

**POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT**

DRC Date:	December 13, 2025	CASE #:	LDLVAR-2025-69
			Nathani Alcohol Variance
LUHO Date:	January 22, 2026	LDC Section:	Section 224 Table 2.4

Request: The applicant is requesting a variance to allow separation reduction for a proposed Alcohol Package Store (3PS License) within 2,500 feet of two religious institutions.

Applicant: Amin Nathani

Property Owner: GK Shopping Plaza LLC

Location: The subject site is located south of US Highway 192, east of US Highway 27, north of Polo Park East Boulevard, west of Rita Bee Avenue, north of the City of Haines City in Section 01, Township 25, Range 26.

Parcel ID#: 262501-000000-043050

Size: ±3.27 acres

Land Use Designation: Regional Activity Center-X (RACX)
North US 27 Selected Area Plan (SAP)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is seeking to propose a liquor store within an existing 20,984 square-foot retail plaza. The applicant is applying for one package liquor sales license (3PS), however, there are two religious institutions within 2,500 feet of the property (Exhibit 3). Section 224 of the Land Development Code (LDC) prohibits the sale of liquor beverages within 2,500 of a religious institution or a public or private school (K-12). Through LDC Section 930, a property owner (or agent of) may request a variance to the 2,500 feet of separation from the Land Use Hearing Officer. Alcohol separation distance is measured from property line to property line. Therefore, approval of this variance will apply to the entire retail plaza and any future building expansions or additions within the property.

Two religious institutions, Iglesia Bautista Fe y Esperanza and Cornerstone Baptist Church, are within the 2,500-foot separation distance requirement. Measured between property lines, Iglesia Bautista Fe y Esperanza is located about 445 feet from the subject property, and Cornerstone Baptist Church is about 1,665 feet from the subject property.

The subject site is located in the Regional Activity Center (RACX) in the North US 27 Selected Area Plan (SAP), providing a number of different uses within the surrounding area. This includes two restaurants that provide the sale of beer, wine, and liquor consumption within the 2,500-foot separation distance (4COP-SRX). This includes the Wheelhouse Bar 19th Hole located in the subject site as well as an Italian restaurant located in the same complex as Iglesia Bautista Fe y Esperanza. The subject site, also known as “GK Shopping Plaza, LLC” once carried a business conducting liquor package sales. However, per LDC Section 120.C, the store closure was longer than two years, and a variance is now required for any new package business to locate in the plaza.

There are a few locational factors that need to be considered. US 27 separates the two uses with six lanes and about 210 feet of right-of-way. In addition the separation distance is much greater when accounting for pedestrian and vehicular travel. The distance increases to at least 980 feet when accounting for entrances of the proposed liquor store and one of the religious institution’s property boundaries rather than from property line to property line (Exhibit 5).

Staff has found that setback reductions from Table 2.4 in Section 224 of the LDC have been approved for five cases last year and many times these uses can co-exist in close proximity without being injurious on one another or detrimental to the public welfare.

Staff finds that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because there are many instances where liquor stores and religious institutions have coexisted in close proximity without any adverse effects. Separation variances from Table 2.4 in Section 224 of the LDC have been approved for four cases last year alone.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district** because the retail plaza previously contained a liquor store which was established prior to the two religious institutions. However, since the store has been closed for over two years, a variance is required to locate any new store on property.
- **The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure**, because it offers the retail plaza the flexibility of leasing to the beer, wine and liquor package store tenants where it otherwise was allowed to previously.

Staff recommends approval of a variance to reduce the requirements for separation from religious institutions for this site because commerce is supported at this site by policies in the Comprehensive Plan.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-69**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance shall be granted to the shopping plaza on Parcel # 272630-000000-012010 for two package alcohol sales licenses (3PS) within the distance separations of religious institutions listed in Section 224 of the LDC.
2. The applicant shall secure and locate the necessary alcohol license (3PS license) within one (1) year from the date the Land Use Hearing Officer's Final Order is rendered. The variance will be valid as long as the beverage license is current and the establishment does not close for a period of greater than twenty-four (24) months, otherwise the variance will become null and void.
3. The property owner(s) is responsible for compliance with any further restrictions of record pertaining to the property and this approval shall not be used to supersede authority over those restrictions.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the LDC.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submission of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

The applicant intends to place a liquor store within a retail plaza off of US 27 north of Interstate-4. This request is seeking a variance to the 2,500-foot separation requisite between establishments with a 3PS license (liquor, beer and wine package sales) from two churches as required by LDC Section 224. Measured from property line to property line, Iglesia Bautista Fe y Esperanza and Cornerstone Baptist Church are about 445 feet and 1,665 feet from the property line, respectively.

Staff finds this request will not be injurious to the area involved or otherwise detrimental to the public welfare. There are numerous examples throughout the County that demonstrate liquor stores and religious institutions can co-exist without any adverse effects. The primary objective for separation is to separate the consumer from the protected use and prohibit public access where it is easily accessible. From a pedestrian and vehicular standpoint, access from both religious institutions involves crossing US 27, a major 6-lane highway. In this instance, pedestrians and vehicles typically travel much further between both uses. Based on the legal route of pedestrian travel, the religious institutions are about 980 feet and 2,255 feet walking distance away (Exhibit 5). Despite the separation below the 2,500 feet minimum, there is one restaurant within the GK Shopping Plaza, The Wheelhouse Bar 19th Hole, which is permitted to have a full-service bar and is exempt from these distance requirements (4COP-SRX). Additionally, religious institutions typically hold service on Sundays and the proposed store is not allowed to sell liquor package sales on Sundays according to LDC Section 224, Table 2.4.

2. *Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;*

Interestingly, both religious institutions were not established first. The retail plaza once carried a liquor store since at least 2008 until its subsequent closure around February 2020, according to Google Maps. According to SunBiz records, Iglesia Bautista Fe y Esperanza, the property which is closest to the applicant's retail plaza, has been operating at this location since 2021. Meanwhile Cornerstone Baptist Church purchased their property through a Warranty Deed in August 2014 according to the Property Appraiser (O.R. Book 9330, PG 666). These two churches opened after the previous liquor store was already in operation, and no extra burden of approval was placed on either entity. However, since the store was closed for more than two years, a variance is now required for any new liquor package business to locate in the plaza. RACX in the North US 27 SAP allows alcohol sales an administrative type of review (Level 1). However, since the religious institutions are now established "first," the applicant must go through the variance process.

3. *Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;*

It is important to realize that the separation requirements of Section 224 apply to a wide variety of uses that have disparate intensities and effects upon the surrounding area. Bars

and lounges, for instance, require a 4COP license for consumption on premises. The business hours of bars and lounges vary, often with hours that might impact a residential community, school, or religious institution. Furthermore, this case illustrates the uneven nature of alcohol policies in Polk County. The closest liquor store is a “1st Infinity Liquor LLC” located approximately ½ mile northeast at 190 Kersey Street. There are no religious institutions or schools within 2,500 feet of that store. Meanwhile an Italian restaurant is in the same retail plaza as Iglesia Bautista Fe y Esperanza which already serves alcohol without having to go through the variance process (4COP-SRX). These two uses have been in existence, while operating within the same plaza, for over seven (7) years.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

Several alcohol distance variances for alcohol sales have been approved since the adoption of the LDC. Therefore, this request is a privilege that has been enjoyed by others under similar circumstances. Alcohol sales are allowed in RACX land use district, subject to administrative approval. Below is a chart of other establishments offering alcohol sales that have been approved within the distance separation requirement of a school or religious institution.

Case	BOA/LUHO Date	Schools/Religious Institution
VAR 12-56	7/26/12	Seven Churches & One High School
VAR 12-73	8/23/12	Two Churches & One High School
LDVAR-2019-55	8/22/19	One Church
LDVAR-2019-72	9/26/19	Two Churches & One Middle School
LDVAR-2020-57	6/26/20	One Church
LDLVAR-2021-107	11/15/21	Two Schools & One Church
LDLVAR-2021-122	1/27/22	Two Churches
LDLVAR-2022-36	7/28/22	One Church
LDLVAR-2022-54	8/25/22	One School & One Church
LDLVAR-2023-67	2/22/24	One Church & One School
LDLVAR-2024-10	4/25/24	Four Churches
LDLVAR-2024-12	4/25/24	Four Churches & One Elementary School
LDLVAR-2024-27	7/25/24	Three Churches
LDLVAR-2024-55	11/12/24	Two Churches & One Elementary School
LDLVAR-2025-1	3/27/25	Two Churches
LDLVAR-2025-26	7/24/25	Two Churches
LDLVAR-2025-35	8/26/25	Four Churches
LDLVAR-2025-48	9/25/25	One School

As previously mentioned, a liquor store once operated in the GK Shopping Plaza. If the applicant proposed a package store within two years from the prior store’s closure date, no variance would be required.

5. *Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;*

This approval is the minimum needed to accommodate the use. Though the LDC requires a straight-line measurement from property line to property line, this method of measurement provides no insight on the physical barriers to entry. The actual distance

between entrance and property lines is much greater, at over 980 feet away, when utilizing pedestrian measurement (Exhibit 5). There are significant barriers to travel from the proposed store entrance to Iglesia Bautista Fe y Esperanza and Cornerstone Baptist Church, namely US 27, a six-lane divided Principal Arterial roadway. Furthermore, the liquor store will be closed on Sundays as required by the LDC, and the surrounding religious institutions are likely to be utilized primarily on Sundays, causing no conflict.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. Alcohol package sales may be approved in the RAC land use district in this SAP without limitations if there are no schools or religious institutions within 2,500 feet.

7. *Whether that in no case shall the Land Use Hearing Officer or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting the variance will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance will not change the size, shape, or use of the property.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

Granting this request will not circumvent any conditions of approval. There is a proposed text amendment (LDCT-2025-23) to change LDC Section 224. The ordinance proposes to reduce separation distance for 3PS to 750 feet and measure by pedestrian travel. It was recommended 6:1 approval by the Planning Commission on December 3, 2025 and the second reading will be heard by the BoCC on January 20, 2026.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table to follow provides pertinent details of abutting uses and their regulatory parameters.

Northwest: RACX Silverleaf Resort 380 short term rental multifamily units PD 06-01 ± 25.23 acres	North: RACX Aston Point PD - 400 multifamily units & non-residential outparcels LDPD-2018-46 ± 27.26 acres	Northeast: RACX Aston Point PD - 400 multifamily units & non-residential outparcels LDPD-2018-46 ± 27.26 acres
West: LRX Silverleaf Resort 380 short term rental multifamily units PD 06-01 ± 25.23 acres	Subject Property: RACX 20,984 sq. ft. retail plaza ± 3.27 acres	East: RL-1X Polo Park East MH Park (North Phase II) LIC-H-1300 (PUD 87-45) 238 mobile homes ± 65.94 acres
Southwest: LRX 15,006 sq. ft. retail plaza Iglesia Bautista Fe y Esperanza ±1.62 acres	South: RACX Bank ±2.3 acres	Southeast: RL-1X Fairways - Lake Estate (f.k.a. Polo Park East – South Phase) PUD 87-45 256 single-family homes ± 59 acres

The northeast area of the County, including the subject site, was once vacant land and orange groves. By 1981 phase one of a mobile home park Polo Park (PUD 81-25) began construction across US 27 from the site. Multiple phases followed shortly thereafter in 1987 directly to the east of the subject site (PUD 87-45). The Polo Park project underwent several modifications since it was approved 1987, including lot sizes, setbacks, number of lots, and adjusting phasing schedules. The second phase, directly to the rear of the subject site, was constructed in the late 1980s. The south phase of Polo Park East was designated as Phase III according to the PUD. However in 1992 a major modification was approved to convert the south phase from 326 mobile home lots into 256 single-family homes. This also changed the name from Polo Park East – South Phase to Fairways – Lake Estate. On May 6, 1997, the Board granted final approval for the portion of the Phase I north commercial area for a bank and a retail center. Subsequently, the site had a 20,984 square-foot plaza constructed in 2002 with a bank to the south. Today, the site is surrounded by commercial and residential development, including a new 400-unit multifamily complex directly to the north.

Comments from other Governmental Agencies: None.

Exhibits:

Exhibit 1 – Location Map

Exhibit 2 – Future Land Use Map

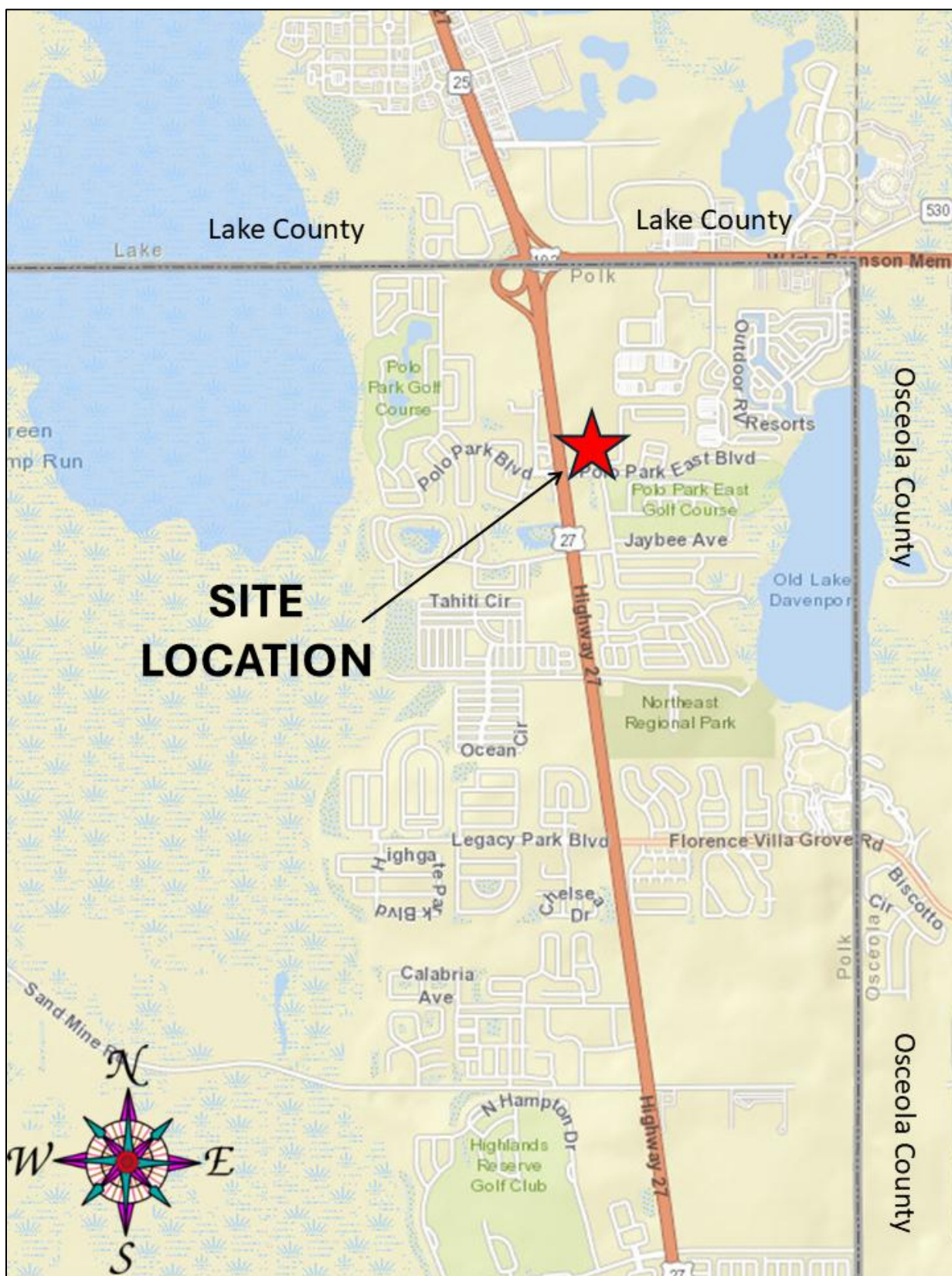
Exhibit 3 – 2025 Satellite Image (Context)

Exhibit 4 – 2023 Aerial Photo (Close-up)

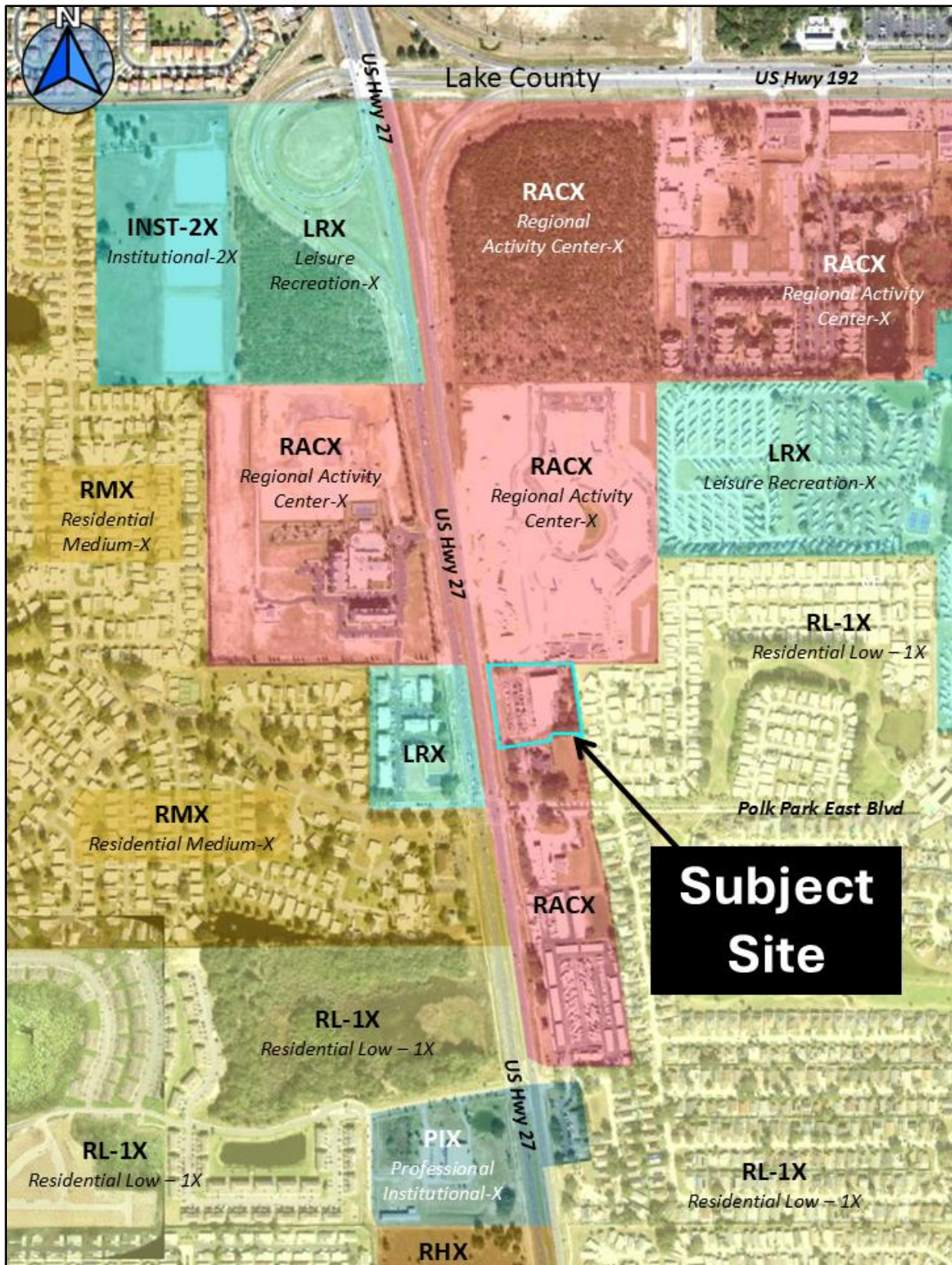
Exhibit 5– 2025 Satellite Image w/ Measurements

Exhibit 6 – Site Plan

Exhibit 7 – Applicant’s Justification



Location Map



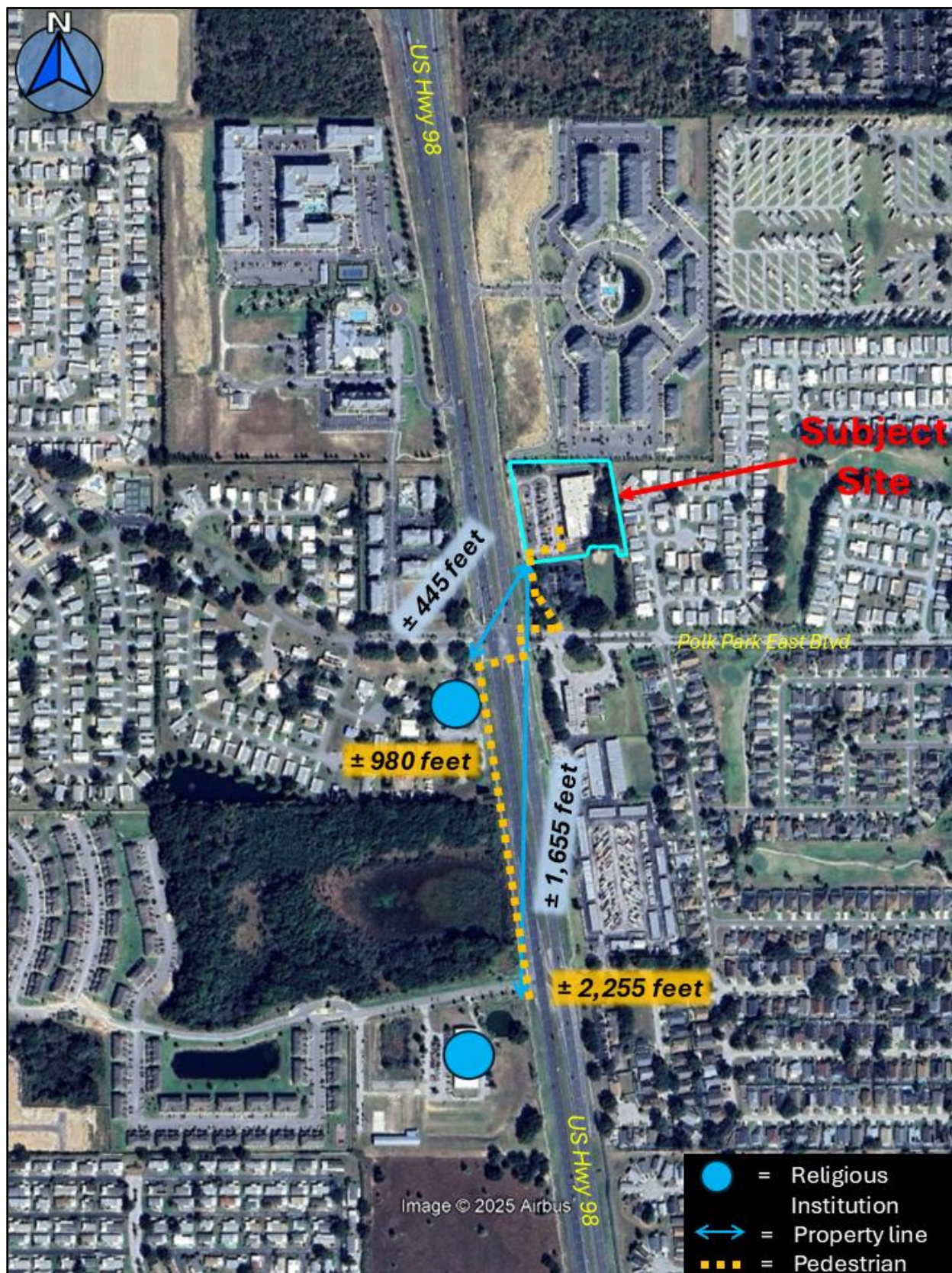
Future Land Use Map



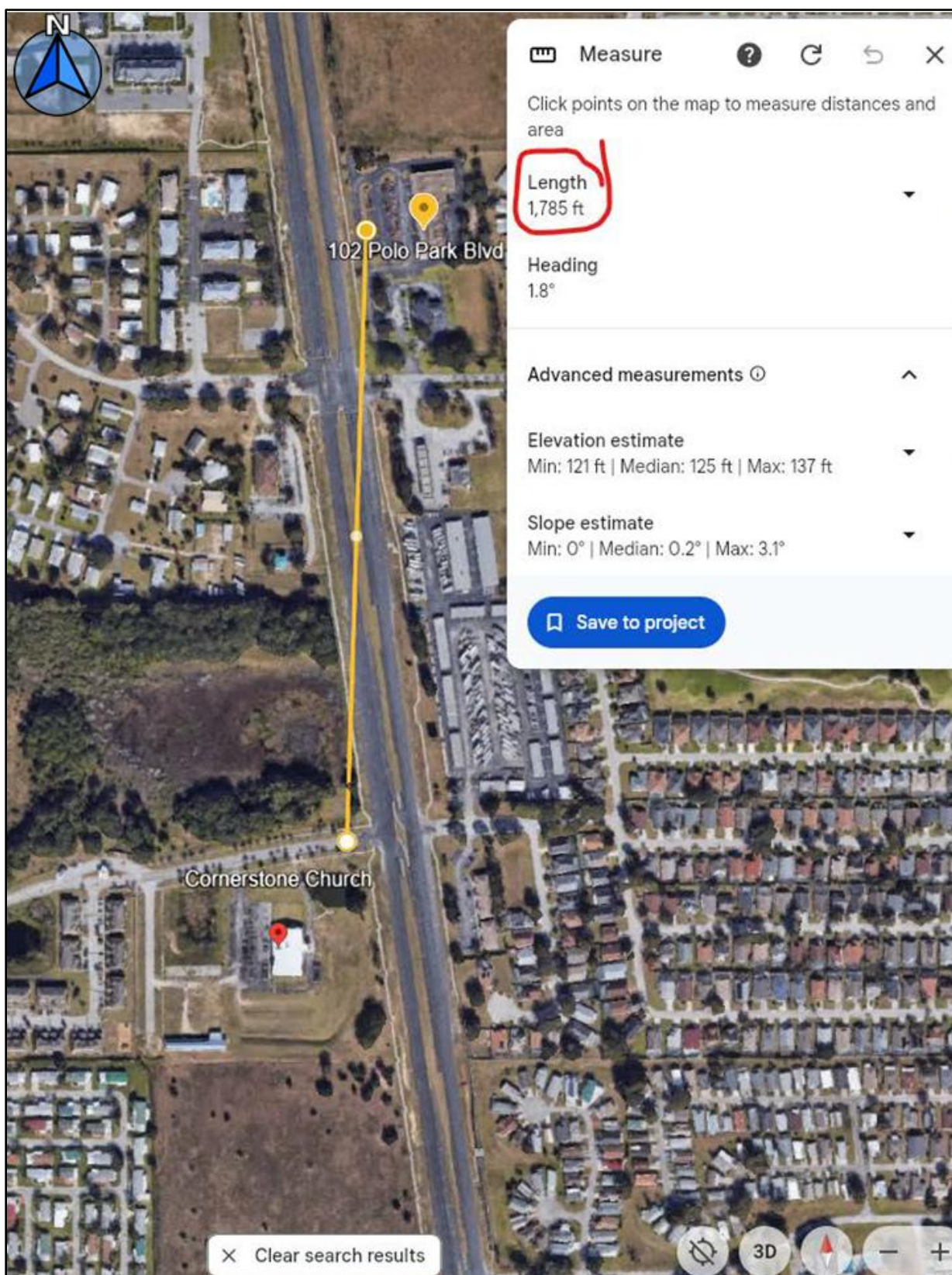
2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



2025 Satellite Image with Measurements



Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No the variance will not cause any situation to cause any injury to anyone and will not be detrimental to public welfare.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **The plaza has a Day care center and there is a Church which is at a distance of 1785 ft instead of 2500 ft.**
3. When did you buy the property and when was the structure built? Permit Number? **I am a future tenant requesting for variance to start the business. As per my understanding the owner bought the plaza about 10 years ago.**
4. What is the hardship if the variance is not approved? **There is no hardship involved.**
5. Is this the minimum variance required for the reasonable use of the land? **YES.**
6. Do you have Homeowners Association approval for this request? **There is no HOA. The owner of the Plaza has approved the use.**

Applicant's Justification