

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 2401 West State Road 434 – William & Leslie McGinn, applicants; Request for a special exception for an alcoholic beverage establishment and a variance from 1,000 feet to 796.6 feet for the on-premise consumption of alcoholic beverages within 1,000 feet of a church in the C-1 (Commercial).

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

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

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

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a special exception for an alcoholic beverage establishment and a variance from 1,000 feet to 796.6 feet for the on-premise consumption of alcoholic beverages within 1,000 feet of a church in the C-1 (Commercial); or
2. **DENY** the request for a special exception for an alcoholic beverage establishment and a variance from 1,000 feet to 796.6 feet for the on-premise consumption of alcoholic beverages within 1,000 feet of a church in the C-1 (Commercial); or
3. **CONTINUE** The request to a time and date certain.

GENERAL INFORMATION	William & Leslie McGinn, The Wine Gallery Longwood, Fl.	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 retail wine shop and wine bar in which the sale of alcoholic beverages are not incidental to other products. • The proposed wine shop and wine bar will be located in an existing shopping plaza known as Springs Plaza. They will be remodeling an existing interior space, consisting of 2,160 square feet, fronting State Road 434. 	

	<ul style="list-style-type: none">• The C-1 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.
<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 proposed wine shop and wine bar will be located in an existing shopping center which is located on the commercial intersection of State Road 434 and Wekiva Springs Road. Within these commercial areas and within the existing shopping center the sale of alcoholic beverages for on-premise or off-premise consumption is consistent with commercial and retail uses.</p> <p><u>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes:</u></p> <p>The applicant is remodeling the interior portion of an existing shopping center. There will be no increase in the square footage of the existing shopping center therefore any increase in the amount of traffic or parking needs.</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 land use appropriate for retail commercial, restaurants and other service industries.</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 and site plan meets the setbacks, building size and lot size requirements of the C-1 zoning.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>Section 30.1353(b)(2) of the Land Development Code (LDC)</p>

	<p>requires a special exception for the establishment of any business selling alcoholic beverages in the C-1 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 states that any establishment selling 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 a variance from the separation requirement from a church from 1,000 feet to 796.6 feet from the proposed retail wine shop and wine bar.</p>
<p>STAFF RECOMMENDATION</p>	<p>Staff recommends approval of a special exception for an alcoholic beverage establishment and the associated variance per the following conditions of approval:</p> <ul style="list-style-type: none">○ The proposed retail wine shop and wine bar will not increase the square footage of the existing shopping center.○ There will be no liquor sales and/or consumption on premise.○ 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

COPY

Application # BS 2007-19

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: William & Leslie McGinn

Address: 205 Sweetwater Blvd. South City: Longwood Zip code: 32779

Project Address: 2401 W.S.R. 434 Suite #141 City: Longwood Zip code: 32779

Phone number(s): Cell-407-782-0633 Hm #407-786-4623

Email address: themcginn@fastmail.us

What is this request for?

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

Other: The Wine Gallery - Retail Wine Shop + Wine Bar

RECEIVED SEP 07 2007

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

What is the current use of the property? Strip Center - Springs Plaza
Suite #141 - Currently VACANT

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: Leslie McGinn

FOR OFFICE USE ONLY

Date Submitted: 9-7-07

Reviewed By: P. Johnson

Tax parcel number: 03-21-29-300-009B-0000 zoning/FLU C-1/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: _____

SITE PLAN

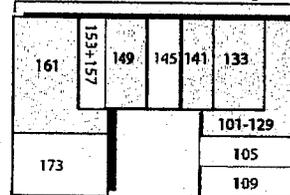
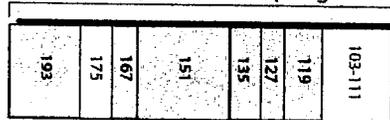
WEKIVA SPRINGS ROAD

125 Wekiva Springs Rd

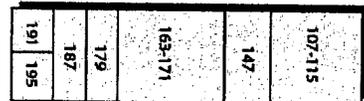
Amsouth Bank

145 Wekiva Springs Rd

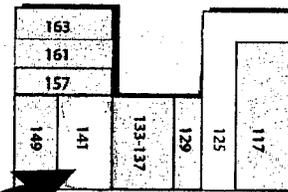
165 Wekiva Springs Rd



Albertson's
(not included)



2425 West State Rd 434



2401 West State Rd 434

THE WINE GALLERY

Fifth Third Bank

1873 West State Rd 434

WEKIVA SPRINGS LANE

STATE ROAD 434

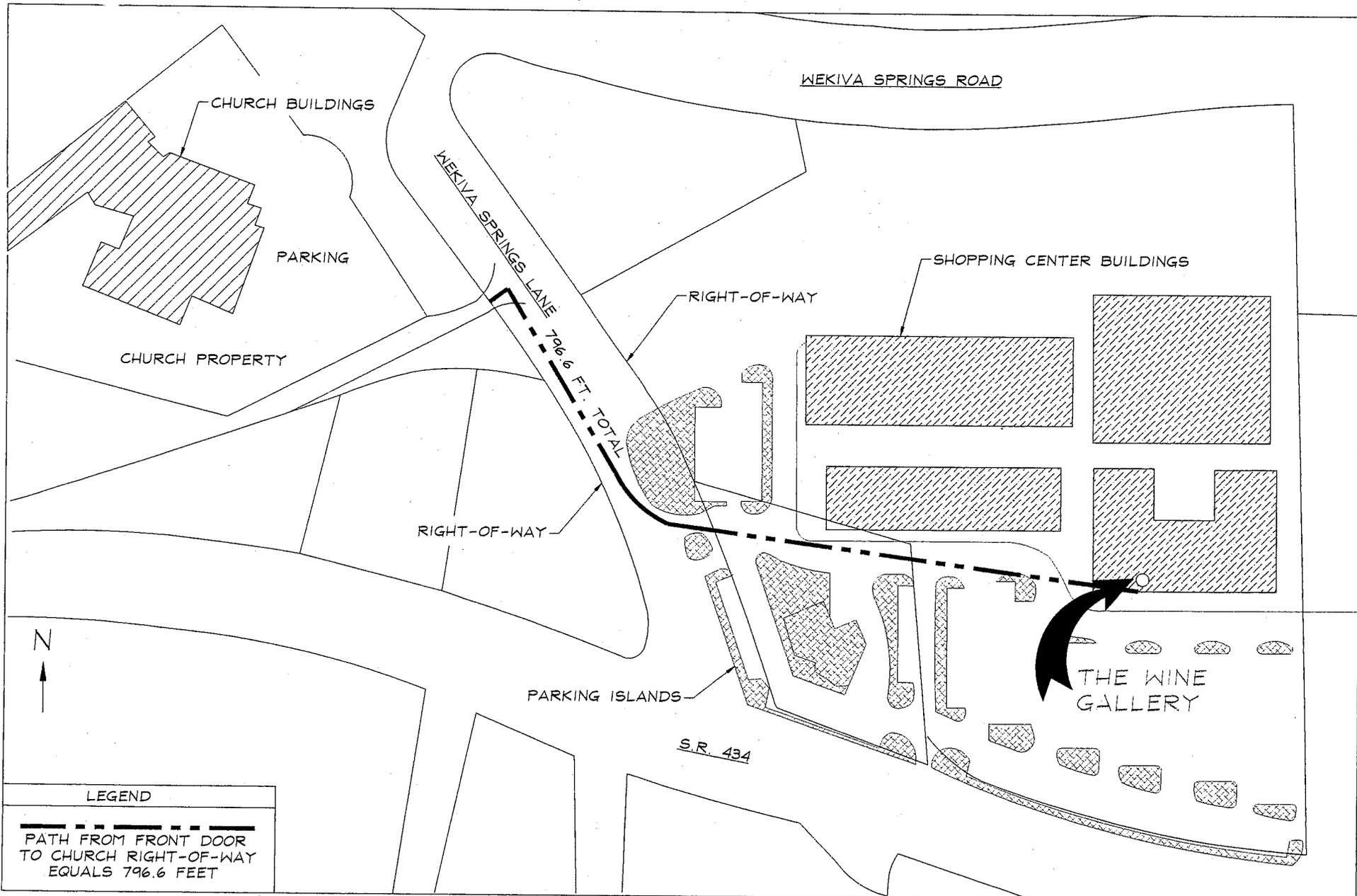
Albertson's
Pharmacy
(not included)



SPRINGS PLAZA
LONGWOOD, FLORIDA 32779

"THE WINE GALLERY"

BILL and LESLIE McGINN
2401 STATE ROAD 434, SUITE 141
LONGWOOD, FL 32779



"THE WINE GALLERY"

BILL and LESLIE McGINN
 2401 STATE ROAD 434, SUITE 141
 LONGWOOD, FL 32779



The Wine Gallery

A Wine Bar and Specialty Shoppe

2401 West S.R. 434
Longwood, FL 32779
www.thewinegallery.us

Statement of Request: We are requesting the Board of Adjustments (BOA) in Seminole County grant and approve a Special Exception to us so we may obtain building permitting for a retail build-out of a Retail Wine Shop and Wine Bar. We would very much like to open our doors for business by September 2007. Currently, we are less than 1,000 feet away from the Wekiva Presbyterian Church at 211 Wekiva Springs Lane just adjacent to the Springs Plaza on the west side of the center. We are asking for a Special Exception Variance to be granted by the Board of Adjustments.

Summary of Business Operation: The Wine Gallery is an upscale wine retail store and wine bar. The proposed space consists of 2,160 square feet located in bay#141 of the Springs Plaza in Longwood, Florida.

Hours of Operation:

Monday - Thursday 11:00am - 9:00pm,
Friday & Saturday 10:00am - 10:00pm
Sunday 11:00am - 6:00pm

Seating Capacity: (10) Ten Seats at the Wine Bar

Audience/Cientele: Local residents of Wekiva, Sweetwater, Sabal Point, and all of Longwood and throughout Central Florida who have a passion for drinking wine, tasting new wines, collecting wines, and mingling with neighbors and friends in a warm and inviting atmosphere. The Wine Gallery is primarily a retail shop.

Number of Staff: Just the two of us, William, (Bill) and Leslie McGinn. This is a family run business and possibly other family members may help out from time to time.

Impact to adjacent properties: We believe The Wine Gallery will be an asset to the Springs Plaza. The presence of an upscale wine shop will compliment many of the existing business properties already established within the Springs Plaza. The Wine Gallery will not be a threat or a direct competitor to any of the existing business entities in



place within the Springs Plaza. Our unique wine shop is unlike anything in the surrounding area and should be accepted as an economic contributor to the area and a welcomed addition to the growth of Seminole County business development, the Longwood area, and surrounding business community.

Description of Products: Wines, specializing in Italian and imported wines from around the world. The Wine Gallery will also carry champagnes, Micro-brews, a light appetizer menu, wine accessories;

- Decanters & Carafes
- Wine Bottle Stoppers
- Wine Totes & Duffles
- Wine Racks & Holders
- Wine Glasses/ Stemware
- Wine Glass Charms & Tags
- Cork Removers
- Wine Bottle Vacuums
- Wine Tubs & Chillers
- Custom Wine Baskets
- Wine Books & Wine Educational Materials

Beer & Party Accessories

- Coasters
- Cheese Spreaders
- Wine Napkins
- Cheese Cutters
- Barware Specialties
- Beer Glasses
- Imported Beer Steins

Menu

Crusty Loaf with Dipping Oil and Herbs

Freshly baked Sour Dough bread served with the finest Extra Virgin Olive and blended Italian & Spices for dipping. Pairs nicely with a hearty robust Chianti.

Crusty Loaf with Pesto Dip

Freshly baked Sour Dough bread served with freshly blended Pesto for dipping. Pairs nicely with a smooth Merlot.

Spinach Artichoke Dip

Tender chopped spinach, quartered artichoke hearts, fresh garlic, cream cheese, sour cream, and parmesan cheese, served warm with a baguette roll. Ideal when paired with light crisp white Pinot Grigio.

Tomato-Mozzarella Caprese

Beefsteak tomato slices and fresh buffalo mozzarella delicately layered and served with fresh basil and garlic, drizzled with balsamic vinegar. Beautifully paired with red robust wines.

Fresh Hummus and Pita Wedges

Freshly made hummus, garlic, and olive oil, served with pita bread wedges, great with Pinot Grigios, Sauvignon Blancs, and dry white wines.



Antipasto Salad

No lettuce in this salad, only hearty cuts of fine Italian salami, ham, cheeses, mozzarella balls, imported olives, fresh vegetables, and served with an Italian Vinaigrette dressing, nicely accompanies red or white wines.

Brie and Seasonal Fruit

A hearty wedge of imported Brie cheese, seasonal fresh fruit, and toast points, nicely combined with a fragrant Chardonnay makes the perfect afternoon snack.

Fine Imported Cheese Assortment and Seasonal Fruit

A collection of the finest imported cheese and seasonal fruit to cool the palate on a hot summer day. A classic when paired with a crisp, dry Sauvignon Blanc.

Fine Imported Cheese Assortment and Mixed Nuts

A collection of the finest imported cheese and mixed nuts for a light afternoon snack. Ideally matched with a robust Cabernet Sauvignon.



Affidavit of Statement
Seminole County, Florida

On this day, September 7, 2007, I, Leslie McGinn, filed the attached application with the Seminole County Planning Division for the purpose of obtaining a Special Exception through a public hearing and approval by the Board of Adjustments.

As stated in the municipal code district regulations found in Sec. 30.1353, 4(A) Alcoholic beverage establishments; 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.

The measurement herewith finds the distance at 796.6 feet total between The Wine Gallery entrance and the nearest point on the plot occupied by the Wekiva Presbyterian Church.

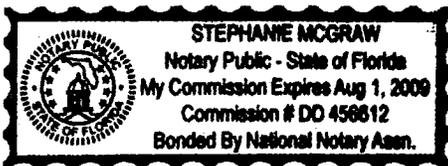
The statements contained in this application are true and correct to the best of my knowledge and information.



Leslie McGinn

SWORN TO AND SUBSCRIBED before me this 7 day of September, 2007.

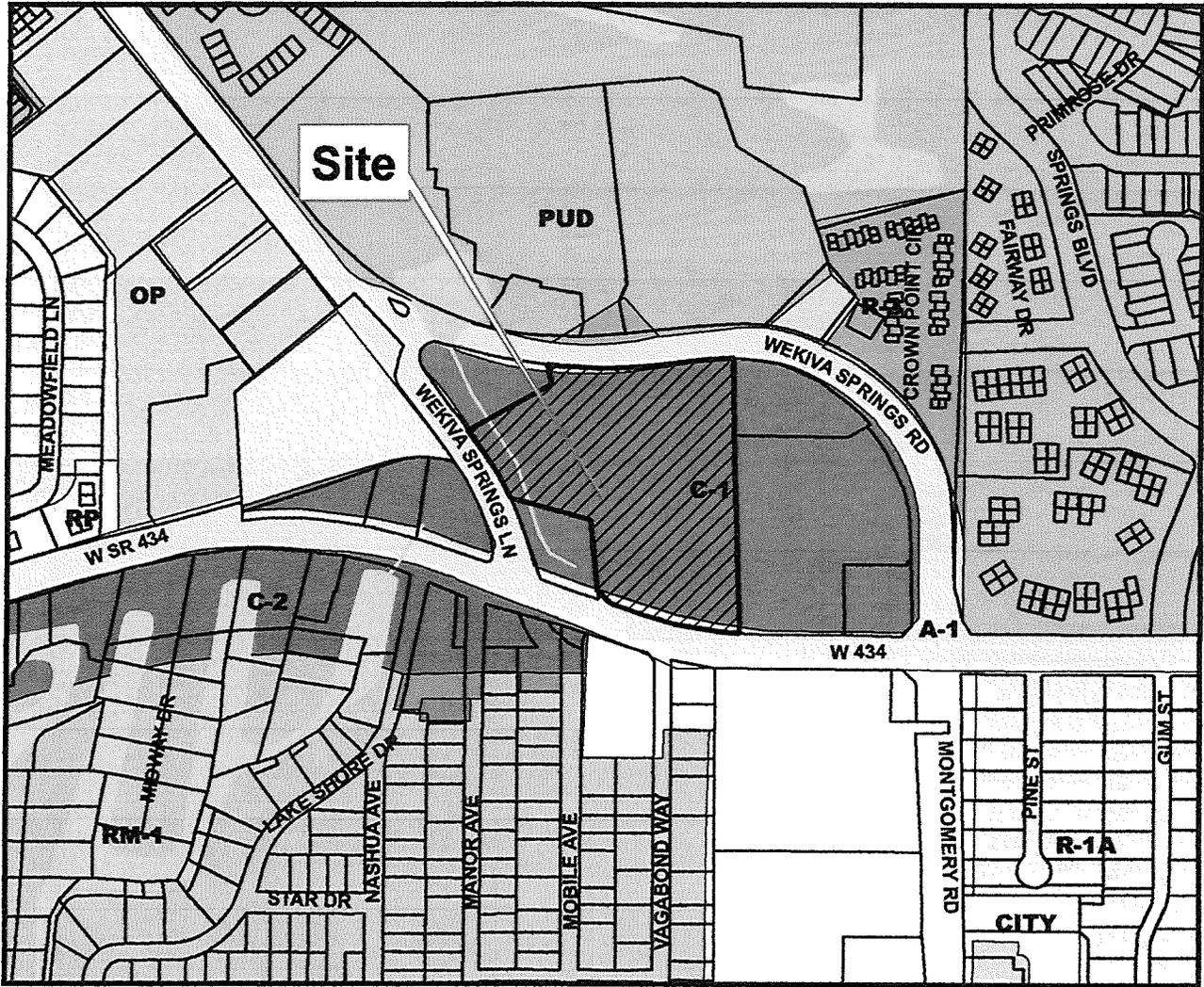
I HEREBY CERTIFY that on this day, before me, and officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Leslie Mark McGinn, who is personally known to me, or who has produced FOL 4250523105810, as identification and who executed the foregoing instrument and sworn an oath.




Notary Public in and for the County and State
Aforementioned

Aug 1, 2009
My Commission Expires

William and Leslie McGinn
 2401 W SR 434, Suite 141
 Longwood, Florida 32779

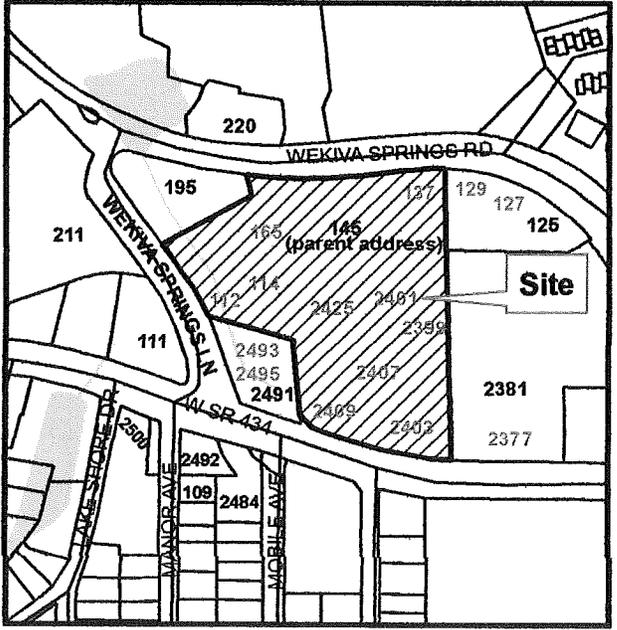


Seminole County Board of Adjustment
 October 22, 2007
 Case: BS2007-19 (Map 3155, Grid B3)
 Parcel No: 03-21-29-300-009B-0000

Zoning

BS2007-19	RM-1	C-2
A-1	RP I	PUD
R-1A	OP	PCD
R-1	CN	
R-3	C-1	

N



Personal Property Please Select Account

<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>		
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GENERAL

Parcel Id: 03-21-29-300-009B-0000
 Owner: MSKP SPRINGS PLAZA LLC
 Own/Addr: C/O PAUL MINK-COMM CONTROLLER
 Mailing Address: 9055 IBIS BLVD
 City,State,ZipCode: WEST PALM BEACH FL 33412
 Property Address: 145 WEKIVA SPRINGS (STE 149/187) LONGWOOD 32779
 Facility Name: SPRINGS PLAZA
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions:
 Dor: 16-RETAIL CENTER-ANCHOR

2007 WORKING VALUE SUMMARY

Value Method:	Income
Number of Buildings:	1
Depreciated Bldg Value:	\$0
Depreciated EXFT Value:	\$0
Land Value (Market):	\$0
Land Value Ag:	\$0
Just/Market Value:	\$8,702,503 *
Assessed Value (SOH):	\$8,702,503 *
Exempt Value:	\$0
Taxable Value:	\$8,702,503

Tax Estimator

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

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
QUIT CLAIM DEED	12/2006	06513	1919	\$100	Improved	No
SPECIAL WARRANTY DEED	12/2006	06513	1914	\$21,510,700	Improved	No
SPECIAL WARRANTY DEED	07/2005	05828	0846	\$10,000,000	Improved	No
SPECIAL WARRANTY DEED	01/1990	02143	0760	\$4,178,900	Improved	No
WARRANTY DEED	03/1981	01324	0456	\$5,048,900	Improved	Yes
WARRANTY DEED	06/1978	01171	1832	\$25,000	Vacant	No

Find Sales within this DOR Code

2006 VALUE SUMMARY

2006 Tax Bill Amount: \$120,515
2006 Taxable Value: \$7,478,320
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
SQUARE FEET	0	0	344,494	7.50	\$2,583,705

LEGAL DESCRIPTION

LEG SEC 03 TWP 21S RGE 29E BEG 594.27 FT WLY ON N LI ST RD 434 OF INT N LI ST RD
 434 & E LI W 1/2 OF SEC RUN WLY ON CURVE 320.31 FT N 70 DEG 52 MIN 46 SEC W 33.22
 FT N 20 DEG 27 MIN 11 SEC W 200 FT N 70 DEG 52 MIN 46 SEC E 200.28 FT NLY ON CURVE 206.61 FT N 63 DEG 32 MIN 32 SEC E 258.3 FT N 74.45 FT ELY ON CURVE 190.92 FT N

83 DEG 44 MIN 37 SEC E 219.6 FT ELY ON
 CURVE 51.44 FT S 739.18 FT TO BEG (LESS
 RD)

BUILDING INFORMATION

Bld Num	Bld Class	Year Bld	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New
1	WOOD BEAM/COL	1979	66	64,800	1	WOOD SIDING WITH WOOD OR METAL STUDS	\$2,428,382	\$3,545,083
Subsection / Sqft			OPEN PORCH FINISHED / 27248					

Permits

EXTRA FEATURE

Description	Year Bld	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	1978	281,830	\$102,586	\$256,465
POLE LIGHT STEEL 1 ARM	1978	10	\$9,640	\$9,640
POLE LIGHT STEEL 3 ARM	1978	2	\$8,154	\$8,154
POLE LIGHT STEEL 4 ARM	1978	4	\$22,532	\$22,532
POLE LIGHT STEEL 4 ARM	1978	1	\$5,633	\$5,633
WALKS CONC COMM	1978	21,200	\$28,069	\$70,172

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 APPLICANT OWNER AUTHORIZATION

I/We, MSKP Springs Plaza, LLC a Delaware Corporation and Owners of the Springs Plaza, Longwood, Florida 32779, the legal description of said property is described in length as attachment "A" to this authorization letter. (See attachment.)

As Owners, MSKP, Springs Plaza, LLC, hereby petitions Seminole County to allow our Tenants, William and Leslie McGinn, of McGinn Family Restaurants & Investments, Inc. /dba The Wine Gallery, to proceed with their application for a Special Exception Approval. We hereby grant authorization for William and Leslie McGinn to make application to the Board for a Special Exception adjustment in order to obtain their county building permitting to begin their build-out of leased space at Springs Plaza as soon as possible, and receive their Alcoholic Beverage License once build out and all county compliance is complete.

William and Leslie McGinn are hereby designated and authorized to act in our behalf as Tenants of Springs Plaza, and to file the attached application for a special exception to establish an alcoholic beverage establishment and variances to the required separation requirements (Sec. 30.1353 Alcoholic Beverage establishments), and make binding statements and commitments regarding same request.

B. Alaniz
Belinda Alaniz, REAL ESTATE MANAGER
CB RICHARD ELLIS, AS AGENT FOR OWNER

MSKP, Springs Plaza, LLC Owners

~~3200 N Military Trail, 4th Floor~~

~~Boca Raton, FL 33431~~

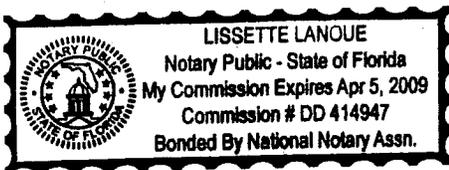
189 S. Orange Ave.
Suite 1900
Orlando, FL 32801

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

SWORN TO AND SUBSCRIBED before me this 9th day of August, 2007.

I HEREBY CERTIFY that on this day, before me, and officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Belinda Alaniz, who is personally known to me, or who has produced personally known, as 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 9th day of August, 2007.



Lisette Lanoue
Notary Public in and for the County and
State Aforementioned

4/5/2009
My Commission Expires