

**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

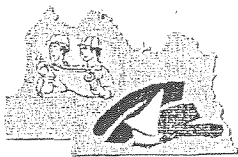
Agenda Date 11-28-05 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

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.

GENERAL INFORMATION	Gary Desai, applicant 1592 Sunflower Court Winter Park, FL 32792	Alcoholic Beverage Establishments; LDC Section 30.1353(b)(2)&(4)		
BACKGROUND / REQUEST	<ul style="list-style-type: none">• 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).• This site has received special exception approvals for alcoholic establishments. (BA(5-20-85)-27E)• 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.• 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.			
ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	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
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"> ○ 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. ○ 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. <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	<p>Based on the stated findings, staff recommends approval of the request, subject to the following conditions:</p> <ul style="list-style-type: none"> ○ On premise consumption of alcoholic beverages shall be prohibited. 			



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

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:

☐

VARIANCE

☒

SPECIAL EXCEPTION

Liquor Sales

☐

LIMITED USE

RECEIVED

OCT - 3 2005

PLANNING DIVISION

☐ SF DWELLING UNDER CONSTRUCTION

☐ MEDICAL HARDSHIP

☐ NIGHT WATCHMAN

☐ FAMILY HARDSHIP

☐ YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)

☐ SIZE OF MOBILE HOME / RV _____ ☐ TIME NEEDED _____

☐ PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

☐

APPEAL FROM DECISION OF THE PLANNING MANAGER

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

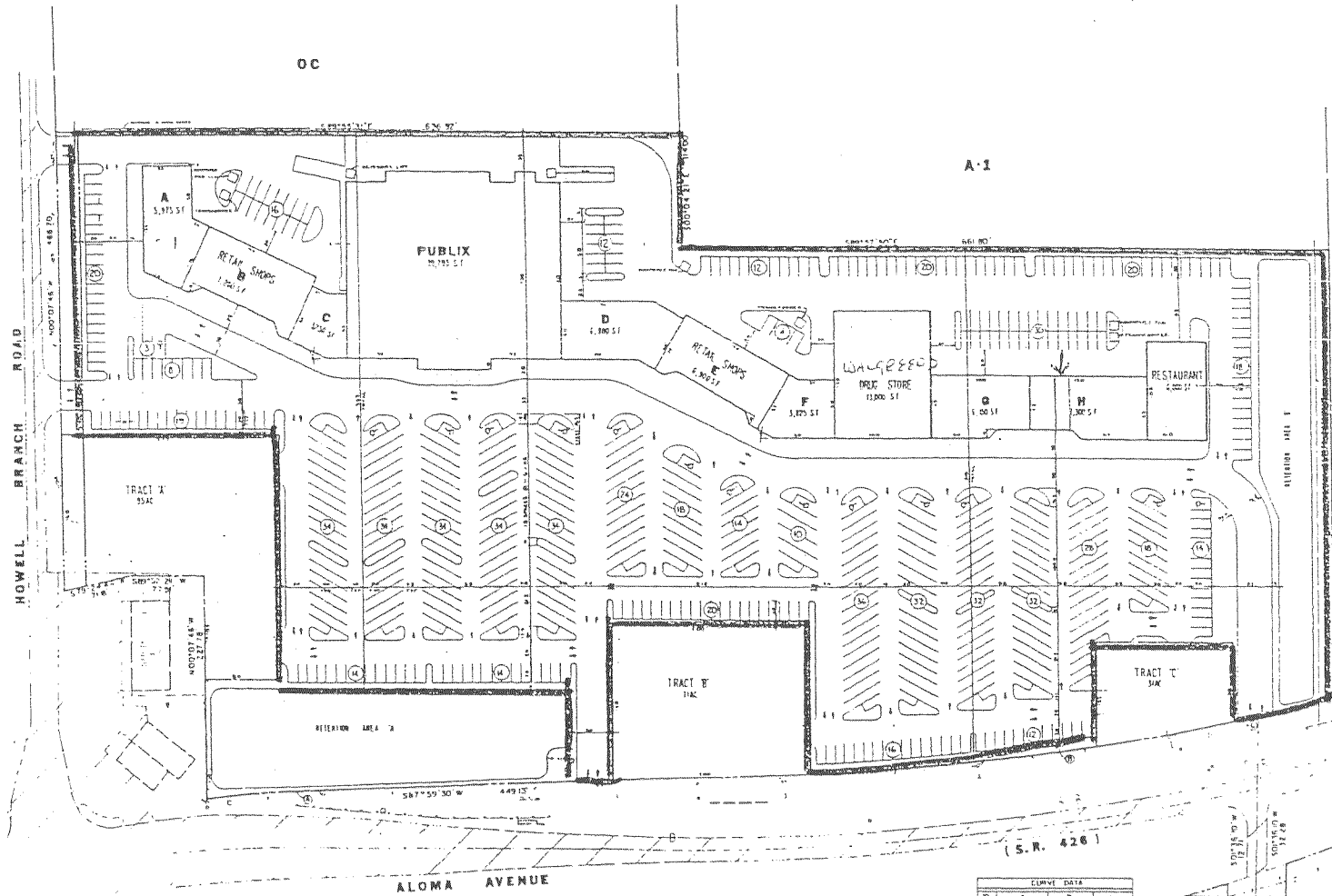
FOR OFFICE USE ONLY**PROCESSING:**FEE(S): \$ 370.00 COMMISSION DISTRICT 1 FLU / ZONING COM / C-2

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"



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

CURVE DATA			
R	D	W	
1	105°46'41"	178.75	14.74
2	105°52'11"	279.95	40.60
3	105°28'08"	279.95	40.60

R-1AA

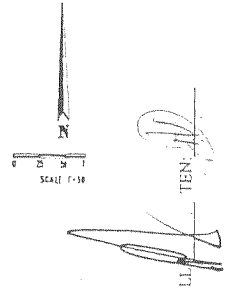


EXHIBIT "A-2"

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.

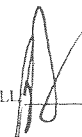

PARCEL C

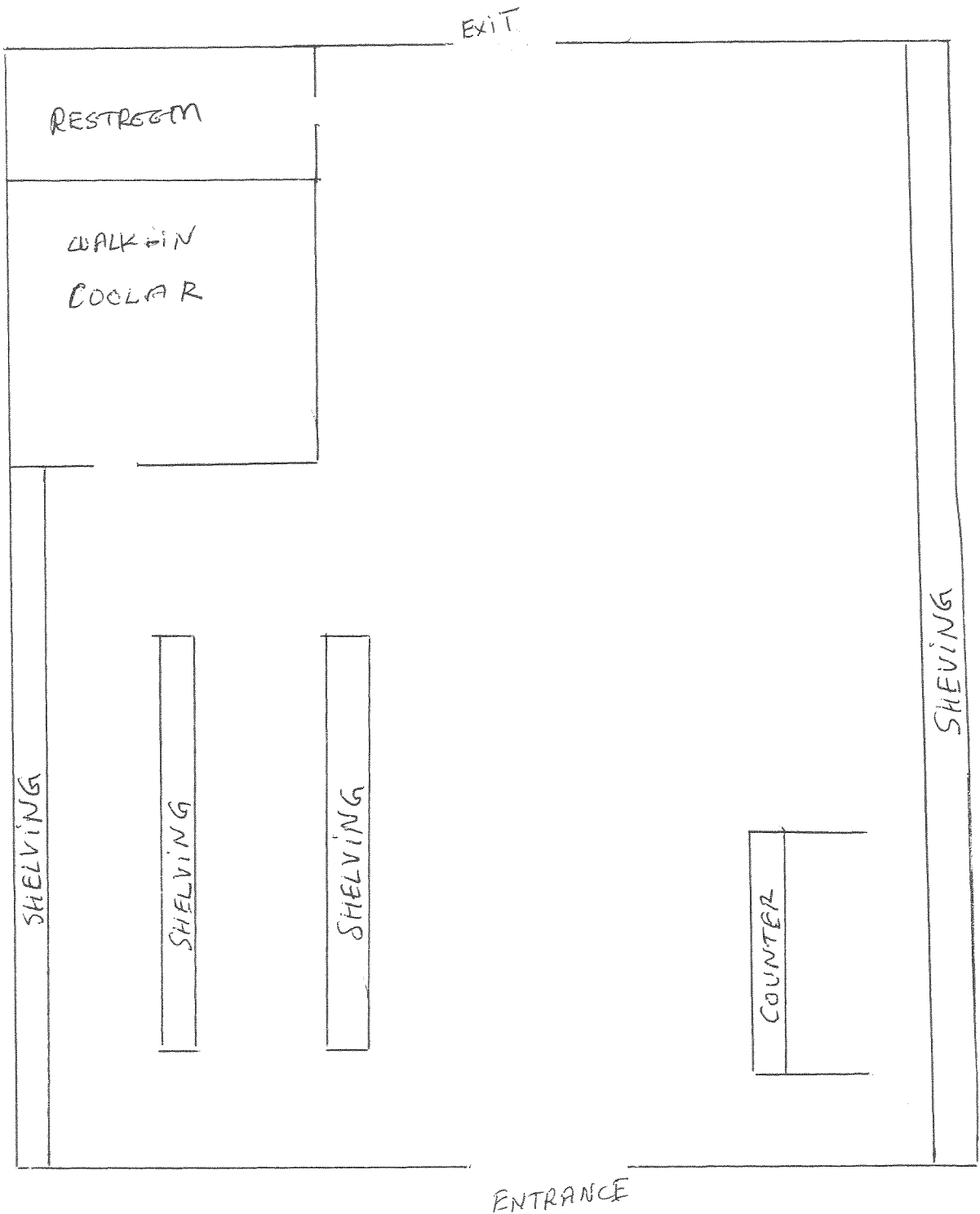
LEGAL DESCRIPTION

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.

LI  TEN: 

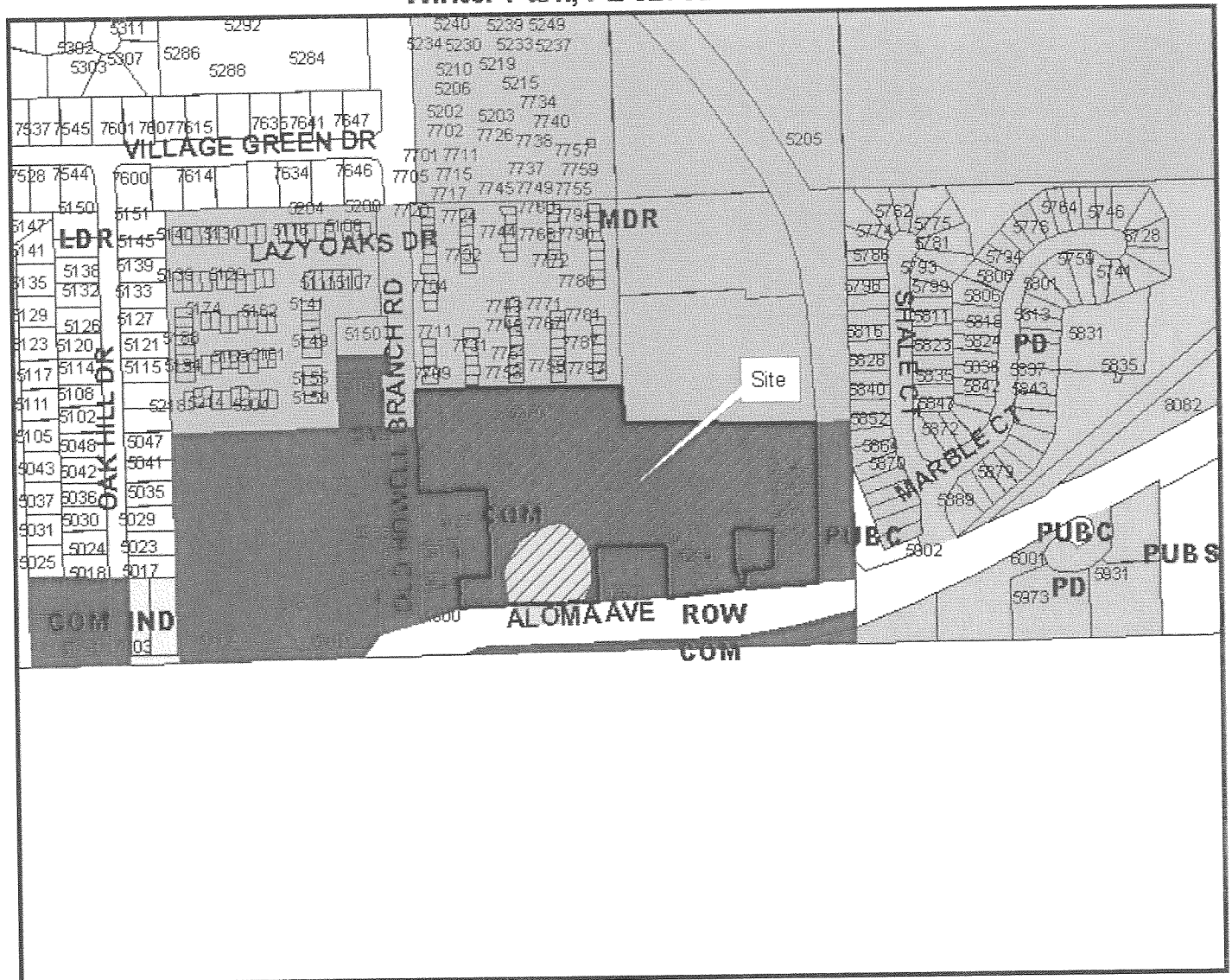


PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																					
GENERAL Parcel Id: 35-21-30-300-0430-0000 Owner: INLAND SOUTHEAST GOLDENROD LLC Mailing Address: 2901 BUTTERFIELD RD City, State, Zip Code: OAK BROOK IL 60523 Property Address: 426 CR GOLDENROD 32733 Facility Name: WINTER PARK PALMS Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 16-RETAIL CENTER-ANCHOR		2006 WORKING VALUE SUMMARY Value Method: Income Number of Buildings: 4 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$0 Land Value Ag: \$0 Just/Market Value: \$9,067,373 * Assessed Value (SOH): \$9,067,373 * Exempt Value: \$0 Taxable Value: \$9,067,373 Tax Estimator (* Income Approach used.)																																			
SALES <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> Find Sales within this DOR Code		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	2005 VALUE SUMMARY 2005 Tax Bill Amount: \$147,884 2005 Taxable Value: \$9,024,883 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																															
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LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>SQUARE FEET</td> <td>0</td> <td>0</td> <td>555,976</td> <td>6.00</td> <td>\$3,335,856</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	SQUARE FEET	0	0	555,976	6.00	\$3,335,856	LEGAL DESCRIPTION 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)																							
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SQUARE FEET	0	0	555,976	6.00	\$3,335,856																																

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

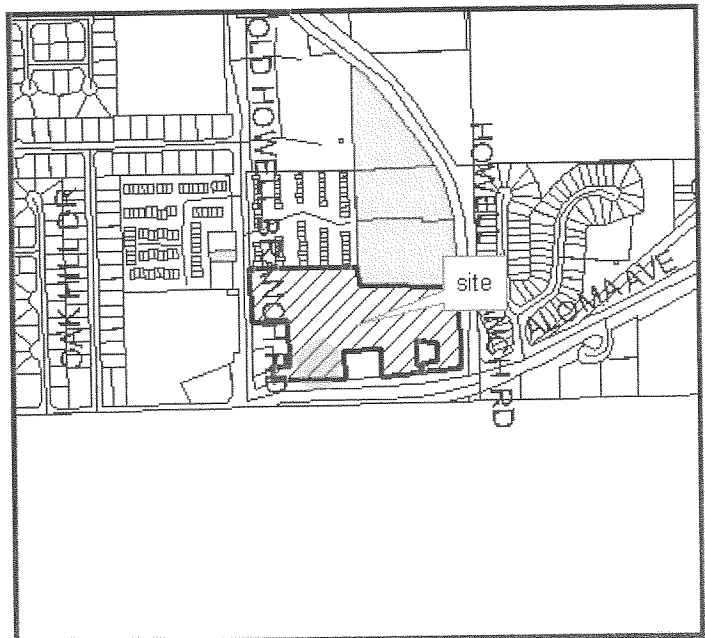


Seminole County Board of Adjustment
November 28, 2005
Case: BS2005-021
Parcel No: 35-21-30-300-0430-0000

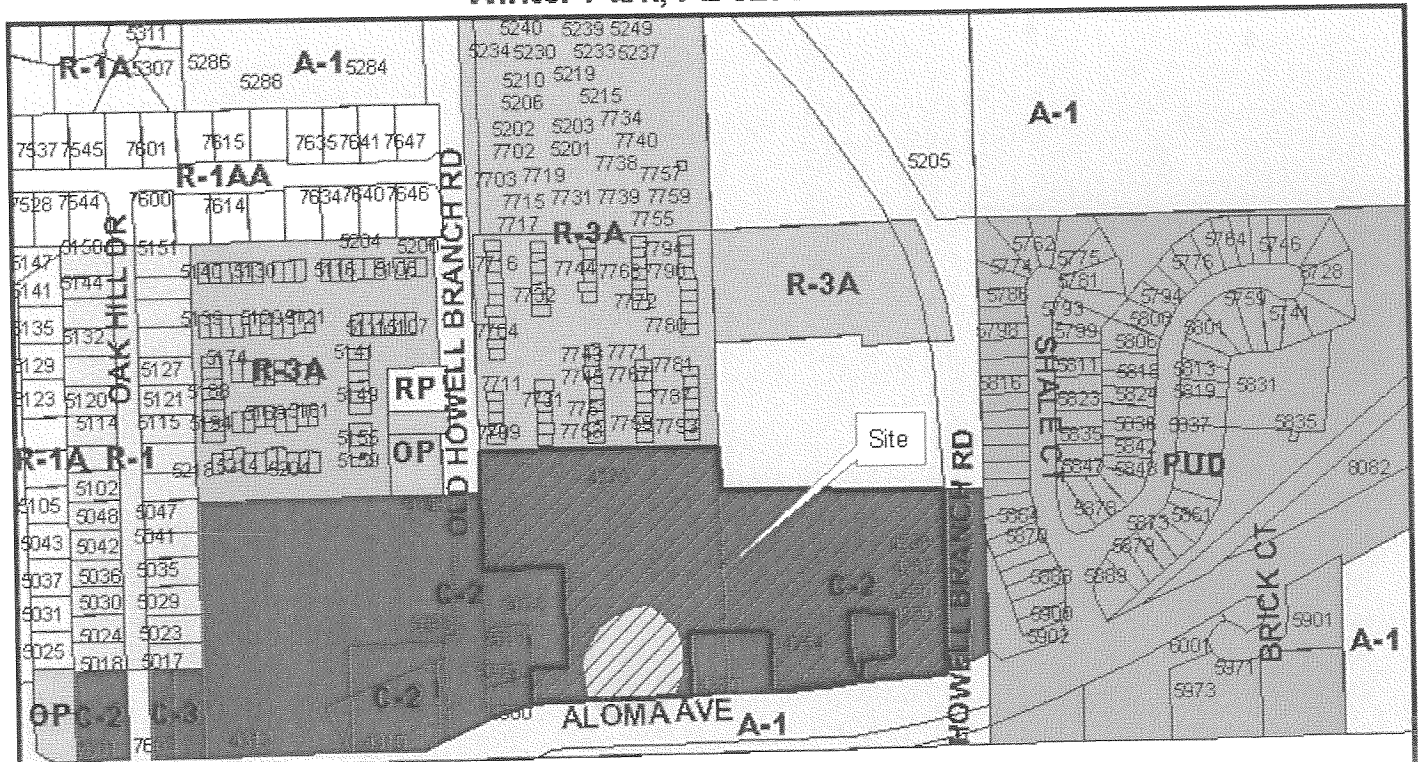
Future Land Use

- | | | |
|------------|--|---------------------------|
| 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

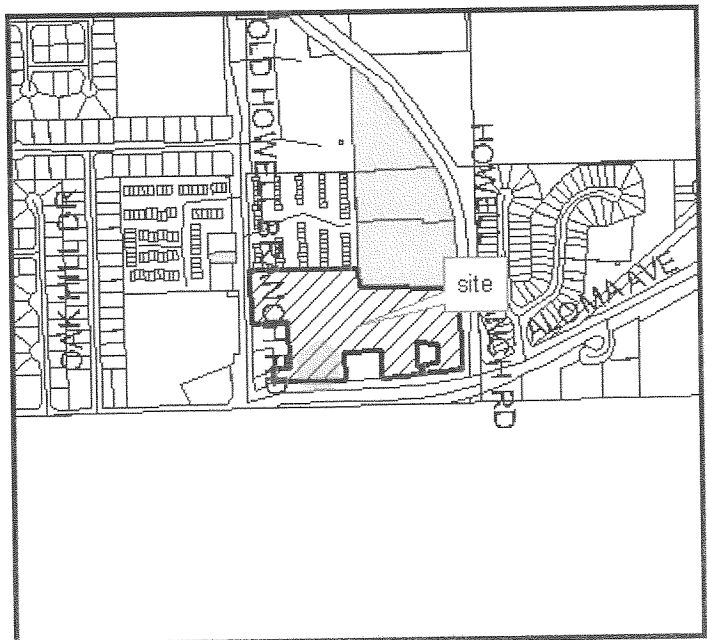


Seminole County Board of Adjustment
November 28, 2005
Case: BS2005-021
Parcel No: 35-21-30-300-0430-0000

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-10D U		Mobile Home
	RP Residential Professional		
	OP Office		
	C-2 Retail Commercial		
	C-3 Gen Commercial & Wholesale		
	PUD Planned Unit Dev.		

0 105210 420 630 840 Feet



COUNTY OF SEMINOLE



FLORIDA

MANAGEMENT
(305) 321-1130 EXT 443

May 21, 1985

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

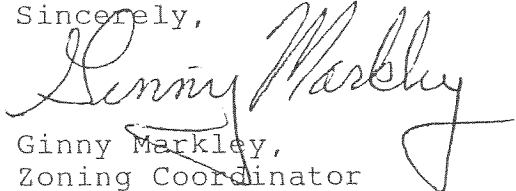
Walgreen Company
c/o Shutts & Bowen
56 East Pine Street
Orlando, Florida 32801

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,


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.