

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

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH AN ALCOHOLIC BEVERAGE ESTABLISHMENT IN THE C-2 (RETAIL COMMERCIAL DISTRICT); (MICHAEL PINTER, APPLICANT).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

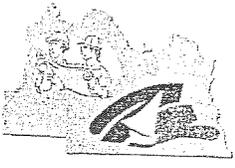
Agenda Date 2-28-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH AN ALCOHOLIC BEVERAGE ESTABLISHMENT IN THE C-2 (RETAIL COMMERCIAL DISTRICT); (MICHAEL PINTER, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH AN ALCOHOLIC BEVERAGE ESTABLISHMENT IN THE C-2 (RETAIL COMMERCIAL DISTRICT); (MICHAEL PINTER, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	MICHAEL PINTER, APPLICANT 6150 SOUTH U.S. 17-92 CASSELBERRY, FL 32730	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 AN ALCOHOLIC BEVERAGE ESTABLISHMENT (LIQUOR STORE) IN THE MAINSTREET SQUARE SHOPPING CENTER, WHICH IS ZONED C-2 (RETAIL COMMERCIAL DISTRICT). • THE SITE HAS OPERATED IN THE PAST AS AN ACCESSORY LIQUOR STORE TO A WALGREENS. NO PREVIOUS SPECIAL EXCEPTIONS FOR THIS SITE COULD BE LOCATED DURING A SEARCH OF COUNTY RECORDS. • ALTHOUGH GENERAL RETAIL IS EXPRESSLY PERMITTED WITHIN THE C-2 DISTRICT, WHERE THE MAJORITY OF RETAIL SALES ARE ALCOHOLIC BEVERAGES (MORE THAN 10 PERCENT) SPECIAL EXCEPTION. • THE SEPARATION REQUIREMENTS FROM SCHOOLS, CHURCHES AND RESIDENTIAL PARCELS FOUND IN SECTION 30.1353(b)(4) DO NOT APPLY SINCE ON-SITE 	

ZONING & FLU	CONSUMPTION IS NOT BEING PROPOSED.			
	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	C-2	COMMERCIAL	LIQUOR STORE
	NORTH	R-1A	LOW DENSITY RESIDENTIAL	SINGLE-FAMILY
	SOUTH	C-2	COMMERCIAL	MIXED COMMERCIAL
	EAST	C-2	COMMERCIAL	MIXED COMMERCIAL
WEST	R-1A	LOW DENSITY RESIDENTIAL	SINGLE-FAMILY	
STAFF FINDINGS	<p>SECTION 30.1353(b)(3) OF THE LAND DEVELOPMENT CODE (LDC) REQUIRES A SPECIAL EXCEPTION FOR THE ESTABLISHMENT OF ANY BUSINESS SELLING ALCOHOLIC BEVERAGES IN THE C-2 DISTRICT, EITHER FOR ON-PREMISE OR OFF-PREMISE CONSUMPTION, WHERE THE SALE OF ALCOHOLIC BEVERAGES IS NOT INCIDENTAL TO OTHER PRODUCTS SOLD.</p> <p>STAFF BELIEVES THE PROPOSED USE WOULD NOT SIGNIFICANTLY AFFECT TRAFFIC VOLUMES BEYOND THAT OF THE EXISTING SHOPPING CENTER.</p> <p>STAFF BELIEVES THE PROPOSED USE WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF COMMERCIAL FUTURE LAND USE FOR THE SUBJECT PROPERTY AND THE RETAIL CHARACTER OF NEARBY AND ADJACENT PROPERTIES.</p>			
STAFF RECOMMENDATION	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS APPROVAL OF THE REQUEST, SUBJECT TO THE FOLLOWING CONDITION:</p> <ul style="list-style-type: none"> ○ THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION 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

APPL. NO. B5 2005-003

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** Establishment of alcoholic beverage establishment
- 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	<u>Regency Centers Inc.</u>	<u>Michael E. Pinter</u>
ADDRESS	<u>PO Box 790830</u> <u>San Antonio, TX 78279</u>	<u>6150 South us 17/92</u> <u>Casselberry, FL 32730</u> <u>(407) 831-1855</u> <u>(407) 260-9608 fx</u>
PHONE 1		
PHONE 2		
E-MAIL		

PROJECT NAME: South us 17-92 (7800)
 SITE ADDRESS: 7800 South us 17-92
 CURRENT USE OF PROPERTY: Shopping Center
 LEGAL DESCRIPTION: See attached

SIZE OF PROPERTY: 8.33 acre(s) PARCEL I.D. 19-21-30-300-0400-0000
 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.

Michael E. Pinter
 SIGNATURE OF OWNER OR AGENT*

FEB 8, 2005
 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 _____

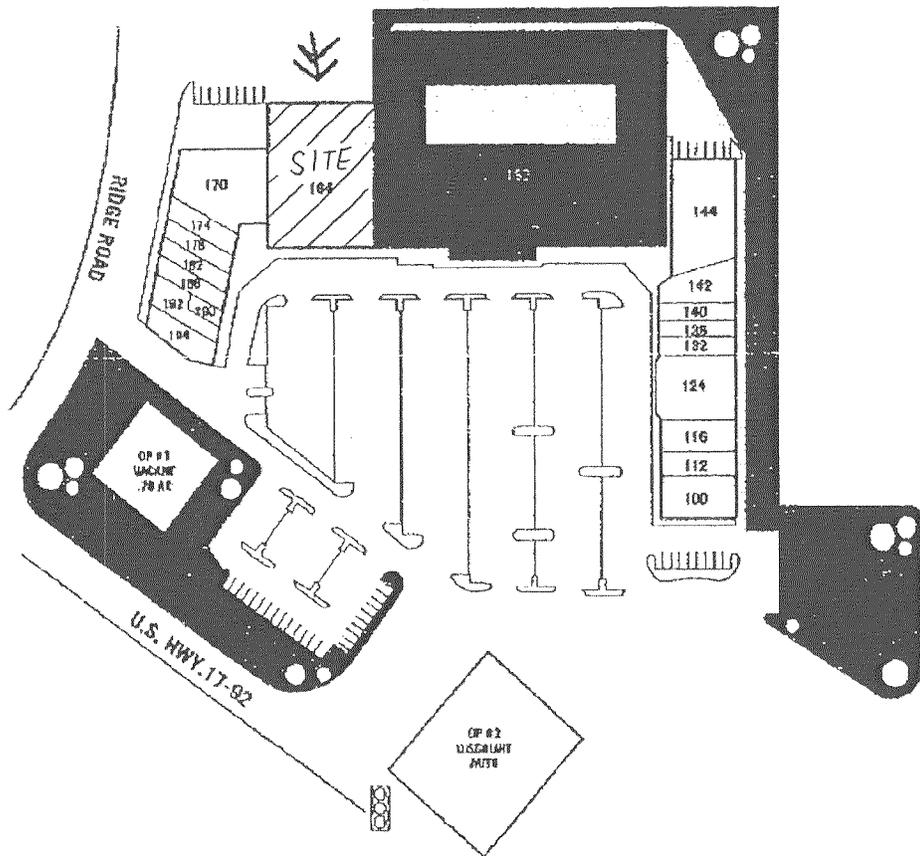
FOR OFFICE USE ONLY

PROCESSING:
FEE(S): \$ 370.00 COMMISSION DISTRICT 4 FLU/ZONING COM/C-2
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

MAINSTREET SQUARE

Orlando, Florida 32730
7800 South Highway 17-92



SITE SUMMARY

107,134 SQ. FT.

Available	Anchor	Leased
100	Bent-A-Combar	3,850 SQ. FT.
112	Chien Feast	1,400 SQ. FT.
116	Almaform Hair Design & Tinting	1,400 SQ. FT.
124	Senes Deller	4,424 SQ. FT.
132	U-Tax	1,750 SQ. FT.
136	Shawn W Style	1,000 SQ. FT.
140	Pappa's Pizzeria	1,110 SQ. FT.
142	Walls Targo Financial	1,607 SQ. FT.
144	Available	5,633 SQ. FT.
160	Winn Dixie Marketplace	56,000 SQ. FT.
164	Walgreens	13,500 SQ. FT.
170	Creative World Schools, Inc.	8,800 SQ. FT.
174	Available	1,050 SQ. FT.
178	Walls Targo Acceptance	1,400 SQ. FT.
182	The Dry Cleaner	1,400 SQ. FT.
186	Available	1,400 SQ. FT.
188	Lovely Nails	150 SQ. FT.
192	Exercement Consulting	1,870 SQ. FT.
194	Socorro's	1,130 SQ. FT.
OP 1	Available	
OP 2	Discount Auto	

2480 West Brandon Blvd.
Brandon, FL 33511
(813) 581-4444
www.regencycenters.com



This site plan is presented solely for the purpose of identifying the approximate location and size of the building presently contemplated by the owner. Building sizes, site dimensions, access and parking areas, existing and proposed lot lines and easements are subject to change without notice and all the owner disclaims. Unit numbers as indicated are not necessarily the actual suite numbers and are intended for use as a reference only.

Rev. 01/23/03

RIDGE PARK PB 8 PG 11

BUILDING INFORMATION								
Bld Num	Bld Class	Year Bld	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1988	24	56,829	1	CONCRETE BLOCK-STUCCO - MASONRY	\$2,103,062	\$2,645,361
	Subsection / Sqft		OPEN PORCH FINISHED / 3155					
2	MASONRY PILAS	1988	7	13,225	1	CONCRETE BLOCK-STUCCO - MASONRY	\$518,697	\$652,449
	Subsection / Sqft		OPEN PORCH FINISHED / 1243					
3	MASONRY PILAS	1988	46	36,889	1	CONCRETE BLOCK-STUCCO - MASONRY	\$1,354,296	\$1,703,517
	Subsection / Sqft		OPEN PORCH FINISHED / 6781					

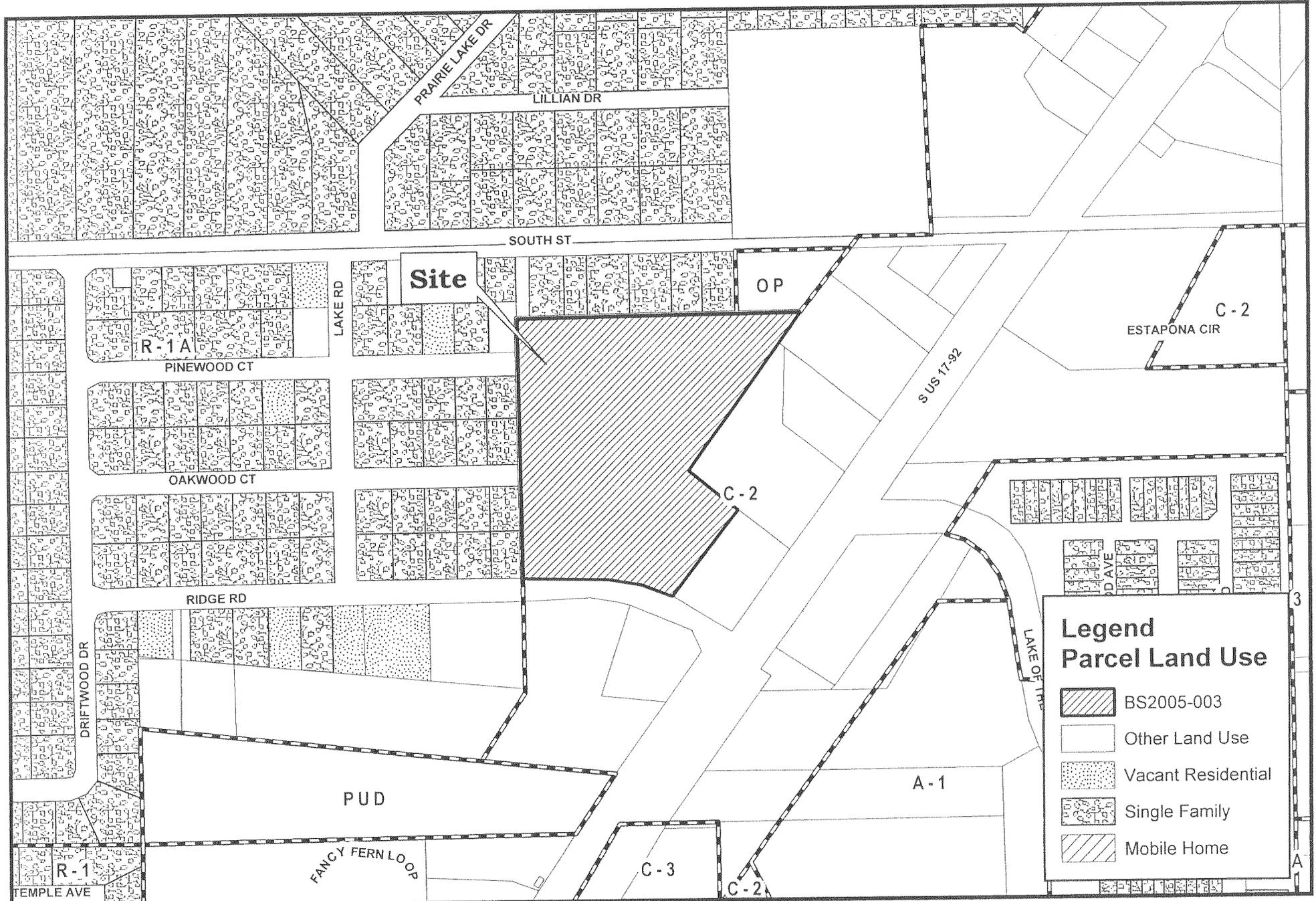
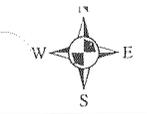
EXTRA FEATURE						
Description	Year Bld	Units	EXFT Value	Est. Cost New		
COMMERCIAL ASPHALT DR 2 IN	1988	43,792	\$20,900	\$36,347		
COMMERCIAL CONCRETE DR 4 IN	1988	8,360	\$9,614	\$16,720		
IRON FENCE	1988	792	\$2,277	\$3,960		
6' CHAIN LINK FENCE	1988	722	\$1,880	\$4,332		
POLE LIGHT STEEL	1988	1	\$140	\$140		
POLE LIGHT STEEL	1988	2	\$308	\$308		
POLE LIGHT STEEL	1988	4	\$672	\$672		
POLE LIGHT STEEL	1988	1	\$182	\$182		
ALUM PORCH NO FLOOR	1988	160	\$278	\$640		

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.

**Regency Center Inc.
7800 South US 17-92**



Regency Centers Inc.
7800 South US 17-92



**Legend
Parcel Land Use**

-  BS2005-003
-  Other Land Use
-  Vacant Residential
-  Single Family
-  Mobile Home

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 19 TWP 21S RGE 30E BEG SELY COR LOT 9 BLK A OAK RIDGE PARK RUN NWLY ALONG SLY LI LOT 9 300 FT NELY ALONG WLY LI SUBD 440 FT W 641.5 FT S TO RIDGE RD ELY ALONG RD TO HWY 17-92 NELY ALONG HWY 239 FT TO BEG (LESS BEG 365.37 FT S 37 DEG 47 MIN 43 SEC W OF NE COR LOT 3 BLK A OAK RIDGE PARK RUN S 37 DEG 47 MIN 43 SEC W 223 FT NWLY ALONG CURVE 151.50 FT N 37 DEG 47 MIN 43 MIN E 241.47 FT S 52 DEG 09 MIN 58 SEC E 150 FT TO BEG) & 19-21-30-502-0A00-0030 LOTS 3 TO 9 (LESS BEG NE COR LOT 3 RUN S 37 DEG 47 MIN 43 SEC W 140 FT N 52 DEG 09 MIN 58 SEC W 178 FT N 01 DEG 43 MIN 58 SEC E 173.27 FT S 52 DEG 09 MIN 58 SEC E 280 FT TO BEG) BLK A OAK RIDGE PARK PB 8 PG 11 & 19-21-30-502-0B00-0010 LOTS 1 & 2 BLK B OAK RIDGE PARK PB 8 PG 11

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

FINDINGS OF FACT

Property Owners: REGENCY CENTERS INC
C/O PROPERTY TAX DEPT
P.O. BOX 790830
SAN ANTONIO, TX 78279

Project Name: SOUTH 17-92 (7800)

Requested Development Approval:

REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH AN ALCOHOLIC ESTABLISHMENT IN THE C-2 (RETAIL COMMERCIAL DISTRICT).

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

Prepared by: Francisco Torregrosa
1101 East First Street
Sanford, Florida 32771

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.

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 SALES OF ALCOHOLIC BEVERAGES FOR ON-SITE
CONSUMPTION SHALL BE PROHIBITED.**

(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 _____ 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:

