

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 1750 Sunshadow Drive – Winn Dixie, applicant; Request for a special exception for an alcohol beverage establishment (liquor store) in PUD (Planned Unit Development District).

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

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

Agenda Date 10/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a special exception for an alcohol beverage establishment (liquor store) in PUD (Planned Unit Development District); or
2. **APPROVE** the request for a special exception for an alcohol beverage establishment (liquor store) in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner: Location: Zoning	Winn Dixie Sun Lake Plaza, Inc. 1750 Sunshadow Drive PUD
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The existing Winn Dixie store is expanding its selection of alcoholic beverages to include liquor. The grocery store currently sells beer and wine. • The sale of liquor requires, by State law, to have a separate entrance therefore creating a separate liquor store. The liquor store will be placed within the existing square footage of the grocery store footprint. 	

**STANDARDS FOR
GRANTING A
SPECIAL
EXCEPTION; LDC
SECTION 30.43(b)(2)**

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:

IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:

The proposed use will be consistent with the other retail uses in the area. The existing store currently sells alcoholic beverages but due to the state's requirements they need to create a separate store within the existing footprint. The use will not be detrimental to the character of the area with the imposition of the recommended conditions of approval which address the impacts, if any, to adjacent uses.

DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:

There will be no increase in square footage or traffic due to the proposed use.

IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:

The Seminole County Vision 2020 Comprehensive Plan states that the Planned Development (PD) future land use will provide for a variety of land uses and intensities within a development site. Those uses include commercial uses in which the sale of alcoholic beverage would be permitted as a accessory use to other retail goods.

MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:

Based on the submitted site plan, the proposed use and proposed buildings meet the minimum area and dimensional requirements of the PUD district.

WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:

The site currently allows the sale of alcoholic beverages, the addition of liquor creates the need for a special exception due

	to the need to have a separate store. The site does meet the separation requirements from other package liquor stores as defined by the Land Development Code.
STAFF RECOMMENDATION	Staff recommends approval of the special exception subject to the following conditions: <ol style="list-style-type: none">1. The general layout of the proposed uses as depicted on the conceptual site plan shall not change.2. No building shall be increased more than 10% in square feet without Board of Adjustment approval.3. The sale of alcoholic beverage will be for only off-premise consumption.4. The liquor store will only consist of 5.6% of the total square footage of the existing grocery store.5. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$370.00

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COPY

Application # BS 2007-18
Meeting Date 10-22-07



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: Winn-Dixie Stores, Inc.

Address: 5050 Edgewood Court City: Jacksonville Zip code: 32254

Project Address: 1750 Sunshadow Drive City: Casselberry Zip code: 32707

Phone number(s): 904-370-6133

Email address: susanmagaddino@winn-dixie.com

What is this request for?

- Church
- Daycare
- School
- Group Home
- Assisted Living Facility (ALF)
- Kennel
- Riding Stable
- Alcoholic Beverage Establishment
- Communication Tower
- Other: _____

WITH A COPY TO:
Paul H. Chipok, Esq.
GrayRobinson, P.A.
301 East Pine St., Ste. 1400
Orlando, FL 32801
407-843-8800
PChipok@gray-robinson.com

RECEIVED SEP 06 2007

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

What is the current use of the property? Retail grocery

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: _____

LEGAL APPROVED

ATTY: USE
DATE: 8/29/07

FOR OFFICE USE ONLY

Date Submitted: 9-6-07 Reviewed By: P. Johnson

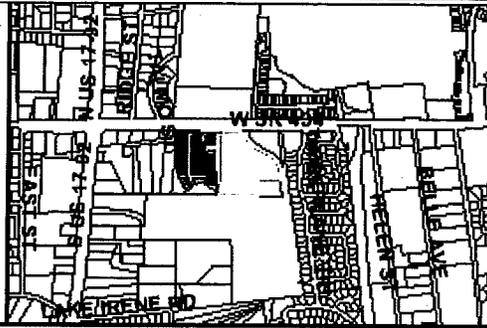
Tax parcel number: 04-21-30-525-0000-0010 Zoning/FLU PUD / PO

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: _____

<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 407-665-7806</p>		
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GENERAL

Parcel Id: 04-21-30-525-0000-0010
 Owner: SUN LAKE PLAZA INC
 Mailing Address: PO BOX 320219
 City,State,ZipCode: COCOA BEACH FL 32932
 Property Address: SUNSHADOW DR
 Facility Name: SUN LAKE PLAZA
 Tax District: 04-COUNTY- 17-92 REDVDST
 Exemptions:
 Dor: 16-RETAIL CENTER-ANCHOR

2007 WORKING VALUE SUMMARY

Value Method:	Income
Number of Buildings:	2
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$0
Land Value Ag:	\$0
<u>Just/Market Value:</u>	\$5,934,954 *
Assessed Value (SOH):	\$5,934,954 *
Exempt Value:	\$0
Taxable Value:	\$5,934,954

Tax Estimator

2007 Notice of Proposed Property Tax
 (* Income Approach used.)

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
SPECIAL WARRANTY DEED	09/2002	04542	0729	\$6,375,000	Improved	Yes

Find Sales within this DOR Code

2006 VALUE SUMMARY

2006 Tax Bill Amount: \$95,343
2006 Taxable Value: \$5,916,336
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	351,196	6.00	\$2,107,176
SQUARE FEET	0	0	6,000	6.00	\$36,000
SQUARE FEET	0	0	13,500	6.00	\$24,300

LEGAL DESCRIPTION

PLATS:

LOT 1 SUNSHADOW COMMERCIAL SUB PB
55 PGS 29 THRU 31

BUILDING INFORMATION

Bld Num	Bld Class	Year Bld	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	MASONRY PILAS	1998	17	51,703	1	CONCRETE BLOCK - MASONRY	\$3,042,123	\$3,427,744
	Subsection / Sqft		UTILITY UNFINISHED / 1218					
	Subsection / Sqft		OPEN PORCH FINISHED / 2330					
2	MASONRY PILAS	1998	24	14,400	1	CONCRETE BLOCK - MASONRY	\$896,812	\$1,010,492
	Subsection / Sqft		OPEN PORCH FINISHED / 2200					

Permits

EXTRA FEATURE

Description	Year Bld	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1998	143,955	\$101,524	\$130,999
COMMERCIAL CONCRETE DR 4 IN	1998	12,201	\$20,141	\$25,988
WALKS CONC COMM	1998	2,450	\$6,285	\$8,110

POLE LIGHT CONCRETE 1 ARM	1998	13	\$13,494	\$13,494
POLE LIGHT CONCRETE 2 ARM	1998	8	\$20,752	\$20,752
BLOCK WALL	1998	210	\$488	\$630
BLOCK WALL	1998	2,880	\$6,696	\$8,640

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.



Winn Dixie Stores Leasing, LLC, a wholly owned subsidiary of Winn-Dixie Stores, Inc., the Lessee pursuant to that certain Lease by and between Sun Lake Plaza, Inc. as Lessor and Winn-Dixie, is undertaking a major remodel of the existing grocery store located at 1750 Sunshadow Drive, #100, in Casselberry.

The remodel includes the proposed placement of an alcohol package store for consumption off-premises only. The Liquor Store will be placed within the existing 52,475 square foot grocery footprint, which will be broken down at follows:

- The liquor store will measure approximately 2,946 square feet reducing the grocery store to 49,529 square feet.
- The liquor store will be 5.6% of the total square footage.

Per state requirements, the package store will be self contained with a separate entrance.

There are no other package stores within a 1000 foot radius of this premises.

The proposed hours of operation are:

Monday – Thursday	9:00 a.m. – 9:00 p.m.
Friday – Saturday	9:00 a.m. – 11:00 p.m.
Sunday	12:00 p.m. – 8:00 p.m.

Winn-Dixie estimates that the package store will maintain a staff of two (2) full-time employees and three (3) part-time employees.

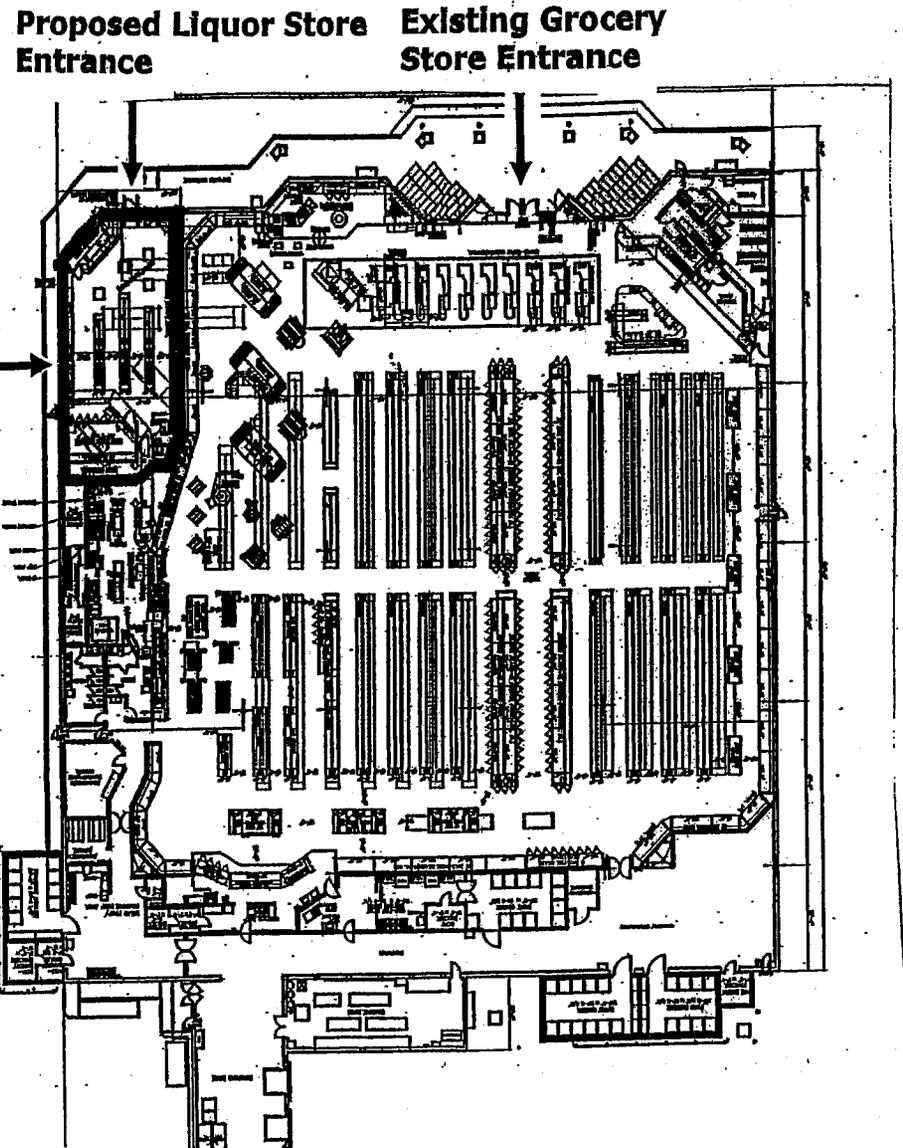
Winn-Dixie
Getting better all the time.

5050 Edgewood Court
Jacksonville, Florida 32254

CONCEPT PLAN

STORE NO. 2273
CASSELBERRY, FL

Current Winn-Dixie Store Area	52,475 sq. ft.
Proposed Liquor Store Area	2,946 sq. ft.
Proposed Winn-Dixie Store Area	49,529 sq. ft.
Percentage of Liquor Store Area to Winn-Dixie Store Area	5.6%



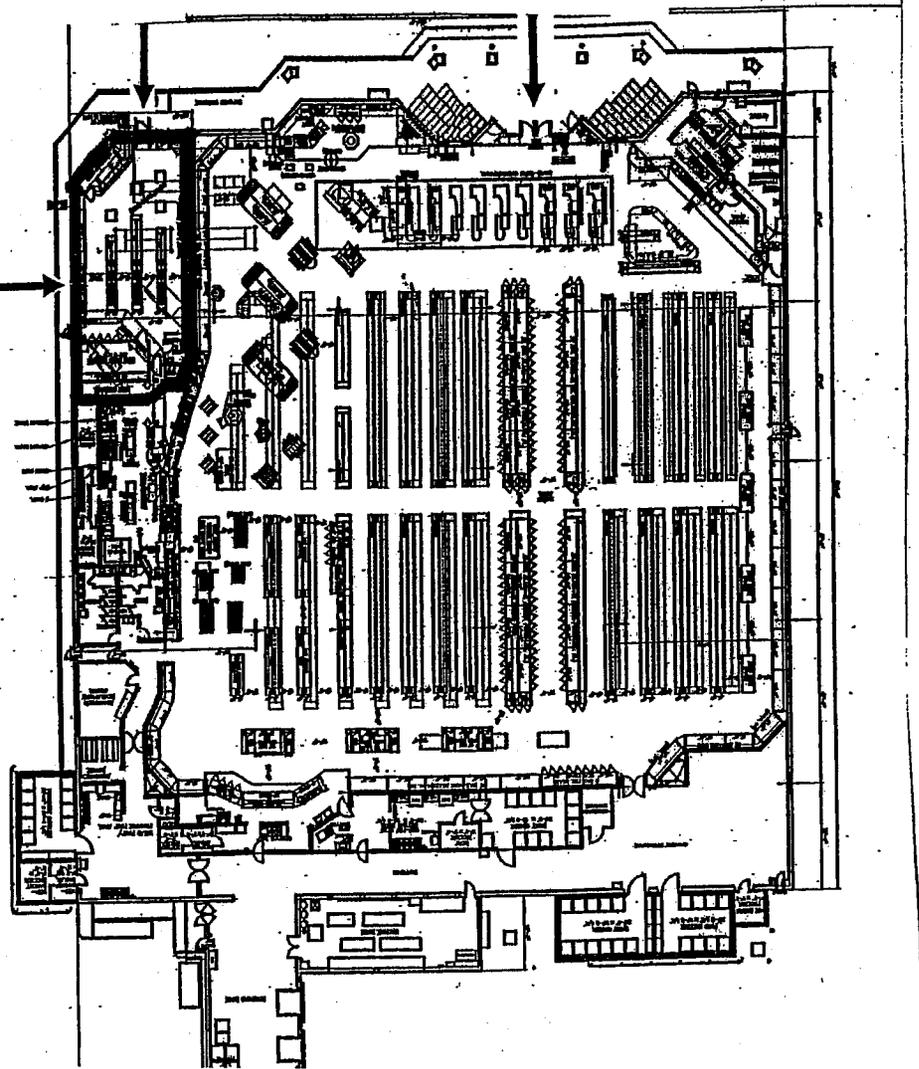
CONCEPT PLAN

STORE NO. 2273
CASSELBERRY, FL

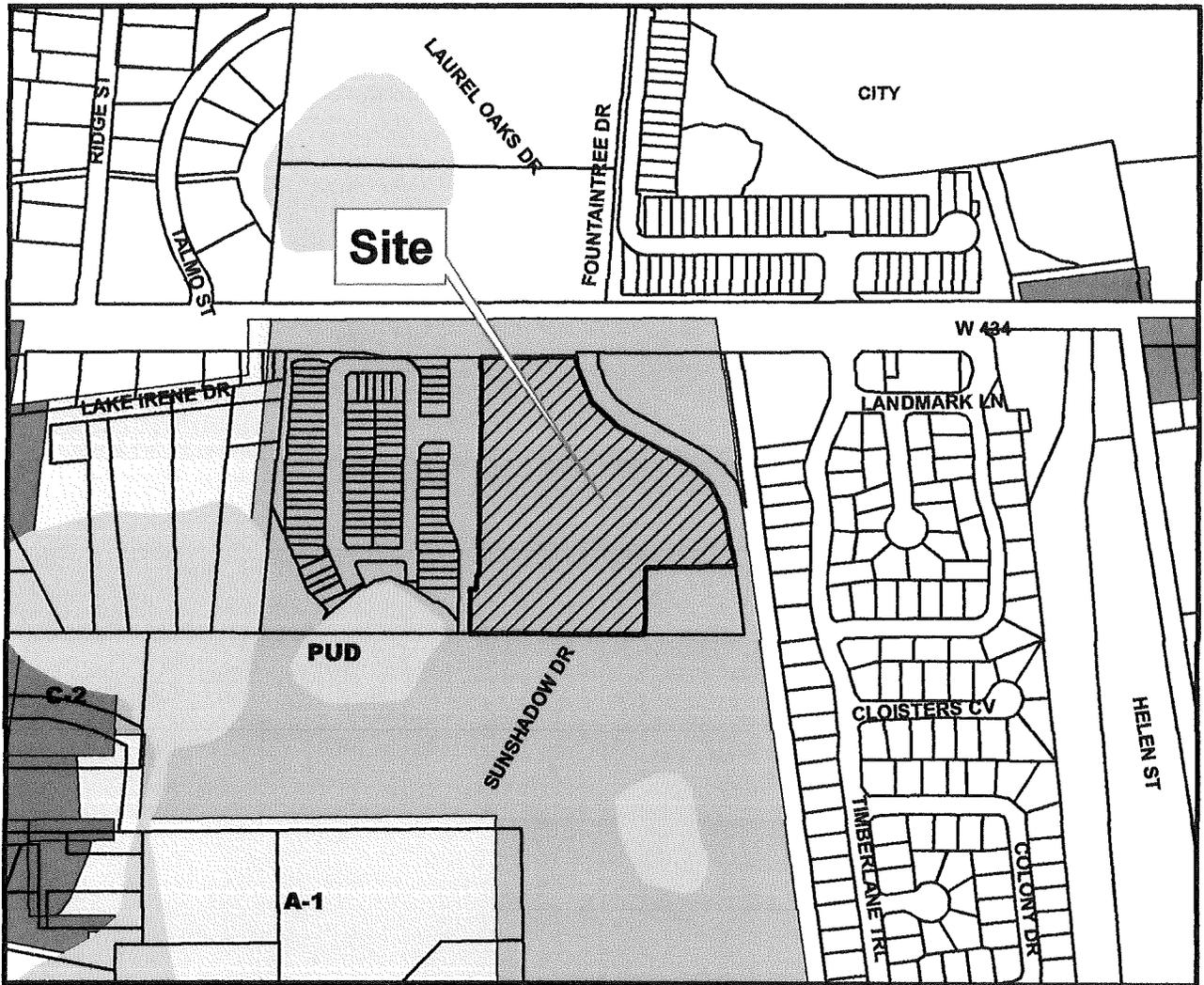
Current Winn-Dixie Store Area	52,475 sq. ft.
Proposed Liquor Store Area	2,946 sq. ft.
Proposed Winn-Dixie Store Area	49,529 sq. ft.
Percentage of Liquor Store Area to Winn-Dixie Store Area	5.6%

Proposed
Liquor Store

Proposed Liquor Store Entrance Existing Grocery Store Entrance

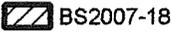
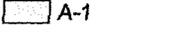
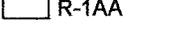


Winn-Dixie Stores, Inc.
 1750 Sunshadow Drive
 Sun Lake Plaza
 Casselberry, Florida 32707

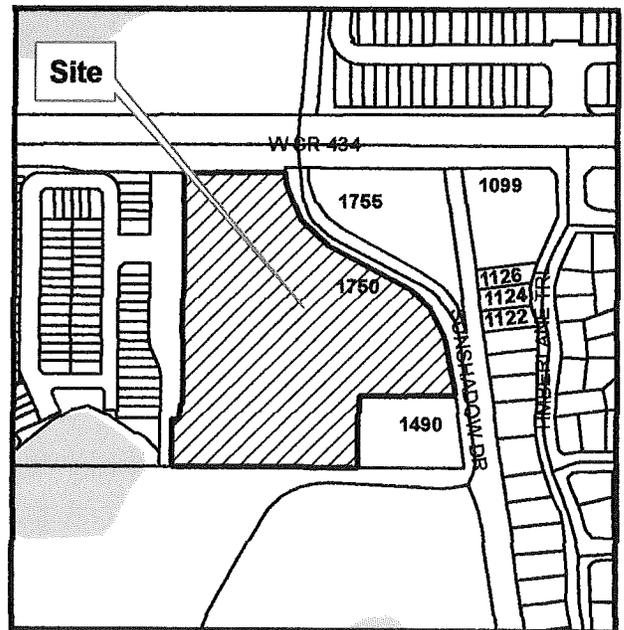


Seminole County Board of Adjustment
 October 22, 2007
 Case: BS2007-18 (Map 3157, Grid A3)
 Parcel No: 04-21-30-525-0000-0010

Zoning

	BS2007-18		C-1
	A-1		C-2
	R-1AA		PUD

N

Sun Lake Plaza, Inc.
Post Office Box 320219
Cocoa Beach, Florida 32932
Ph. 321-452-0888 Fax 321-453-3618

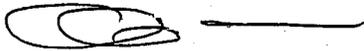
August 21, 2007

To Whom It May Concern:

Sun Lake Plaza, Inc. authorizes Winn-Dixie Stores, Inc. to act on our behalf regarding placement of a package liquor store at 1750 Sunshadow Drive, #100, Casselberry, Florida, before the Board of Adjustment for approval of the placement of a package liquor store.

Please feel free to contact me at the number listed above if you have any questions regarding this matter.

Sincerely,



Robert Kodsí
Sun Lake Plaza, Inc.

RDK/kem

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 1 Sunshadow Commercial Sub PB 55 PGS 29 thru 31

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

FINDINGS OF FACT

Property Owner: Sun Lake Plaza, Inc.
P.O. Box 320219
Cocoa Beach, Fl. 32932

Project Name: Sunshadow Drive (1750)

Requested Development Approval:

Request for a special exception for an alcohol beverage establishment
(liquor store) in PUD (Planned Unit Development 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:
 - a. The general layout of the proposed uses as depicted on the conceptual site plan shall not change.
 - b. No building shall be increased more than 10% without Board of Adjustment approval.
 - c. The sale of alcoholic beverage will be for only off-premise consumption.
 - d. The liquor store will only consist of 5.6% of the total square footage of the existing grocery store.
 - e. Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).
- (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: