

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

SUBJECT: 3861 Wekiva Springs Road – Saumil Patel, Shoppes of Sweetwater, applicant; Request for a special exception to establish an alcoholic beverage establishment (package liquor store) for off-premise consumption only in PUD (Planned Unit Development).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT:** 7399

Agenda Date 12/03/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Approve** the request for a special exception to establish an alcoholic beverage establishment (package liquor store) for off-premise consumption only in PUD (Planned Unit Development) ; or
2. **Deny** the request for a special exception to establish an alcoholic beverage establishment (package liquor store) for off-premise consumption only in PUD (Planned Unit Development) ; or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	Saumil Patel / Shoppes of Sweetwater 3861 Wekiva Springs Rd Longwood, Fl 32779	PUD (Planned Unit Development), LDC section 30.743 (special exceptions); Alcoholic beverage establishments
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to establish an alcoholic beverage establishment (package liquor store) for off-premise consumption only. • The proposed establishment will be located in an existing shopping plaza known as The Shoppes of Sweetwater. The applicant will convert an existing 1400 square foot unit into an upscale package liquor store. • The package liquor store will consist of beer, wine, and liquor for package sales only; there will be no consumption on the premises. 	

	<ul style="list-style-type: none"> The applicant has stated that the hours of operation for the package liquor will be as follows: Monday – Friday from 9:00 am – 10:00 pm; Saturday from 10:00am – 11:00 pm; and Sunday from 12:00 pm – 10:00 pm. 																								
	<table border="1"> <thead> <tr> <th>DIRECTION</th> <th>EXISTING ZONING</th> <th>EXISTING FLU</th> <th>USE OF PROPERTY</th> </tr> </thead> <tbody> <tr> <td>SITE</td> <td>PUD</td> <td>PD</td> <td>COMMERCIAL</td> </tr> <tr> <td>NORTH</td> <td>PUD</td> <td>PD</td> <td>COMMERCIAL</td> </tr> <tr> <td>SOUTH</td> <td>PUD</td> <td>PD</td> <td>RESIDENTIAL</td> </tr> <tr> <td>EAST</td> <td>R-1AAA</td> <td>LDR</td> <td>COMMERCIAL</td> </tr> <tr> <td>WEST</td> <td>PUD</td> <td>PD</td> <td>COMMERCIAL</td> </tr> </tbody> </table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	PUD	PD	COMMERCIAL	NORTH	PUD	PD	COMMERCIAL	SOUTH	PUD	PD	RESIDENTIAL	EAST	R-1AAA	LDR	COMMERCIAL	WEST	PUD	PD	COMMERCIAL
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<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 packaged liquor store will be located in an existing shopping plaza at the commercial intersection of N. Hunt Club Blvd. and Wekiva Springs Rd. Within this commercial area, the sale of alcoholic beverages for on-premise and 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 1,400 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 and therefore no 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>As a portion of Tract A on the final master plan of the Wekiva PUD, this property is designated as commercial. The Seminole County Vision 2020 Comprehensive Plan describes the Commercial land use as 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 PUD 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) 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>Due to the sale of alcoholic beverages being strictly limited to off-premises consumption only, the LDC does not require the applicant to maintain separation from churches, schools, residential properties, or other like establishments.</p>
<p>STAFF FINDINGS</p>	<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 site is an existing commercial shopping center; the proposed use of a package liquor store for off-premise consumption is compatible with the commercial land use.
<p>STAFF RECOMMENDATION</p>	<p>Staff recommends approval based upon the following conditions:</p> <ol style="list-style-type: none"> 1. The size of the proposed package liquor store being describe as bay # 14 of The Shoppes of Sweetwater, further known as Unit # 3861 Wekiva Springs Rd., shall not exceed 1400 square feet. 2. The use will be for the sale of alcoholic beverages for off-premises consumption only. 3. The hours of operations will be as follows: Monday – Friday from 9:00 am – 10:00 pm; Saturday from 10:00am – 11:00 pm; and Sunday from 12:00 pm – 10:00 pm. 4. 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).

Fee: \$370.00

Application # 052007-25
Meeting Date 12-3-07

COPY



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: SAUMIL PATEL
Address: 1056 CHATHAM PINES CIR, APT 100 City: Wintersprings Zip code: 32708
Project Address: 386 WEKIVA SPRINGS ROAD City: Longwood Zip code: 32779
Phone number(s): 321-594-3851
Email address: SAUMILP@GMAIL.COM

What is this request for?

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

RECEIVED OCT 12 2007

the property available for inspection without an appointment? Yes No

What is the current use of the property? EMPTY

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 OFFICE USE ONLY

Date Submitted: 10-12-07 Reviewed By: P. Johnson
 Tax parcel number: 31-20-29-511-0000-0000 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: _____

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>SAUMIL PATEL</u>	Name: <u>STEPHEN KORSHAK</u>
Address: <u>1056 CHATHAM PINES CIR, 100</u> <small>WINTER SPRINGS, FL</small>	Address: <u>8680 COMMODITY CIR, SUITE 2</u> <small>ORLANDO, FL 328</small>
Phone #: <u>321-594-3851</u>	Phone #: <u>407-855-3333</u>

Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: <u>SHOPPES OF SWEETWATER, INC</u>	Name of Corporation: _____
Officers: <u>STEPHEN KORSHAK</u>	Officers: _____
Address: <u>8680 COMMODITY CIR,</u>	Address: _____
Directors: <u>SUITE 200B</u>	Directors: _____
Address: <u>ORLANDO, FL 32819</u>	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

1. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

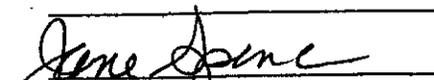
6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10-12-2007
Date


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 19th day of November, 2008 by _____


Signature of Notary Public

Jane Spencer
Print, Type or Stamp Name of Notary Public



Jane Spencer
Commission #DD299304
Expires: March 19, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Personally Known _____ OR Produced Identification
Type of Identification Produced 799-661-730 NY D/L
P340-798-79-330-0 FLID

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

KORSHAK & ASSOCIATES, P.A.

8880 COMMODITY CIRCLE SUITE 200B
ORLANDO, FLORIDA 32819

1 (407) 855-3333
FACSIMILE 1 (407) 855-0455

STEPHEN D. KORSHAK*
IAN J. LYLEN

LEE KARINA LIMA
BRYAN S. BRAIND
*ALSO ADMITTED IN ILLINOIS

October 8, 2007

Seminole County Building Dept.
Attn. Permitting
1101 East First Street
Sanford, FL 32771

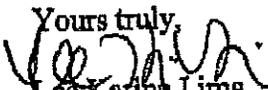
Re: Shoppes of Sweetwater, 3861 Wekiva Springs Road, Winter Springs, Florida 32708

Dear Sir or Madam:

This office has the pleasure of representing the Shoppes of Sweetwater, Inc, the current owner of the referenced property. Mr. Saumil Patel has submitted an application to lease the referenced property for the purposes of operating a liquor store. The Shoppes of Sweetwater has approved Mr. Patel's application. A copy of the fully executed lease accompanies this document or is otherwise available upon request.

Please let this letter serve as authorization allowing Mr. Patel to apply for any necessary permits regarding the referenced property.

Should you have any questions at all, please do not hesitate to contact this office.

Yours truly,

Lee Karina Lima
Attorney at Law

Lkl.trans.shoppes.leasepatel.lett.county.10.08.07

Saumil Patel
1056 Chatham Pines Circle
Apt 100
Winter Springs, FL 32708
October 16, 2007

Seminole County Planning Division
1101 East First Street
Sanford, FL 32771

Dear Sir/Madam,

We are hereby submitting a Special Exception Application for a proposed business located at Shoppes of Sweetwater 3861 Wekiva Springs Road, Longwood, FL 32779.

We are proposing to convert the existing empty unit of 1400 SQFT to an upscale package liquor store, with no consumption on premises.

The site's Zoning is designated as PUD. The parcel is listed as Tract A on the Final Master Plan of this PUD, and is designated as commercial. We present the following points to the Board of Adjustment in support of our request for a Special Exemption:

1. The proposed upscale package liquor store is consistent with the general zoning category, with no distance restriction with Church or School.
2. Presently following Tenants are selling Alcoholic Beverages at the Shoppes of Sweetwater.
 - a. Publix and CVS are selling wide selection of Wine and Beer.
 - b. Alberto's Restaurant serves Wine and Beer on premises.
3. Convenience store located on the corner of Wekiva Springs Road and North Hunt Club Road also sells Alcoholic Beverages.
4. Our proposed upscale package liquor store intends only to sell alcoholic products with no consumption on premises.

In addition to the above information, the hours of operations for the Package Liquor Store would be as follows:

Monday to Friday	:	9:00 am – 10:00 pm.
Saturday	:	10:00 am – 11:00 pm.
Sunday	:	12:00 pm – 10:00 pm.

We are prepared to expedite any public noting that may be required as part of being placed on the Board of Adjustment Agenda.

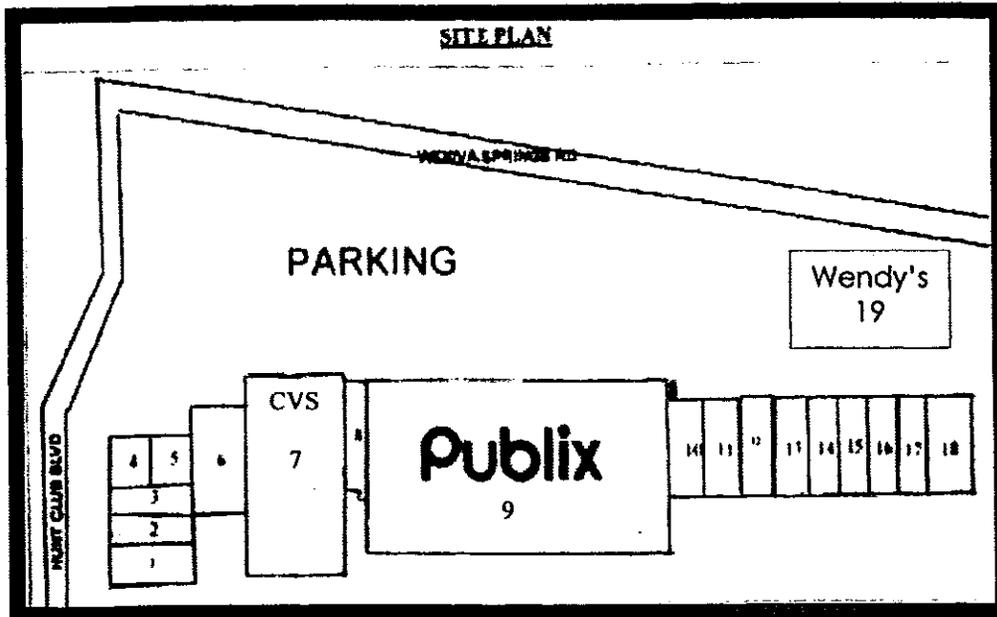
Please do not hesitate to contact me with any questions or concerns at 321-594-3851.

Thank you for your time and cooperation in this matter.

Sincerely,


Saumil Patel

The Shoppes of Sweetwater



DEMOGRAPHICS—2005

Category	Population	Median Age	Median Income
Population	1,000,000	35	\$45,000
Median Age	35	35	\$45,000
Median Income	\$45,000	35	\$45,000
Population	1,000,000	35	\$45,000
Median Age	35	35	\$45,000
Median Income	\$45,000	35	\$45,000

For More Information
Please Contact:

Stan Zarinsky

Licensee Real Estate Broker
Phone: 407-774-0774
Fax: 407-774-0774

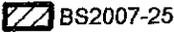
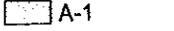
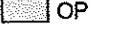
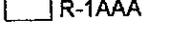
Unit	Area	Description	Sq. Ft.
1	671	Small Retail Building	2,100
2	672	Small Retail Building	1,700
3	673	Small Retail Building	1,700
4	674	Small Retail Building	1,700
5	675	Small Retail Building	1,700
6	676	Small Retail Building	1,700
7	677	Small Retail Building	1,700
8	678	Small Retail Building	1,700
9	679	Small Retail Building	2,100
10	680	Small Retail Building	1,700
11	681	Small Retail Building	1,700
12	682	Small Retail Building	1,700
13	683	Small Retail Building	1,700
14	684	Small Retail Building	1,700
15	685	Small Retail Building	1,700
16	686	Small Retail Building	1,700
17	687	Small Retail Building	2,100
18	688	Small Retail Building	2,100
19	689	Small Retail Building	2,100

Shoppes of Sweetwater Inc.
 3883 Wekiva Springs Road
 Longwood, Florida 32779

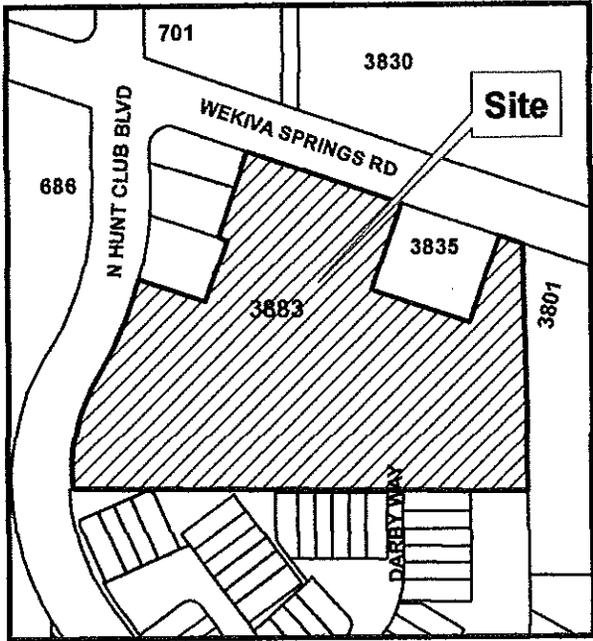


Seminole County Board of Adjustment
 December 3, 2007
 Case: BS2007-25 (Map 3154, Grid B1)
 Parcel No: 31-20-29-511-0C00-0000

Zoning

	BS2007-25		R-1AA
	A-1		OP
	R-1AAA		PUD

N

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

TRACT C
SHOPPES OF WEKIVA PB 26 PG 76

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

FINDINGS OF FACT

Property Owner: Shoppes of Sweetwater Inc
8680 Commodity Cir
200A
Orlando, FL 32819

Project Name: Wekiva Springs Road (3861)

Requested Development Approval:

Request for a special exception to establish an alcoholic beverage establishment (package liquor store) for off-premise consumption only in PUD (Planned Unit Development).

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: Joy Williams, 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 size of the proposed package liquor store being describe as bay # 14 of The Shoppes of Sweetwater, further known as Unit # 3861 Wekiva Springs Rd, shall not exceed 1400 square feet.
2. The use will be for the sale of alcoholic beverages for off-premise consumption only.
3. The hours of operations will be as follows: Monday – Friday from 9:00 am – 10:00 pm; Saturday from 10:00am – 11:00 pm; and Sunday from 12:00 pm – 10:00 pm.

(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: