

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

**SUBJECT:** REQUEST FOR SPECIAL EXCEPTION TO PERMIT A RESTURANT TO SERVE BEER AND WINE WITHIN 1000 FEET OF A CHURCH; (RICH SCANLAN, APPLICANT).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

**Agenda Date** 01-24-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO PERMIT A RESTURANT TO SERVE BEER AND WINE WITHIN 1000 FEET OF A CHURCH; (RICH SCANLAN, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO PERMIT A RESTURANT TO SERVE BEER AND WINE WITHIN 1000 FEET OF A CHURCH; (RICH SCANLAN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: RICH SCANLAN LOCATION: 1819 WEST STATE ROAD 434 ZONING: C-1 (RETAIL COMMERCIAL DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT REQUESTS A SPECIAL EXCEPTION TO ALLOW THE INCIDENTAL SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) WITH MEALS IN A PROPOSED RESTAURANT THAT WOULD BE LOCATED APPROXIMATELY 716 FT FROM THE PROPERTY LINE OF AN EXISTING CHURCH.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE BOARD OF ADJUSTMENT MAY GRANT A SPECIAL EXCEPTION TO ALLOW A BONA FIDE RESTAURANT LOCATED WITHIN 1,000 FT OF A CHURCH OR SCHOOL TO SERVE ALCOHOLIC BEVERAGES WITH MEALS.</li> <li>• BASED ON REPRESENTATIONS OF THE APPLICANT, THE PLANNING MANAGER HAS DETERMINED THE PROPOSED USE TO BE A BONA FIDE RESTAURANT (WHERE A MAJORITY OF SALES AND PROFIT WOULD BE FROM THE SERVING OF MEALS AND NOT FROM THE SERVING OF ALCOHOLIC BEVERAGES).</li> </ul>

	<ul style="list-style-type: none"><li>• THE PROPOSED SALE OF ALCOHOLIC BEVERAGES WOULD BE INCIDENTAL TO THE PRINCIPAL RESTAURANT USE AND WOULD NOT BE DETRIMENTAL TO THE CHARACTER OF THE AREA.</li><li>• THE PROPOSED USE WOULD NOT AFFECT TRAFFIC VOLUMES IN EXCESS OF WHAT THE EXISTING RESTAURANT WOULD GENERATE.</li><li>• THE PROPOSED USE WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF COMMERCIAL FUTURE LAND USE FOR THE SUBJECT PROPERTY AND SEVERAL ADJOINING PROPERTIES ALONG STATE ROAD 434.</li><li>• THE PROPOSED USE WOULD OTHERWISE BE PERMITTED IN THE C-1 ZONING DISTRICT IF BEYOND 1,000 FT OF THE EXISTING CHURCH.</li><li>• AS A BONA FIDE RESTAURANT, THE PROPOSED ESTABLISHMENT WILL NOT BE SUBJECT TO SEPARATION REQUIREMENTS FROM RESIDENTIAL PROPERTIES.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANTING OF A SPECIAL EXCEPTION.</li><li>• STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST, SUBJECT TO THE FOLLOWING CONDITIONS:<ul style="list-style-type: none"><li>○ THE ESTABLISHMENT ON THIS PROPERTY SHALL BE A BONA FIDE RESTAURANT AS DEFINED BY THE SEMINOLE COUNTY LAND DEVELOPMENT CODE, WHERE A MAJORITY OF SALES AND PROFIT IS FROM THE SERVING OF MEALS AND NOT FROM THE SERVING OF ALCOHOLIC BEVERAGES AS DETERMINED BY THE PLANNING MANAGER; AND</li><li>○ THE PACKAGE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED, AND THE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED WHEN FOOD SERVICE IS NOT AVAILABLE.</li></ul></li></ul>

**PRE-APPLICATION MEETING INFORMATION REQUEST**  
**SEMINOLE COUNTY** **DEVELOPMENT REVIEW DIVISION**

**GENERAL STATEMENT:** A pre-application meeting with the County is an informal exchange of ideas and information session. The owner/developer must be prepared to discuss the details of the proposed project. Any variances or development waivers required for the project will be discussed during this meeting. The preliminary plan review during these meetings does not constitute a waiver of any requirements contained in the County's Land Development Code. Pre-application meetings are limited to thirty (30) minutes.

COMPLETE ALL INFORMATION ON THIS FORM

Return completed form with MAPS to SEMINOLE COUNTY GOVERNMENT, DEVELOPMENT REVIEW DIVISION, 1101 E. First Street, Sanford, FL, 32771. Phone (407) 665-7331

OR FAX APPLICATION WITH ATTACHMENTS TO (407) 665-7456

CUT-OFF TIME IS NOON ON THURSDAY

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

**APPLICANT INFORMATION**

NAME: RICHARD SCALLAN  Owner

COMPANY: SBARRO OF LONGWOOD LLC (DBA) Carmelas of Brooklyn  Agent

ADDRESS: 401 Broadhollow RD.

CITY, STATE, ZIP: Malville NY 11747

DAYTIME PHONE: (631) 715 4100 or FAX NUMBER: (631) 715-4189

NEAREST INTERSECTION(S) I 4 + 434 321-230-3453

ACTUAL PROPERTY ADDRESS (IF ADDRESS IS ASSIGNED) 1819 W STATE RD 434 LONGWOOD FL 32750

PROJECT NAME: Carmelas of Brooklyn

PROPOSED USE:  Commercial/Retail  Industrial  Office  Mixed-Use  Residential

REVIEW TYPE:  Site Plan  Subdivision:  Commercial  SFR  Minor Plat  
 Rezone/Land Use Amendment From \_\_\_\_\_ to \_\_\_\_\_

ISSUES TO DISCUSS: Liquor Lis. (Beer wine only)

MAPS (11" x 14" MAX) - ONE SITE MAP SKETCH SHOWING EXISTING AND PROPOSED DEVELOPMENT AND ONE LOCATION MAP

**IF PROJECT INCLUDES MORE THAN ONE PARCEL PLEASE ATTACH A LIST OF ALL PARCEL ID NUMBERS**

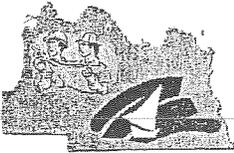
PROPERTY APPRAISER ID #: 02-21-29-300-004A-0000

# of Acres: \_\_\_\_\_ Current Zoning: C-1 Proposed Zoning: \_\_\_\_\_

**THIS BOX FOR STAFF USE ONLY**

MEETING DATE: \_\_\_\_\_

MEETING TIME: \_\_\_\_\_



**COPY**

RECEIVED  
 DEC 06 2004

APPL. NO. BS 2004-034

**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:**

- VARIANCE**
- SPECIAL EXCEPTION** to permit a restaurant serving alcoholic beverages within 1000' of a church
- 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
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	IOA PROPERTIES LLC	<del>DAVE LOVSTRAND</del>
ADDRESS	150 N. WESTMONTE DR AFTAMONTE SPRINGS FL 32714	RICH SCANLAN (321) 230-3453
PHONE 1	407-834-7099	
PHONE 2		
E-MAIL	LOVSTRANDP@IOA-INSURANCE.COM	

PROJECT NAME: SBARRO OF LONGWOOD, LLC DBA CAMELIS OF BROOKLYN

SITE ADDRESS: 1819 W STATE RD 434 LONGWOOD 32750

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: See ATTACHED

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 02-21-29-300-004A-0000

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 2 / 28 / 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.

12 / 6 / 04

SIGNATURE OF OWNER OR AGENT\*

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:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

**PROCESSING:**

FEE(S): 370.00 COMMISSION DISTRICT 4 FLU/ZONING C-1/COMMERCIAL

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS on the N. side of S.R. 434 approx. 0.2 miles E. of the inters. of Interstate 4 and S.R. 434

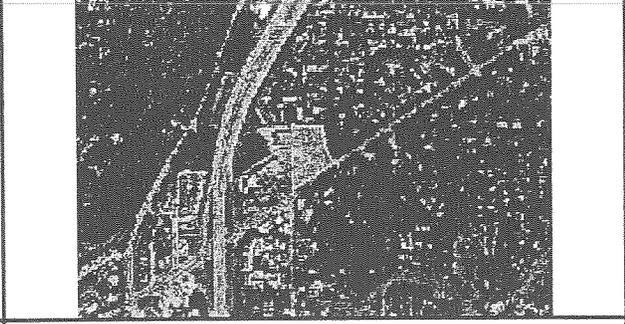
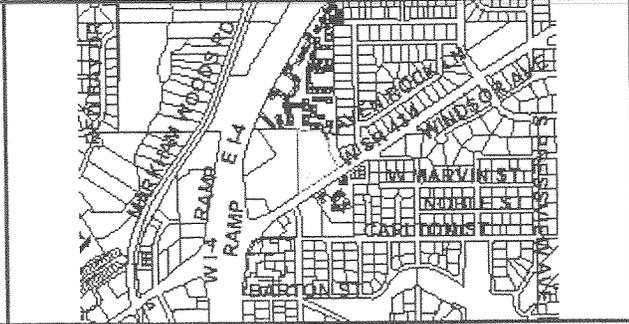
PLANNING ADVISOR JV DATE 12/6/04

SUFFICIENCY COMMENTS \_\_\_\_\_

Personal Property



**Seminole County**  
**Property Appraiser**  
**Services**  
 1101 E. First St.  
 Sanford Fl. 32771  
 407-665-7506



**GENERAL**

Parcel Id: 02-21-29-300-004A-0000 Tax District: 01-COUNTY-TX DIST 1  
 Owner: IOA PROPERTIES LLC Exemptions:  
 Address: 150 N WESTMONTE DR  
 City,State,ZipCode: ALTAMONTE SPRINGS FL 32714  
 Property Address: 1855 434 W LONGWOOD 32750  
 Facility Name: LONGWOOD VILLAGE SHOPPING CENTER  
 Dor: 16-RETAIL CENTER-ANCHOR

**2005 WORKING VALUE SUMMARY**

Value Method:	Income
Number of Buildings:	6
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$0
Land Value Ag:	\$0
Just/Market Value:	\$8,068,327 *
Assessed Value (SOH):	\$8,068,327 *
Exempt Value:	\$0
Taxable Value:	\$8,068,327

(\* Income Approach used.)

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	08/2003	04983	1844	\$8,000,000	Improved
WARRANTY DEED	12/1984	01604	0161	\$13,500,000	Improved
WARRANTY DEED	02/1983	01441	0380	\$1,300,000	Improved

Find Comparable Sales within this DOR Code

**2004 VALUE SUMMARY**

2004 Tax Bill Amount:	\$136,364
2004 Taxable Value:	\$8,068,327

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	571,738	6.00	\$3,430,428

**LEGAL DESCRIPTION**

LEG SEC 02 TWP 21S RGE 29E S 25 FT OF NW 1/4 OF NE 1/4 + W 1/2 OF SW 1/4 OF NE 1/4 ALL W OF SLEEPY HOLLOW + N OF ST RD 434 \*LESS 100 FT STRIP PARA + W OF SLEEPY HOLLOW & S 25 FT OF NE 1/4 OF NW 1/4 OF I-4 (LESS S 11.31 FT OF W 90 FT) AND 01-21-29-5CK-220A-0010 BLKS A B & C & 1/2 VACD ST ON N & E (LESS ST RD 400 & BEG 380.14 FT SWLY OF E LI BLK C ON N R/W ST RD 434 RUN S 64 DEG 12 MIN 24 SEC W 212.06 FT N 63 DEG 58 MIN 01 SEC W 60.02 FT N 3 DEG 56 MIN 36 SEC W 200 FT E 193.36 FT S 25 DEG 47 MIN 36 SEC E 150 FT TO BEG & BEG N 20 DEG 1 MIN 51 SEC E 36.31 FT OF INT NW COR BLK A & ELY LI ST RD 400 RUN E 90 FT S 33 DEG 23 MIN 16 SEC E 320 FT S 56 DEG 36 MIN 44 SEC W 448.51 FT N 3 DEG 56 MIN 36 SEC W 130.26 FT N 11 DEG 33 MIN 5 SEC E 144.08 FT N 20 DEG 1 MIN 51 SEC E 258.38 FT TO BEG) TRACT 22 SANLANDO SPRINGS PB 7 PG 3

**BUILDING INFORMATION**

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1975	38	65,386	2	CONCRETE BLOCK-STUCCO - MASONRY	\$1,908,712	\$2,870,243
Subsection / Sqft			OPEN PORCH FINISHED / 552					

# Storefront Lease Longwood Village

THIS LEASE is made and entered into this 25th day of August, 2004, by and between **IOA PROPERTIES, LLC**, A Florida Corporation (the "Landlord") and SBARRO of Longwood, LLC, (dba Carmela's of Brooklyn, 401 Broadhollow Road, Melville, NY 11747, (the "Tenant").

**1. LEASE OF PREMISES:** The Landlord is the owner of 1819 West State Road 434; a Storefront unit situated in Longwood Village, whose business office is located in suite 230, 1855 West State Road 434, Longwood, Florida 32750 (the buildings and real estate hereinafter referred to as the "Property"). Landlord does hereby agree to lease unto the Tenant, and the Tenant agrees to lease from Landlord, upon the terms and conditions hereinafter set forth. The parties agree and stipulate that the approximate gross rental area of the demised space is 2,623 rentable square feet of storefront space described as Unit 24 as per Exhibit "A" (hereinafter referred to as the "Premises").

**2. TERM:** Subject to and upon the conditions set forth herein, or in any exhibit or addendum hereto, this lease shall continue in force and for a term of: 5 years and -0- months, commencing on the 1st day of business, 2004, and ending after 5 years, unless sooner terminated as herein provided (hereinafter referred to as "Term"). Tenant shall have the right to renew this lease for 3 additional 5-year options, subject to the annual increases provided for herein under in paragraph 3C, with written notice to the Landlord ninety days prior to termination.

### 3. RENT:

**A. BASE RENT:** Tenant shall pay to Landlord Rent for the Premises (Rent) at the base annual rate of \$ 43,279.50, payable in equal monthly installments of \$ 3,606.63 and any sales or use tax which may be imposed upon rents (excluding state and/or federal income tax) now or hereafter imposed by any federal, state, local or any other governmental body. Sales tax at the commencement date of this Lease is 7.0 % of the monthly Rent or \$ 252.46 per month. Tenant shall pay to Landlord, upon commencement of this Lease, the total sum of \$ 3,859.09, (monthly rent plus tax equals Base Rent) representing the Base Rent for the first month of the Term and each month thereafter subject to the percentage increase in the Base Rent as set forth in paragraph 3B below and the addition rents in Paragraph 5A-5E.

**B. PERCENTAGE INCREASE IN BASE RENT:** ~~Notwithstanding anything contained herein to the contrary, the base rent provided in paragraph 3A shall increase every 12 months by the increase in the Consumer Price Index (as published by the U.S. Department of Labor U.S. Cities Average), except in no event shall the increase be more than 5% over the preceding base annual rent.~~

**C. INCREASES IN LIEU OF PERCENTAGE INCREASES:** Each year of this Lease, Tenant agrees to pay:

Years 1-3 at \$16.50 per sq ft + the additional rent

Years 4-6 at \$17.33 per sq ft + the additional rent

Years 7-9 at \$18.19 per sq ft + the additional rent

Years 10-12 at \$19.10 per sq ft + the additional rent

Years 13-15 at \$20.06 per sq ft + the additional rent

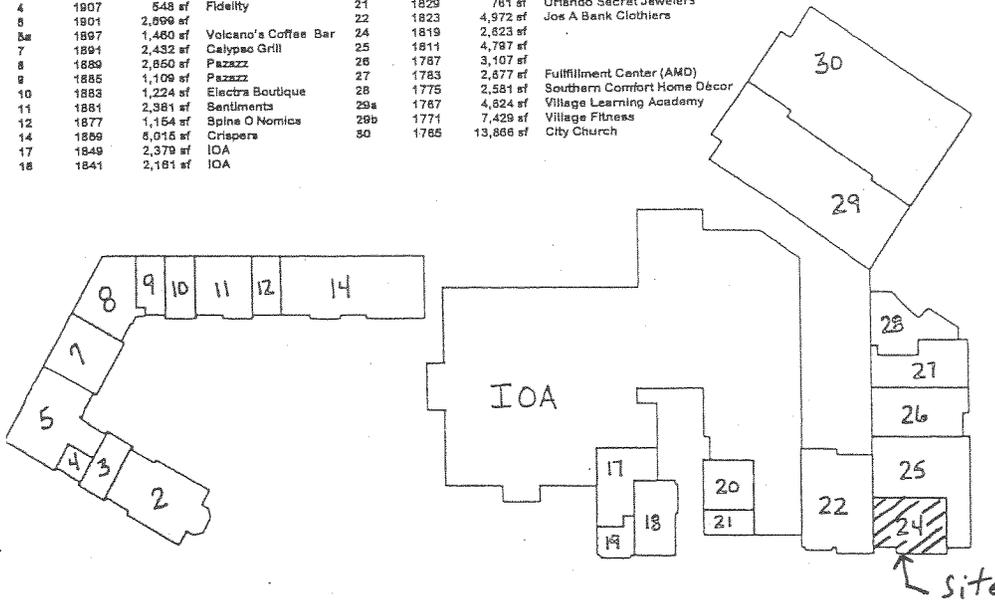
Years 16-18 at \$21.06 per sq ft + the additional rent

Years 19-20 at \$22.11 per sq ft + the additional rent

# Exhibit A

## Longwood Village Storefront Units

Unit #	Address	Square Footage	Company Name	Unit #	Address	Square Footage	Company Name
2	1907	3,860 sf	Fidelity	19	1845	823 sf	IOA
3	1907	1,228 sf	Fidelity	20	1830	1,800 sf	Journeys Restaurant
4	1907	548 sf	Fidelity	21	1829	781 sf	Oriando Secret Jewelers
6	1901	2,699 sf		22	1823	4,972 sf	Joe A Bank Clothiers
7	1897	1,460 sf	Volcano's Coffee Bar	24	1819	2,523 sf	
8	1891	2,432 sf	Calypso Grill	25	1811	4,787 sf	
8	1889	2,650 sf	Pazzzz	26	1787	3,107 sf	
9	1885	1,109 sf	Pazzzz	27	1763	2,577 sf	Fulfillment Center (AMD)
10	1883	1,224 sf	Electra Boutique	28	1775	2,581 sf	Southern Comfort Home Décor
11	1881	2,361 sf	Sandiments	29a	1767	4,824 sf	Village Learning Academy
12	1877	1,154 sf	Spine O Nomics	29b	1771	7,429 sf	Village Fitness
14	1859	8,015 sf	Crispera	30	1765	13,866 sf	City Church
17	1849	2,379 sf	IOA				
18	1841	2,181 sf	IOA				



BOSTON MARKET

Anchor IOA	1865 West State Road 434	49,422 sf
Out parcels Boston Market	1951 West State Road 434	3,072 sf
Bonefish	1781 West State Road 434	5,416 sf

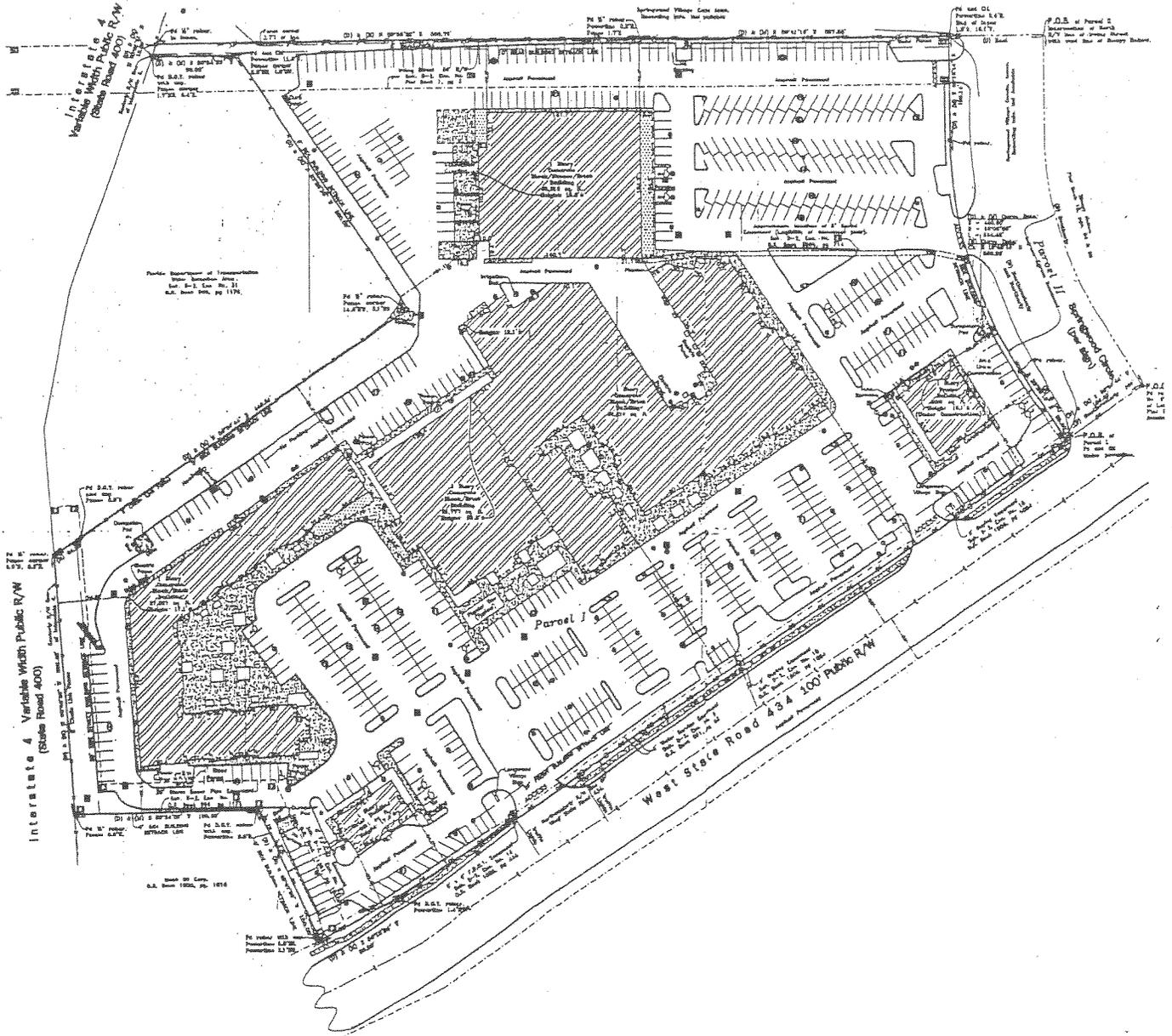
BONEFISH

Amendments to original Longwood Village Retail Leasing Plan certified by Heinz-U Michler CG C 038668 BSC BLD

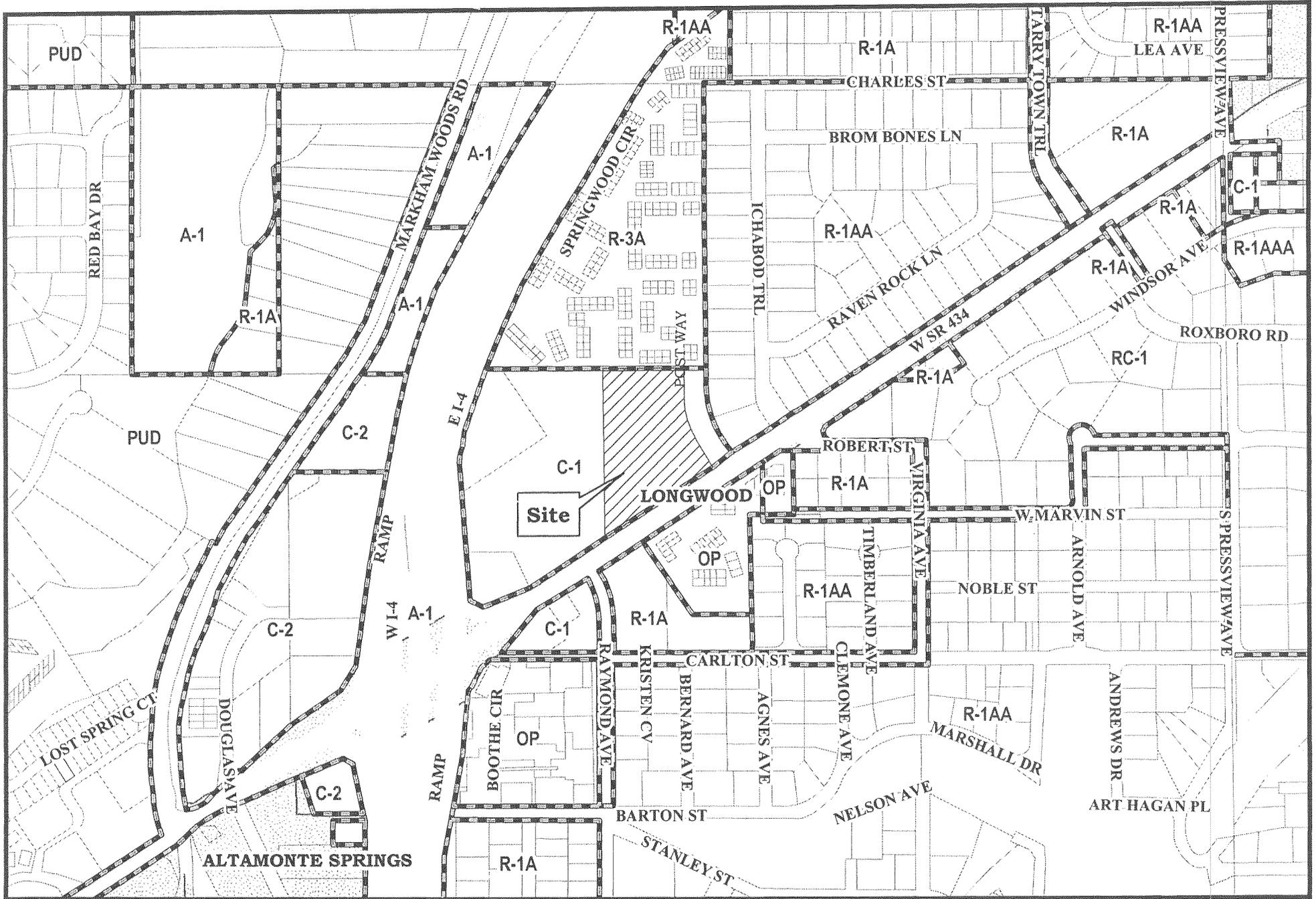
# Exhibit D

## Longwood Village

### Designated Parking Areas

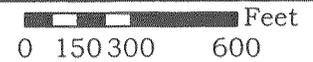


**Rich Scanlan  
1819 W. State Road 434**



Parcel: 02-21-29-300-004A-0000 / District: 1

**BS2004-034  
JANUARY 24, 2005**



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

Tract 22, Sanlando Springs PB 7 PG 3

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

**FINDINGS OF FACT**

**Property Owner:** IOA Properties LLC  
150 N. Westmonte Drive  
Altamonte Springs, FL 32714

**Requested Development Approval:**

1. Special Exception to allow a bona-fide restaurant with incidental sales of alcoholic beverages within 1,000 feet of a church.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

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

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**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 ESTABLISHMENT ON THIS PROPERTY SHALL BE A BONA FIDE RESTAURANT AS DEFINED BY THE SEMINOLE COUNTY LAND DEVELOPMENT CODE, WHERE A MAJORITY OF SALES AND PROFIT IS FROM THE SERVING OF MEALS AND NOT FROM THE SERVING OF ALCOHOLIC BEVERAGES AS DETERMINED BY THE PLANNING MANAGER; AND
  - b) THE PACKAGE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED, AND THE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED WHEN FOOD SERVICE IS NOT AVAILABLE.
- (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: \_\_\_\_\_  
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 Matthew West 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 \_\_\_\_\_, 2005.

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

My Commission Expires: