

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

SUBJECT: 5485 Lake Howell Road – David Thomas/O.C. South Winter Park, applicant; Request for a special exception for an alcoholic beverage establishment in the C-2 (Commercial).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT:** 7433

Agenda Date 07/23/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a special exception for an alcoholic beverage establishment in the C-2 (Commercial); or
2. **DENY** the request for a special exception for an alcoholic beverage establishment in the C-2 (Commercial); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	David Thomas/O.C. South Winter Park Outside Corner	Alcoholic Beverage Establishments; LDC section 30.1353(b)(2)&(3)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant requests a special exception for a sports bar (Outside Corner Sports Club) in which the sale of alcoholic beverages are not incidental to other products. • The proposed sports bar will be located in an existing shopping plaza known as Lake Howell Plaza. They will be remodeling 4,500 square feet of an end unit of the plaza facing Howell Branch Road. • The C-2 allows for a restaurant with incidental sales of alcoholic beverages but require a special exception when the sales of alcoholic beverages exceed the sales of food. 	
STANDARDS FOR GRANTING A	The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to	

**SPECIAL EXCEPTION;
LDC SECTION
30.43(b)(2)**

pass under the terms of the Land Development Code upon determination the use requested:

Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area:

The proposed sports bar will be located in an existing shopping center which is located on the commercial intersection of Howell Branch Road and Lake Howell Road. Within these commercial areas the sale of alcoholic beverages for on-premise or off-premise consumption is consistent with commercial and retail uses.

Does not have an unduly adverse effect on existing traffic patterns, movements and volumes:

The applicant is remodeling 4,500 square feet of an interior portion of an existing shopping center. There will be no increase in the square footage of the existing shopping center therefore no increase in the amount of traffic or parking needs.

Is consistent with the Seminole County Vision 2020 Comprehensive Plan:

The Seminole County Vision 2020 Comprehensive Plan describes the Commercial land use appropriate for retail commercial, restaurants and other service industries.

Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:

The proposed use and site plan meets the setbacks, building size and lot size requirements of the C-2 zoning.

Will not adversely affect the public interest:

Section 30.1353(b)(2) 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.

The LDC further states that any establishment selling

	<p>alcoholic beverages for consumption on-premise shall maintain the following separation from churches and schools:</p> <ul style="list-style-type: none">○ Churches. No closer than one thousand (1,000) feet measured along the shortest possible line lying entirely within public rights-of-way, such measurement being between the nearest entrance to the alcoholic beverage establishment and the nearest point on the plot occupied by the church.○ Schools - public, private, and parochial. No closer than one thousand (1,000) feet air-line measurement from lot line of the alcoholic beverages establishment to the nearest lot line of the school. <p>The applicant has submitted an affidavit stating they meet the separation requirements from churches and schools.</p>
STAFF RECOMMENDATION	<p>Staff recommends approval of a special exception for an alcoholic beverage establishment per the following conditions of approval:</p> <ul style="list-style-type: none">○ The proposed sports bar will not increase the square footage of the existing shopping center.○ Any outdoor seating will meet the fire code minimum standards for pedestrian sidewalk access.○ Amplified sound from outdoor televisions or speakers shall not encroach into residential areas.

Fee: \$370.00

COPY

Application # BS 2007-09
Meeting Date 7-23-07



SPECIAL EXCEPTION APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: DAVID THOMAS MANAGING MEMBER OC SOUTH WINTER PARK, LLC
Address: 6610 CHATSWORTH STREET, N.W. City: CANTON Zip code: 44718
Project Address: 5485 LAKE HOWELL RD, #10 City: WINTER PARK Zip code: 32107
Phone number(s): 330-497-8883 OFFICE 330-806-9870 CELL
Email address: dthomas@mckinleyfile.com

Please contact Charles Robinson 614-419-1748 (P)
614-479-0500 (F)

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: ALLOWANCE FOR A SPORTS LOUNGE / BAR SERVING FORT AND ALCOHOLIC BEVERAGES

theoutsidecorner@hotmail.com

RECEIVED MAY 23 2007

Is the property available for inspection without an appointment? Yes No

What is the current use of the property? FORMERLY A WINN-DIXIE STORE AREA

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required pre-application conference has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

Signed: [Signature] - for DAVID THOMAS

FOR OFFICE USE ONLY

Date Submitted: 9-1-07 Reviewed By: P. Johnson
 Tax parcel number: 33-21-30-300-0210-0002 Zoning/FLU C-2 / COMM.
 Legally created parcel (1971 tax roll, 5-acre dev, lot split) Platted Lot (check easements on lots / in dedication)
 Lot size _____ Meets minimum size and width
 Past approval # _____ Application and checklist complete
 Notes: _____

To: Special Exception Application
Seminole County Planning Division
1101 E. First St.
Sanford, FLA 32771

Attn: Seminole County Development Review Division

RE: OC South Winterpark LLC, DBA The Outside Corner

Business Scope for Property on Lake Howell Road

The portion of the end cap unit (comprising approximately of 4,500 square feet) would be used as home to a sports pub. The lease would be done through an LLC, comprised of 2-3 investors. The initial phase of operations would have the pub outfitted with:

Walk-in cooler and other necessary items, centralized bar, large seating areas, 2 bathrooms, an office, a kitchen and an outdoor seating area.

The kitchen would be comprised of a hood, an electric griddle, 2-4 gas deep fryers, a pizza oven and a panini press.

The hours of operations would be Monday through Saturday 11:00 AM until 2:00 AM and Sunday 12:00 PM until 2:00 AM.

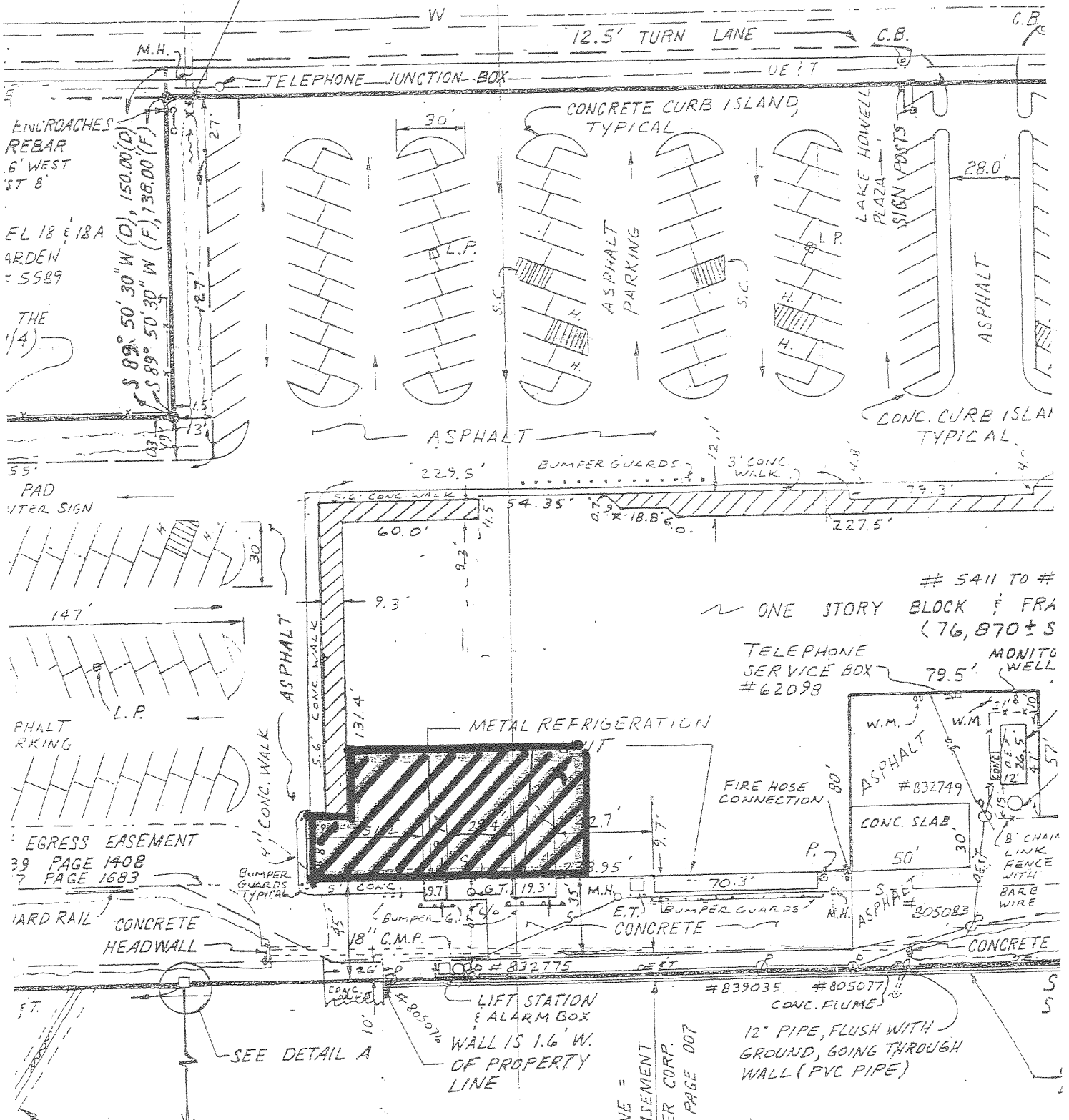
The theme would be that of a sports pub, with the ability for our patrons to enjoy good food while watching their favorite sports teams compete. There would be multiple big screens and smaller TVs for televised events and coin operated games for amusement purposes. The business would become active in local recreations, sponsoring hometown softball teams and leagues. It would also host charitable functions and become an asset to the local community.

My history as it relates to the service industry has spanned more than 18 years. I have worked in bars and restaurants since 1989 and have managed a few bars in Ohio, as well as Charleston, S.C. I currently am the majority owner of two sports bars in the Columbus, Ohio area and have been operating the first location since October 2004. References can be provided upon request.

Sincerely,

Charles J. Robinson

LAKE HOWELL ROAD - 85' PUBLIC



ENCROACHES
REBAR
6' WEST
ST 8'

EL 18 ± 18A
ARDEN
= 5589

THE
(4)

27.7'
13.1'
13.1'

PAD
WATER SIGN

147'

ASPHALT
PARKING

L.P.

EGRESS EASEMENT
39 PAGE 1408
7 PAGE 1683

YARD RAIL
CONCRETE
HEADWALL

SEE DETAIL A

20' DRAINAGE EASEMENT
O.R. BOOK 1367 PAGE 1683

CONCRETE CURB ISLAND
TYPICAL

ASPHALT PARKING

CONCRETE CURB ISLAND
TYPICAL

CONCRETE CURB ISLAND,
TYPICAL

30'

D.L.P.

ASPHALT PARKING

ASPHALT

229.5'

BUMPER GUARDS

3' CONC. WALK

227.5'

60.0'

9.3'

131.4'

5.6' CONC. WALK

ASPHALT

METAL REFRIGERATION
UNIT

FIRE HOSE
CONNECTION

80'

ASPHALT

CONC. SLAB

50'

30'

ASPHALT

CONCRETE

W.M.

W.M.

CONC. FLUME

12" PIPE, FLUSH WITH
GROUND, GOING THROUGH
WALL (PVC PIPE)

8' CHAIN
LINK
FENCE
WITH
BARB
WIRE

LIFT STATION
& ALARM BOX
WALL IS 1.6' W.
OF PROPERTY
LINE

18" C.M.P.

CONC. HEADWALL

ONE STORY BLOCK & FRA
(76,870 ± S

TELEPHONE
SERVICE BOX
#62098

MONITOR
WELL
79.5'

#832749

#805077

#839035

#805076

#832775

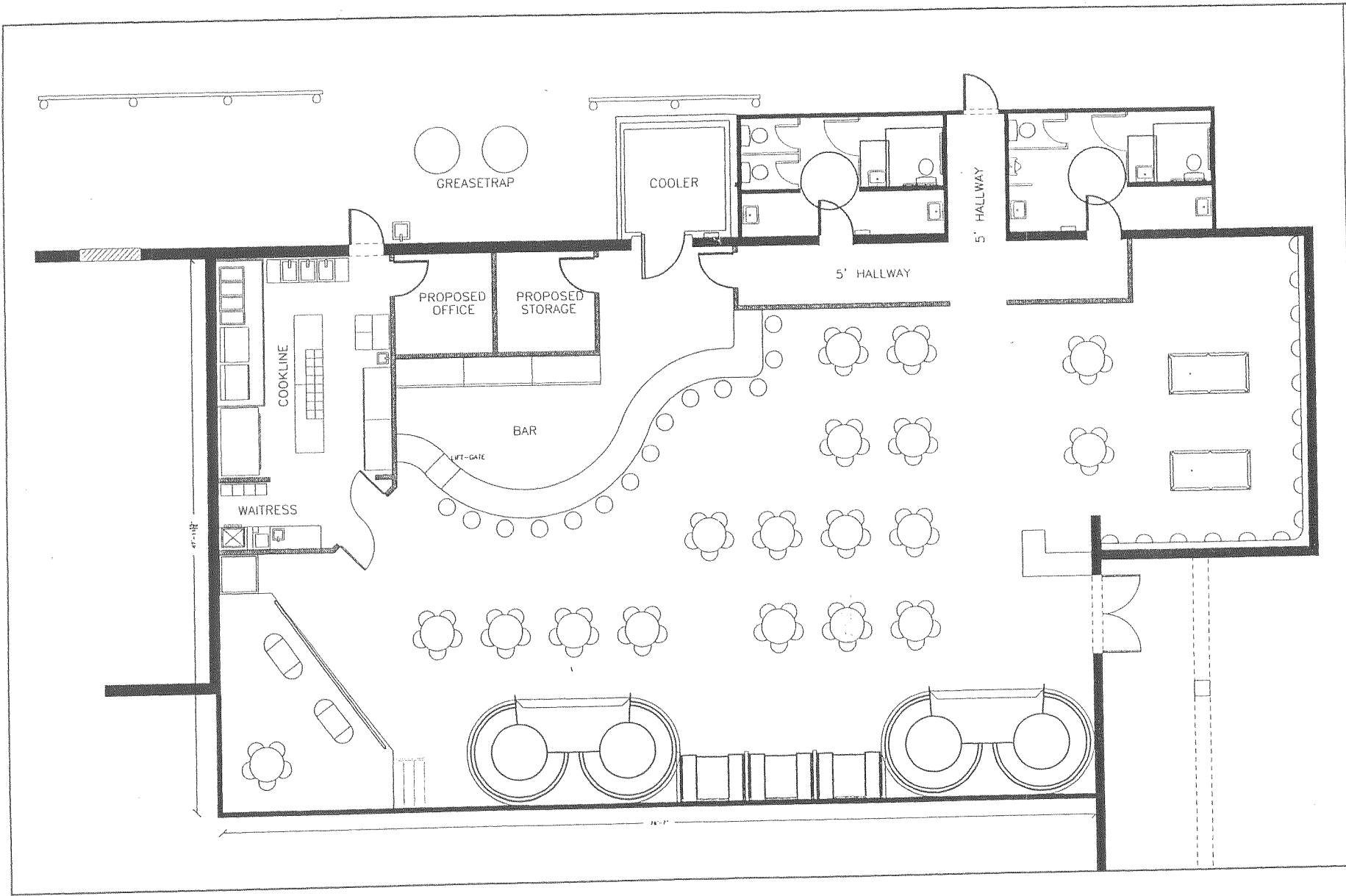
J. LYDEN TRACT
PARCEL 22
(CONTINUATION OF
PROFESSIONAL OFFICES)

LEGEND

- P.G. - PAGE
- D.R. - OFFICIAL RECORD
- R/W - RIGHT-OF-WAY
- B.G. - BUMPER GUARD(S)
- C/O - CLEAN OUT COVER(S)

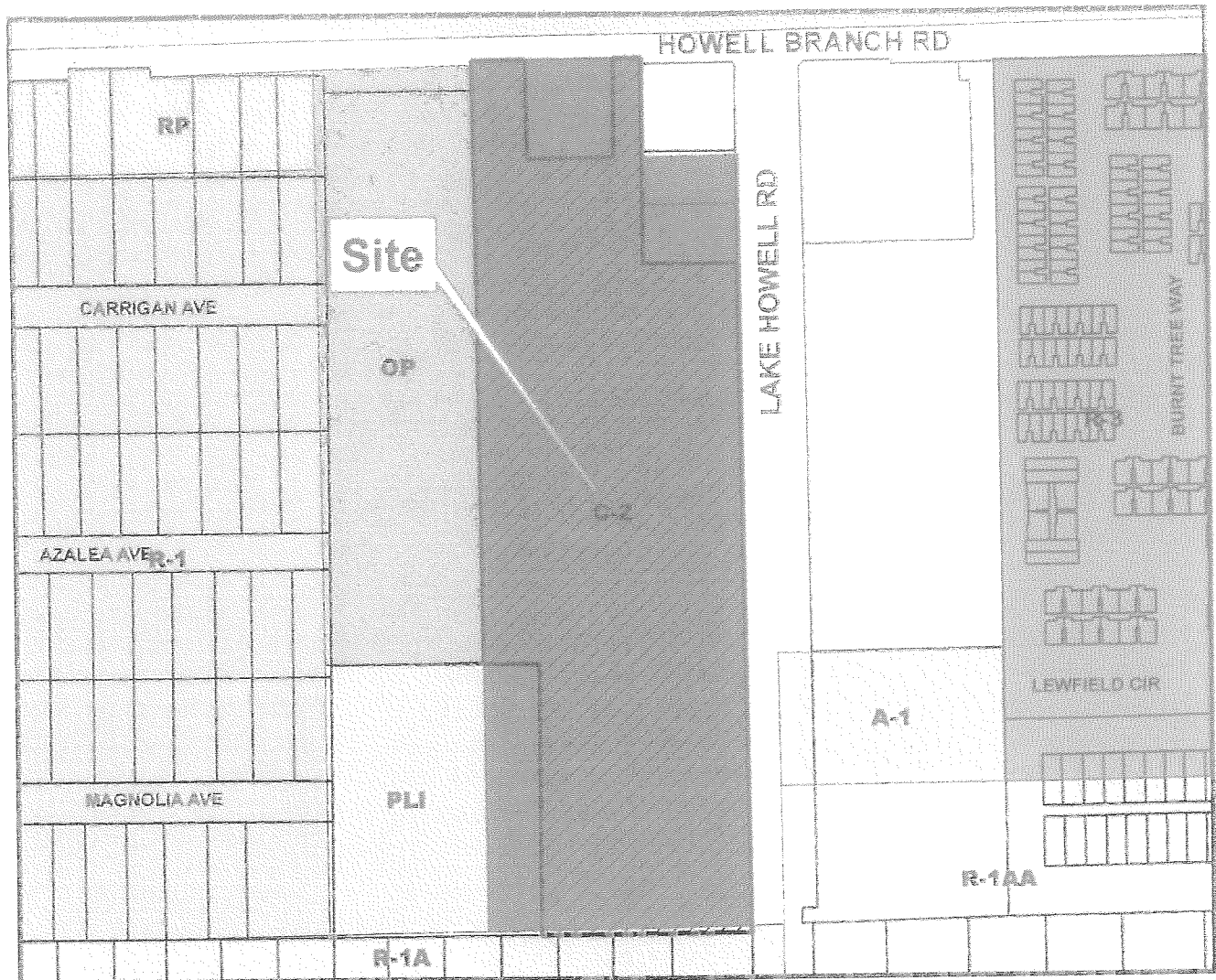
DASHED LINE = 10' UTILITY EASEMENT
FLORIDA POWER CORP.
O.R. BOOK 1399 PAGE 007

1) THE 3' E
0.5' WII



SCALE 1"=8'	DRAWN BY: BEC	DRAWING No. 1/B	TOTAL SEATING 167	TOTAL SQ. FTG. 4586.65	O. C. SOUTH WINTER PARK, LLC. OUTSIDE CORNER SPORTS-BAR LAKE HOWELL PLAZA
----------------	------------------	--------------------	----------------------	---------------------------	---

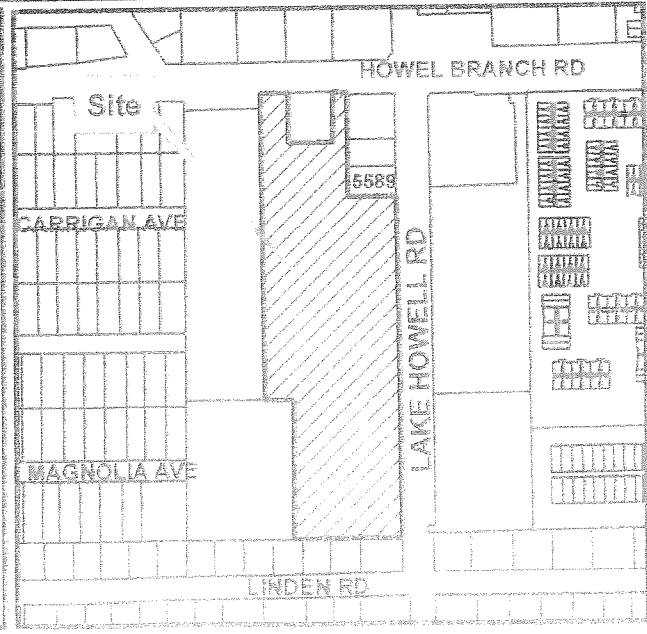
David Thomas/OC South Winter Park, LLC
 5485 Lake Howell Road #10
 Winter Park, Florida 32707

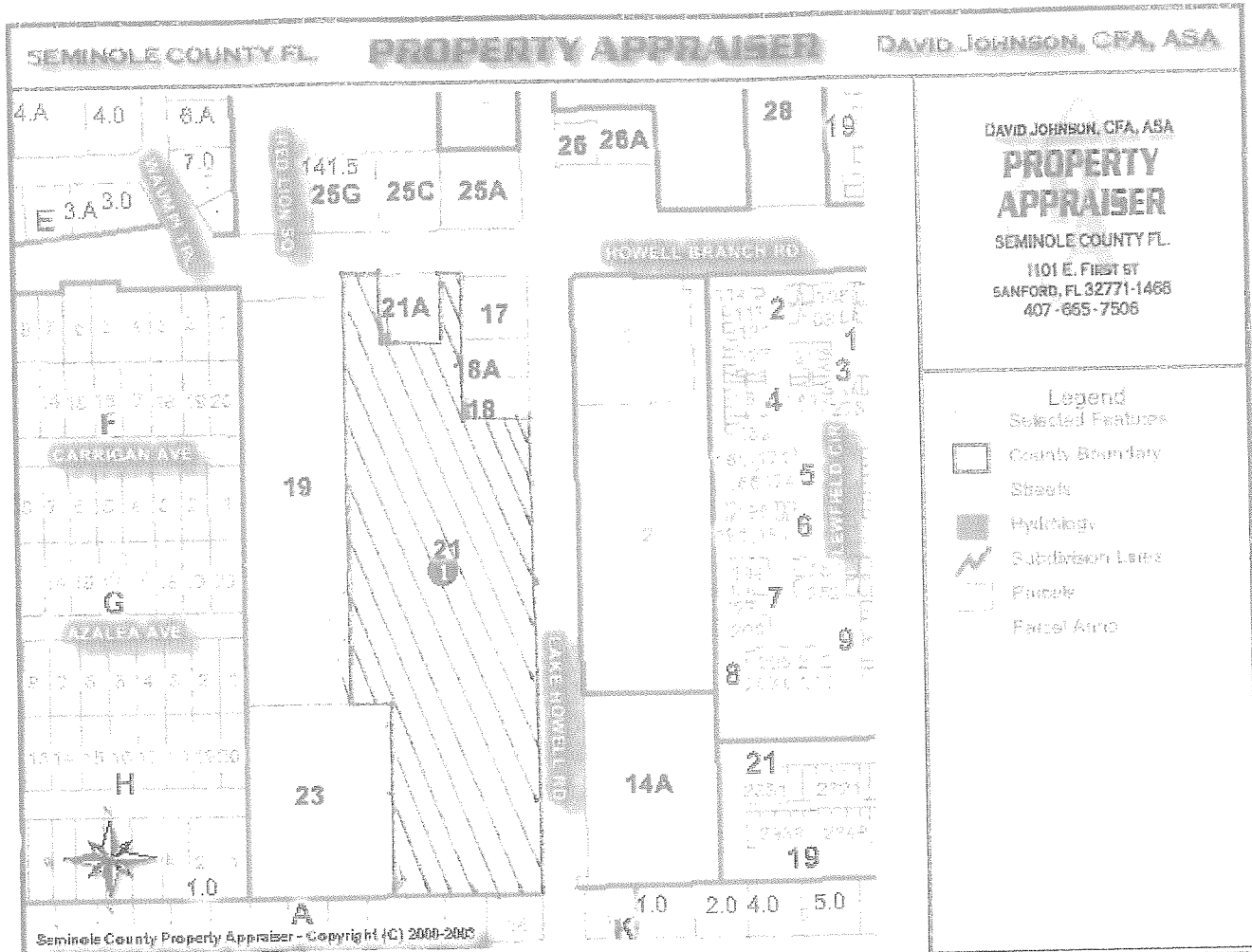


Seminole County Board of Adjustment
 July 23, 2007
 Case: BS2007-09 (Map 3210, Grid A5)
 Parcel No: 33-21-30-300-0210-0000

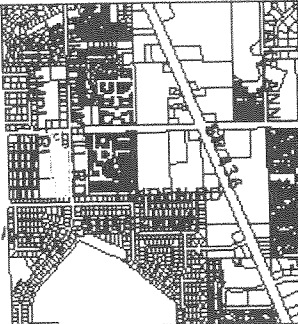
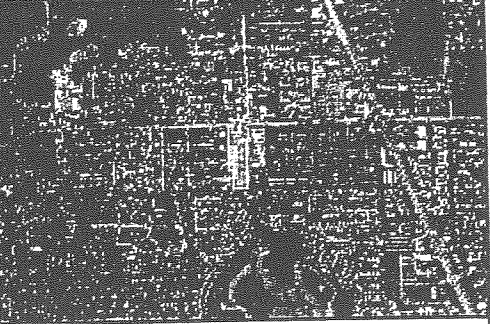
Zoning

	BS2007-09		R-1A		RP I		C-2
	A-1		R-1		OP		PLI
	R-1AA		R-3		C-1		





Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	33213030002100000	LAKE HOWELL PLAZA PARTNERSHIP	3930 FULTON DR NW	CANTON	OH	44718

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508</p>																																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 33-21-30-300-0210-0000</p> <p>Owner: LAKE HOWELL PLAZA PARTNERSHIP</p> <p>Own/Addr: LLC</p> <p>Mailing Address: 3930 FULTON DR NW</p> <p>City,State,ZipCode: CANTON OH 44718</p> <p>Property Address: LAKE HOWELL RD CASSELBERRY 32707</p> <p>Facility Name: LAKE HOWELL PLAZA</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="padding-left: 20px;">Dor: 16-RETAIL CENTER-ANCHOR</p>		<p style="text-align: center;">2007 WORKING VALUE SUMMARY</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td>Value Method:</td> <td style="text-align: right;">Income</td> </tr> <tr> <td>Number of Buildings:</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Depreciated Bldg Value:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Depreciated EXFT Value:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Land Value (Market):</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Land Value Ag:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Just/Market Value:</td> <td style="text-align: right;">\$4,466,004 *</td> </tr> <tr> <td>Assessed Value (SOH):</td> <td style="text-align: right;">\$4,466,004 *</td> </tr> <tr> <td>Exempt Value:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Taxable Value:</td> <td style="text-align: right;">\$4,466,004</td> </tr> <tr> <td colspan="2" style="text-align: center;">Tax Estimator</td> </tr> <tr> <td colspan="2" style="text-align: center;">(* Income Approach used.)</td> </tr> </table>	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:	\$4,466,004 *	Assessed Value (SOH):	\$4,466,004 *	Exempt Value:	\$0	Taxable Value:	\$4,466,004	Tax Estimator		(* Income Approach used.)																										
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:	\$4,466,004 *																																																		
Assessed Value (SOH):	\$4,466,004 *																																																		
Exempt Value:	\$0																																																		
Taxable Value:	\$4,466,004																																																		
Tax Estimator																																																			
(* Income Approach used.)																																																			
<p style="text-align: center;">SALES</p> <table style="width:100%; border-collapse: collapse;"> <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>WARRANTY DEED</td> <td>09/2006</td> <td>06442</td> <td>1637</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>03/1986</td> <td>01720</td> <td>0138</td> <td>\$173,900</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1981</td> <td>01367</td> <td>1683</td> <td>\$3,320,100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1981</td> <td>01339</td> <td>1406</td> <td>\$119,500</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01339</td> <td>1401</td> <td>\$147,300</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1981</td> <td>01339</td> <td>1398</td> <td>\$147,000</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	09/2006	06442	1637	\$100	Improved	No	SPECIAL WARRANTY DEED	03/1986	01720	0138	\$173,900	Improved	No	WARRANTY DEED	12/1981	01367	1683	\$3,320,100	Vacant	No	WARRANTY DEED	06/1981	01339	1406	\$119,500	Improved	No	WARRANTY DEED	05/1981	01339	1401	\$147,300	Improved	No	WARRANTY DEED	05/1981	01339	1398	\$147,000	Improved	No	<p style="text-align: center;">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$71,747</p> <p>2006 Taxable Value: \$4,452,106</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified																																													
WARRANTY DEED	09/2006	06442	1637	\$100	Improved	No																																													
SPECIAL WARRANTY DEED	03/1986	01720	0138	\$173,900	Improved	No																																													
WARRANTY DEED	12/1981	01367	1683	\$3,320,100	Vacant	No																																													
WARRANTY DEED	06/1981	01339	1406	\$119,500	Improved	No																																													
WARRANTY DEED	05/1981	01339	1401	\$147,300	Improved	No																																													
WARRANTY DEED	05/1981	01339	1398	\$147,000	Improved	No																																													
<p style="text-align: center;">LAND</p> <table style="width:100%; border-collapse: collapse;"> <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 style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: right;">417,715</td> <td style="text-align: right;">6.00</td> <td style="text-align: right;">\$2,506,290</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	SQUARE FEET	0	0	417,715	6.00	\$2,506,290	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p>LEG SEC 33 TWP 21S RGE 30E BEG 45 FT W OF SE COR OF NW 1/4 OF NW 1/4 RUN N 972.84 FT W 138 FT N 313.03 FT W 250 FT S 312.45 FT E 1.9 FT S 593.93 FT E 75 FT S 379.54 FT E 316.15 FT TO BEG (LESS W 130 FT OF E 353 FT OF N 160 FT) (9.33 AC)</p>																																					
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																														
SQUARE FEET	0	0	417,715	6.00	\$2,506,290																																														
BUILDING INFORMATION																																																			
Bld Num	Bld Class	Year Bld	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New																																											
1	MASONRY PILAS	1981	12	43,050	1	CONCRETE BLOCK - MASONRY	\$2,083,375	\$2,620,597																																											
			Subsection / Sqft OPEN PORCH FINISHED / 3348																																																
2	MASONRY PILAS	1981	14	10,001	1	CONCRETE BLOCK - MASONRY	\$1,327,848	\$1,883,473																																											

Subsection / Sqft		OPEN PORCH FINISHED / 730					
3	MASONRY PILAS	1981	74	30,508	1	CONCRETE BLOCK - MASONRY	\$1,306,796 \$1,853,612
Subsection / Sqft		OPEN PORCH FINISHED / 4491					
4	MASONRY PILAS	1981	8	6,000	1	CONCRETE BLOCK - MASONRY	\$266,725 \$378,333
Subsection / Sqft		OPEN PORCH FINISHED / 700					
Permits							
EXTRA FEATURE							
	Description	Year Blt	Units	EXFT	Value	Est. Cost	New
	ALUM PORCH NO FLOOR	1981	120		\$192		\$480
	ALUM PORCH NO FLOOR	1981	144		\$230		\$576
	ALUM PORCH NO FLOOR	1981	108		\$173		\$432
	WALKS CONC COMM	1981	7,100		\$5,680		\$14,200
	COMMERCIAL ASPHALT DR 2 IN	1981	187,156		\$62,136		\$155,339
	POLE LIGHT CONCRETE	1981	6		\$1,008		\$1,008
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>							

O. C. SOUTH WINTER PARK, L.L.C.
6610 Chatsworth Street, N.W.
Canton, Ohio 44718

June 1, 2007


Seminole County Planning Division
Attention: Special Exception
1101 East First Street
Sanford, Florida 32721

Re: **Application for Special Exception for
O. C. South Winter Park, L.L.C.**

Dear Sir/Madam:

With regard to the above referenced application for special exception for the premises to be located at 5465 Lake Howell Road in Winter Park, Florida (formerly part of a Winn-Dixie Store area), we are in compliance with the County Code for the distance from like establishments and/or residential area due to the property being a planned shopping center under the County Code. In addition, we are also outside the distance for the pedestrian right-of-way of 1,000 feet to the nearest church from the entrance of the proposed sports bar. We are no closer than 1,000 feet air-line measurement from lot line of the alcoholic beverage establishment to the nearest lot line of a school.

Lake Howell Plaza Partnership, LLC

by: 
Joseph P. Thomas
Its Manager

O. C. South Winter Park L.L.C.

by: 
David M. Thomas
Its Manager

Seminole County Planning Division
Attention: Special Exception
June 1, 2007
Page 2 of 2

STATE OF OHIO, COUNTY OF STARK, SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared LAKE HOWELL PLAZA PARTNERSHIP, LLC, an Ohio Limited Liability Company, by Joseph P. Thomas, its Manager, who acknowledged that he did sign the foregoing instrument on behalf of said Company and that the same is its free act and deed, and the free act and deed of him personally and as such Manager.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Canton, Ohio, this 4th day of June, 2007.



JANICE L. RICH
Notary Public, State of Ohio
My Commission expires 3-30-09
Recorded in Stark County

Janice L. Rich

Notary Public

STATE OF OHIO, COUNTY OF STARK, SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared O. C, SOUTH WINTER PARK, L.L.C., a Florida Limited Liability Company, by David M. Thomas, its Manager, who acknowledged that he did sign the foregoing instrument on behalf of said Company and that the same is its free act and deed, and the free act and deed of him personally and as such Manager.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Canton, Ohio, this 4th day of June, 2007.



JANICE L. RICH
Notary Public, State of Ohio
My Commission expires 3-30-09
Recorded in Stark County

Janice L. Rich

Notary Public

h:\dm\lake howell\OC South Park-Seminole Co Planning Div ltr

SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM (ORIGINAL ONLY)

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

Joseph P Thomas, Manager of
Lake Howell Plaza Partnership, LLC, the fee simple owner of the following
 (Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) 33-21-30-300-0210-0000

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
 (circle one or more) ^{to grant a Special Exception} ~~from~~ allow a sports bar/lounge ^{to serving food and alcoholic} and affirm that
Robert Casey is hereby designated to act as my / our authorized agent and to file the
 attached application for the stated amendment and make binding statements and commitments regarding the
 amendment request.

Lake Howell Plaza Partnership LLC

by: Joseph P. Thomas
 Owner's Signature Joseph P. Thomas
IT Manager

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

State of Ohio, Stark County,

SWORN TO AND SUBSCRIBED before me this 25th day of April, 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Joseph P. Thomas, who is personally known to me ~~or~~ who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of April, 2007.

Janice L. Rich
 Notary Public in and for the County and State
 Aforementioned

My Commission Expires:



JANICE L. RICH
 Notary Public, State of Ohio
 My Commission exps 3-30-09
 Recorded in Stark County

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 23, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 33 TWP 21S RGE 30E BEG 45 FT W OF SE COR OF NW 1/4 OF NW 1/4
RUN N 972.84 FT W 138 FT N 313.03 FT W 250 FT S 312.45 FT E 1.9 FT S 593.93
FT E 75 FT S 379.54 FT E 316.15 FT TO BEG (LESS W 130 FT OF E 353 FT OF N
160 FT) (9.33 AC)

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

FINDINGS OF FACT

Property Owner: Lake Howell Plaza Partnership, LLC
3930 Fulton Drive, NW
Canton, Ohio 44718

Project Name: Lake Howell Road (5485)

Requested Development Approval:

Request for a special exception for an alcoholic beverage establishment in C-2
(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, Principal Planner
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:

1. The proposed sports bar will not increase the square footage of the existing shopping center; and
2. Any outdoor seating will meet the fire code minimum standards for pedestrian sidewalk access; and
3. Amplified sound from outdoor televisions or speakers shall not encroach into residential areas.

(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: _____
Dori L. DeBord
Planning & Development Director

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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: