

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 4247 West Lake Mary Blvd – Antoney Joseph Manipadam, applicant;
Request for a Special Exception to establish a wine shop with on-
premises consumption in PUD (Planned Unit Development)

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date 2-25-08 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **Approve** the request for a Special Exception to establish a wine shop with on-premises consumption in PUD (Planned Unit Development) per staff conditions; or
2. **Deny** the request for a Special Exception to establish a wine shop with on-premises consumption in PUD (Planned Unit Development); or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	Cork & Olive 4247 W. Lake Mary Blvd Lake Mary, Florida	Etor PUD uses that comply with C-2 Commercial District Sec 30.763(a)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to establish a retail wine shop within Etor PUD AKA Shoppes @ Lake Mary Collection that sells wine, specialty olive oils, and spices. • The applicant will have a 2COP license which allows on-premise consumption in order to provide wine sampling to the customer. • Cork & Olive will have no bar seating or by the glass wine sales. • Hours of operation: Monday – Wednesday 10:00 am – 8:00 pm Thursday – Saturday 10:00 am – 9:00 pm Sunday 12:00 pm – 6:00 pm 	

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	PUD	COM	Commercial
	NORTH	City of Lake Mary	COM	Commercial
	SOUTH	PUD	COM	Commercial
	EAST	PUD	COM	Commercial
	WEST	PUD	COM	Commercial
<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>A retail wine shop within a commercial center is consistent with the trend of development of the high intensity commercial corridor at Lake Mary Blvd, Rinehart Road and Sun Drive.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>The addition of a retail wine shop will have minimal effect on the existing traffic patterns of this commercial center.</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 in Shoppes @ Lake Mary Collection at the major intersections of Lake Mary Blvd., Rinehart Road, and Sun Drive. 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 meets the intent of the uses established in the Etor PUD.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>The Etor PUD allows C-2 commercial district uses and on-premise consumption is allowed as a conditional use. Cork & Olive will operate as a retail wine and accessories/gift shop and is seeking the special exception to establish the use and allow on-premise consumption for wine tasting. They do not propose a bar type setting and will not sell wine by the glass. It is located at a major intersection within the Shoppes @ Lake Mary Collection that includes Publix and Target and therefore demonstrates consistency with the trend of nearby and adjacent development and will not adversely affect the public interest.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE C-2 (COMMERCIAL DISTRICT); LDC SECTION 30.763(a)</p>	<p>The BOA may permit any use allowed by special exception in the C-2 upon making findings of fact, in addition to those required by section 30.43(b)(2) of the Land Development Code, that the use:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE C-2 (COMMERCIAL DISTRICT):</u></p> <p>The C-2 commercial zoning district permits uses that provide services and supplies along major corridors to maintain adequate commercial uses to serve the surrounding residential districts. A retail wine shop is consistent with C-2 zoning.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>The retail unit (#8) is an established retail unit and the use as a Cork & Olive wine shop is equal to a retail business therefore the impact of this use will be minimal.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>The property is located in Lake Mary in an established shopping center, Shoppes @ Lake Mary Collection, in which water and sewer is provided. Other county services, including</p>

	emergency services and garbage disposal, are also available to the site.
STAFF FINDINGS	Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons: <ul style="list-style-type: none">• The property is located in a large shopping center, Shoppes @ Lake Mary Collection, at the major intersections of Lake Mary Blvd, Rinehart Road and Sun Drive.• Cork & Olive is a retail wine and accessories/gift shop and would not have an unduly adverse effect on existing traffic patterns.• On-premise consumption shall be subordinate and incidental to retail wine sales.• An alcoholic beverage establishment as a special exception is consistent with the commercial land use designation.
STAFF RECOMMENDATION	Staff recommends approval based upon the following conditions: <ol style="list-style-type: none">1. The selling of alcoholic beverages shall be primarily package wine sales with the on-premises consumption subordinate and incidental.2. No per glass sales of alcoholic beverages.

Fee: \$370.00

Application # BS2008-01
Meeting Date 2-25-08



SPECIAL EXCEPTION APPLICATION SEMINOLE COUNTY PLANNING DIVISION **COPY**

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: ANTONEY JOSEPH MANIPADAM
Address: 486 HARBOUR ISLE WAY City: LONGWOOD Zip code: 32750
Project Address: 4247 W. Lake Mary Blvd City: Lake Mary Zip code: 32746
Phone number(s): 407-620-5268
Email address: a.manipadam@~~sat~~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: _____

Is 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: *Antony Manipadam*

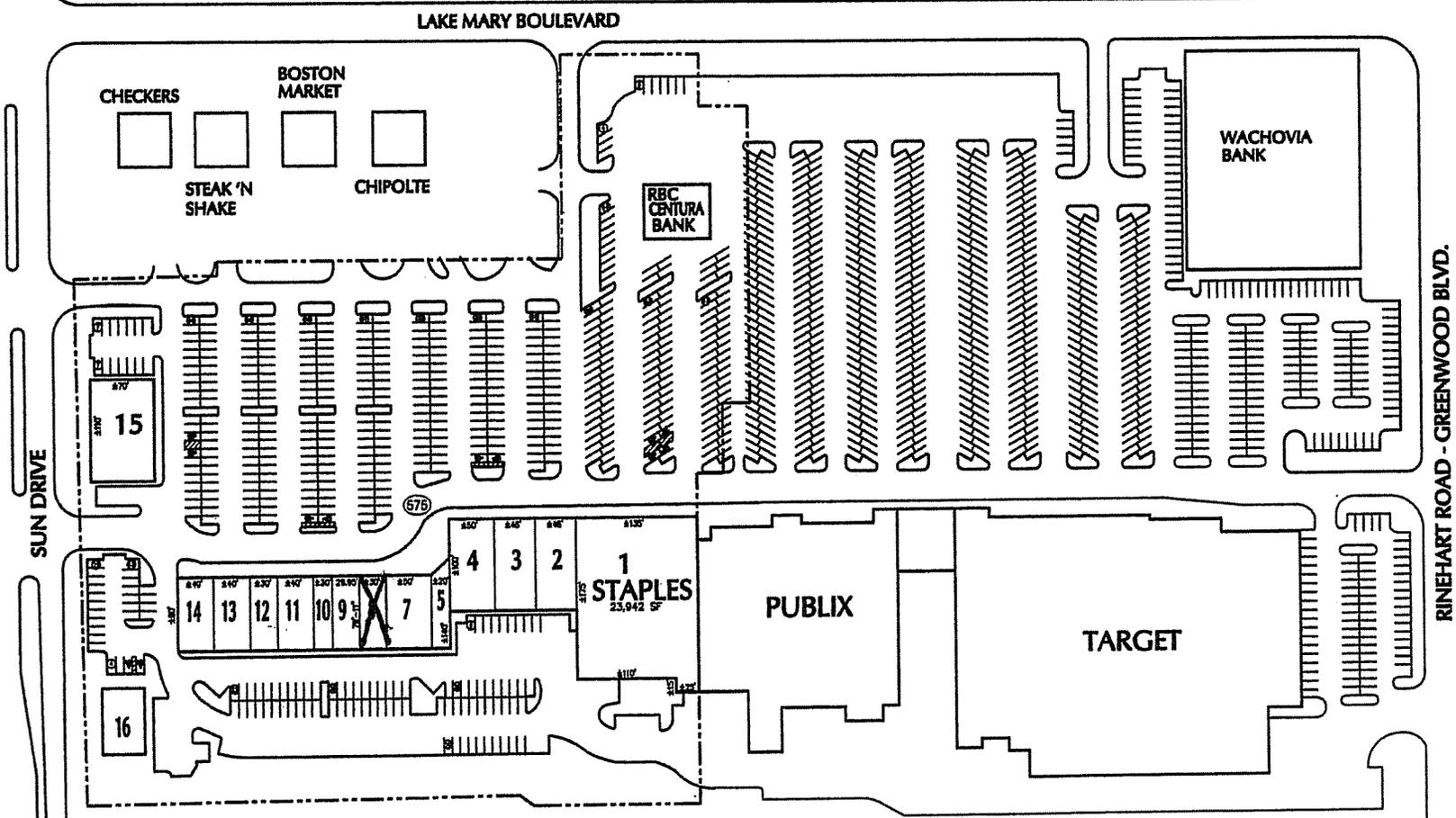
FOR OFFICE USE ONLY

Date Submitted: 1-4-08 Reviewed By: Joy Williams
 Tax parcel number: 18-20-30-511-0000-001A Zoning/FLU PUD/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: ETOR PUD

TENANT INDEX

REVISION
07.24.07

1	STAPLES	23,942 SF
2	CATO FASHIONS	4,500 SF
3	GOLDEN CHINA RESTAURANT	4,500 SF
4	FLORIDA BILLIARDS	5,033 SF
5	QUIZNO'S CLASSIC	1,800 SF
7	HOLLYWOOD HOUNDZ	4,000 SF
8	AVAILABLE	2,400 SF
9	RANDSTAD STAFFING	1,600 SF
10	SYLVAN LEARNING	2,400 SF
11	SALON DRVA	3,200 SF
12	CLASSIC DENTAL	2,400 SF
13	CARD AND PARTY	3,200 SF
14	OUT-SPOKEN BIKE SHOP	3,200 SF
15	GATOR'S DOCKSIDE	7,700 SF
16	BRUSTER'S ICE CREAM	988 SF



UNIT 8 - COOK & OLIVE



SHOPPES OF LAKE MARY
Lake Mary, Florida

DISCLAIMER

DIMENSIONS LISTED ON THIS PLAN WERE DERIVED FROM THE AVAILABLE SURVEY AND RENT ROLL DATA PROVIDED. ALL DIMENSIONS MUST BE FIELD VERIFIED FOR ACCURACY.

Cork & Olive ("Genfield, Inc.)
4247 W. Lake Mary Blvd, Lake Mary FL. 32746

Summary of Business:

GemField Inc. will lease and operate Cork & Olive Franchise in the Lake Mary Area.

Cork & Olive as the name suggests, sells wines, olive oils, spices and other wine related items such as wine glasses and decanters. Unlike other wine stores, Cork & Olive offers a unique wine shopping experience. The customers are greeted, by a consultant as they enter the store. They are given a choice to browse the store and find items they want, or if they prefer, are assisted by consultants who are knowledgeable about the wines and olive oils and spices that are sold.

These stores offer wines, olive oils and spices to sample. The customer therefore gets to choose their wine, olive oil, and spices based on the taste they have experienced. Cork & Olive also offers a 100% money back guarantee on the wines they sell.

Cork and Olive offers the customer an enjoyable shopping experience. Repeat customers are greeted by name and helped to make new choices based on their previous preferences. This allows the store to establish a great relationship with the customer.

Business Operation:

Monday through Wednesday:	10:00 AM to 8:00 PM
Thursday through Saturday	10:00 AM to 9:00 PM
Sunday:	12:00 PM to 6:00 PM

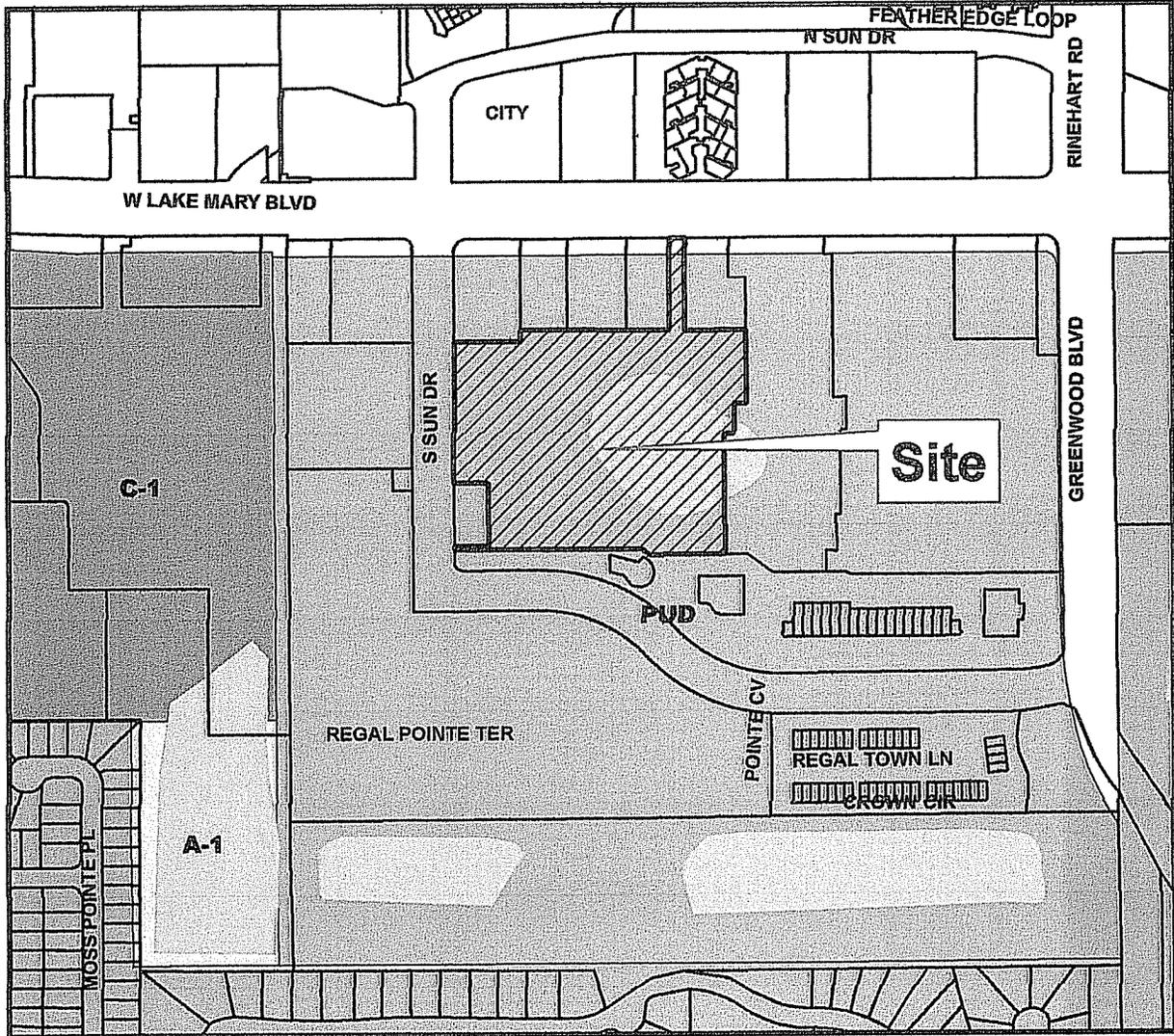
Seating Capacity: None. We do not have customers who need to be seated to provide the service. We are a traditional retail store with high customer focus. We let the customers sample what they want to buy, so that they know what they are buying.

Number of Clients: Since this is a retail store hard to predict a specific number.

Number of Staff: 4 to 6 employees and will vary as we grow the business.

Number of Shifts: 2 Shifts (Opening / Closing).

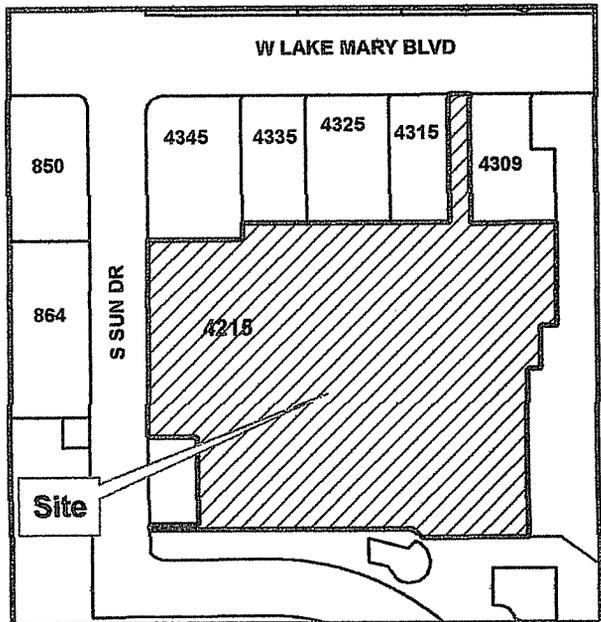
Antoney Joseph Manipadam
 4247 W. Lake Mary Blvd.
 Lake Mary, Florida 32746



Seminole County Board of Adjustment
 February 25, 2008
 Case: BS2008-01 (Map 3103, Grid C1)
 Parcel No: 18-20-30-511-0000-001A

Zoning

-  BS2008-01
-  A-1
-  C-1
-  PUD

Personal Property

<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 align="center">GENERAL</p> <p>Parcel Id: 18-20-30-511-0000-001A</p> <p>Owner: DDRTC SHOPPES AT LAKE MARY LLC</p> <p>Own/Addr: C/O DEV DIVERSIFIED REALTY COR</p> <p>Mailing Address: 3300 ENTERPRISE PKWY</p> <p>City,State,ZipCode: BEACHWOOD OH 44122</p> <p>Property Address: 4215 LAKE MARY BLVD W LAKE MARY 32746</p> <p>Facility Name: SHOPPES @ LAKE MARY COLLECTION</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>2008 WORKING VALUE SUMMARY</p> <p>Value Method: Income</p> <p>Number of Buildings: 3</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$0</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$13,697,005 *</p> <p>Assessed Value (SOH): \$13,697,005 *</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$13,697,005</p> <p align="center"><u>Tax Estimator</u> <u>Tax Reform Calculator</u></p> <p>(* Income Approach used.)</p>																																	
<p align="center">SALES</p> <table border="1" 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>QUIT CLAIM DEED</td> <td>02/2007</td> <td><u>06613</u></td> <td><u>0677</u></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/2002</td> <td><u>04506</u></td> <td><u>0302</u></td> <td>\$12,500,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/1999</td> <td><u>03645</u></td> <td><u>0965</u></td> <td>\$2,800,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p align="center">Find Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	02/2007	<u>06613</u>	<u>0677</u>	\$100	Improved	No	WARRANTY DEED	08/2002	<u>04506</u>	<u>0302</u>	\$12,500,000	Improved	No	SPECIAL WARRANTY DEED	04/1999	<u>03645</u>	<u>0965</u>	\$2,800,000	Vacant	Yes	<p>2007 VALUE SUMMARY</p> <p>2007 Tax Bill Amount: \$199,229</p> <p>2007 Taxable Value: \$13,490,197</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>					
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2	MASONRY PILAS	2000	11	7,700	1	CONCRETE BLOCK-STUCCO - MASONRY	\$613,946	\$682,162
Subsection / Sqft		OPEN PORCH FINISHED / 624						
3	MASONRY PILAS	2001	60	38,168	1	CONCRETE BLOCK - MASONRY	\$2,169,580	\$2,377,622
Subsection / Sqft		OPEN PORCH FINISHED / 1398						

Permits

EXTRA FEATURE						
Description	Year Blt	Units	EXFT Value	Est. Cost	New	
COMMERCIAL ASPHALT DR 2 IN	2000	270,508	\$196,930	\$246,162		
WALKS CONC COMM	2000	836	\$2,214	\$2,767		
LOAD WELL	2000	1,397	\$1,677	\$2,096		
POLE LIGHT CONCRETE 1 ARM	2000	2	\$2,076	\$2,076		
POLE LIGHT CONCRETE 2 ARM	2000	12	\$31,128	\$31,128		
WALKS CONC COMM	2000	1,200	\$3,178	\$3,972		
4' CHAIN LINK FENCE	2000	110	\$323	\$440		
STUCCO WALL	2000	320	\$1,024	\$1,280		
COMMERCIAL ASPHALT DR 2 IN	2001	56,055	\$42,083	\$51,010		
WALKS CONC COMM	2001	9,620	\$26,270	\$31,842		
STUCCO WALL	2001	704	\$2,323	\$2,816		
POLE LIGHT CONCRETE 1 ARM	2001	1	\$1,038	\$1,038		
POLE LIGHT CONCRETE 2 ARM	2001	4	\$10,376	\$10,376		

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
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: ANTONEY JOSEPH MANIPADAM
Address: 486 HARBOUR ISLE WAY, LONGWOOD
Phone #: FL 32750 (407) 620-5268

Name: MARY A. MANIPADAM
Address: 486 HARBOUR ISLE WAY, LONGWOOD, FL
Phone #: 32750 (407) 383-5740

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: GEMFIELD, INC.
Officers: ANTONEY JOSEPH MANIPADAM
Address: 486 HARBOUR ISLE WAY, LONGWOOD
Directors: FL 32750
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: GEMFIELD, INC.
Officers: MARY A. MANIPADAM
Address: 486 HARBOUR ISLE WAY, LONGWOOD
Directors: FL 32750
Address: _____
Shareholders: _____
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: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

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.

1/3/08
Date

Anthony Manipadam
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF FLORIDA, Orange

Sworn to (or affirmed) and subscribed before me this 3rd day of Jan, 2008 by Anthony Manipadam.

[Signature]
Signature of Notary Public

Karen Braunsdorf
Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification X
Type of Identification Produced FLDL # ME13010 00135-0

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 25, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

PART OF LOT 1 DESCRIBED AS BEG SW COR RUN N 571.73 FT E 165 FT N 15 FT E 386
FT N 220 FT E 41.03 FT S

240.66 FT E 168.58 FT S 139.99 FT W 32 FT S 76 FT W 27.22 FT S 362.08 FT W
192.81 FT N 53 DEG 57 MIN 05 SEC W 20.3 FT W 489.96 FT TO BEG (LESS BEG 12 FT N
OF SW COR RUN N 163 FT

E 90 FT S 163 FT W TO BEG) GREENWOOD AT LAKE MARY PB 45 PGS 67 & 68

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

FINDINGS OF FACT

Property Owner: DDRTC SHOPPES AT LAKE MARY LLC
C/O DEV DIVERSIFIED REALTY COR
3300 ENTERPRISE PKWY
BEACHWOOD OH 44122

Project Name: Cork & Olive
4247 Lake Mary Blvd W Unit 8
Lake Mary FL 32746
Shoppes @ Lake Mary Collection

Requested Development Approval:

Request for a Special Exception to establish a wine shop with on-premises consumption 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: 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 wine sales with the on-premises consumption subordinate and incidental.
2. No per glass sales of alcoholic beverages.

(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: _____
Alison C. Stettner
Planning Manager

**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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 25, 2008 Seminole County issued this Development Order relating to and touching and concerning the following described property:

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Requested Development Approval:

Request for a Special Exception to establish a wine shop with on-premises consumption in PUD (Planned Unit Development).

The Development Approval was sought to establish a wine shop with on-premise consumption. The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: