEDO CROSSING TERRACE, OVIEDO, FLORIDA

DRMP
 DESIGNER - SURVEYOR - PLANNER - SCHEMATIC

1505 East Colonial Drive - Orlando, Florida 32803
 Phone: 407.896.0394 Fax: 407.896.4836
 Florida Certificate of Authorization No. 1644

NO.	REVISIONS	BY

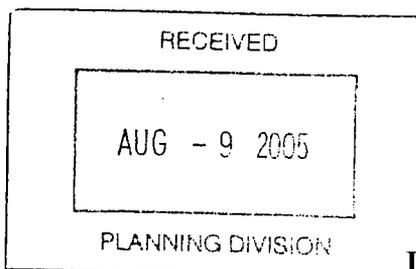


(c) Copyright 2004, Pictometry International

Dyer, Riddle, Mills
& Precourt, Inc.

Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.



August 8, 2005

DRMP Job # 05-0392.000

Seminole County Board of Commissioners
1101 East First Street
Sanford, Florida 32771

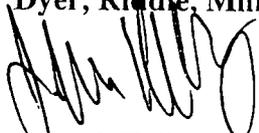
Re: **ABC Liquors, Inc. – Petition for Special Exception**
Case no. BS2005-008

Gentlemen:

This letter is intended to constitute our Notice of Appeal from the adverse decision rendered by the Board of Adjustment at its meeting on July 25, 2005.

The basis for this appeal is that the only evidence presented clearly showed that the applicant met all of the criteria for the issuance of the special exception and that there was no evidence whatsoever upon which the special exception could be denied. Further, the Board made no findings whatsoever to support the denial.

Sincerely,
Dyer, Riddle, Mills & Precourt, Inc.



John C. Kelly, P.E.
Vice President

cc: Kathy Fall
Tom Hartmann
Rex Weeks
John F. Bennett

1505 East Colonial Drive
Orlando, Florida 32803
Phone: 407.896.0594
Fax: 407.896.4836

- Bartow, Florida
- Charlotte, North Carolina
- Chipley, Florida
- DeLand, Florida
- Ft. Myers, Florida
- Jacksonville, Florida
- Orlando, Florida
- Panama City Beach, Florida
- Tallahassee, Florida
- Tampa, Florida

1.800.375.3767
www.drmp.com

Swann & Hadley, P.A.
Attorneys and Counselors at Law

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Sharon B. Abner
Karen M. Brown
Stuart P. Buchanan
Ralph V. Hadley, III
Bonnie J. Jackson
Jeffrey R. Jantz
Richard A. Leigh
Richard R. Swann

1031 W. Morse Boulevard
Suite 350
Winter Park, Florida 32789
Telephone (407) 647-2777
Fax (407) 647-2157

11 July 2005

John F. Bennett, Esquire
Fishback, Dominick, Bennett, et al.
170 East Washington Street
Orlando, Florida 32801

**Re: Jambarco, LLC sale to ABC Liquors, Inc.
Oviedo**

Dear Mr. Bennett:

Please be advised that this firm acts as general counsel for Jambarco, LLC.

We have been provided with a copy of the June 24, 2005 letter to Ms. Patricia Johnson, signed by Gerald Seeber, City Manager for the City of Oviedo.

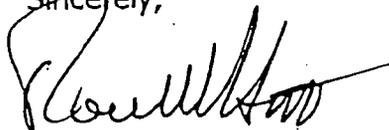
On behalf of my client, I wish to confirm to you that no hotel development has been proposed for the site owned by Jambarco, LLC, which is under contract for sale to ABC Liquors, Inc. Our client has not been contacted by anyone with respect to a proposed hotel site, has not entered into any discussions concerning a hotel site, and has no plans, contingent or otherwise, with respect to this property except for the sale to ABC Liquors, Inc.

My client fully supports the application pending before the County.

As I understand the City Manager's letter, the City of Oviedo does not object to ABC Liquors, but expressed a preference for a hotel site should the same be in the works. The purpose of this letter is to advise all concerned that no such proposal is in the works, is not contemplated and has, in fact, not even been discussed with my client.

I trust this answers any questions you might have in this matter.

Sincerely,



Ralph V. Hadley, III

RVH:mm
Enclosure
cc: Jambarco, LLC

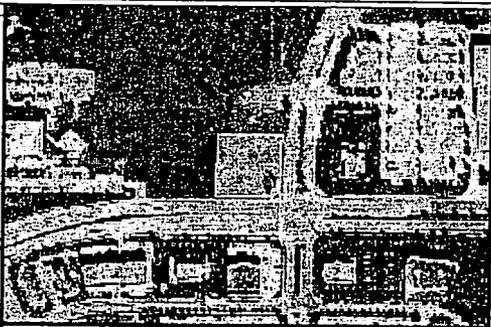
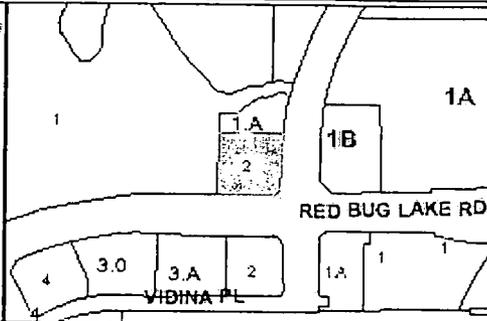
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY, FL

1101 E. FIRST ST
SANFORD, FL 32771-1468
407-565-7508



GENERAL

Parcel Id: 17-21-31-509-0000-0020
 Owner: JAMBARCO LLC
 Mailing Address: 1031 W MORSE BLVD STE 300
 City, State, Zip Code: WINTER PARK FL 32789
 Property Address:
 Facility Name:
 Tax District: 02-COUNTY-DOVERA
 Exemptions:
 Dor: 10-VAC GENERAL-COMMERC

2005 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 0
 Depreciated Bldg Value: \$0
 Depreciated EXFT Value: \$0
 Land Value (Market): \$479,160
 Land Value Ag: \$0
 Just/Market Value: \$479,160
 Assessed Value (SOH): \$479,160
 Exempt Value: \$0
 Taxable Value: \$479,160
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	12/2003	05148	1911	\$618,300	Vacant
CORRECTIVE DEED	08/1997	03289	0697	\$100	Vacant
WARRANTY DEED	08/1997	03285	0197	\$876,000	Vacant

Find Sales within this DOR Code

2004 VALUE SUMMARY

2004 Tax Bill Amount: \$8,098
 2004 Taxable Value: \$479,160
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	47,916	10.00	\$479,160

LEGAL DESCRIPTION PLAT

LOT 2 OVIEDO CROSSING PH 2A PB 52 PGS 15 & 16

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 ITEM #19 BOARD OF ADJUSTMENT MEETING ON MONDAY
JULY 25, 2005**

RED BUG ROAD (LOT 2) - John Kelly, Dyer, Riddle, Mills & Precourt, applicants; Request for special exception to establish an alcoholic beverage establishment (package store) in the PUD (Planned Unit Development District); Located on the northwest corner of the intersection Red Bug Lake Road and Oviedo Crossing Terrace; (BS2005-008).

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the property and stated that the proposed 9,200 square foot packaged liquor store will be on a 1.25 acre parcel located in the Oviedo Marketplace Planned Unit Development. She further stated that the Planned Unit Development Master Plan allows for the permitted uses in the C-1 Zoning Classification. She also stated that conditional uses, such as Alcoholic Beverage Establishments are allowed if approved by the Board of Adjustment. She lastly stated that staff recommended approval of the request, subject to the following condition:

- The on-premise consumption of alcoholic beverages shall be prohibited.

John Bennett stated that he was making the presentation on John Kelly behalf. He referred to the packet he had given to the Board members showing the proposed site with interior photos and other ABC stores in the general vicinity. He continued by stating the criteria for granting a variance.

- Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area
- Does not had an unduly adverse effect on existing traffic patterns, movements and volumes
- Is consistent with the County's Vision 2020 Comprehensive Plan
- Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification
- Will not adversely affect the public interest.

He furthered stated that based on the criteria he thought the request should be granted. He also referred to the letter signed by Gerald Seeber, City Manage for the City of Oviedo. He stated that the City did not object to ABC Liquors, but expressed a preference for a hotel site should the same be in the works. He further stated that no such proposal is in the works, is not contemplated and has in fact, not even been discussed with his client.

Greg Pryor stated that he was the Chairman of the Red Bug Residential Coalition which has over 2,500 members. He further stated that they were a Pro Development Organization who believe consistency and compatibility is very important to the area. He also stated that the area is a Plan Development with a lot of input from the community. He further stated that there had not been any

special exception granted in that area. He continued to state that if the Board granted the special exception tonight what is to stop Hess from requesting a special exception. He further stated to issue this use it requires special circumstances and they didn't see any special circumstances. He lastly stated that he asked the Board not to grant the request.

Mr. Bennett stated that the Board did not have absolute discretion, which is why you have the criteria set forth in the code. He further stated that Mr. Pryor didn't suggest that any of the criteria was not met, with that in mind I think it is appropriate to grant the special exception.

Mr. Rozon stated that the Board of Adjustment approved two (2) special exceptions in that area.

Mr. Bushrui stated that he lives in the area and the area caters to families. He further stated that this request would be too much for the area with the youth that are in the area.

Mr. Pennington made a motion to deny the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

Application for Special Exception
for Seminole County Board of Adjustment
Approval
of Conditional Use

ABC Fine Wine & Spirits
Oviedo Marketplace

With the accompanying application, ABC Fine Wine & Spirits respectfully requests approval of Special Exception for Conditional Use, for
*establishment of a store for retail sales of alcoholic beverages
for consumption off-site only in a PUD parcel designated for
Commercial (Retail Services) use.*

The proposed use is a Conditional Use permitted under the Oviedo MarketPlace PUD Master Plan, requiring Board of Adjustment approval.

The Parcel within the Oviedo MarketPlace PUD is Parcel ID# 17-21-31-509-0000-0020.

The proposed single-story 9000 square foot building will have the operating hours of 9:00 am to 10:00 pm Sunday through Thursday and 9:00 am to 12:00 Midnight Friday and Saturday. The store will have 3 employees per shift; two shifts a day. The store shall have the following amenities and services which are consistent with the surrounding Shoppe's in the Oviedo Marketplace and adjacent properties.

- Mediterranean Style Architecture
 - Earth Tone Colors on the Exterior and Interior
 - Expansive Storefront Windows for Increased Visibility
 - Brightly Illuminated Parking Area
 - Upscale Landscaping
 - Large Window Areas for "Open" Atmosphere Feeling
-
- Expanded Shopping Isles
 - Gourmet Foods and Cheeses
 - Large Selection of Domestic and Import Wines
 - Micro Brew Beers
 - Custom made Gift Baskets
 - Temperature Controlled Room for Select Wines
 - Cigar Humidor
 - Brightly Illuminated Sales Floor

DEVELOPMENT ORDER #

SEMINOLE COUNTY ADMINISTRATIVE ORDER

On July 25, 2005, Seminole County issued this Administrative Order relating to and touching and concerning the following described property:

LOT 2 OVIEDO CROSSING PH 2A PB 52 PGS 15 & 16

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

FINDINGS OF FACT

Property Owner: Jambarco, LLC
1031 W. Morse Boulevard, Suite 300
Winter Park, FL 32789

Project Name: ABC at Oviedo Marketplace

Requested Development Approval:

REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH AN ALCOHOLIC BEVERAGE ESTABLISHMENT (PACKAGED LIQUOR STORE).

After fully considering staff analysis and all evidence submitted at the public hearing of July 25, 2005, regarding this matter, the Board of Adjust has found, determined and concluded that the request for the Special Exception for an alcoholic beverage establishment is inconsistent with the large body of family oriented retail in the surrounding area, is a large alcoholic beverage establishment, incompatible with the C-1 uses allowed in the Oviedo Marketplace and is located at the gateway to the Oviedo Marketplace. In conclusion the use is incompatible in size and type with the current family type approved uses in the Oviedo Marketplace.

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

DEVELOPMENT ORDER #

Done and Ordered on the date first written above.

By: [Signature]
Matthew West
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 9 day of Aug, 2005.

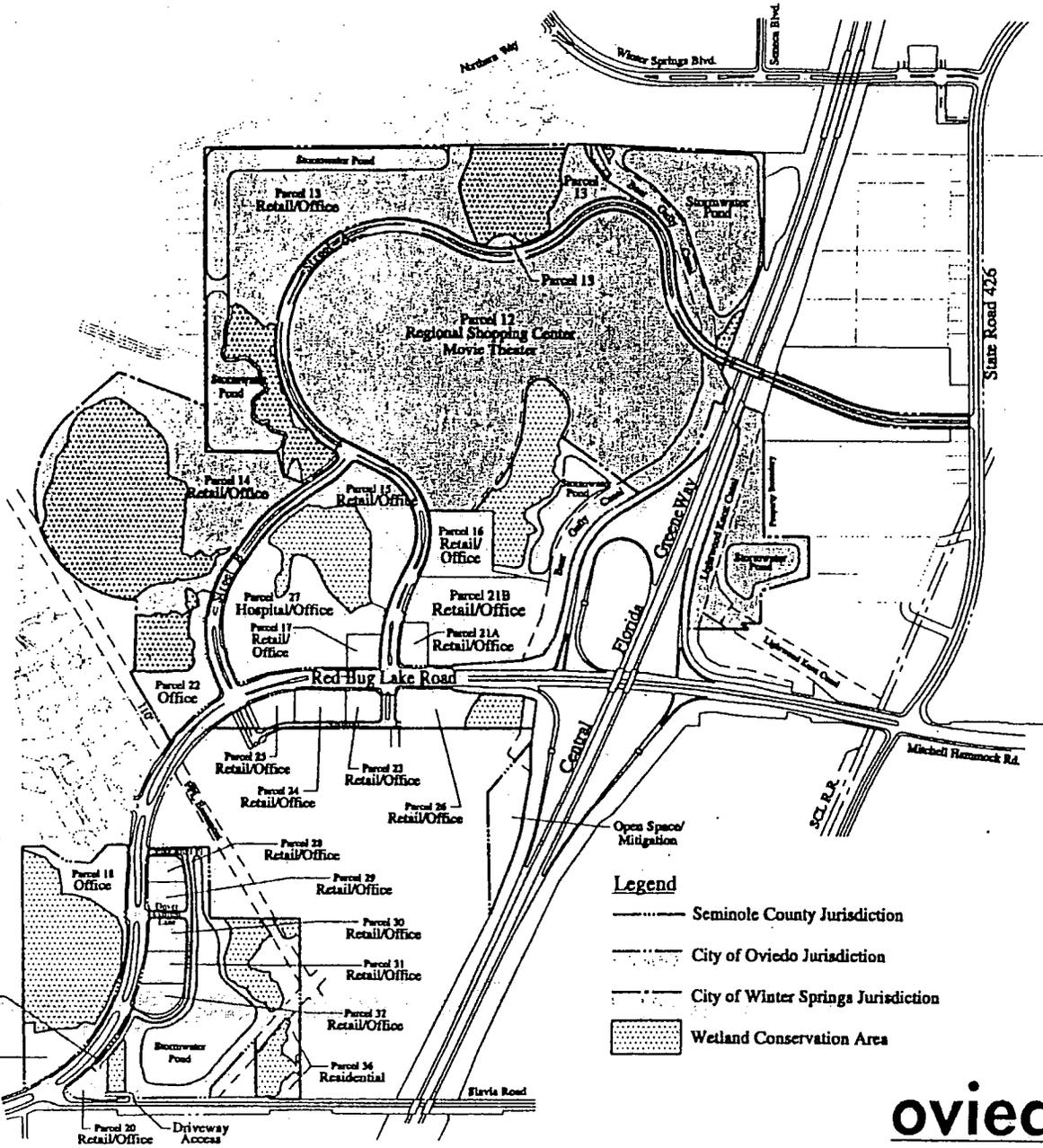
[Signature]
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Karen Mathews
My Commission DD144950
Expires August 26, 2006

Exhibit 2



Legend

- Seminole County Jurisdiction
- City of Oviedo Jurisdiction
- City of Winter Springs Jurisdiction
- Wetland Conservation Area

LAND USE BY JURISDICTION

City of Oviedo			
Land Use	Parcel	Acres	Development Program
Retail	13	25.1	1,200,000 SF
Retail	13	20.1	300,000 SF
Total		112.3	1,400,000 SF

City of Winter Springs			
Land Use	Parcel	Acres	Development Program
Retail/Office	14	18.4	160,000 SF
Total		18.4	160,000 SF

Seminole County			
Land Use	Parcel	Acres	Development Program
Retail/Office	12	7.3	59,000 SF
Retail/Office	16	5.1	30,000 SF
Retail/Office	17	1.2	10,000 SF
Office	14	4.2	30,050 SF
Office	19	3.3	37,750 SF
Retail/Office	20	1.4	2,730 SF
Retail/Office	21A	1.4	3,443 SF
Retail/Office	21B	11.9	124,410 SF
Office	22	5.4	39,000 SF
Retail/Office	23	0.9	12,351 SF
Retail/Office	24	3.4	11,303 SF
Retail/Office	25	1.0	3,206 SF
Retail/Office	26	3.9	30,641 SF
Hospital/Office	27	13.4	104,941 SF
			0-120 Beds
Retail/Office	28	1.1	11,300 SF
Retail/Office	29	1.3	4,642 SF
Retail/Office	30	1.4	7,000 SF
Retail/Office	31	1.6	15,000 SF
Retail/Office	32	1.6	4,700 SF
Residential	34	1.3	4 DU
TOTAL		72.1	340,471 SF
			0-120 Beds
			4 DU

- Notes:**
- (1) Includes, but is not limited to Office, Clinical Facilities, and up to a 120-bed Hospital. The office component within Parcel 27 will not exceed 75,000 SF or 7 acres.
 - (2) The exact location of wetlands to be removed in Parcel 16 may change at the time of final site planning and permitting. In no case, however, will the acreage to be impacted exceed 1.0 acre.
 - (3) A land use equivalency matrix allows for the exchange of retail and office uses between parcels.
 - (4) Parcels 12 and 13 are located within the City of Oviedo and are subject to a separate City of Oviedo PUD. Parcel 14 is located within the City of Winter Springs Jurisdiction.
 - (5) Phasing dates changed in First Amended and Reissued Development Order dated December 17, 1997.
 - (6) The number of parking spaces shown on the Master Development Plan are the minimum number to be provided. The City of Oviedo Parking Code will be adhered to.

LAND USE BY PHASE

Land Use	Parcel(s)	Acres	Development Program	Parking Spaces
PHASE 1a and 1b APPROVED				
Retail/Office	20, 21a, 21b, 23, 24, 25, 26, 29, 30, 31, 32	29.1	230,197 SF	1,300
Office	14, 19, 22	12.9	126,800 SF	700
SUBSTANTIAL DEVIATION				
PHASE 2 (2000-2002) (S)				
Retail/Office	13, 16, 17	101.4	1,240,000 SF	7,300
Hospital/Office (H)	27	13.4	104,941 SF (H)	630
PHASE 3 (2003-2005) (S)				
Retail/Office	13, 14, 15	46.0	419,000 SF	1,750
Residential	34	-	0 to 120 Beds	240
Residential	34	1.3	4 DU	-

SUMMARY OF LAND USE

Land Use	Parcel(s)	Acres	Development Program	Parking Spaces
Retail/Office	12, 13, 14, 15, 16, 17, 20, 21a, 21b, 23, 24, 25, 26, 29, 30, 31, 32	176.3	1,909,197 SF	10,950
Office	14, 19, 22	12.9	126,800 SF	600
Hospital/Office	27	13.4	104,941 SF	630
Residential	34	1.3	4 DU	240
Stoneywater Ponds/Stream Pkg	-	48.4	-	-
Wetland Conservation	-	89.3	-	-
Canals and Canal Enclosures	-	20.2	-	-
Open Space	-	34.0	-	-
Right-of-Way	-	20.8	-	-
TOTAL		431.2		13,440

oviedomarketplace



Master Development Plan

Revised July, 1998
 Revised April, 1998
 Revised April, 1998
 Approved August, 1998

G GLATTING
 JACKSON
 KERCHER
 ANGLIN
 LOPEZ
 RINEHART

- b. No building or parking facilities will be permitted within 250 feet of the project boundary.
- c. Building heights shall not exceed 35 feet within 275 feet of the boundary between the parcel and the adjacent residential uses, 45 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

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:

- Delicatessen
- Restaurants that serve alcohol
- Car wash
- 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

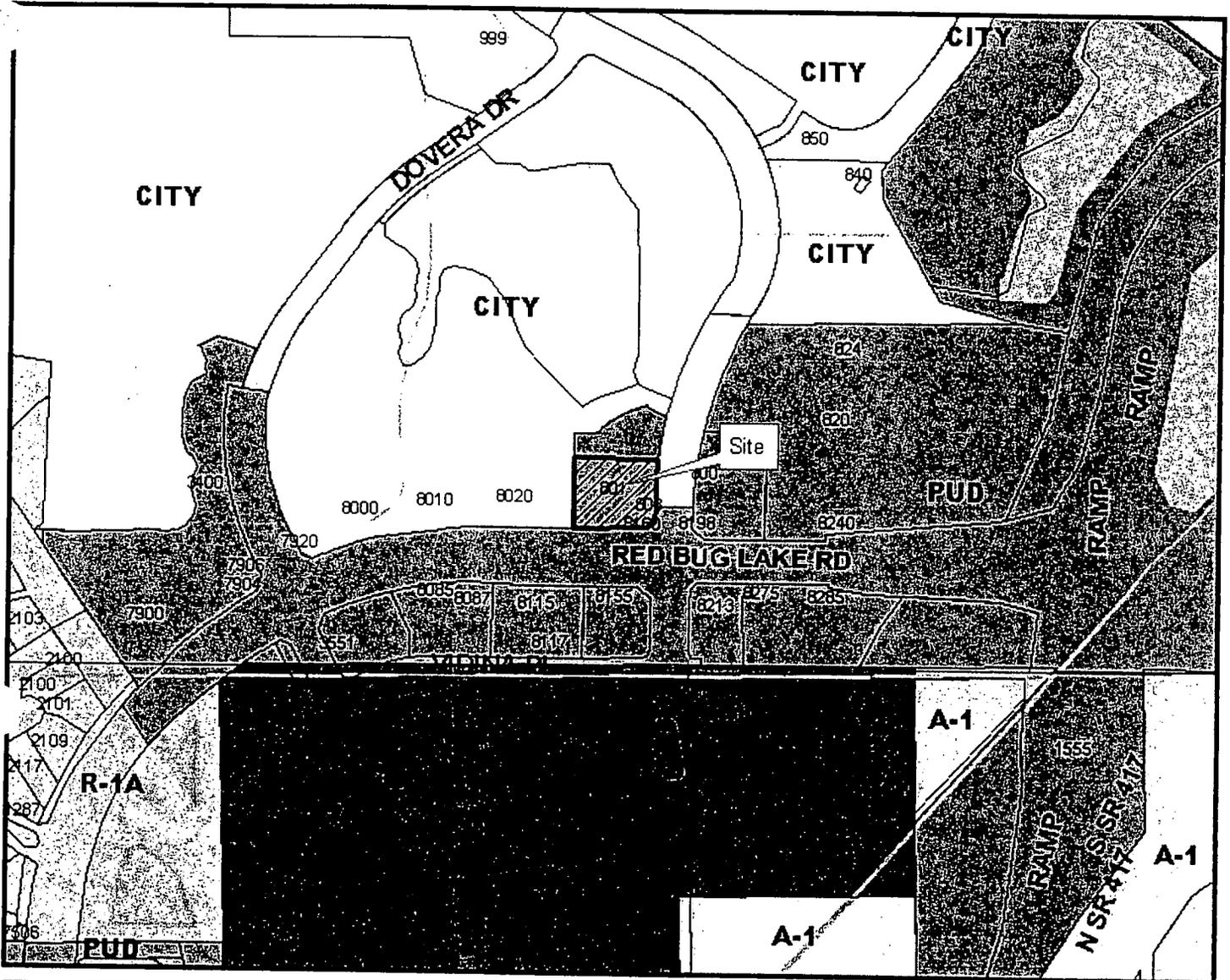
The determination of the Current Planning Division Manager shall be subject to appeal to the Board of County Commissioners.

- 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
- Mechanical or automotive garage
- Gasoline pumps

John C. Kelly, P.E./DRMP
 ABC at Ovideo Market Place



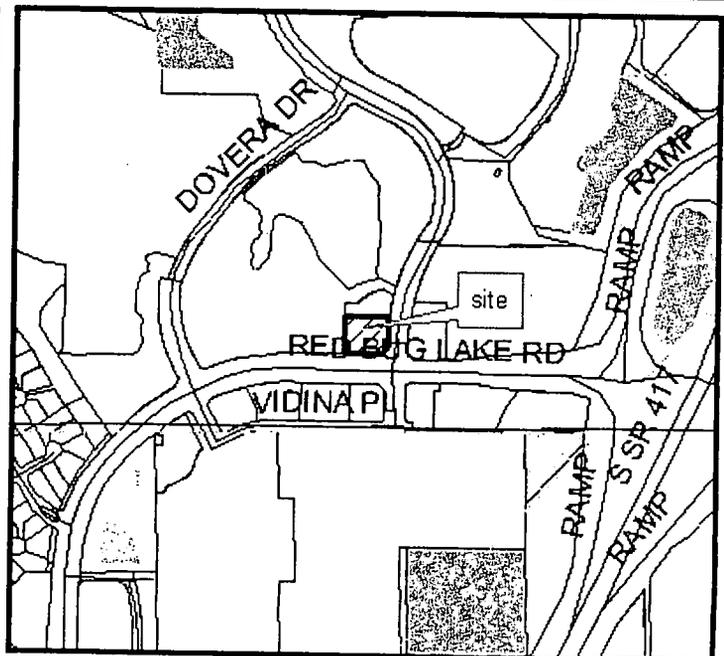
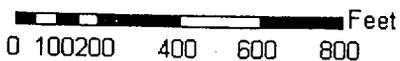
Seminole County Board of Adjustment
 July 25, 2005
 Case: BS2005-008
 Parcel No: 17-21-31-209-0000-0020

Zoning

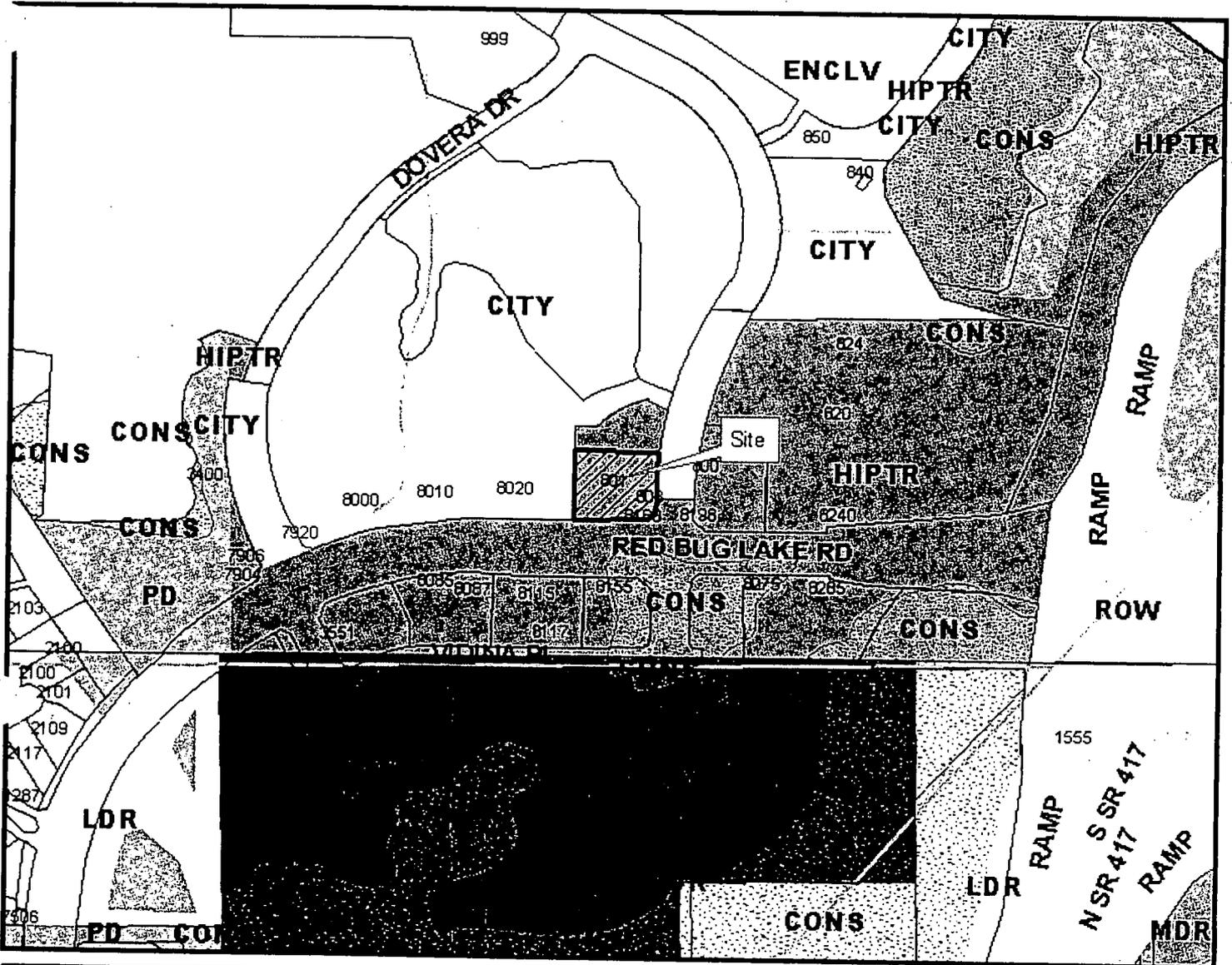
-  A-1 Agricultural-1Ac
-  R-1A Single Fam-9000
-  C-2 Retail Commercial
-  PUD Planned Unit Dev.

Parcel Use

-  All Other Values
-  Vacant Residential
-  Single Family Residential
-  Mobile Home
-  BS2005-008



John C. Kelly, P.E./DRMP
 ABC at Ovideo Market Place



Seminole County Board of Adjustment
 July 25, 2005
 Case: BS2005-008
 Parcel No: 17-21-31-209-0000-0020

Future Land Use

- | | | | |
|--|-------------|--|---------------------------|
| | CONS, LDR | | Parcel Use |
| | CONS, MDR | | All Other Values |
| | CONS, PD | | Vacant Residential |
| | CONS, COM | | Single Family Residential |
| | CONS, HIPTR | | Mobile Home |
| | LDR, NONE | | BS2005-008 |
| | MDR, NONE | | |
| | PD, NONE | | |
| | COM, NONE | | |
| | HIPTR, NONE | | |

