

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); (RAYMOND KHOSHNOU, APPLICANT).

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

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

Agenda Date 07-25-05 Regular Consent Public Hearing – 6:00

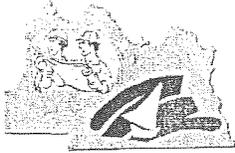
MOTION/RECOMMENDATION:

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

GENERAL INFORMATION	RAYMOND KHOSHNOU, APPLICANT 140 FERNWOOD BLVD FERNPARK, FL 32801	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 FOR ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES, WHICH IS ZONED C-2 (RETAIL COMMERCIAL DISTRICT). • THIS SITE HAS RECEIVED SEVERAL SPECIAL EXCEPTION APPROVALS FOR ALCOHOLIC ESTABLISHMENTS. • ALTHOUGH GENERAL RETAIL IS EXPRESSLY PERMITTED WITHIN THE C-2 DISTRICT, THE ESTABLISHMENT OF THE BAR AS ITS OWN ENTITY WITH THE MAJORITY OF ITS SALES AND PROFIT TO BE OBTAINED THROUGH THE SALE OF ALCOHOLIC BEVERAGES, NECESSITATES A SPECIAL EXCEPTION. • THE APPLICANT WILL BE REQUIRED TO SUBMITTED A SMALL SITE PLAN IN WHICH THE PROPERTY WOULD BE REQUIRED TO COMPLY WITH THE LAND DEVELOPMENT 	

CODE REQUIREMENTS FOR LIGHTING, PARKING, AND LIMITED LANDSCAPING.																									
ZONING & FLU	<table border="1"> <thead> <tr> <th>DIRECTION</th> <th>EXISTING ZONING</th> <th>EXISTING FLU</th> <th>USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td>SITE</td> <td>C-2</td> <td>COMMERCIAL</td> <td>SPORTS BAR</td> </tr> <tr> <td>NORTH</td> <td>C-2</td> <td>COMMERCIAL</td> <td>MIXED COMMERCIAL</td> </tr> <tr> <td>SOUTH</td> <td>C-2</td> <td>COMMERCIAL</td> <td>MIXED COMMERCIAL</td> </tr> <tr> <td>EAST</td> <td>C-1</td> <td>COMMERCIAL</td> <td>MIXED COMMERCIAL</td> </tr> <tr> <td>WEST</td> <td>C-2</td> <td>COMMERCIAL</td> <td>MIXED COMMERCIAL</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	C-2	COMMERCIAL	SPORTS BAR	NORTH	C-2	COMMERCIAL	MIXED COMMERCIAL	SOUTH	C-2	COMMERCIAL	MIXED COMMERCIAL	EAST	C-1	COMMERCIAL	MIXED COMMERCIAL	WEST	C-2	COMMERCIAL	MIXED COMMERCIAL
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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>THE LDC FURTHER APPLIES MINIMUM SEPARATION REQUIREMENTS BETWEEN ANY BUSINESS SELLING ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION 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"> o THERE ARE NO SCHOOL OR CHURCH OCCUPIED PROPERTIES WITH LOCATED WITHIN 1000 FEET OF THE PROPOSED BAR, AS MEASURED AT THE SHORTEST DISTANCE WITHIN PUBLIC RIGHTS-OF-WAY FROM THE ENTRANCE OF THE BAR. o THE PROPOSED BAR MEETS MINIMUM SEPARATION REQUIREMENTS FROM LIKE ESTABLISHMENTS (500 FT), RESIDENTIAL PROPERTIES (500 FT), AND RESIDENTIAL BUILDINGS (100 FT). <p>STAFF BELIEVES THE PROPOSED USE WOULD NOT SIGNIFICANTLY AFFECT TRAFFIC VOLUMES BEYOND THAT OF OTHER USES PERMITTED IN THE C-2 ZONING CLASSIFICATION.</p> <p>WITH THE SATISFACTION OF THE MINIMUM PERFORMANCE STANDARDS OF LDC SECTION 30.1353, STAFF FURTHER 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	BASED ON THE STATED FINDINGS, STAFF RECOMMENDS APPROVAL OF THE REQUEST, SUBJECT TO THE FOLLOWING CONDITIONS: <ul style="list-style-type: none">○ THE PACKAGE SALES OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BS 2005-012

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 Accommodate Reverse Establishment
- LIMITED USE**
- SF DWELLING UNDER CONSTRUCTION
- NIGHT WATCHMAN
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED DEVELOPMENT)
- SIZE OF MOBILE HOME / RV _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED JUN 10 2005

RECEIVED JUN 01 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>140 Fernwood, Inc.</u>	<u>Raymond Khoshnou</u>
ADDRESS	<u>20 E. Central Blvd.</u>	
	<u>Orlando, FL 32801</u>	
PHONE 1	<u>321-217-2878</u>	
PHONE 2		
E-MAIL	<u>DSinund@cf1.r2.com</u>	

PROJECT NAME: Station

SITE ADDRESS: 140 Fernwood Blvd Fern Park, FL

CURRENT USE OF PROPERTY: Vacant

LEGAL DESCRIPTION: See attached

SIZE OF PROPERTY: 1.25 x 2.10 1/2 acre(s) PARCEL I.D. 17-21-30-510-0000-004J

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.

SIGNATURE OF OWNER OR AGENT* [Signature] DATE 5-31-05

* Proof of authority 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	_____

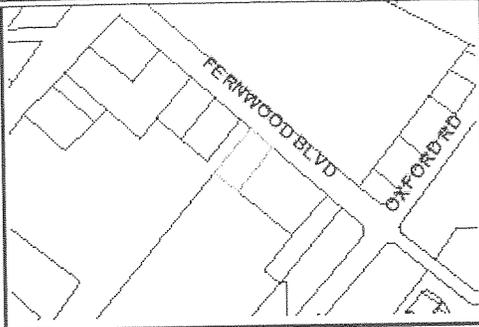
NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:
FEE(S): 370.00 COMMISSION DISTRICT 5 FLU/ZONING G-2/Comm
BCC HEARING DATE _____ (FOR APPEAL)
LOCATION FURTHER DESCRIBED AS South of Fenwood Blvd 2 1/2 mile
west of the intersection of Oxford Rd. + Fenwood Blvd
PLANNING ADVISOR _____ DATE _____
SUFFICIENCY COMMENTS _____

PARCEL DETAIL
 DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
 SEMINOLE COUNTY FL
 1101 E. FIRST ST
 SANFORD, FL 32771-1468
 407-665-7506



GENERAL
 Parcel Id: 17-21-30-510-0000-004J Tax District: 04-COUNTY- 17-92 REDVDST
 Owner: 140 FERNWOOD INC Exemptions:
 Own/Addr: C/O RAYMOND KHOSHNOU
 Address: 20 EAST CENTRAL BLVD
 City,State,ZipCode: ORLANDO FL 32801
 Property Address: 140 FERNWOOD BLVD
 Facility Name:
 Dor: 33-NIGHT CLUB *C-2 COMM*

2005 WORKING VALUE SUMMARY
 Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$124,945
 Depreciated EXFT Value: \$5,046
 Land Value (Market): \$66,150
 Land Value Ag: \$0
 Just/Market Value: \$196,141
 Assessed Value (SOH): \$196,141
 Exempt Value: \$0
 Taxable Value: \$196,141
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
SPECIAL WARRANTY DEED	06/1989	02086	0652	\$260,000	Improved
CERTIFICATE OF TITLE	01/1989	02039	0105	\$1,000	Improved
WARRANTY DEED	09/1985	01718	1469	\$1,900,000	Improved
WARRANTY DEED	02/1980	01266	1433	\$230,000	Improved
WARRANTY DEED	02/1979	01211	1178	\$210,000	Improved

Find Comparable Sales within this DOR Code

2004 VALUE SUMMARY
 2004 Tax Bill Amount: \$3,358
 2004 Taxable Value: \$198,712
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	22,050	3.00	\$66,150

LEGAL DESCRIPTION PLAT
 LEG WLY 105 FT OF ELY 432.52 FT OF NLY 210 FT OF LOT 4 FERNWOOD PLAZA
 PB 13 PG 95

BUILDING INFORMATION

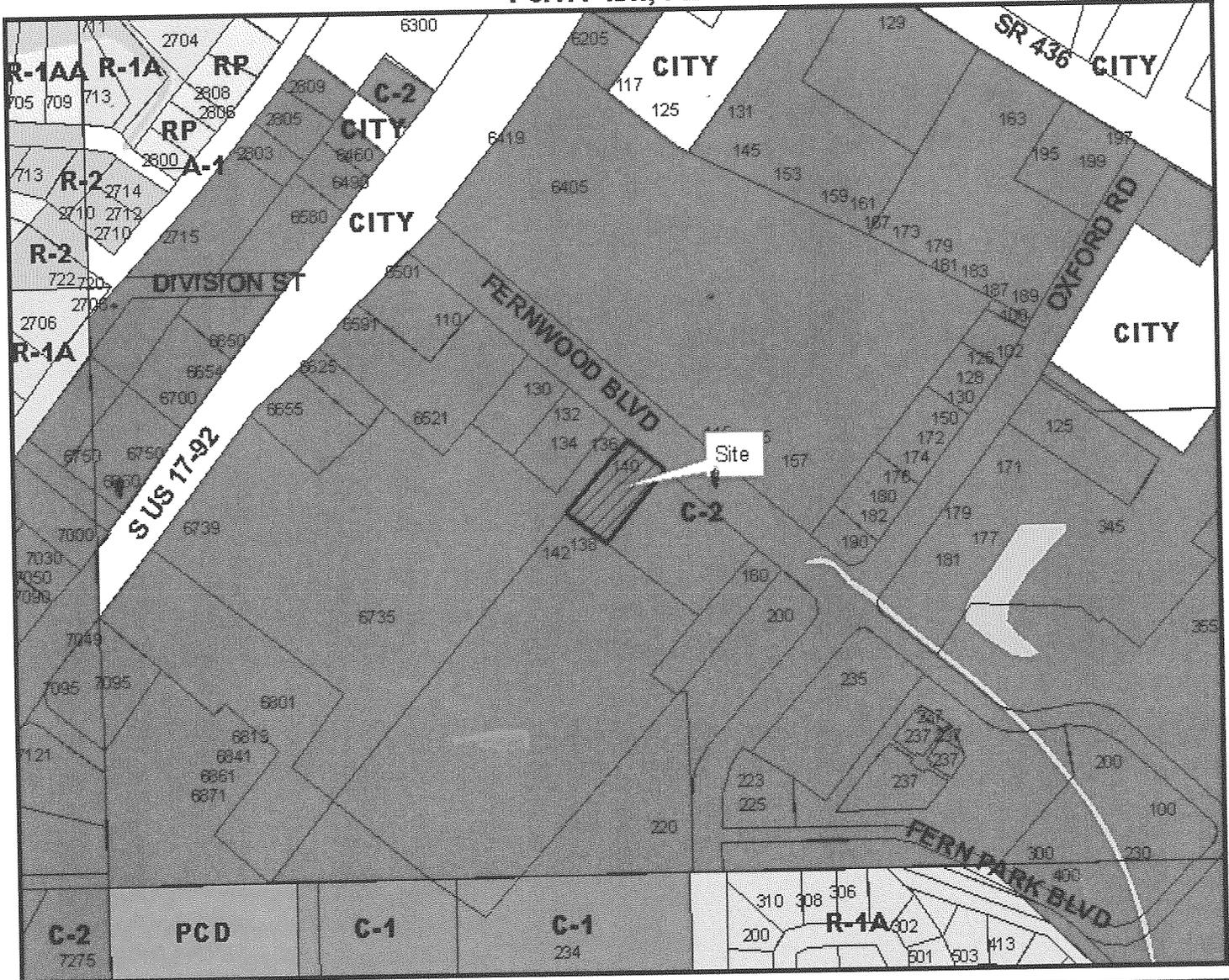
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	WOOD BEAM/COL	1970	12	6,880	1	WOOD SIDING WITH WOOD OR METAL STUDS	\$124,945	\$274,228
Subsection / Sqft			OPEN PORCH FINISHED / 216					

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1979	15,200	\$5,046	\$12,616

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.

**Raymond Khoshnou
140 Fernwood Boulevard
Fern Park, FL**



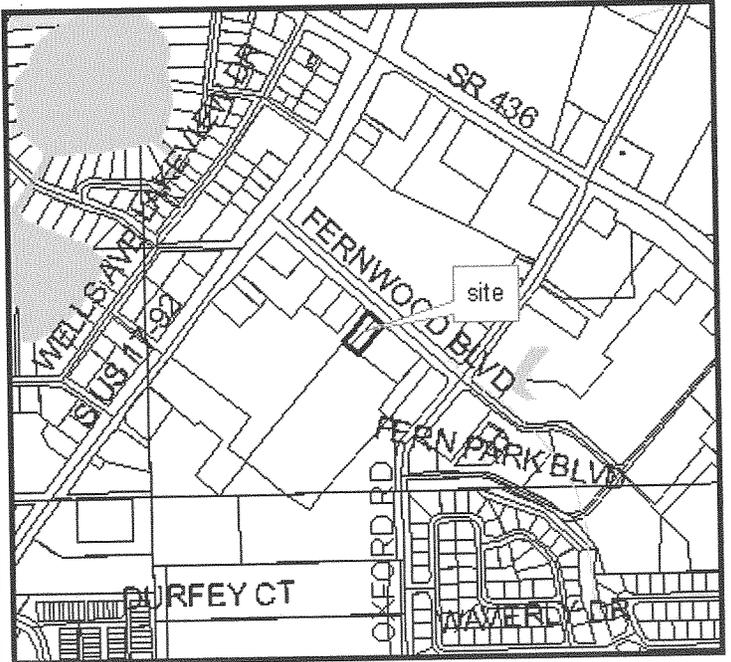
**Seminole County Board of Adjustment
July 25, 2005
Case: BS2005-012
Parcel No: 17-21-30-510-0000-004J**

Zoning

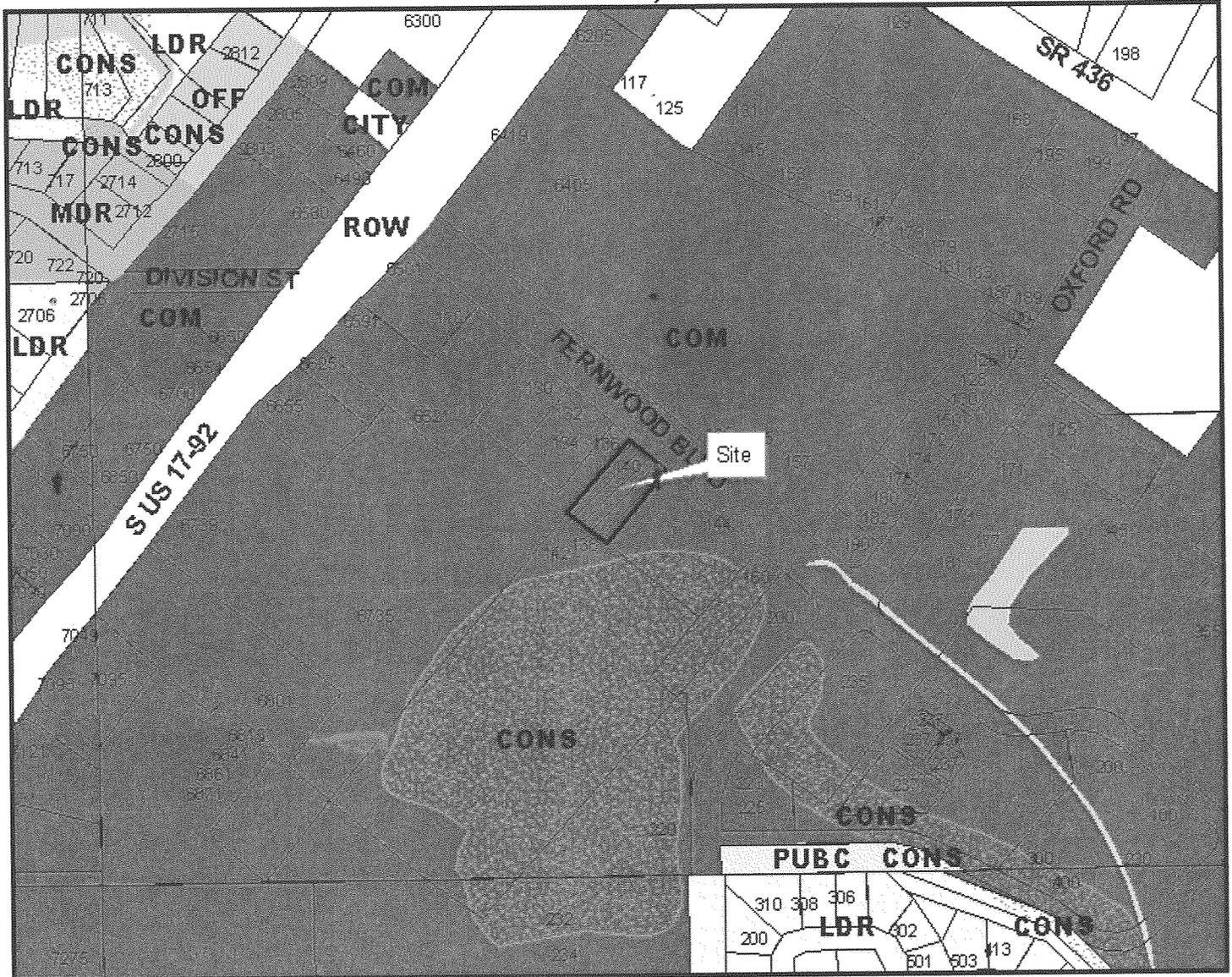
R-1AA Single Fam-11700	Parcel Use
R-2	All Other Values
PCD	Vacant Residential
R-1A Single Fam-9000	Single Family Residential
RP Residential Professional	Mobile Home
C-1 Retail Commercial	BS2005-012
C-2 Retail Commercial	

N

0 87.5175 350 525 700 Feet



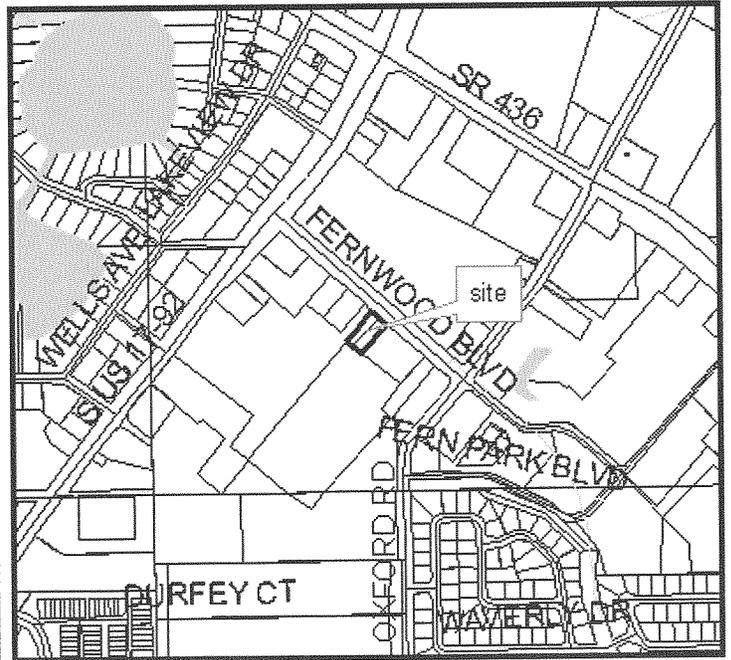
Raymond Khoshnou
 140 Fernwood Boulevard
 Fern Park, FL



Seminole County Board of Adjustment
 July 25, 2005
 Case: BS2005-012
 Parcel No: 17-21-30-510-0000-004J
 Future Land Use

	CONS, PUBC	Parcel Use	
	CONS, LDR		All Other Values
	CONS, MDR		Vacant Residential
	CONS, OFF		Single Family Residential
	CONS, COM		Mobile Home
	PUBC, NONE		BS2005-012
	LDR, NONE		
	MDR, NONE		
	OFF, NONE		
	COM, NONE		

0 87.5175 350 525 700 Feet



FILE #: BA87-7-36SE APPL: CROCKETT, L.L.
SEC: 17 TWP: 21 RNG: 30 SUF: 21 PL BK: 13 PB PG: 95 BLOCK #:

DEVELOPMENT NAME: SE-CROCKETT, L.L.
LOC: SE CORNER OF FERNWOOD BLVD. AND HIWAY 17-92.
LOT #1: 4K #2: #3: #4: #5: #6: #7:
PARC #1: #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:
REQUEST A SPECIAL EXCEPTION TO PERMIT AN ALCOHOLIC BEVERAGE
ESTABLISHMENT (TO SERVE BEER AND WINE IN CONJUNCTION WITH A GAME ROOM)

ACTION: APPROVED.
DATE: 072087

REMARKS:

CMD 1 - End Job CMD 2 - Go to Search Prompt HELP - SCREEN AID

FILE #: BA89-10-47SE **APPL:** BOUNCERS INC. d/b/a KMS MATCHES
SEC: 17 **TWP:** 21 **RNG:** 30 **SUF:** **PL BK:** **PB PG:** **BLOCK #:**

DEVELOPMENT NAME: SPEC. EXCEPTION - BOUNCERS INC.
LOC: SE CORNER OF HWY 17-92 AND FERNWOOD BOULEVARD.
LOT #1: **#2:** **#3:** **#4:** **#5:** **#6:** **#7:**
PARC #1: 4K **#2:** **#3:** **#4:** **#5:** **#6:** **#7:**

REQUEST DESCRIPTION:

REQUEST TO AMEND SPECIAL EXCEPTION APPROVED JULY 20, 1987, TO SERVE BEER AND WINE IN CONJUNCTION WITH BILLIARDS TO ALLOW THE SALE OF MIXED DRINKS.

ACTION: DENIED; APPEALED & BCC OVERTURNED BOA AND APPROVED ON 1-9-90.
DATE: 101689

REMARKS:

CMD 1 - End Job **CMD 2** - Go to Search Prompt **HELP** - SCREEN AID

FILE #: BA89-6-31SE **APPL:** MMV, INC.
SEC: 17 **TWP:** 21 **RNG:** 30 **SUF:** 27 **PL BK:** 13 **PB PG:** 95 **BLOCK #:**

DEVELOPMENT NAME: SE-MMV, INC.
LOC: S SIDE OF FERNWOOD BOULEVARD AND 650 FT. E OF U.S. HWY 17-92.
LOT #1: 4 **#2:** **#3:** **#4:** **#5:** **#6:** **#7:**
PARC #1: **#2:** **#3:** **#4:** **#5:** **#6:** **#7:**

REQUEST DESCRIPTION:
SPECIAL EXCEPTION TO PERMIT AN ALCOHOLIC BEVERAGE ESTABLISHMENT.

ACTION: DENIED; APPEALED & ON 8-22-89 BCC APPROVED WITH CONDITIONS.
DATE: 061989

REMARKS:
(THE NLY 105 FT. OF THE ELY 432.52 FT. OF THE NLY 210 FT. OF LOT 4)
(FERNWOOD PLAZA)

CMD 1 - End Job **CMD 2** - Go to Search Prompt **HELP** - SCREEN AID

FILE #: BA87-7-36SE **APPL:** CROCKETT, L.L.
SEC: 17 **TWP:** 21 **RNG:** 30 **SUF:** 21 **PL BK:** 13 **PB PG:** 95 **BLOCK #:**

DEVELOPMENT NAME: SE-CROCKETT, L.L.
LOC: SE CORNER OF FERNWOOD BLVD. AND HIWAY 17-92.
LOT #1: 4K **#2:** **#3:** **#4:** **#5:** **#6:** **#7:**
PARC #1: **#2:** **#3:** **#4:** **#5:** **#6:** **#7:**

REQUEST DESCRIPTION:
REQUEST A SPECIAL EXCEPTION TO PERMIT AN ALCOHOLIC BEVERAGE
ESTABLISHMENT (TO SERVE BEER AND WINE IN CONJUNCTION WITH A GAME ROOM)

ACTION: APPROVED.
DATE: 072087

REMARKS:

CMD 1 - End Job **CMD 2** - Go to Search Prompt **HELP** - SCREEN AID

FILE #: BA(5-18-81)-14SE **APPL:** FOURLANDO, INC.
SEC: 17 **TWP:** 21 **RNG:** 30 **SUF:** **PL BK:** 13 **PB PG:** 95 **BLOCK #:**

DEVELOPMENT NAME: SE-FOURLANDO, INC.

LOC: ON FERNWOOD BOULEVARD AND 650 FT. SELY OF U.S. 17-92.

LOT #1: 4	#2:	#3:	#4:	#5:	#6:	#7:
PARC #1:	#2:	#3:	#4:	#5:	#6:	#7:

REQUEST DESCRIPTION:

SPECIAL EXCEPTION TO OPERATE AN ALCOHOLIC BEVERAGE ESTABLISHMENT.

ACTION: APPROVED SUBJECT TO NO ADULT ENTERTAINMENT.

DATE: 051881

REMARKS:

(NLY 105 FT. OF ELY 432.52 FT. OF NLY 210 FT. OF LOT 4)

(FERNWOOD PLAZA)

CMD 1 - End Job **CMD 2** - Go to Search Prompt **HELP** - SCREEN AID

FILE #: BA87-7-36SE APPL: CROCKETT, L.L.
SEC: 17 TWP: 21 RNG: 30 SUF: 21 PL BK: 13 PB PG: 95 BLOCK #:

DEVELOPMENT NAME: SE-CROCKETT, L.L.
LOC: SE CORNER OF FERNWOOD BLVD. AND HIWAY 17-92.
LOT #1: 4K #2: #3: #4: #5: #6: #7:
PARC #1: #2: #3: #4: #5: #6: #7:

REQUEST DESCRIPTION:
REQUEST A SPECIAL EXCEPTION TO PERMIT AN ALCOHOLIC BEVERAGE
ESTABLISHMENT (TO SERVE BEER AND WINE IN CONJUNCTION WITH A GAME ROOM)

ACTION: APPROVED.
DATE: 072087

REMARKS:

CMD 1 - End Job CMD 2 - Go to Search Prompt HELP - SCREEN AID

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

LEG WLY 105 FT OF ELY 432.52 FT OF NLY 210 FT OF LOT 4 FERNWOOD PLAZA
PB 13 PG 95

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

FINDINGS OF FACT

Property Owner: RAYMOND KHOSHNOU
20 E. CENTRAL BLVD
ORLANDO, FL 32801

Project Name: 140 FERNWOOD BOULEVARD

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.

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

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 PACKAGE SALES OF ALCOHOLIC BEVERAGES 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.