

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

**SUBJECT:** Request for a special exception to allow for a packaged liquor store within an existing multi-tenant shopping center in the C-2 (Retail Commercial District); (Gary Desai, applicant).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

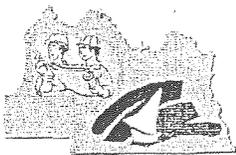
**Agenda Date** 11-28-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** request for a special exception to allow for a packaged liquor store within an existing multi-tenant shopping center in the C-2 (Retail Commercial District); (Gary Desai, applicant); or
2. **DENY** request for a special exception to allow for a packaged liquor store within an existing multi-tenant shopping center in the C-2 (Retail Commercial District); (Gary Desai, applicant); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Gary Desai, applicant 1592 Sunflower Court Winter Park, FL 32792	Alcoholic Beverage Establishments; LDC Section 30.1353(b)(2)&(4)		
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant requests a special exception to establish a packaged liquor store for retail sales of alcoholic beverages, which is zoned C-2 (Retail Commercial District).</li> <li>• This site has received special exception approvals for alcoholic establishments. (BA(5-20-85)-27E)</li> <li>• Although general retail is expressly permitted within the C-2 district, the establishment of a package liquor store with the majority of its sales and profit to be obtained through the sale of alcoholic beverages necessitates a special exception.</li> <li>• The applicant will not be required to submit a small site plan because the establishment will be within an existing multi-tenant planned shopping center.</li> </ul>			
<b>ZONING &amp; FLU</b>	<b>DIRECTION</b>	<b>EXISTING ZONING</b>	<b>EXISTING FLU</b>	<b>USE OF PROPERTY</b>
	SITE	C-2	Commercial	Multi-Tenant Retail Center
	NORTH	R-3A & A-1	Medium	Residential

			Density Residential	
	SOUTH	Orange County	Orange County	Orange County
	EAST	PUD	PUD	Residential
	WEST	C-2	COMMERCIAL	Commercial and Residential
<b>STAFF FINDINGS</b>	<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"> <li>o 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 bar.</li> <li>o The proposed package liquor store meets minimum separation requirements from like establishments due to the fact that this store is a part of a planned shopping center.</li> </ul> <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>			
<b>STAFF RECOMMENDATION</b>	<p>Based on the stated findings, staff recommends approval of the request, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>o On premise consumption of alcoholic beverages shall be prohibited.</li> </ul>			



**COPY**  
 APPL. NO. BS2005-021

**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:**

<input type="radio"/>	<b>VARIANCE</b>		RECEIVED
<input checked="" type="radio"/>	<b>SPECIAL EXCEPTION</b> <u>Liquor Sales</u>		OCT - 3 2005
<input type="radio"/>	<b>LIMITED USE</b>		
		PLANNING DIVISION	
<input type="radio"/>	<input type="radio"/> SF DWELLING UNDER CONSTRUCTION	<input type="radio"/>	<input type="radio"/> MEDICAL HARDSHIP
<input type="radio"/>	<input type="radio"/> NIGHT WATCHMAN	<input type="radio"/>	<input type="radio"/> FAMILY HARDSHIP
<input type="radio"/>	<input type="radio"/> YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)		
<input type="radio"/>	<input type="radio"/> SIZE OF MOBILE HOME / RV _____	<input type="radio"/>	<input type="radio"/> TIME NEEDED _____
<input type="radio"/>	<input type="radio"/> PLAN TO BUILD <input type="radio"/> YES <input type="radio"/> NO IF SO, WHEN _____		
<input type="radio"/>	<b>APPEAL FROM DECISION OF THE PLANNING MANAGER</b>		

PROPERTY OWNER		AUTHORIZED AGENT *	
NAME	<u>INLAND Southeast Goldenrod LLC</u>	NAME	<u>Gary Deseri</u>
ADDRESS	<u>2901 Butterfield Rd Oak Brook, IL 60523</u>	ADDRESS	<u>1592 Sunflower Court Winter Park, FL 32792</u>
PHONE 1	<u>630-218-8000</u>	PHONE	<u>407-679-3838</u>
PHONE 2		PHONE	<u>407-579-0204</u>
E-MAIL		E-MAIL	<u>gunvant@7@aol.com</u>

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 4270 Aloma Ave Winter Park, FL 32792

CURRENT USE OF PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: Copy Attached

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 35-21-30-300-0430-0000

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

KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 11 / 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.

Gary Deseri  
 SIGNATURE OF OWNER OR AGENT\* 10-3-05  
DATE

**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 COMMISSON DISTRICT 1 FLU / ZONING COM / C-2

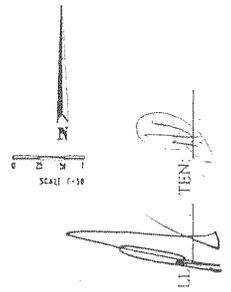
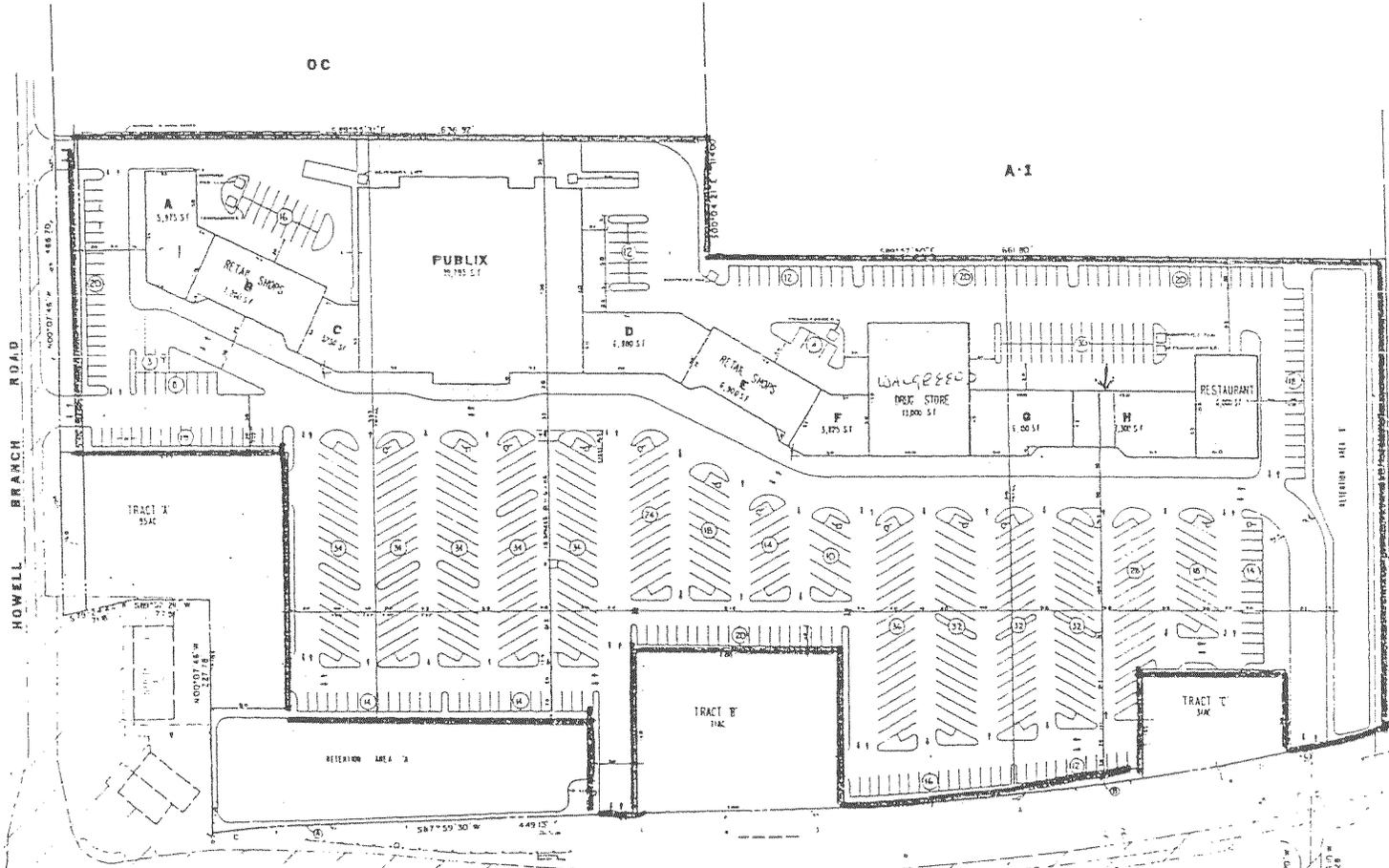
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS N. side of Aloma @ intersection of Howell Brand Road + Aloma Ave.

PLANNING ADVISOR MR DATE \_\_\_\_\_

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

EXHIBIT "A-1"



R-1AA

ALOMA AVENUE

(S.R. 426)

ELEVATE DATA			
R	D	W	H
1	05°46'40"	178'35"	17.25'
2	08°52'11"	279'49.5"	40.50'
3	01°28'08"	279'49.5"	45.25'

TOTAL BUILDING AREA - 94,645 SF  
 PARKING SPACES PROVIDED - 689  
 PARKING RATIO (7.20 / 1000 SF)

HALL ROAD  
 30°15'15" W  
 501'15" W  
 17.25'

SEMIWOLE COUNTY  
 ORANGE COUNTY

EXHIBIT "A-2"

PARCEL A

LEGAL DESCRIPTION

The East one-quarter of the Southeast one-quarter of the Southeast one-quarter of the Southeast one-quarter of Section 35, Township 21 South, Range 30 East. (LESS: Railroad and State Road rights-of-way) (O.R.B. 491, Page 647)

SUBJECT TO:

An ingress/egress easement over the East 15.00 feet thereof as recorded in Official Records Book 359, Page 655 of the Public Records of Seminole County, Florida.

PARCEL B

LEGAL DESCRIPTION  
(FURNISHED BY CLIENT)

The West 3/4 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 (Less State Road Right of Way and Railroad Right of Way) in Section 35, Township 21 South, Range 30 East, Seminole County, Florida.

AND:

The West 1/2 of the Southeast 1/4 of the Southeast 1/4 (Less State Road Right of Way and the North 960 feet and the South 30 feet of the North 990 feet of the East 460 feet and beginning at the Northeast corner of intersection of State Road 436 and State Road 426 run North 282 feet North 79°32.5' East 71.18 feet East 77.51 feet South 267.69 feet Southwesterly on road 150.28 feet to beginning and road) in Section 35, Township 21 South, Range 30 East, Seminole County, Florida.

SUBJECT TO:

An access easement 60.00 feet in width as recorded in Official Records Book 967, Pages 133 and 134 of the Public Records of Seminole County, Florida.

ALSO SUBJECT TO:

A drainage and utility easement as recorded in Official Records Book 1462, Page 479 and a utility easement as recorded in Official Records Book 871, Page 95 of the Public Records of Seminole County, Florida.

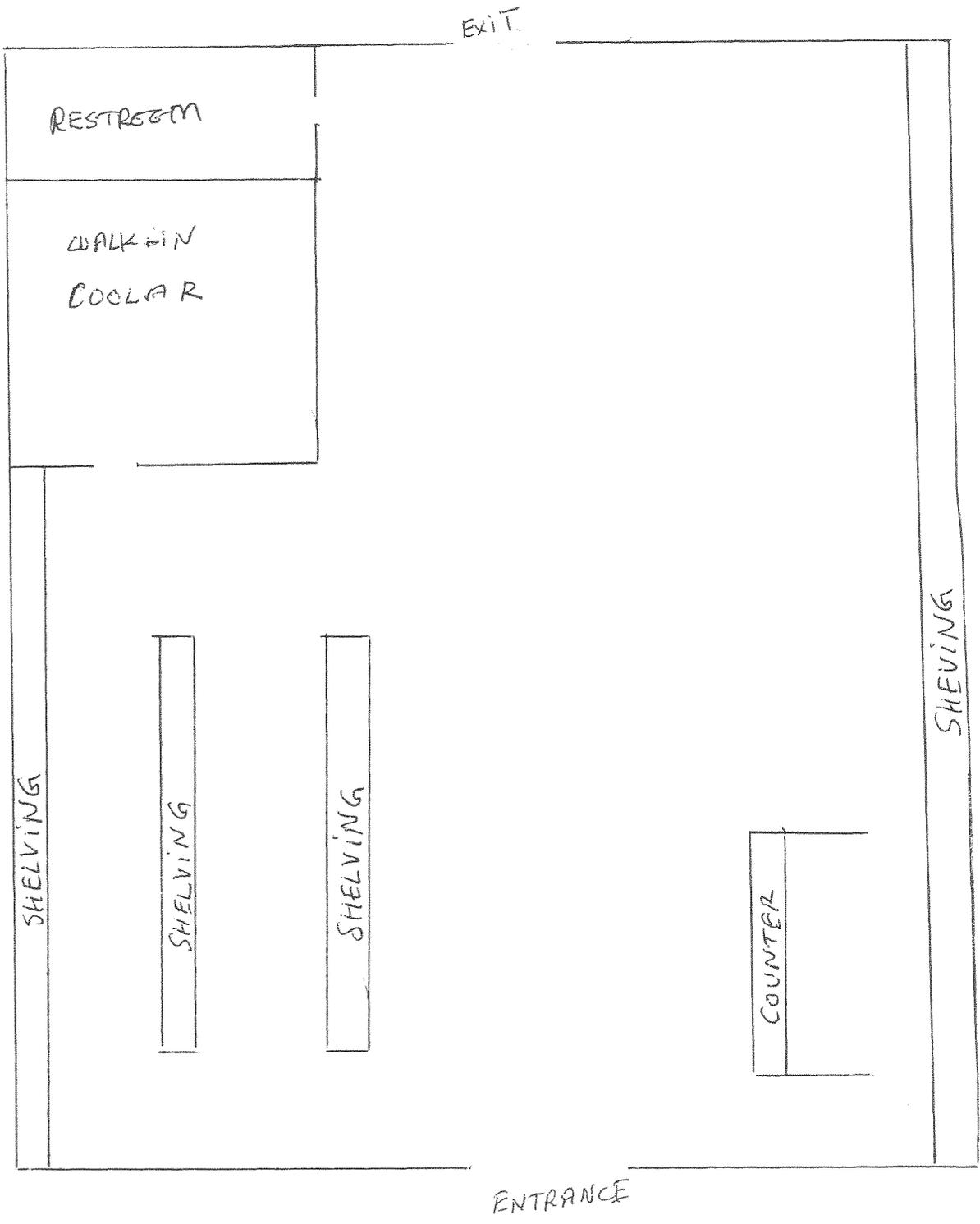
PARCEL C

LEGAL DESCRIPTION

The South 440.00 feet of the North 990.00 feet of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 21 South, Range 30 East, Seminole County, Florida, LESS the South 30.00 feet of the West 200.00 feet thereof, AND LESS any property within the Right of Way of Howell Branch Road.

TOGETHER WITH:

An access easement 60.00 feet in width as recorded in Official Records Book 967, Pages 133 and 134 of the Public Records of Seminole County, Florida.



<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																					
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 35-21-30-300-0430-0000</p> <p>Owner: INLAND SOUTHEAST GOLDENROD LLC</p> <p>Mailing Address: 2901 BUTTERFIELD RD</p> <p>City,State,ZipCode: OAK BROOK IL 60523</p> <p>Property Address: 426 CR GOLDENROD 32733</p> <p>Facility Name: WINTER PARK PALMS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 16-RETAIL CENTER-ANCHOR</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Income</p> <p>Number of Buildings: 4</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$0</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$9,067,373 *</p> <p>Assessed Value (SOH): \$9,067,373 *</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$9,067,373</p> <p>Tax Estimator</p> <p>(* Income Approach used.)</p>																																			
<p align="center"><b>SALES</b></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>11/2002</td> <td>04616</td> <td>0655</td> <td>\$9,150,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>07/2001</td> <td>04126</td> <td>0369</td> <td>\$1,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>09/1986</td> <td>01771</td> <td>1404</td> <td>\$11,380,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1984</td> <td>01599</td> <td>0606</td> <td>\$1,515,900</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p align="center">Find Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	SPECIAL WARRANTY DEED	11/2002	04616	0655	\$9,150,000	Improved	Yes	CERTIFICATE OF TITLE	07/2001	04126	0369	\$1,000	Improved	No	SPECIAL WARRANTY DEED	09/1986	01771	1404	\$11,380,000	Improved	No	WARRANTY DEED	12/1984	01599	0606	\$1,515,900	Vacant	No	<p align="center"><b>2005 VALUE SUMMARY</b></p> <p>2005 Tax Bill Amount: \$147,884</p> <p>2005 Taxable Value: \$9,024,883</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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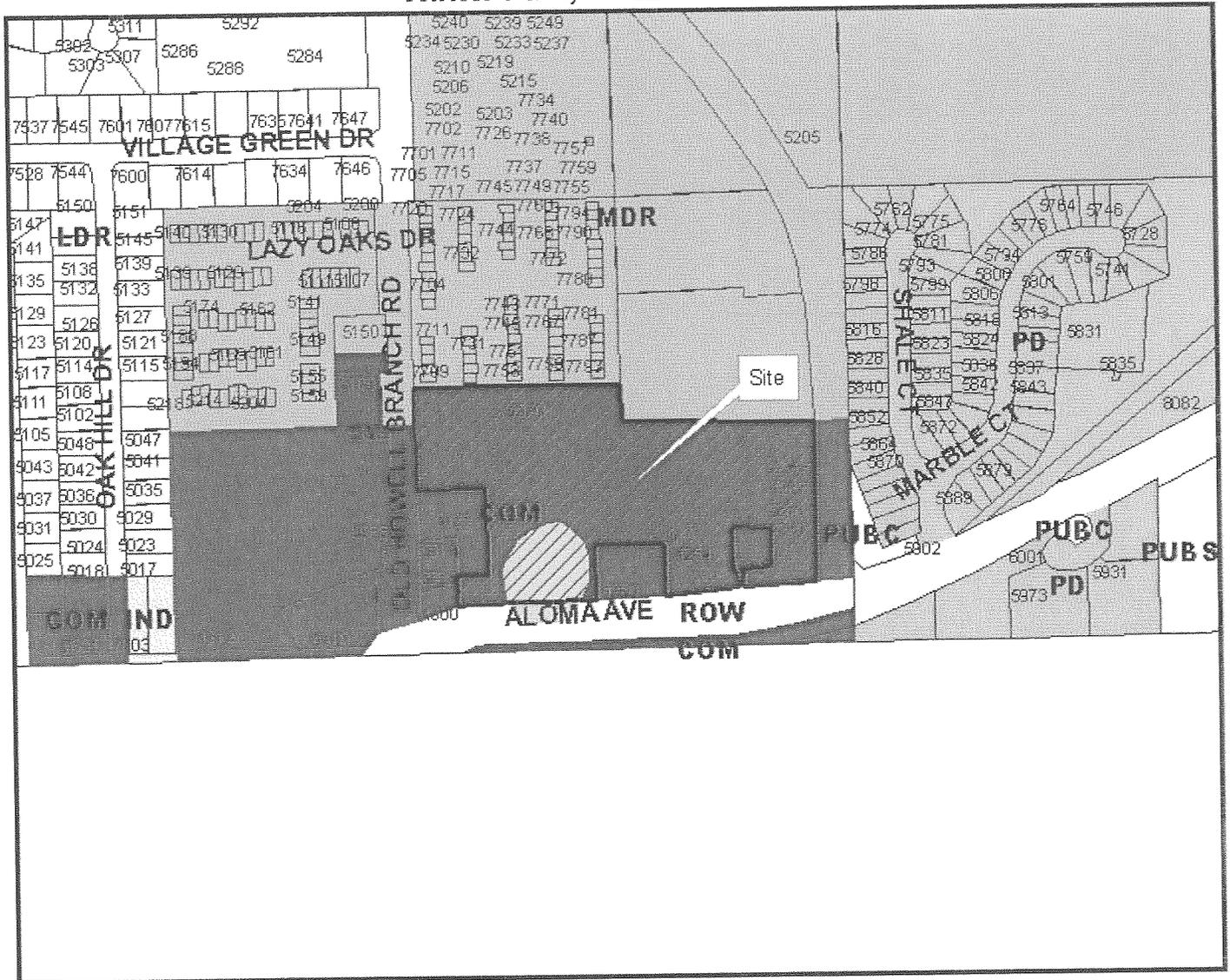
BUILDING INFORMATION								
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1985	20	41,258	2	CONCRETE BLOCK - MASONRY	\$1,733,522	\$2,009,880
Subsection / Sqft			OPEN PORCH FINISHED / 3056					
2	MASONRY PILAS	1985	6	13,030	1	CONCRETE BLOCK - MASONRY	\$458,616	\$607,439
Subsection / Sqft			OPEN PORCH FINISHED / 1521					
3	MASONRY PILAS	1985	12	6,000	1	CONCRETE BLOCK - MASONRY	\$313,487	\$415,214
Subsection / Sqft			OPEN PORCH FINISHED / 552					
4	MASONRY PILAS	1985	88	45,418	1	CONCRETE BLOCK - MASONRY	\$1,601,781	\$2,121,564
Subsection / Sqft			OPEN PORCH FINISHED / 8916					

EXTRA FEATURE						
Description	Year Blt	Units	EXFT Value	Est. Cost New		
COMMERCIAL ASPHALT DR 2 IN	1985	280,225	\$110,479	\$232,587		
POLE LIGHT CONCRETE	1985	12	\$1,848	\$1,848		
POLE LIGHT CONCRETE	1985	4	\$560	\$560		
AUTO DOORS	1985	84	\$294	\$294		
AUTO DOOR OPENERS	1985	2	\$1,400	\$1,400		
COOL ROOM	1985	1,348	\$11,323	\$11,323		
FREEZE ROOM	1985	668	\$7,014	\$7,014		
CHILL ROOM	1985	195	\$1,843	\$1,843		
6' CHAIN LINK FENCE	1992	50	\$160	\$300		

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.

Gary Desari  
 4270 Aloma Avenue  
 Winter Park, FL 32792

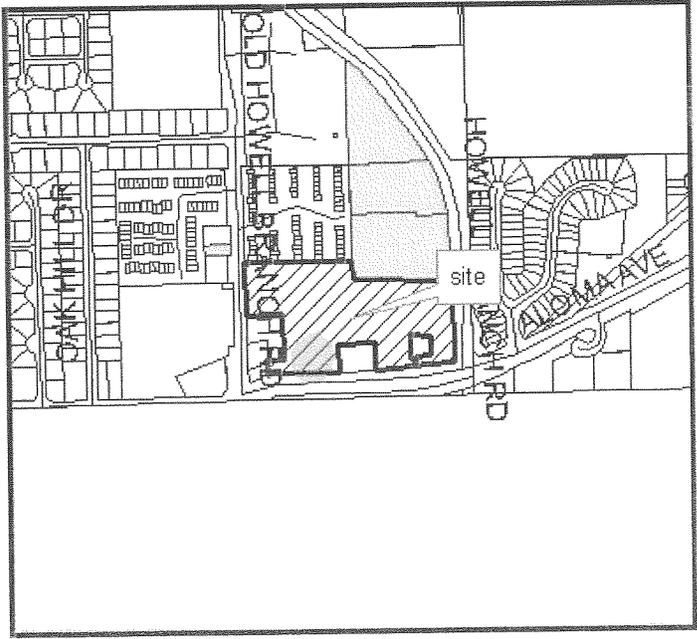


Seminole County Board of Adjustment  
 November 28, 2005  
 Case: BS2005-021  
 Parcel No: 35-21-30-300-0430-0000

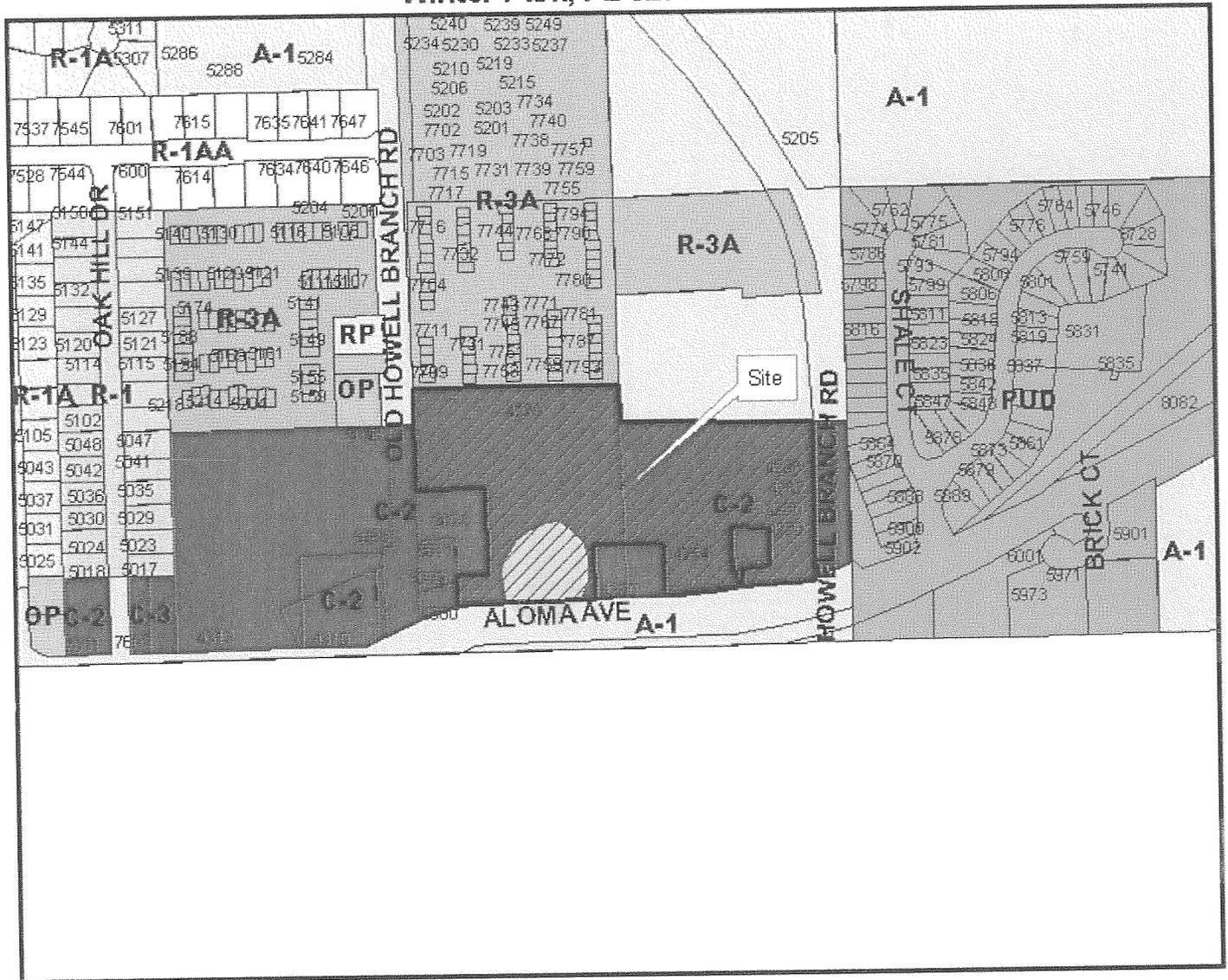
**Future Land Use**

PUBC, NONE		BS2005-021
PUBS, NONE		All Other Values
LDR, NONE		Vacant Residential
MDR, NONE		Single Family Residential
PD, NONE		Mobile Home
COM, NONE		
IND, NONE		

0 105210 420 630 840 Feet



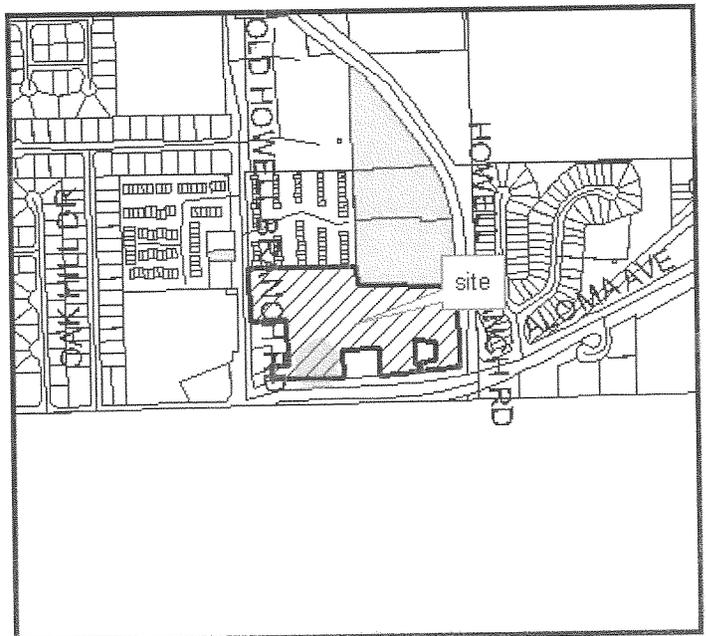
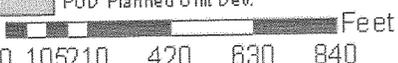
Gary Desari  
 4270 Aloma Avenue  
 Winter Park, FL 32792



Seminole County Board of Adjustment  
 November 28, 2005  
 Case: BS2005-021  
 Parcel No: 35-21-30-300-0430-0000

**Zoning**

- |  |   |
|--|---|
|  A-1 Agricultural-1Ac           |  BS2005-021                |
|  R-1AA Single Fam-11700         |  All Other Values          |
|  R-1A Single Fam-9000           |  Vacant Residential        |
|  R-1 Single Fam-8400            |  Single Family Residential |
|  R-3A Multi-Family-100 U        |  Mobile Home               |
|  RP Residential Professional    |   |
|  OP Office                      |   |
|  C-2 Retail Commercial          |   |
|  C-3 Gen Commercial & Wholesale |   |
|  PUD Planned Unit Dev.          |   |



# COUNTY OF SEMINOLE



FLORIDA

MANAGEMENT  
(305) 321-1130 EXT 443

May 21, 1985

COUNTY SERVICES BUILDING  
1101 E. 1st STREET  
SANFORD, FLORIDA 32771

Walgreen Company  
c/o Shutts & Bowen  
56 East Pine Street  
Orlando, Florida 32801

Dear Sir:

At their meeting May 20, 1985, the Seminole County Board of Adjustment approved your request for a Special Exception in a C-2 Commercial Zone to allow package sale liquor store in connection with drug store on the following described property:

Tax Parcels 43A, 43, 44, and 44B,  
as shown on Assessor's Map N. 292,  
in Section 35-21-30, on the  
Northeast corner of Aloma Avenue  
and Howell Branch Road.

Sincerely,

A handwritten signature in cursive script that reads "Ginny Markley".  
Ginny Markley,  
Zoning Coordinator

GM/lb

BA(5-20-85)-27E



Inland Southeast Property Management Corp.

5502 Lake Howell Road

Winter Park, Florida 32792

407-671-3695 Fax: 407-671-6450

October 31, 2005

2000 Florida Stores, d/b/a  
Winter Park Liquor  
4270 Aloma Avenue, Suite 132  
Winter Park, FL 32792

Attn: Seminole County Zoning and Code

To Whom It May Concern:

Inland Southeast Property Management Corp., as  
Landlord, for the above referenced tenant located  
at 4270 Aloma Avenue, Suite 136, Winter Park  
Florida in the Winter Park Palms Shopping Center  
allows the tenant to apply for a special exception  
with regard to the liquor license for this  
premises.

Sincerely,

Christine Alexander  
Regional Property Manager



Melissa Kay Mathews  
My Commission DD340707  
Expires July 25, 2008

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

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

LEG SEC 35 TWP 21S RGE 30E SE 1/4 OF SE 1/4 LYING NLY OF ST RD 426 (LESS NE 1/4 & GOLDENROD VILLAS CONDO & BEG INT ELY R/W SR 436 & NLY R/W SR 426 RUN N 435.74 FT E 203.4 FT S 250 FT W 80 FT S TO NLY R/W SR 426 WLY ALONG NLY R/W TO BEG & BEG 542.93 FT WLY ON CURVE OF INT OF E LI SEC & NLY R/W SR 426 RUN N 150.05 FT W 200.14 FT S 157.63 FT N 87 DEG 59 MIN 30 SEC E 157.50 FT ELY ON CURVE 42.78 FT TO BEG & BEG 205.26 FT N & 319.08 FT WLY ON CURVE OF SE COR RUN WLY ON CURVE 20.16 FT N 54.43 FT N 81 DEG 41 MIN 19 SEC E 20.22 FT S 54.80 FT TO BEG & FROM SE COR RUN N 205.26 FT WLY ON CURVE 233.15 FT N 54.74 FT TO POB RUN N 115.88 FT W 109.50 FT S 132.02 FT N 81 DEG 41 MIN 19 SEC E 110.68 FT TO BEG & RD R/W'S)

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

**FINDINGS OF FACT**

**Property Owner:** Gary Desai  
1592 Sunflower Court  
Winter Park, FL 32792

**Project Name:** Aloma Avenue (4270)

**Requested Development Approval:**

Request for a special exception to allow for a packaged liquor store within an existing multi-tenant shopping center 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: Ian Sikonia  
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: \_\_\_\_\_  
Tony Walters  
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.