

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

**SUBJECT:** 4247 West Lake Mary Blvd – Antoney Manipadam, applicant; Request for an amendment to a Special Exception to allow on-premise consumption in an established wine shop in PUD (Planned Unit Development);

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

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

**Agenda Date** 7/27/09 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

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

<b>GENERAL INFORMATION</b>	Cork & Olive 4247 W. Lake Mary Blvd Lake Mary, Florida	Etor PUD uses that comply with C-2 Commercial District Sec 30.763(a)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• On February 25, 2008 a special exception was granted that established a retail wine shop that allowed on-premise consumption but restricted the applicant by not allowing per-glass sales or seating. The applicant proposes to amend the special exception to allow the on-premise consumption to include per-glass sales and allow seating.</li> <li>• Their current alcohol license (2COP) allows per-glass sales.</li> </ul>	

**Reviewed by:** \_\_\_\_\_  
**Co Atty:** \_\_\_\_\_  
**Pln Mgr:** \_\_\_\_\_

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	<b>SITE</b>	<b>PUD</b>	<b>COM</b>	<b>Commercial</b>
	NORTH	City of Lake Mary	COM	Commercial
	SOUTH	PUD	COM	Commercial
	EAST	PUD	COM	Commercial
	WEST	PUD	COM	Commercial
<p><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</b></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><b><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></b></p> <p>A retail wine shop with on-premise consumption 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><b><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></b></p> <p>The existing retail wine shop will have minimal effect on the existing traffic patterns of this commercial center.</p> <p><b><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></b></p> <p>The Seminole County 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><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>The proposed use meets the intent of the uses established in the Etor PUD.</p>			

	<p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>The Etor PUD allows C-2 commercial district uses and on-premise consumption is allowed as a conditional use. Cork &amp; Olive operates 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. 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><b>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE C-2 (COMMERCIAL DISTRICT); LDC SECTION 30.763(a)</b></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><b><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE C-2 (COMMERCIAL DISTRICT):</u></b></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 with on-premise consumption is consistent with C-2 zoning.</p> <p><b><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></b></p> <p>Cork &amp; Olive wine shop is located within a large shopping plaza and therefore the impact of this use will be minimal.</p> <p><b><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></b></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 emergency services and garbage disposal, are also available to the site.</p>
<p><b>STAFF FINDINGS</b></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"> <li>• 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.</li> </ul>

	<ul style="list-style-type: none"><li>• Cork &amp; Olive is an established retail wine and accessories/gift shop and the addition of per-glass sales of wine would not have an adverse effect on existing traffic patterns.</li><li>• On-premise consumption shall be subordinate and incidental to retail wine sales.</li><li>• An alcoholic beverage establishment as a special exception is consistent with the commercial land use designation.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval based upon the following conditions:</p> <ol style="list-style-type: none"><li>1. Amend the Special Exception to allow the on-premise consumption to include per-glass sales and allow seating.</li><li>2. The selling of alcoholic beverages shall be primarily package wine sales with the on-premises consumption subordinate and incidental.</li></ol>

**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
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents
  
- Proposed Development Order

Fee: \$370.00

**COPY**

Application # BS2009-10  
Meeting Date July 27, 09



**SPECIAL EXCEPTION APPLICATION**

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201  
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 M. ANIPADAM  
Address: 4247 W. Lake Mary City: Lake Mary Zip code: 32746  
Project Address: Same City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Phone number(s): 407-620-5268  
Email address: manipadam@live.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? Wine Store.

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: 3 June 09 Reviewed By: P. Johnson  
 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

To: Seminole County Board of Commissioners  
From: Antony Manipadam of Cork & Olive, Lake Mary  
RE: Addendum to My existing Wine/Beer License  
Date: June 3, 2009

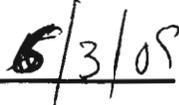
This Service letter is a formal request to amend the Existing Seminole County Beer/Wine License awarded to Cork & Olive of Lake Mary and owned and operated by me; Antony Manipadam on April 2008. The Current License is a State of Florida, Division of Alcoholic Beverage & Tobacco - 2COP-Dual . This will allow us to serve wine and beer by the glass. When Seminole County awarded the right to acquire the 2COP license a provision/exclusion to the license which states: 1. Selling of Alcoholic beverage shall be primarily package wine sales with the on-premises consumption for wine tasting subordinate and incidental. 2. No per glass sales of alcoholic beverages. 3. Bar seating prohibited. This amendment to the original (2COP) license has made it difficult to retain and grow the regular clients that visit Cork & Olive and the arrangement has not proved to be as amicable as originally anticipated.

Cork & Olive has contributed to the surrounding area and employs several individuals who work and live in Seminole County. We would like to continue to grow within this community and service the area in a way that produces more business for me and my neighboring businesses in Lake Mary. Since the current situation is not conducive to a financially strong future or the success of Cork & Olive, as evident by the recent closings of area Wine Stores, the following is the evolving business plan for Cork & Olive and one that I am confident will grow and sustain a great future right here in Lake Mary Seminole County:

1. Sell and serve Wine and Beer by the glass and/or the once.
  - a. Sell/Serve patrons wine or beer at the establishment.
  - b. Sell/Serve Wine by the once as competitors do e.g. former Urban Flats on 46A Lake Mary
2. Change the look of the store to a inviting atmosphere as the Vinegars at the Colonials Lake Mary
3. Change the existing storage room to a meeting room for private "Wine Tasting" Parties.
4. Promote the sales of wine by the glass to open customers to other wines for sale by the Bottle or Case.
5. This is not a "Bar" or "Bar" atmosphere, it's a causal sitting atmosphere that caters to new Wine/Beer experience as well as meetings and Wine Tasting Parties.

I am convinced that this new Business Plan will help keep strong customers that would go and visit Gators or Joe's Pizzeria before or after visiting us. As well as service business in the area rather than them leaving to go to Orlando or Winter Park for the same experience we can offer here. Please accept this request and approve my existing license to include the Serving and Selling of the Wine and Beer. I welcome a visit in which I can walk one or two of the County Commissioners through the process at my location. Thank you for you consideration and approval of this request.

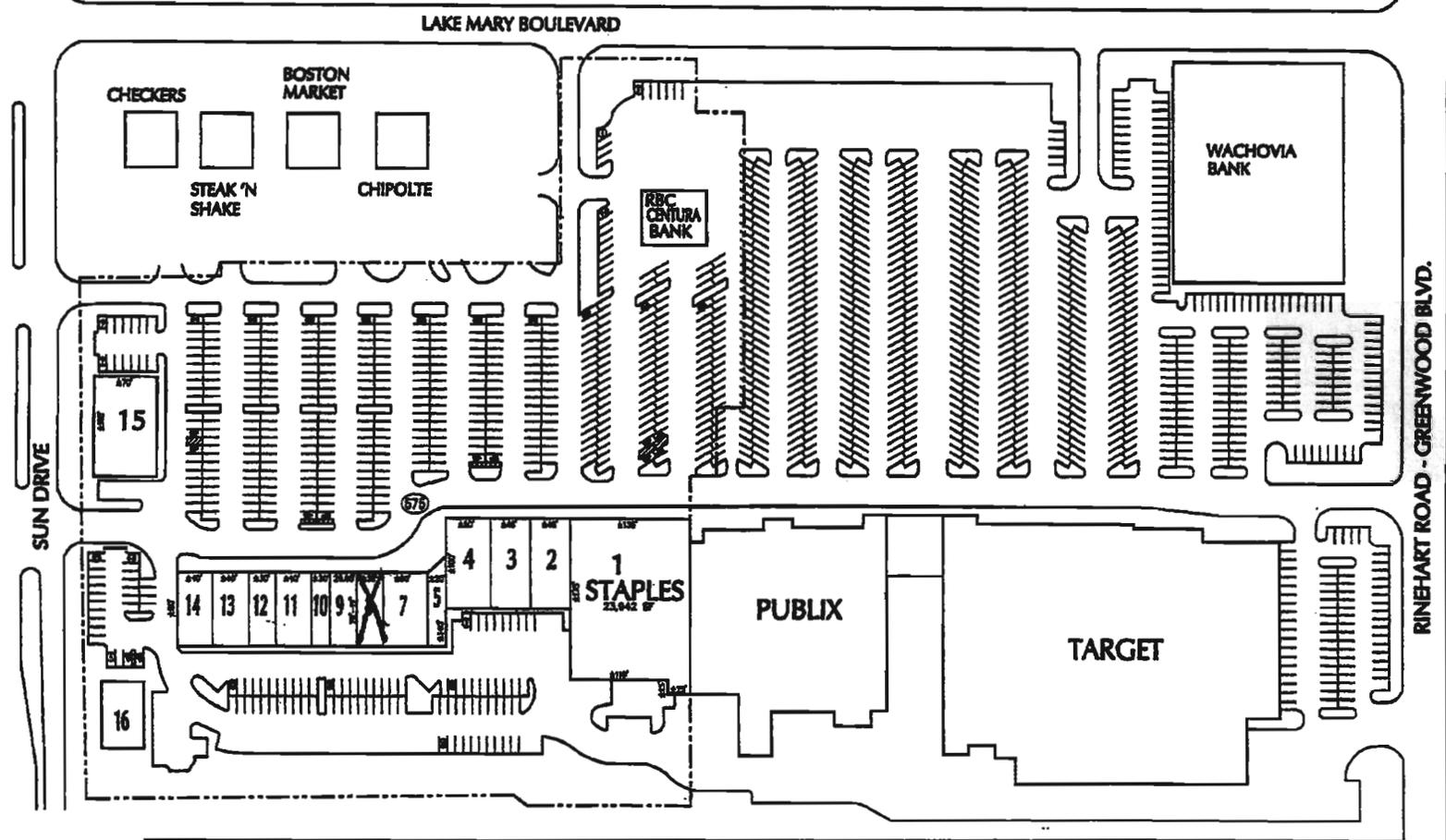
  
\_\_\_\_\_  
Antony Manipadam

  
\_\_\_\_\_  
Date

**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	3,023 SF
5	QUINNO'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 DIVA	2,300 SF
12	CLASSIC DENTAL	2,400 SF
13	CARD AND PARTY	3,200 SF
14	OUTSPOKEN BKE SHOP	3,200 SF
15	GATOR'S DOCKSIDE	7,700 SF
16	BRUSTER'S ICE CREAM	988 SF



UNIT 8 - COOK & OLIVE

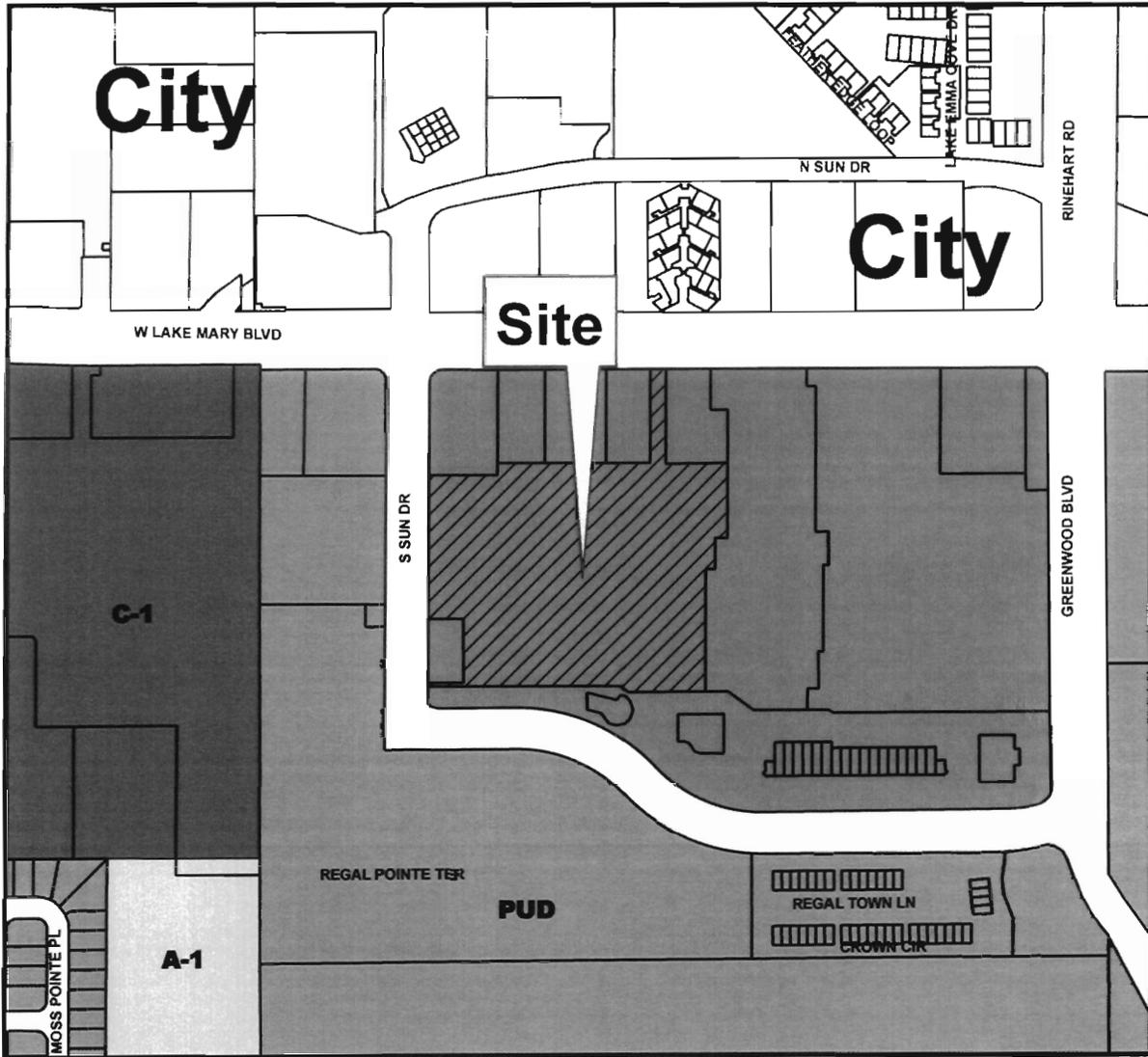


**SHOPPES OF LAKE MARY**  
Lake Mary, Florida

**DISCLAIMER**

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

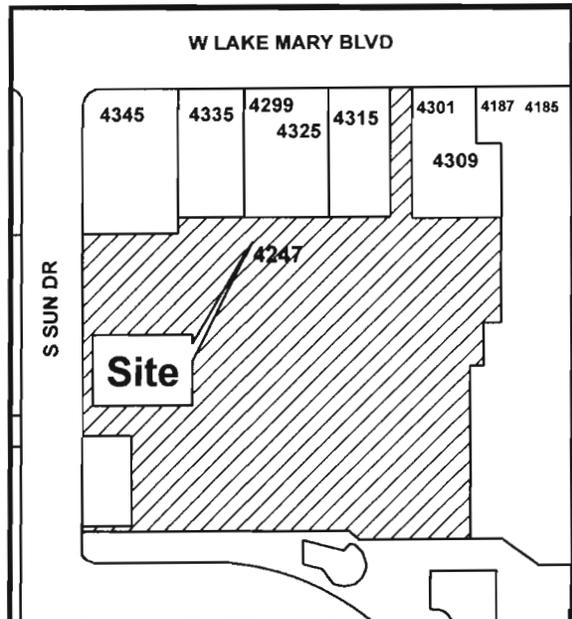
Antoney Manipadam  
 4247 West Lake Mary Blvd.  
 Lake Mary, Florida 32746



Seminole County Board of Adjustment  
 July 27, 2009  
 Case: BS2009-10 (Map 3103 Grid C1)  
 Parcel No: 18-20-30-511-0000-001A

**Zoning**

-  BS2009-10
-  A-1
-  C-1
-  PUD

Personal Property

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL.                  1101 E. FIRST ST                  SANFORD, FL 32771-1468                  407-868-7508</p>		
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<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 18-20-30-511-0000-001A                  Owner: DDRTC SHOPPES AT LAKE MARY LLC                  Own/Addr: C/O DEV DIVERSIFIED REALTY COR                  Mailing Address: 3300 ENTERPRISE PKWY                  City,State,ZipCode: BEACHWOOD OH 44122                  Property Address: 4215 LAKE MARY BLVD W LAKE MARY 32746                  Facility Name: SHOPPES @ LAKE MARY COLLECTION                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions:                  Dor: 16-RETAIL CENTER-ANCHOR</p>	<p style="text-align: center;"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Income</td> <td style="text-align: center;">Income</td> </tr> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: center;">\$12,845,538 *</td> <td style="text-align: center;">\$13,490,197 *</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: center;">\$12,845,538 *</td> <td style="text-align: center;">\$13,490,197 *</td> </tr> </tbody> </table> <p style="text-align: center;"><b>Tax Estimator</b></p> <p style="text-align: center;">(* Income Approach used.)</p>	VALUES	2009 Working	2008 Certified	Value Method	Income	Income	Number of Buildings	3	3	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$0	\$0	Land Value Ag	\$0	\$0	Just/Market Value	\$12,845,538 *	\$13,490,197 *	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$12,845,538 *	\$13,490,197 *
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2009 TAXABLE VALUE WORKING ESTIMATE			
Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$12,845,538	\$0	\$12,845,538
Schools	\$12,845,538	\$0	\$12,845,538
Fire	\$12,845,538	\$0	\$12,845,538
Road District	\$12,845,538	\$0	\$12,845,538
SJWM(Saint Johns Water Management)	\$12,845,538	\$0	\$12,845,538
County Bonds	\$12,845,538	\$0	\$12,845,538

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Deed</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Book 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>QUIT CLAIM DEED</td> <td>02/2007</td> <td><del>06613</del> <del>0677</del></td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/2002</td> <td><del>04506</del> <del>0302</del></td> <td>\$12,500,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/1999</td> <td><del>03645</del> <del>0965</del></td> <td>\$2,800,000</td> <td>Vacant</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Sales within this DOR Code</p>	Deed	Date	Book Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	02/2007	<del>06613</del> <del>0677</del>	\$100	Improved	No	WARRANTY DEED	08/2002	<del>04506</del> <del>0302</del>	\$12,500,000	Improved	No	SPECIAL WARRANTY DEED	04/1999	<del>03645</del> <del>0965</del>	\$2,800,000	Vacant	Yes	<p style="text-align: center;"><b>2008 VALUE SUMMARY</b></p> <p style="text-align: right;">2008 Tax Bill Amount: \$203,160</p> <p style="text-align: center;"><b>2008 Certified Taxable Value and Taxes</b></p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value								
SQUARE FEET	0	0	403,801	6.00	\$2,422,806								

BUILDING INFORMATION							
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value Est. Cost New
1	MASONRY PILAS	2000	10	23,992	1	CONCRETE BLOCK - MASONRY	\$1,307,312 \$1,473,028
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 638				
2	MASONRY PILAS	2000	11	7,700	1	CONCRETE BLOCK-STUCCO - MASONRY	\$605,419 \$682,162
	<b>Subsection / Sqft</b>		OPEN PORCH FINISHED / 624				

3 MASONRY PILAS 2001      60   38,168   1   CONCRETE BLOCK - MASONRY      \$2,139,860      \$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	\$190,776	\$246,162
WALKS CONC COMM	2000	836	\$2,144	\$2,767
LOAD WELL	2000	1,397	\$1,624	\$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	\$3,078	\$3,972
4' CHAIN LINK FENCE	2000	110	\$308	\$440
STUCCO WALL	2000	320	\$992	\$1,280
COMMERCIAL ASPHALT DR 2 IN	2001	56,055	\$40,808	\$51,010
WALKS CONC COMM	2001	9,620	\$25,474	\$31,842
STUCCO WALL	2001	704	\$2,253	\$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**

The owner of the real property associated with this application is a (check one)

- Individual                       Corporation                       Land Trust  
 Limited Liability Company     Partnership  
 Other (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	ADDRESS	PHONE NUMBER
ANTONEY MANIPADAM	486 HARBOUR ISLE WAY Longwood, FL 32750	407-620-5268
MARY MANIPADAM	" "	407-383-5740

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
MARY MANIPADAM	CEO	486 HARBOUR ISLE WAY, LONGWOOD, FL 32750	51
ANTONEY MANIPADAM	PRESIDENT	" "	49

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

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 rezoning, 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.

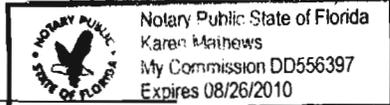
6/3/09  
Date

*Karen Mathews*  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 3 day of June, 2009 by \_\_\_\_\_

*Karen Mathews*  
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced Florida Drivers License

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

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 27, 2009 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

**Special Exception Approval:**

Amendment to a Special Exception to allow on-premise consumption in an established wine shop in PUD (Planned Unit Development).

All six criteria for granting a variance under the Land Development Code have been satisfied.

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. Amend the Special Exception to allow the on-premise consumption to include per-glass sales and allow seating.
2. The selling of alcoholic beverages shall be primarily package wine sales with the on-premises consumption subordinate and incidental.

(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

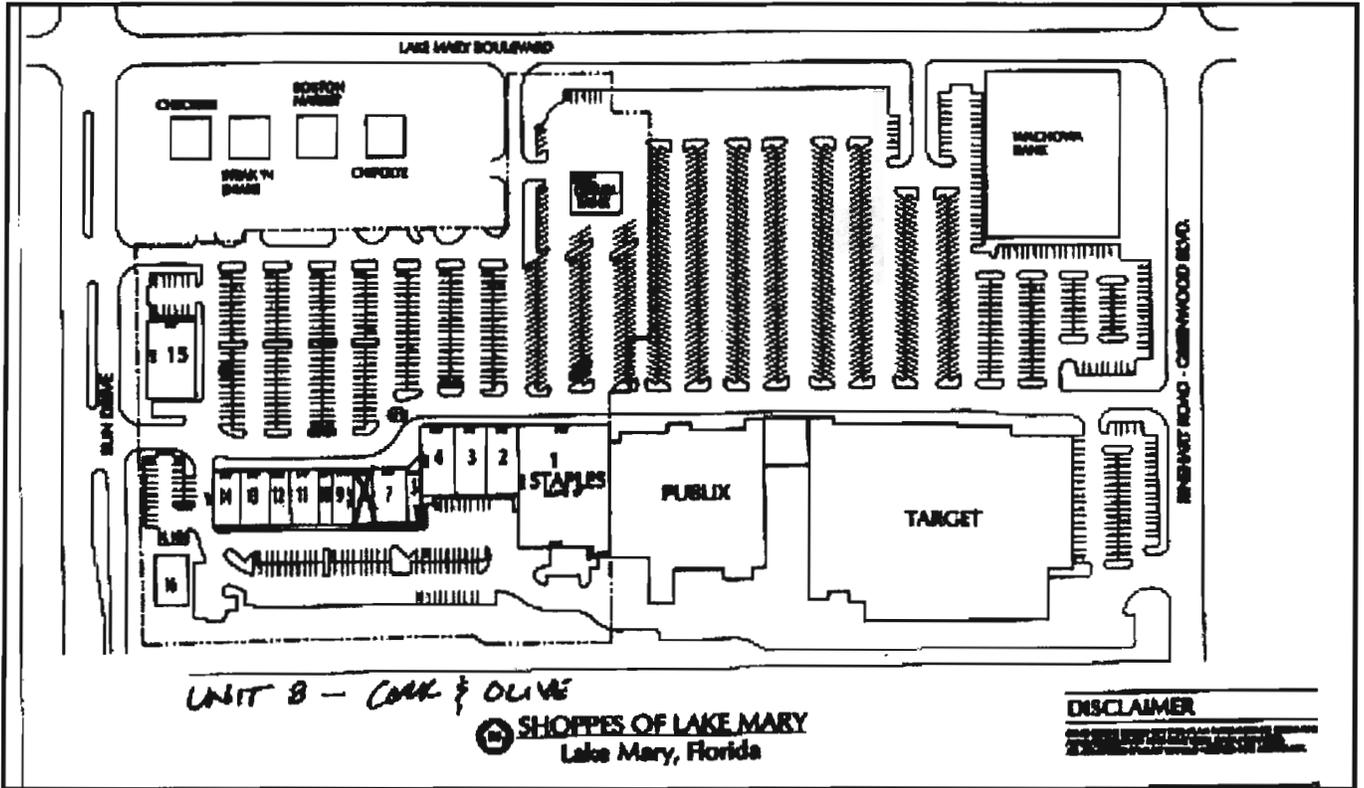
**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

**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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 27, 2009 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 Special Exception:

Amendment to a Special Exception to allow on-premise consumption in an established wine shop in PUD (Planned Unit Development).

Approval was sought to amend a special exception to remove certain conditions. 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: