

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 4250 Alafaya Trail – Pat’s Liquor, Leaf & Wine, Meechal Patel, applicant; Request for a Special Exception for an existing package liquor store to allow on-premises consumption in C-1 (Commercial District).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT:** 7387

Agenda Date 8/27/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a Special Exception for an existing package liquor store to allow on-premises consumption in C-1 (Commercial District); or
2. **DENY** the request for a Special Exception for an existing package liquor store to allow on-premises consumption in C-1 (Commercial District); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	Pat’s Liquor, Leaf & Wine Meechal Patel, applicant 4250 Alafaya Trail Oviedo FL 32765	C-1 District Alcoholic Beverage Establishments Section 30.1353 (b)(2)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • On 6/12/01 Pat’s Liquor, Leaf and Wine was granted a special exception for a package liquor store / off-premises consumption. Pat’s Liquor, Leaf & Wine is located within the University Palms Shopping Center. • The applicant wishes to change the liquor license for this location to a 4COP which would allow on-premise consumption in order to host small “tasting” events. 	

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	C-1	COM	University Palms Shopping Center
	NORTH	R1BB	HDR	Creekwood Subdivision
	SOUTH	McCulloch Road and Orange County		
	EAST	R1BB	HDR	Creekwood Subdivision
	WEST	PUD	PD	Alafaya Tr / Wal-Mart
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</p>	<p>The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>The use of a package liquor store was established within this commercial center in 2001.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>The University Palms Shopping Center contains Publix as the primary tenant with several smaller stores within. The addition of on-premises consumption limited to wine tastings and the like will have minimal effect on the existing traffic patterns.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>The Seminole County Vision 2020 Comprehensive Plan describes the Commercial (COM) future land as providing for a variety of uses including highway oriented commercial, community shopping centers, convenience stores, and retail. The property is located at the major intersections of Alafaya Blvd. and McCulloch Road. On-Premise consumption is allowed by Special Exception within this land use.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>The proposed use would meet the minimum area and</p>			

	<p>dimensional requirements of the C-1 district.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>Within the C-1 commercial district on-premise consumption is allowed as conditional uses. Pat's Liquor, Leaf & Wine has operated a package liquor establishment at this location since 2001 and is seeking the special exception to allow special tasting events at the store. It is located at a major intersection that includes Wal-Mart and Publix and therefore demonstrates consistency with the trend of nearby and adjacent development in the area and will not adversely affect the public interest.</p>
STAFF FINDINGS	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none">• The property is located in the University Palms Shopping Center at the corner of Alafaya Trail and McCulloch Road, a major intersection.• The use is an addition to an existing package liquor store that has operated at this location since 2001.• A package store that hosts small tasting events would not have an unduly adverse effect on existing traffic patterns.• On-premise consumption shall be subordinate and incidental to the package liquor sales.• An alcoholic beverage establishment as a special exception is consistent with the commercial land use designation.
STAFF RECOMMENDATION	<p>Staff recommends approval of the special exception based upon the following conditions:</p> <ol style="list-style-type: none">1. The selling of alcoholic beverages shall be primarily package liquor sales with the on-premises consumption subordinate and incidental to the package liquor sales and limited to occasional events.

Fee: \$370.00

COPY

Application # B52007-11
Meeting Date 8-27-07



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: Meechal Patel PAT LIQUOR LEAF & WINE
Address: 1041 Burnett St. City: Oviedo Zip code: 32765
Project Address: 4250 ALABAMA TRL. City: Oviedo Zip code: 32765
Phone number(s): (321) 303-3230
Email address: _____

RECEIVED JUL 03 2007

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: changing series to 4COP

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

What is the current use of the property? Alcoholic Beverage Establishment

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: _____

FOR OFFICE USE ONLY

Date Submitted: 7-3-07 Reviewed By: P. Johnson
 Tax parcel number: 34-21-31-300-0170-0000 Zoning/FLU C1 / COM
 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: • needs authorization from property owner
• needs to sign application
• needs affidavit for separation

August 6, 2007
Pats Liquor, Leaf & Wine
4250 Alafaya tr
ste 220
Oviedo, FL
32765

License Change Request

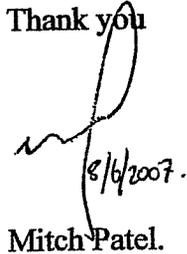
At Pats Liquor, Leaf & Wine we are currently operating under a 3PS license. We are requesting a change to a 4COP license. The reasoning behind this change is that it allows us as a business to compete with the larger chain stores such as ABC and Total wine and spirits. It allows us to compete by having wine, microbrews, and fine liquor samplings and seminars. It also offers us to take advantage of better buys from our distributor and thus lowering the prices for our customers and giving more back to the community.

Pats Liquor Leaf & Wine has been an active part in the Seminole county community; from helping and training law enforcement about how the different effects of liquor may influence a person and promoting safe rides in association with our store. We have also sponsored local softball teams, the Jewish community center project, the Elvis foundation, and numerous corner stone projects.

We are under no distance restrictions set in zoning charts, the closest church is approximately three quarters of a mile away, and the nearest school is three miles away.

By approving our request we will be able to contribute more in our community.

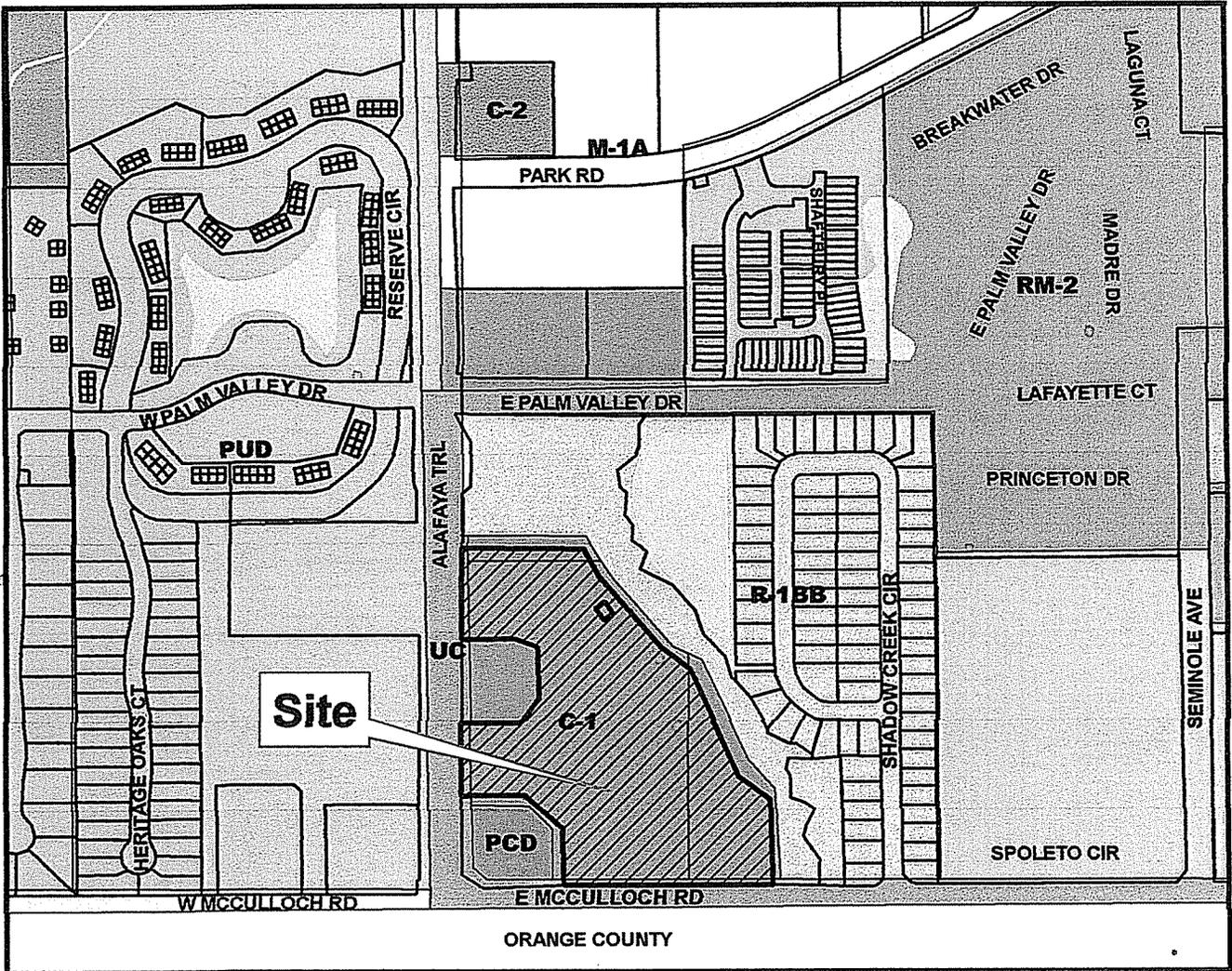
Thank you



8/6/2007.

Mitch Patel.

Meechal Patel
 4250 Alafaya Trail
 Oviedo, Florida 32765

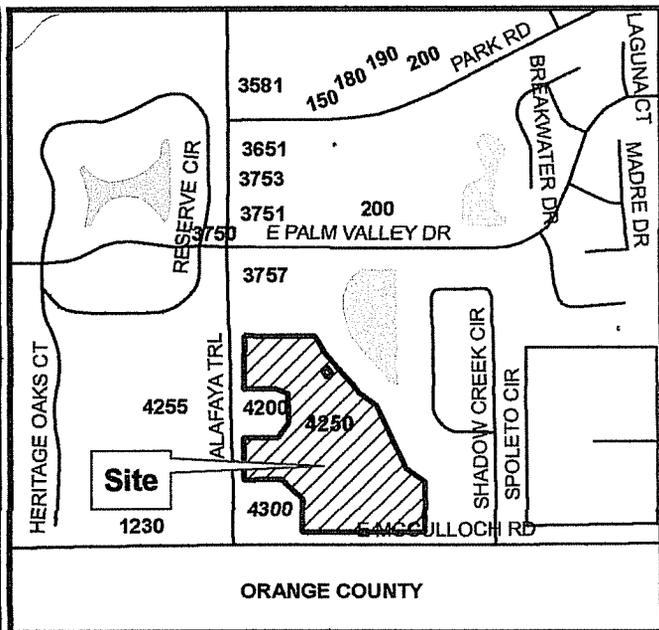


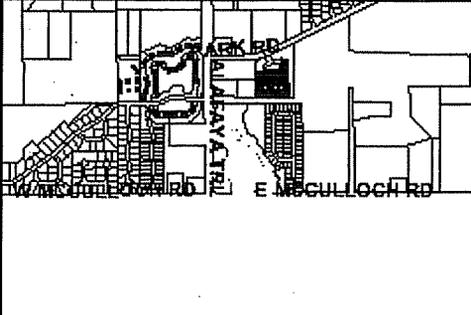
Seminole County Board of Adjustment
 August 27, 2007
 Case: BS2007-11 (Map 3213, Grid A7)
 Parcel No: 34-21-31-300-0170-0000

Zoning

	BS2007-11		RM-2		PUD
	A-1		C-1		PCD
	R-1BB		C-2		UC
	R-3		M-1A		

N



<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 407-665-7506</p>																																												
<p align="center">GENERAL</p> <p>Parcel Id: 34-21-31-300-0170-0000</p> <p>Owner: WRI UNIVERSITY PALMS LLC</p> <p>Own/Addr: C/O WEINGARTEN REALTY INV</p> <p>Mailing Address: PO BOX 924133</p> <p>City,State,ZipCode: HOUSTON TX 77292</p> <p>Property Address: 4250 ALAFAYA TRL OVIEDO 32765</p> <p>Facility Name: UNIVERSITY PALMS</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 16-RETAIL CENTER-ANCHOR</p>		<p>2007 WORKING VALUE SUMMARY</p> <table style="width:100%; border: none;"> <tr> <td>Value Method:</td> <td align="right">Income</td> </tr> <tr> <td>Number of Buildings:</td> <td align="right">2</td> </tr> <tr> <td>Depreciated Bldg Value:</td> <td align="right">\$0</td> </tr> <tr> <td>Depreciated EXFT Value:</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market):</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value Ag:</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value:</td> <td align="right">\$11,894,131 *</td> </tr> <tr> <td>Assessed Value (SOH):</td> <td align="right">\$11,894,131 *</td> </tr> <tr> <td>Exempt Value:</td> <td align="right">\$0</td> </tr> <tr> <td>Taxable Value:</td> <td align="right">\$11,894,131</td> </tr> </table> <p align="right">Tax Estimator</p> <p align="center">(* Income Approach used.)</p>	Value Method:	Income	Number of Buildings:	2	Depreciated Bldg Value:	\$0	Depreciated EXFT Value:	\$0	Land Value (Market):	\$0	Land Value Ag:	\$0	Just/Market Value:	\$11,894,131 *	Assessed Value (SOH):	\$11,894,131 *	Exempt Value:	\$0	Taxable Value:	\$11,894,131																						
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<p align="center">SALES</p> <table border="1" style="width:100%; border-collapse: collapse; border: none;"> <thead> <tr> <th style="text-align: left;">Deed</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Book</th> <th style="text-align: left;">Page</th> <th style="text-align: left;">Amount</th> <th style="text-align: left;">Vac/Imp</th> <th style="text-align: left;">Qualified</th> </tr> </thead> <tbody> <tr> <td>SPECIAL WARRANTY DEED</td> <td>10/2003</td> <td>05089</td> <td>0277</td> <td>\$12,250,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>10/2002</td> <td>04560</td> <td>1046</td> <td>\$10,867,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>06/1991</td> <td>02304</td> <td>1503</td> <td>\$3,000,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1984</td> <td>01543</td> <td>1663</td> <td>\$1,000,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1975</td> <td>01049</td> <td>0031</td> <td>\$100</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	10/2003	05089	0277	\$12,250,000	Improved	Yes	SPECIAL WARRANTY DEED	10/2002	04560	1046	\$10,867,000	Improved	Yes	SPECIAL WARRANTY DEED	06/1991	02304	1503	\$3,000,000	Vacant	No	WARRANTY DEED	04/1984	01543	1663	\$1,000,000	Vacant	No	QUIT CLAIM DEED	01/1975	01049	0031	\$100	Vacant	No	<p align="center">2006 VALUE SUMMARY</p> <p>2006 Tax Bill Amount: \$182,129</p> <p>2006 Taxable Value: \$11,301,693</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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FT E 202.43 FT N 52 DEG 27
 MIN 31 SEC E 196.97 FT S 37 DEG 32 MIN 29
 SEC E 51.01 FT TO POB RUN N 52 DEG 26
 MIN 59 SEC E 30 FT S 36
 DEG 40 MIN 33 SEC E 40 FT N 36 DEG 40
 MIN 33 SEC W 40 FT TO BEG) INFO: A/17C
 CUTOUT FOR 95

BUILDING INFORMATION

Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1993	20	56,707	1	CONCRETE BLOCK-STUCCO - MASONRY	\$2,790,568	\$3,382,507
Subsection / Sqft			OPEN PORCH FINISHED / 2661					
2	MASONRY PILAS	1994	54	44,446	1	CONCRETE BLOCK - MASONRY	\$2,370,791	\$2,830,795
Subsection / Sqft			OPEN PORCH FINISHED / 5490					
Subsection / Sqft			CARPORT FINISHED / 680					

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1993	183,864	\$108,755	\$167,316
COMMERCIAL CONCRETE DR 4 IN	1993	1,500	\$2,077	\$3,195
POLE LIGHT CONCRETE 1 ARM	1993	10	\$10,380	\$10,380
LOAD WELL	1993	1,224	\$1,193	\$1,836
POLE LIGHT CONCRETE 2 ARM	1993	3	\$7,782	\$7,782
POLE LIGHT CONCRETE 3 ARM	1993	4	\$16,604	\$16,604

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.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 27, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 34 TWP 21S RGE 31E BEG 264.46 FT N & 61 FT E OF SW COR OF SE 1/4 OF SW 1/4 RUN E 156 FT S 44 DEG 21 MIN 43 SEC E 91.62 FT S 140 FT E TO W LI TRACT A CREEKWOOD UNIT 1 N 2 DEG 52 MIN 42 SEC W 251.05 FT N 40 DEG 22 MIN 50 SEC W 105.68 FT N 24 DEG 46 MIN W 293.05 FT N 62 DEG 15 MIN 22 SEC W 87.31 FT N 40 DEG 48 MIN 27 SEC W 257.19 FT N 29 DEG 36 MIN 27 SEC W 128.15 FT W TO ELY R/W ALAFAYA TR S 280 (M) FT E 122 FT S 70 DEG 40 MIN 9 SEC E 71.28 FT S 139.85 FT S 52 DEG 27 MIN 31 SEC W 60.25 FT W TO ELY R/W ALAFAYA TR S TO BEG (LESS FROM SW COR OF SE 1/4 OF SW 1/4 RUN N 746.59 FT E 202.43 FT N 52 DEG 27 MIN 31 SEC E 196.97 FT S 37 DEG 32 MIN 29 SEC E 51.01 FT TO POB RUN N 52 DEG 26 MIN 59 SEC E 30 FT S 36 DEG 40 MIN 33 SEC E 40 FT N 36 DEG 40 MIN 33 SEC W 40 FT TO BEG)
INFO: A/17C CUTOUT FOR 95

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

FINDINGS OF FACT

Property Owner: WRI University Palms, LLC
c/o Weingarten Realty Inv
PO Box 924133
Houston TX 77292

Project Name: Alafaya Trail (4250)
Patel Special Exception to allow on-premise consumption for an alcoholic beverage establishment within the University Palms Shopping Center, shop 2B Pat's Liquor, Leaf & Wine

Requested Development Approval:

Request for a Special Exception for an existing package liquor store to allow on-premises consumption in C-1 (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: Denny Gibbs, Senior 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 selling of alcoholic beverages shall be primarily package liquor sales with the on-premises consumption subordinate and incidental to the package liquor sales and limited to occasional events.
- (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: