

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

SUBJECT: 5655 Publix Super Markets – Publix, applicant; Request for a special exception for an alcohol beverage establishment (liquor store) in C-1 (Retail Commercial) district.

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

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

Agenda Date 09/28/09 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **DENY** the request for a special exception for an alcohol beverage establishment (liquor store) in C-1 (Retail Commercial); or
2. **APPROVE** the request for a special exception for an alcohol beverage establishment (liquor store) in C-1 (Retail Commercial); or
3. **CONTINUE** the request to a time and date certain.

<p>GENERAL INFORMATION</p>	<p>Applicant: Publix Owner: Regency Center Location: Willa Springs Village Zoning: C-1</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The existing Publix store is expanding its selection of alcoholic beverages to include liquor. The grocery store currently sells beer and wine. • The sale of liquor requires, by State law, to have a separate entrance therefore creating a separate liquor store. The liquor store will be placed within the existing square footage of the grocery store footprint.

Reviewed by: KFT
Co Atty: _____
Pln Mgr: _____

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

The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:

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

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

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

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

IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:

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

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

Based on the submitted site plan, the proposed use and proposed buildings meet the minimum area and dimensional requirements of the C-1 district.

WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:

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

	to the need to have a separate store. The site does meet the separation requirements from other package liquor stores as defined by the Land Development Code.
STAFF RECOMMENDATION	Staff recommends approval of the special exception subject to the following conditions: <ol style="list-style-type: none">1. The general layout of the proposed uses as depicted on the conceptual site plan shall not change.2. No building shall be increased more than 10% in square feet without Board of Adjustment approval.3. The sale of alcoholic beverage will be for only off-premise consumption.4. 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 Manager.

Fee: \$370.00

Application # BS2009-14
Meeting Date 9-28-09

COPY

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: Publix Super Markets, Inc. Store Number 796 / Heather Ramos

Address: 5655 Red Bug Lake Road City: Winter Springs Zip code: 32708

Project Address: 5681 Red Bug Lake Road City: Winter Springs Zip code: 32708

Phone number(s): 407-843-8880

Email address: heather.ramos@gray-robinson.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? vacant (previously "Oops Cards and Gifts")

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: *Heather Ramos*

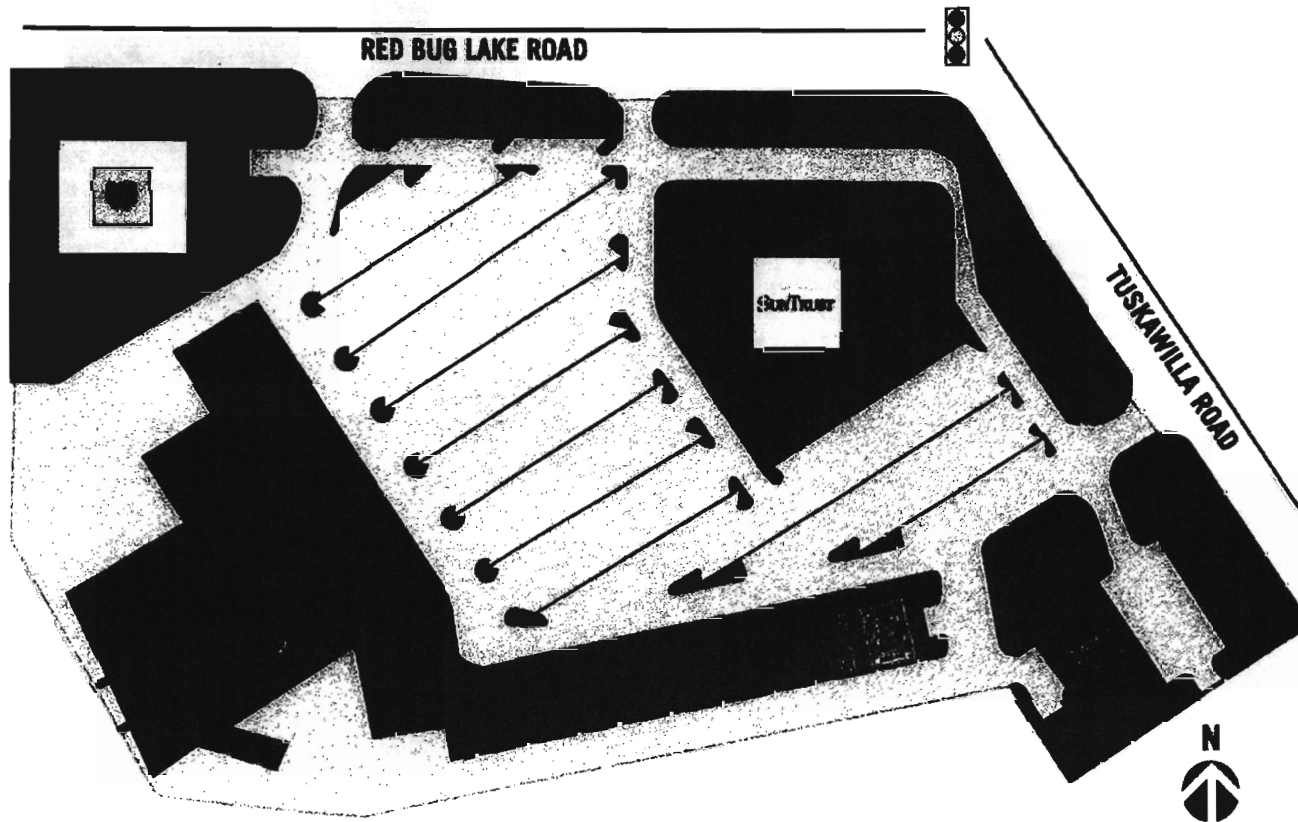
FOR OFFICE USE ONLY

Date Submitted: <u>8-7-09</u>	Reviewed By: <u>P. Johnson K. Fall</u>
Tax parcel number: <u>24-21-30-300-0206-0000</u>	Zoning/FLU <u>C-1/Com</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	

Willa Springs

5637-5711 Red Bug Lake Road
Winter Springs, Florida 32708

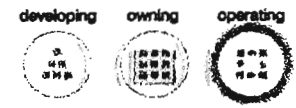
regencycenters



	Available	Anchor	Leased		
N.A.P. (Not A Part)					
1A	Chico's Mexican Grill			2,450 SQ. FT.	
1B	Head and Neck Massage Spa			1,750 SQ. FT.	
2	Publix			44,271 SQ. FT.	
4A	Advanced Rental			1,125 SQ. FT.	
4B	Sal You Fashion Restaurant			2,195 SQ. FT.	
5	Proctor's Grille			2,485 SQ. FT.	
6	Deja Vu Candles & Gifts			1,300 SQ. FT.	
6	Chico's Pub			1,825 SQ. FT.	
8	Red's Italian Ice			975 SQ. FT.	
7	Wild Bird Unlimited			1,825 SQ. FT.	
10	Proctor's Hearing Center			975 SQ. FT.	
11	Red's Shack			2,800 SQ. FT.	
13	New York Nails			1,300 SQ. FT.	
14	Chilly Connection			1,300 SQ. FT.	
15	Jack Cutler's			975 SQ. FT.	
16	Gaming			1,825 SQ. FT.	
17	The UPS Store			1,300 SQ. FT.	
18	Spy Books			975 SQ. FT.	
19	Salon 100			1,825 SQ. FT.	
20	Willa Cleaners			2,800 SQ. FT.	
21A	Panera Bread			1,900 SQ. FT.	
22	Tusawilla Chiropractic			1,500 SQ. FT.	
24	Annex's Alterations			474 SQ. FT.	
28	Dr. Amey			1,640 SQ. FT.	
100	Starbucks			1,500 SQ. FT.	
					Washington Mutual Bank
					SunTrust Bank

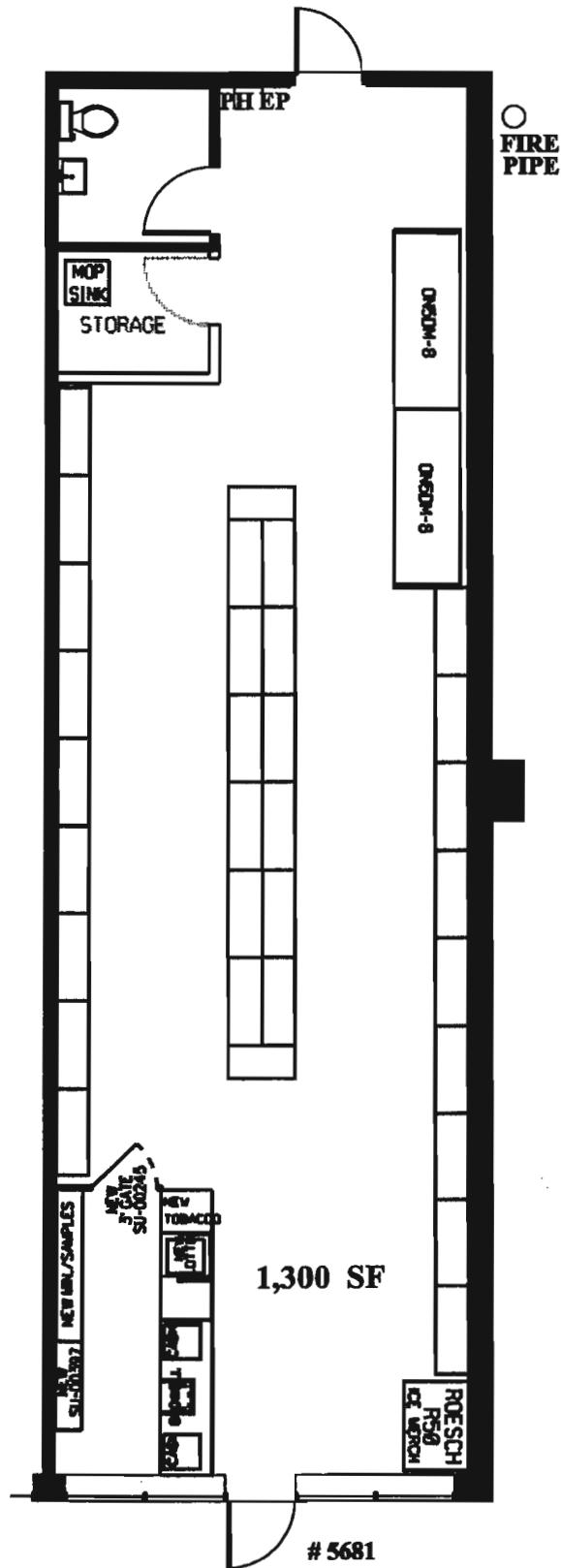
This site plan is not a representation, warranty or guarantee as to size, location, identity of any tenant, the suite number, address or any other physical indicator or parameter of the property and for use as approximated information only. The improvements are subject to changes, additions, and deletions as the architect, landlord, or any governmental agency may direct or determine in their absolute discretion.

Tampa Office
813.664.4800 800.995.6529
regencycenters.com



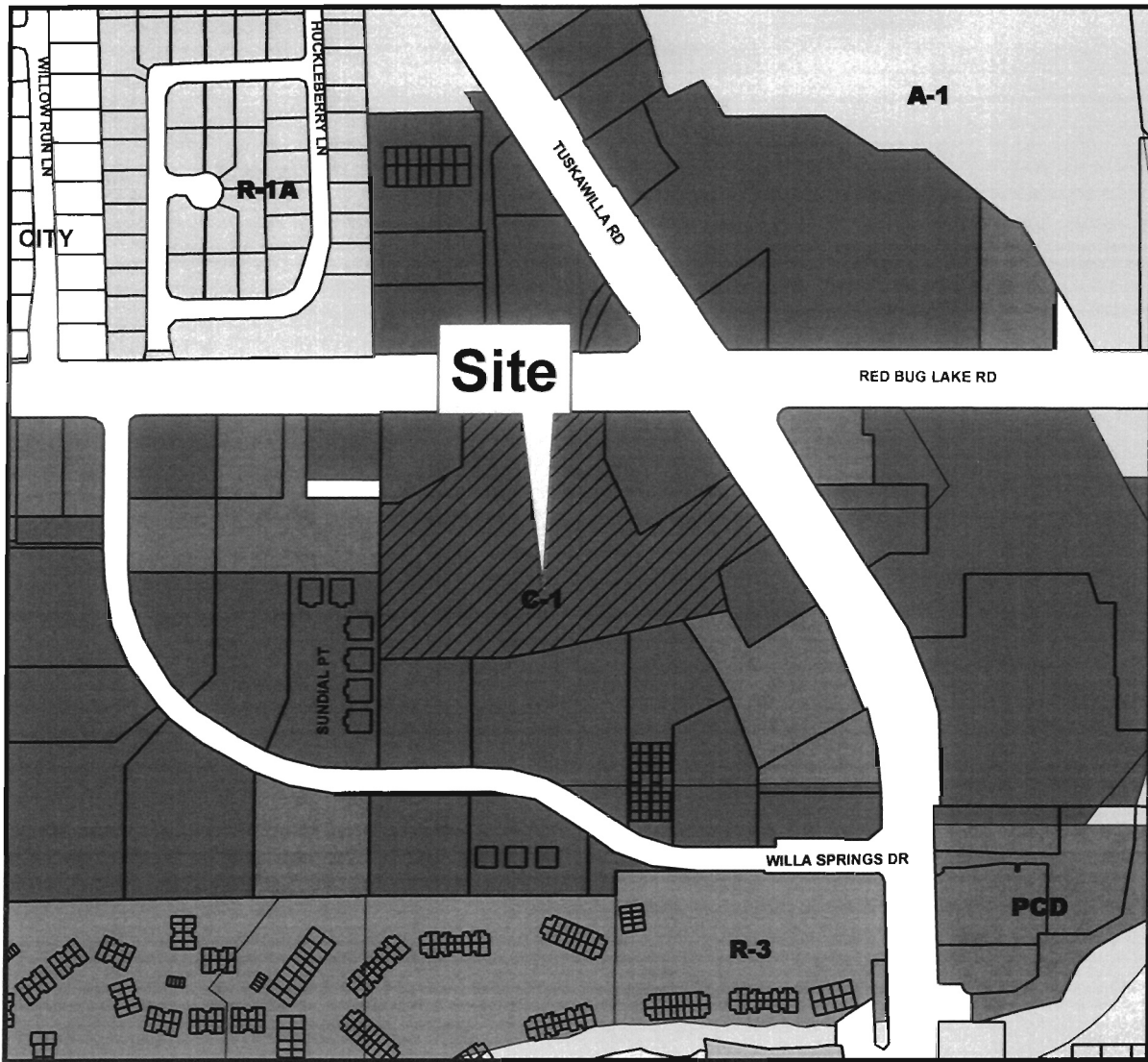
QUALITY SHOPPING CENTERS

The applicant will be leasing space 6 for the package liquor store.










*796 LIQUOR STORE

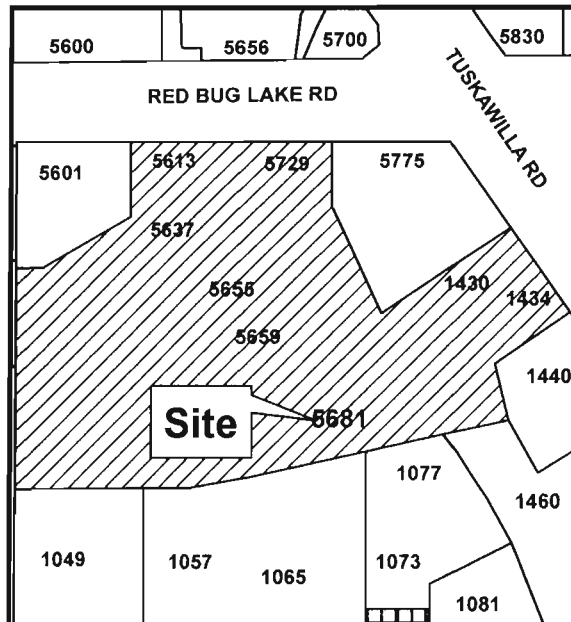
Publix Super Markets, Inc.
 5681 Red Bug Lake Road
 Winter Springs, FL 32708




Seminole County Board of Adjustment
 September 28, 2009
 Case: BS2009-14 (Map 3211 Grid C2)
 Parcel No: 24-21-30-300-020G-0000

Zoning

-  BS2009-14
-  A-1
-  R-1A
-  R-3
-  OP
-  C-1
-  PCD



Personal Property Please Select Account

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1403 407-585-7505</p>																																						
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 24-21-30-300-020G-0000 Owner: REGENCY CENTER LP Mailing Address: 1 INDEPENDENT DR STE 114 City,State,ZipCode: JACKSONVILLE FL 32202 Property Address: 5855 RED BUG LAKE RD WINTER SPRINGS 32708 Facility Name: WILLA SPRINGS VILLAGE 1 OF 2 Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 16-RETAIL CENTER-ANCHOR</p>		<p style="text-align: center;">VALUE SUMMARY</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;">5</td> <td style="text-align: center;">5</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;">\$9,506,857 *</td> <td style="text-align: center;">\$11,015,613 *</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;">\$9,506,857 *</td> <td style="text-align: center;">\$11,015,613 *</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator (* Income Approach used.)</p>	VALUES	2009 Working	2008 Certified	Value Method	Income	Income	Number of Buildings	5	5	Depreciated Bldg Value	\$0	\$0	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$0	\$0	Land Value Ag	\$0	\$0	Just/Market Value	\$9,506,857 *	\$11,015,613 *	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$9,506,857 *	\$11,015,613 *			
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Subsection / Sqft	LOADING PLATFORM CANOPY / 900					
2 MASONRY PILAS 1981	8	12,483	1	CONCRETE BLOCK - MASONRY	\$485,415	\$708,635
Subsection / Sqft	OPEN PORCH FINISHED / 909					
3 MASONRY PILAS 1981	16	10,471	1	CONCRETE BLOCK - MASONRY	\$435,651	\$635,987
Subsection / Sqft	OPEN PORCH FINISHED / 1288					
4 MASONRY PILAS 1981	25	20,930	1	CONCRETE BLOCK - MASONRY	\$838,661	\$1,224,322
Subsection / Sqft	OPEN PORCH FINISHED / 2832					
5 MASONRY PILAS 2003	8	6,205	1	CONCRETE BLOCK - MASONRY	\$392,095	\$423,886
Subsection / Sqft	OPEN PORCH FINISHED / 297					

Permits

EXTRA FEATURE

Description	Year Bt	Units	EXFT Value	Est. Cost New
COMMERCIAL ASPHALT DR 2 IN	2001	234,294	\$170,566	\$213,208
COMMERCIAL ASPHALT DR 2 IN	1981	72,326	\$26,327	\$65,817
COMMERCIAL CONCRETE DR 4 IN	2001	33,906	\$57,776	\$72,220
POLE LIGHT CONCRETE 2 ARM	1981	20	\$51,880	\$51,880
BLOCK WALL	2001	100	\$240	\$300
10' CHAIN LINK FENCE	2001	87	\$638	\$870
4' CHAIN LINK FENCE	2001	132	\$387	\$528
6' WOOD FENCE	2001	400	\$400	\$400
LOAD WELL	2001	2,400	\$2,880	\$3,600
IRON FENCE	2003	116	\$493	\$580
CANOPY AVG COMM	2003	216	\$1,642	\$2,160
WALKS CONC COMM	2003	1,310	\$3,686	\$4,336

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.

407-244-5670

HRAMOS@GRAY-ROBINSON.COM

MEMORANDUM

TO: Seminole County Planning Division
FROM: Heather M. Blom-Ramos
DATE: July 28, 2009
SUBJECT: Publix Super Markets Special Exception Application -- Statement of Request

Applicant Information

Publix Super Markets, Inc., located in the Willa Springs shopping center at the corner of Red Bug Lake Road and Tuskawilla Road (5655 Red Bug Lake Road, Parcel ID# 24-21-30-300-020G-000, C-1 zoning district) is requesting a special exception for a stand-alone package liquor store.

Summary of the Proposed Business Operation

The proposed package liquor store will be placed in space 6 as indicated in the information provided with Tab 5. Liquor will be sold for *off premises consumption only*.

The proposed hours of operation are from 10:00 a.m. - 10:00 p.m. Monday through Saturday, and 11:00 a.m. - 9:00 p.m. Sunday. Publix expects to have 2 (or more) employees working in the store.

**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 [Regency Centers, L.P.]
 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

(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
See Attachment 1 for response to Question 2.			

(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
Regency Centers Corporation	One Independent Drive, Suite 114 Jacksonville, FL 32202-5019	100%

(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.

Date July 31, 2009

Mah Ely
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Hillsborough

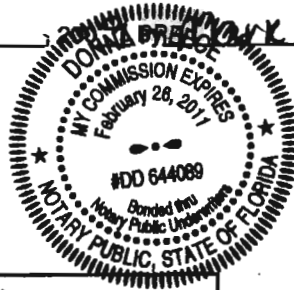
Sworn to (or affirmed) and subscribed before me this 31st day of July

Donna Preece
Signature of Notary Public

Donna Preece
Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____

Type of Identification Produced _____



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

**Attachment 1
to
SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

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
Stein, Martin E., Jr.	Chief Executive Officer	One Independent Drive, Suite 114 Jacksonville, FL 32202-5019	N/A (See next page)
Miller, Kathy D.	Vice President	One Independent Drive, Suite 114 Jacksonville, FL 32202-5019	
Leavitt, J.C.	Vice President, Secretary, Treasurer	One Independent Drive, Suite 114 Jacksonville, FL 32202-5019	
Thompson, James D.	Vice President	One Independent Drive, Suite 114 Jacksonville, FL 32202-5019	
Hofheimer, Norman A.,	Vice President	One Independent Drive, Suite 114 Jacksonville, FL 32202-5019	

Winter Springs, FL
Willa Springs
 Red Bug Lake Rd & Tuskawilla



Center Information:	3-Mile
Square Footage	89,930
Population	66,533
Avg. Household Income	\$86,593
Estimated Households 2014	24,504
Vehicles per Day	29,653

Features:

- Densely populated market surrounded by affluent neighborhoods with an avg household income of \$84,000 within the trade area
- Highly trafficked center with Publix drawing more than 21,900 customers per week, along with other strong daily draws such as Panera Bread & Starbucks
- Signalized accessibility & visibility off of Red Bug Lake Rd & Tuskawilla Rd with 29,600+ VPD

Contact:

Cary Anderson
 813.664.4800 / CaryAnderson@regencycenters.com
 regencycenters.com

regencycenters

• moving quality forward

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 28, 2009 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 24 TWP 21S RGE 30E BEG S 1 DEG 5 MIN 39 SEC W 75 FT & 220 FT E OF NW COR OF SE 1/4 RUN E

367.78 FT S 165.77 FT S 32 DEG 49 MIN 53 SEC E 144 FT N 57 DEG 10 MIN 7 SEC E 275 FT S 32 DEG 49 MIN 53

SEC E 205 FT S 57 DEG 10 MIN 7 SEC W 154.58 FT S 11 DEG 16 MIN 49 SEC E 123.64 FT S 78 DEG 43 MIN 11 SEC

W 593.7 FT W 330 FT N 01 DEG 05 MIN 39 SEC E 395 FT S 88 DEG 54 MIN 21 SEC E 50 FT N 57 DEG 10 MIN 07 SEC

E 204.88 FT N 01 DEG 05 MIN 39 SEC E 168.64 FT TO BEG (LESS RD) (10.89 AC)

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

FINDINGS OF FACT

Property Owner: Regency Center, LP
1 Independent Drive, Suite 114
Jacksonville, Fl. 32202

Project Name: Red Bug Lake Road (5655)

Requested Development Approval:

Request for a special exception for an alcohol beverage establishment (liquor store) in C-1 (Retail Commercial)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The general layout of the proposed uses as depicted on the conceptual site plan shall not change.
 - b. No building shall be increased more than 10% without Board of Adjustment approval.
 - c. The sale of alcoholic beverage or otherwise will be for only off-premise consumption.
 - d. The liquor store will only consist of 5.6% of the total square footage of the existing grocery store.
 - e. Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Manager.

(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:

Fall, Kathy

From: thebattlerhino@aol.com
Sent: Wednesday, September 16, 2009 3:49 PM
To: Fall, Kathy; kdparra@aol.com; donnapreece@regencycenters.com
Subject: BD2009-14 Special Exemption Publix plaza

Hi-

I spoke with you a couple of minutes ago. I own Pretzels Bar & Grill in the Publix shopping plaza. My license is a 4COP. I understand your comments on the appropriate use of the package license.

I had this same problem when I owned the Pretzels Bar & Grill in Altamonte Springs. A package store opened in the plaza and that is when problems arose. People would buy bottles, mainly fifths, at the package store and would drink that liquor on the plaza sidewalk before coming into our establishment. It got to the point that the police had a problem with people drinking on the sidewalks of the plaza. People would sometimes try to bring liquor into our bar. This will be a particular problem in the Publix Plaza. I have an outdoor patio not 10 feet from the proposed location of the package store. I can easily see people trying to sneak liquor or beer over my 6 foot fence. When these two events happen it will become a public nuisance and the police will be involved.

I will be at the hearing on the 28th.

Please confirm receipt of this e-mail.

Best regards,

William Parra
Pretzels Bar & Grill