

Planning & Development  
Land Development Department  
Polk County  
330 W Church Street  
Bartow, FL 33830

RE: Variance – Justification Narrative  
Subject Project: ABC Fine Wine & Spirits Store  
S Florida Avenue, Lakeland FL 33813

To Whom it May Concern:

This letter is intended to serve as the narrative and letter of intent for standards applicable to the accompanying Variance Application for the subject property. The statements below address the requirements of Section 224, variances from distance requirements as well as Section 931 Variances.

The subject property is located on S Florida Avenue north of Shepherd Road. The project site is approximately 1.81 acres of the existing 3.09-acre parcel identified by the Polk County Property Appraiser as Parcel ID No. 23-29-23-000000-022180 (“the property”). The proposed project involves the development of a new building for retail sales of alcoholic beverages for off-premise consumption, ABC Fine Wine and Spirits. The proposed building will be a 1-story building with 11,990 square feet of gross floor area (GFA). A copy of the conceptual site plan is appended to the application. The property has a land use of Linear Commercial Corridor (LCC) which does permit the proposed use per Chapter 2, Section 205, Table 2.1 of the Polk Land Development Code (LDC). However, as ABC qualifies as a liquor store, the use is subject to Section 224, which requires the sales of all alcoholic beverages to maintain a 2,500-foot distance to a church or school.

A specific purpose survey was conducted by KPM Franklin to test the separation of the proposed project site from the nearby properties germane to this application. The results of the survey are shown on a drawing of the specific purpose survey (Distance Survey). A copy of this distance survey is appended to the application.

The Distance Survey indicates that there are four places of worship within 2,500 feet of the project site including:

- Lakes Church South Lakeland Campus – Measures 888 feet from the property line of the proposed business to the property line of the existing church.
- Shepherd Road Presbyterian Church – Measures 879 feet from the property line of the proposed business to the property line of the existing church.
- Trinity Baptist Church – Measures 1,211 feet from the property line of the proposed business to the property line of the existing church.
- Christ Community Presbyterian Church – Measures 2,069 feet from the property line of the proposed business to the property line of the existing church.

Consequent to the Distance Survey, the applicant seeks a waiver request to deviate from the separation requirements of the Code Section 224 Minimum Distance Requirements. Per Section 931, Variances, we have addressed the minimum requirements for consideration of variances below.

### **Justification for Variance Request**

#### **Harmony with General Intent and Public Welfare**

The proposed use is permitted by right in the land use designation LCC therefore confirming the general intent of the Code is met and granting the waiver will be in harmony with the purpose of the Code. The waiver will not be detrimental to the public health, safety or welfare and will not create unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements. The surrounding area is already home to a number of similar establishments where the public health and safety of the general public is not in question. The proposed development is harmonious with the area.

#### **Unnecessary and Undue Hardship**

Applying the provisions of the Code to the subject property would cause unnecessary and undue hardship on the use of the property. The projects immediate neighborhood is a commercial area with a broad mix of commercial uses including a Winn Dixie Liquor Store, Publix Liquor Store and multiple establishments that sell beer and wine in the general proximity of the subject site. Application of the provisions of the Code would be unjust in the face of economic equity and competition when considering the character of the surrounding area to be compatible with the proposed use.

#### **Literal Interpretation**

Literal interpretation of the provisions in this code as it relates to the distance requirements would most certainly deprive the property of rights commonly enjoyed by other properties in the same land use district. As previously stated, the immediate surrounding area is commercial with established liquor stores in the vicinity. Literal interpretation of the code would prevent the subject property from from being developed to its best and highest protentional including establishing the same use as those in the surrounding area. Granting the above referenced variance would not provide the applicant any special privileges. It would simply allow the applicant and subject property to have the same rights to develop as those in the general vicinity.

#### **Minimum Adjustment Necessary**

Additionally, the waiver requested for the subject site is the minimum adjustment that will make possible the reasonable and permitted use of the property. The nearest place of worship the applicant seeks a waiver from is 888 feet. When reviewing Section 224, minimum distances from church or school, establishments that sell beer and wine under the Carry Out Package do not have to meet distance requirements. In the same fashion, ABC Fine Wine and Spirits is an Alcohol Package Sales for Carry Out Package (off-premises consumption) retailer. The only difference lies in the fact that ABC sells a variety of alcohol beverages beyond beer and wine.

#### **Special Conditions**

The subject property is one of the few undeveloped and vacant properties left on the western side of the South Florida Avenue. This creates a particular circumstance in the fact that the site must conform not only to the set of land development regulations but also in this specific situation, it must conform to the existing businesses or establishments in the vicinity. This circumstance is not a direct result of the proposed use, but rather the timeline of development.

Despite the deviation from the separation requirements, the proposed ABC Fine Wine and Spirits will be a valuable and appropriate addition to this location. The proposed ABC Fine Wine and Spirits will bring the following to this location:

- a reputable package store, with vast product selections and unequalled guest services
- a new use in the vicinity to add to and enhance the existing mix of uses
- a nationally recognized, and Florida family-owned brand, with more than 85 years of history
- a package store which would responsibly provide a welcomed commercial amenity for the neighborhood's residents and visitors

In consideration of the above, we respectfully request your review and approval of this application. Thank you for your review of the accompanying application. Please contact me at [awilliams@kpmfranklin.com](mailto:awilliams@kpmfranklin.com) and (407) 554-4067 with questions.

Sincerely,

KPM Franklin



Allyson Williams  
Planner

Enclosures