

LDLVAR-2024-46 - Chipotle Store #4776 - 2COP Variance

Menu Reports Help

Application Name: [Chipotle Store #4776 - 2COP Variance](#)

File Date: [08/08/2024](#)

Application Type: [LUHO - Variance](#)

Application Status: [In Review](#)

Application Comments:

View ID	Comment	Date
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Description of Work: [The Applicant is seeking a variance to section 3-18 of the Polk County Code of Ordinances. The Applicant is seeking such a variance because the Applicant desires to se beer and alcohol on the subject property under a 2-COP license. The distance \(calculated property line to property line\) between the subject property and Citrus Ridge Academy, a nearby school, is less than 1,000 feet, so a variance from section 3-18 is needed.](#)

Application Detail: [Detail](#)

Address: [49539 HWY 27, DAVENPORT, FL 33897](#)

Parcel No: [262513998019000010](#)

Owner Name: [WMG EXCHANGE 3 LLC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	calvin watkins		Other	Mailing_P.O. Box 1825...	Active
	Kelvin Ready		Applicant	Mailing_One Lake Mort...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: LD_GEN_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[0.95](#)

DRC Meeting Time

DRC Meeting

[10/10/2024](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

[No](#)

-

Case File Number

Is this Polk County Utilities

-

One Year Extension

FS 119 Status

[Non-Exempt](#)

-

PUBLIC HEARINGS

Development Type

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Alcohol](#)

-

[Beverage](#)

[Setbacks](#)

[Affordable Housing](#)

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[11/12/2024](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

[Quick Service Eatery](#)

[2-COP](#)

Hours of Operation

[10:45 AM - 11:00 PM](#)

Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary

COMMUNICATION TOWER

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?

[The Applicant's requested variance \("Variance"\) will not be injurious to the area or detrimental to the public welfare. Granting the Variance will cause an insignificant change in the area around the subject property \("Property"\). While the distance \(property line to property line\) between the Property and Citrus Ridge Academy \("Academy"\) is less than 1,000 feet, the actual travel distance \(based on the orientation of the Academy's exits onto sand mine road, the buildings between Academy and the Property, the location of the Academy's fences, the route of the sidewalks running between the Academy and the Property, and the route of the roads between the Academy and the Property\) is approximately +1,700 Feet. The travel distance to a nearby Applebee's \(which holds a 4-COP license allowing beer, wine, and full spirits\) from the Academy is approximately +2,500 feet, which is a mere 800 feet difference. Such a difference shows that granting the Variance will have a very low potential to injure the area or cause a detriment to the public welfare because beer and wine are already served in the area at the Applebee's.](#)

What special conditions exist that are peculiar to the land, structure, or building involved?

[As discussed above, the Property is located such that the distance \(measured property line to property line\) between the Property and the Academy is less than 1,000 feet. Sections 3-18 and 3-19 of the Polk County Code of Ordinances \("Code"\) require that no point on the property line of the Property lie closer than 1,000 feet from the property line of the Academy. Accordingly, the Applicant is constrained by the above-described site conditions and requires a variance to serve beer and wine on the Property. Section 3-18.1 of the Code provides that "existing land uses in the vicinity and any physical characteristics of the vicinity" shall be considered in determining whether to grant a variance to the provisions of section 3-18\(a\) and \(b\).](#)

[As discussed above, the Property is uniquely located such that an Applebee's \(which serves beer, wine, and full spirits under a 4-COP license\) is in the vicinity. The Applicant is not proposing to bring a new use to the area in the vicinity of the Property; rather, the Applicant is seeking to participate in an already existing use – i.e., the sale of beer and wine. Thus, granting the variance will have very little impact on the area in the vicinity of the Property. Moreover, the Applicant's proposed use will be less impactful on the area than the current use because it will not serve full spirits like the nearby Applebee's.](#)

[Further, as discussed above, the physical characteristics of the properties in the vicinity of the Property are such that the actual travel distance \(based on the orientation of the Academy's exits onto sand mine road, the buildings between Academy and the Property, the location of the Academy's fences, the route of the sidewalks running between the Academy and the Property, and the route of the roads between the Academy and the Property\) between the Property and the Academy is approximately +1,700 Feet. Thus, a person would have to travel farther than 1,000 feet from the Academy to reach the Property. The provisions of section 3-18\(a\) and \(b\) are clearly intended to regulate establishments serving beer and wine which are accessible to nearby schools or churches by traveling 1,000 feet. The unique physical characteristics of the area in the Property's vicinity require people to travel farther than 1,000 feet from the Academy to reach the Property. This unique set of facts weighs in favor of granting a variance.](#)

When did you buy the property and when was the structure built? Permit Number?

[The Applicant does not own the Property; rather, the Applicant leases the Property. The structure was built on 3/7/2024. Permit number: BC-2023-390.](#)

What is the hardship if the variance is not approved?

[If the Variance is not approved, the Applicant's hardship will be the deprivation of rights commonly enjoyed by other properties in the same zoning district \(i.e., the ability to sell beer and wine\). Because of the existing land uses in the vicinity of the Property and the unique physical characteristics of the area around the Property, which are discussed above, a literal interpretation and strict compliance with the Code would create an unnecessary and undue hardship on the Applicant.](#)

Is this the minimum variance required for the reasonable use of the land?

[Yes. Per section 3-18-1 of the Code, the requested Variance is the only means by which the Applicant can make reasonable use of the land \(i.e., sell beer and wine\).](#)

Do you have Homeowners Association approval for this request?

[N/A](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

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PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-24EST-00000-38294](#)

RequiredDocumentTypesComplete

[Yes](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding, Site Plans, \(PDFs Yes and CUs\), CSV, Calculations, Correspondence, Desi](#)

RequiredDocumentTypes

-

Activate DPC

[gn Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)
[DigitalSigCheck](#)
[Yes](#)

Activate FSA
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT
 Upload Plans Acknowledgement
[y](#)

LAND USE
 Selected Area Plan LU Code

NOR
 Neighborhood Organization Registry (NOR)

PUBLIC MAILERS
 Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	09/16/2024	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	09/20/2024	Phil Irven
	Planning Review	Erik Peterson			
	Review Consolidation				
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
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Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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