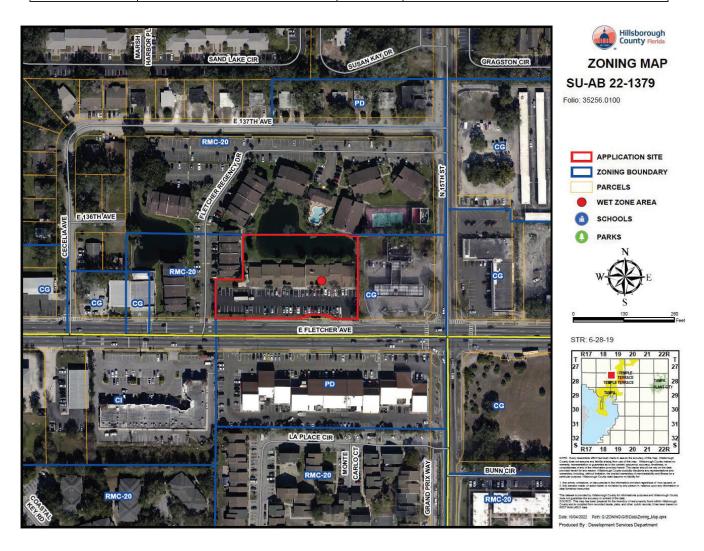


Land Use Application Summary Report

Application Number	SU-AB 22-1379	Adjacent Zoning and Land Uses:	
Request	2-COP AB Permit with Distance Separation Waiver	North:	RMC-20 - Multi-Family
		South:	PD 73-0351 – Vacant, County Owned
Comp Plan Designation	R-20	East:	CG – Strip Retail and Commercial
Service Area	Tampa	West:	RMC-20 - Multi-Family



APPLICATION: SU-AB 22-1379 LUHO HEARING DATE: November 21, 2022

Request Summary

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-COP Alcoholic Beverage Development Permit (AB) for beer and wine to be sold for consumption on and off the permitted premises. The wet zoning is requested by a new restaurant to be located at 1424 East Fletcher Avenue in an existing shopping center. The wet zoned area will comprise a footprint of 1,236 square feet of indoor area and no outdoor area, as shown on the revised wet zone survey stamped received October 28, 2022.

The property is zoned CG (Commercial General) which permits a restaurant and consideration of the proposed wet zoning.

Distance Separation Requirements for a 2-COPAB Permit:

Per LDC Section 6.11.11.D.5, the following distance separation requirements apply to the proposed wet zoning:

- The distance from the proposed structure to certain community uses shall be 500 feet. According to the survey submitted by the applicant, the request <u>does</u> comply with this requirement.
- The distance from the proposed structure to residentially zoned property shall be 250 feet. According to the survey submitted by the applicant, the request <u>does not</u> comply with this requirement. The proposed wet zoning is 82 feet from RMC-20 zoned property to the north.
- There shall be no more than three approved 3-PS, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 4-COP-SX, 4-COP-SBX, 11-C (Social Club) or bottle club alcoholic beverage uses within 1,000 feet of the proposed alcoholic beverage use as measured from the proposed structure to the existing alcoholic beverage use. An Alcoholic Beverage Development Permit application shall reference all alcoholic beverage conditional uses or wet zonings that were approved under previous zoning regulations as well as nonconforming wet zoned establishments. According to the survey submitted by the applicant, the request does not comply with this requirement. The proposed wet zoning is located within 1,000 feet of 11 such approved alcoholic beverage uses.

Per LDC Section 6.11.11.E., waivers to the required separation distances may be requested by applicants at a noticed public hearing. The hearing officer may consider such requests on the basis of whether special or unique circumstances exist such that the proposed alcoholic beverage use does not pose significant impacts on the surrounding uses, and whether certain circumstance exist such that the necessity for the separation requirement(s) is negated.

Requested Separation Waiver – Residentially Zoned Property

The applicant requests a 168-foot waiver to the required 250-foot separation from residentially zoned property to allow a separation of 82 feet from property zoned RMC -20 to the north. The applicant's justification for the waiver includes the following:

- The proposed restaurant is located on Fletcher Avenue, a highly commercialized roadway with many commercial businesses and a variety of clientele. The restaurant has not meaningfully affected traffic in the past, and the addition of the proposed wetzoning will not increase this significantly.
- As very a small business, it is unlikely to generate a large volume of customers or generate significant noise. There is no outdoor seating and the front of the restaurant is oriented towards Fletcher, away from the residential land uses and towards other commercial uses. A security gate and fencing separates the subject property from residential development to the rear.
- The restaurant is very small but is expected to draw families with its simple menu. Allowing the restaurant to serve some beer and wine will add to the diversity of the menu selections that will contribute to a thriving neighborhood center, which has been in business for many years. The small restaurant will be another family restaurant for the surrounding residential areas.
- Additionally, the fronts of the majority of the nearby apartment buildings face away from the proposed wet zoning and their back yards are buffered by a large retention pond and vegetation.

APPLICATION: SU-AB 22-1379 LUHO HEARING DATE: November 21, 2022

- Applicant is a family-friendly venue that will also support workers at the surrounding businesses. There
 will not be any amplified music and there is no outdoor seating. There are no public entrances in the rear
 or windows facing the multi-family dwellings.
- Further, the applicant proposes that the sale and consumption of alcoholic beverages will be limited to the hours from 11:00 a.m. to 1:00 a.m. daily. This is several hours earlier than the hours permitted by the Land Development Code, which are Monday through Saturday from 7:00 a.m. to 3:00 a.m. the next day, and Sunday from 11:00 a.m. to 3:00 a.m. the next day. Only beer and wine are being sold; no hard liquor.
- While there is an apartment complex located immediately to the north and west of the strip center, the majority of the complex is separated from the shopping center by fencing, a retention pond and buffering vegetation. Because of its location within the shopping center and the large retention pond to the rear, the proposed special use is more than 250' from the majority of the apartment buildings.
- The primary entrance to the shopping center is from Fletcher Avenue. There is a secondary access which connects to the road leading into the apartment complex, but this provides convenient access for the residents to the restaurants and other neighborhood commercial businesses. The site was the location of a restaurant previously, and the addition of this special use (to sell beer and wine) will not meaningfully add to the traffic occurring at this shopping center.

Requested Separation Waiver – Approved 3-PS, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 4-COP-SX, 4-COP-SBX, 11-C (Social Club) or bottle club alcoholic beverage uses within 1,000 feet.

The applicant requests a waiver from the restriction that there shall be no more than three approved 3-PS, 2-COP, 2-COP-X, 4-COP-X, 4-COP-SBX, 4-COP-SBX, 11-C (Social Club) or bottle club alcoholic beverage uses within 1,000 feet of the proposed alcoholic beverage use as measured from the proposed structure to the existing alcoholic beverage use. The applicant's justification for the waiver includes the following:

- The proposed restaurant is located on Fletcher Avenue, a highly commercialized roadway with many commercial businesses and a variety of clientele. The surrounding properties are generally zoned CG, allowing many complimentary uses to the proposed special use. The subject site was previously a restaurant, and the addition of limited sales of alcohol at the small restaurant proposed here will not adversely impact the surrounding permitted uses.
- As very a small business, it does not generate a large volume of customers or generate significant noise. The addition of beer and wine sales will not increase this. There is no outdoor seating and the front of the restaurant is oriented towards Fletcher Avenue, away from the residential land uses and towards other commercial uses. A security gate and fencing separates the subject property from residential development to the rear. Moreover, as the shopping center is located on a primary commercial corridor, it is unlikely that the proposed use will meaningfully affect traffic.
- The restaurant is very small but is expected to draw families with its simple updated menu. Allowing the restaurant to serve some beer and wine will add to the diversity of the menu selections that will contribute to a thriving neighborhood center. This small restaurant is proposed to be located within a retail center that has been in business for many years, and it will support the nearby residential land uses, the workers at the wide variety of businesses on Fletcher and the other businesses within the shopping center.
- Because the proposed use is that of a small-capacity restaurant, with an occupancy of only 13, including customers, the use does not generate a large volume of customers or generate significant noise and the addition of alcohol sales will not change this significantly. Further, Fletcher Avenue is a very busy arterial roadway in a densely built area including with a pattern of AB uses. The addition of the proposed special use does not pose a significant increase in the potential cumulative effects of traffic or alcohol in the center and is consistent with the highly commercialized character of Fletcher Avenue. The restaurants there add to the neighborhood commercial nature of the shopping center, and this additional use will support the surrounding businesses.

APPLICATION: SU-AB 22-1379 LUHO HEARING DATE: November 21, 2022

- According to the wet zoning survey, within the shopping center are three other small businesses with AB approvals. One (#2) is a barber and may not be selling alcohol.
- The majority of the other wet zoning approvals are across Fletcher Avenue, a 4-lane divided highway, or 15th Street, both of which are significant barriers for pedestrians to move between the uses. The other wet zoned properties are located in a separate shopping centers and have little or no functional relationship with the premises. Several of the businesses are not identified as restaurants or bars and may not be selling alcohol (see #s 5, 7, 8, 9, 10). Only four are 4-COP approvals, but two of those are limited to restaurants, three are close to 500' away, and all are across streets with two being across Fletcher Avenue. The remaining permits are approved for beer and wine sales.
- The addition of the proposed special use does not pose a significant increase in the potential cumulative effects of the wet zonings in the center or the general community and is consistent with the pattern of commercial and alcoholic beverage uses along the Fletcher Avenue corridor.

Staff Findings:

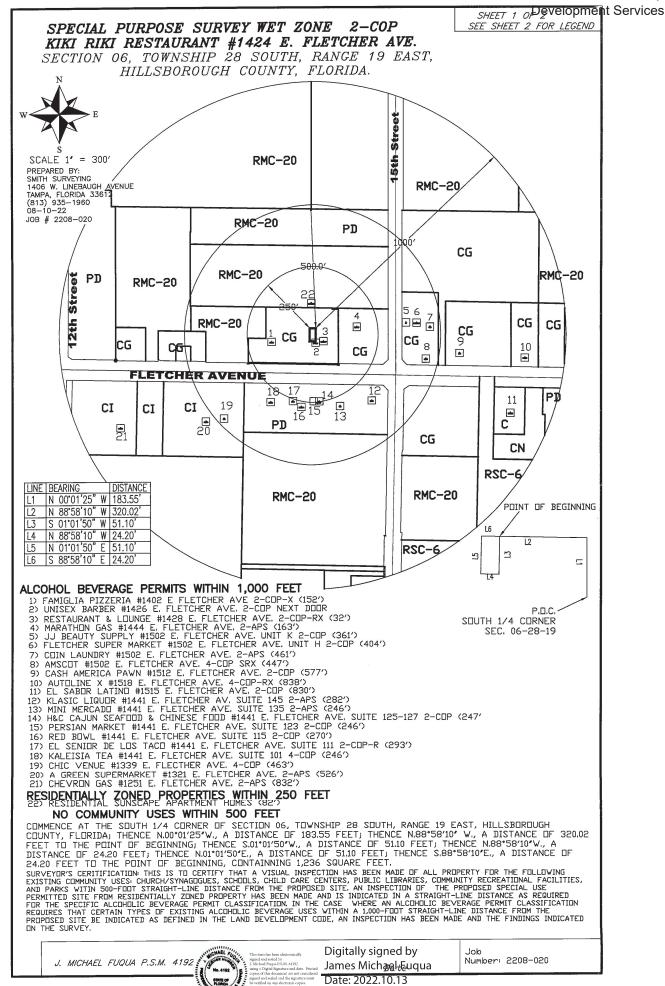
- LDC Section 6.11.11.E.3 provides for approval of separation waivers where there are "special or unique circumstances where the alcoholic beverage use applied for does not have significant impacts on surrounding land uses and certain circumstances negate the necessity for the specified distance requirements."
- The nearest residentially zoned property is developed for multi-family use and the portion of the project nearest the proposed wet zoning is utilized for storm water retention and resident clubhouse.
- The pedestrian and vehicular route of travel from the entrance of the restaurant to the nearest driveway
 entrance to the nearest residentially zoned property is approximately 275 feet in length. Additionally, the
 majority of the nearest residentially zoned property is separated from the proposed alcoholic beverage use
 by an access gate.
- The host restaurant for the proposed wet zoning is oriented to the south, away from the multi-family community to the north, and there are no public entrances, windows, or parking areas facing the multifamily dwellings.
- The proposed wet zoning will be comprised of indoor area only.
- The applicant is proposing to limit the sale and consumption of alcoholic beverages to the hours of 11:00 a.m. to 1:00 a.m. daily, which is more restrictive than the hours permitted by the LDC.
- Staff received no objections from the affected property owner or other parties.
- For the reasons discussed above, staff finds the proposed wet zoning does not pose significant impacts on the surrounding land uses, thereby negating the necessity for the prescribed separation requirements.

Recommendation:

Staff finds the proposed 2-COP Alcoholic Beverage Permit to be **APPROVABLE**, **subject to the recommended condition below.** Approval is based upon the revised wet zone survey reflecting a total wet zone footprint of 1,236 square feet (+/-), as shown on the wet zone survey received October 28, 2022.

1) Alcoholic beverage sales and onsite consumption shall be limited to the hours from 11:00 a.m. to 1:00 a.m. daily.

Staff's Recommendation	Approvable, Subject to Conditions	
	Tomphuy.	
Zoning Administrator's Sign-Off	t Thu Nov 3 2022 46:08:47	



13:26:49 -04'00'

SPECIAL USE – AB 2COP 1424 E. Fletcher Ave. Project statement

The proposed site has been the location of a small restaurant for some time. It is located within a small shopping center in a highly commercialized portion of E. Fletcher Avenue. A new restaurant is now being proposed and the tenant would like to sell beer and wine for consumption on premises only. The restaurant is proposed to be a small, family-oriented business that will support the surrounding residential areas and commercial district along Fletcher Avenue.

The addition of the limited sales of alcohol at the small restaurant proposed here will not adversely impact the surrounding commercial or residential uses. This is further discussed in the Distance Waiver Request forms included with the application.

The CG zoned area is the ideal location for a business of this type. As a small restaurant in a small shopping center, the business doesn't generate a volume of customers that meaningfully affects traffic, noise or other concerns that might be raised. The approval of alcohol sales will allow the restaurant to provide a more well-rounded source of food and drink for its customers, thus adding to its customer base, and strengthening the success of the restaurant.



Frank, Clerk of the Circuit Court Hillsborough County



Prepared by Carol Cahill, an employee of First American Title Insurance Company 13901 Carrollwood Village Run Tampa, Florida 33618 (813)440-5770

Return to: Grantee

File No.: 12656-2539411 Consideration: \$1,600,000.00

CORPORATE WARRANTY DEED

This indenture made on October 31, 2018 A.D., by

EFAP, Inc., a Florida corporation

whose address is: **5313 West Crenshaw Street Tampa, FL 33634** hereinafter called the "grantor", to

J & S Lake Chase, LLC, a Florida limited liability company

whose address is: 17633 Gunn Highway , Suite 117 Odessa, FL 33556 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Hillsborough** County, **Florida**, to-wit:

A tract of land lying in the Southeast 1/4 of the Southwest 1/4 of Section 6, Township 28 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the South 1/4 corner of said Section 6; thence North 00 degrees 01 minutes 25 seconds West along the North and South 1/4 line of said Section 6, a distance of 40.0 feet; thence North 88 degrees 51 minutes 20 seconds West along the North right-of-way line of Fletcher Avenue, a distance of 230.0 feet for a Point of Beginning; thence continue North 88 degrees 51 minutes 20 seconds West along the North right-of-way line of Fletcher Avenue, a distance of 360.0 feet; thence North 00 degrees 01 minutes 25 seconds West, a distance of 100.0 feet; thence South 88 degrees 51 minutes 20 seconds East, a distance of 70.0 feet; thence North 00 degrees 01 minutes 25 seconds West, a distance of 125.0 feet; thence South 88 degrees 51 minutes 20 seconds East along a line 225.0 feet North of and parallel to the North right-of-way line of Fletcher Avenue, a distance of 290.0 feet; thence South 00 degrees 01 minutes 25 seconds East, a distance of 225.0 feet to the Point of Beginning.

Together with those certain perpetual, non-exclusive easements for drainage and vehicular and pedestrian ingress/egress created by that certain Shared Access and Drainage Easement Agreement recorded in Official Records Book 6977, at Page 1222, of the Public Records of Hillsborough County,

22-1379

Florida.

LESS OUT

A tract of land lying in Southeast 1/4 of the Southwest 1/4 of Section 6, Township 28 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the South 1/4 corner of said Section 6; thence North 00 degrees 01 minutes 25 seconds West, along the North and South 1/4 line of said Section 6, a distance of 40.0 feet; thence North 88 degrees 51 minutes 20 seconds West along the North right-of-way line of Fletcher Avenue a distance of 230.0 feet; thence North 00 degrees 01 minutes 25 seconds West a distance of 221.0 feet to the Point of Beginning; thence North 88 degrees 51 minutes 20 seconds West, along a line of 221.0 feet North of and parallel with the North right-of-way line of Fletcher Avenue, a distance of 24.50 feet; thence North 00 degrees 01 minutes 25 seconds West, a distance of 4.00 feet; thence South 88 degrees 51 minutes 20 seconds East, along a line 225.0 feet North of and parallel with the North right-of-way line of Fletcher Avenue, a distance of 24.50 feet; thence South 00 degrees 01 minutes 25 seconds East a distance of 4.00 feet to the Point of Beginning.

AND LESS any portion taken in stipulated Order of Taking recorded in Book 21484, Page 1946 of the Public Records of Hillsborough County, Florida.

Parcel Identification Number: 035256-0100

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2018.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

EFAP, Inc., a Florida corporation

Name: Carlos J. Pasquotto

Title: President

(Corporate Seal)

Signed, sealed and delivered in our presence:	/
aud capell	Staces A. Which
Witness Signature	Witness Signature
Print Name: Carol A. Cahill	Print NameSTACEY A. MILLER
State of Florida	
County of HIIIS BO ROUGE	
THE FOREGOING INSTRUMENT WAS ACKNOWN 2018, by Carlos J. Pasquotto, as President, and corporation, existing under the laws of the State of who has/have produced a valid driver's license as ide	f Florida, who is/are personally known to me or
Carol Cahell	
Notary Public	
Carol A. Cahill	CAROL A CAHILL Notary Public – State of Florida
(Printed Name)	Commission ÷ GG 089446 My Comm. Expires Apr 29, 2021 Bonded through National National Nations
My Commission expires:	{Notorial Seal}





Property/Applicant/Owner Information Form

	رم کر علی میں اس					
Official Use Only						
Application No: SU-AB 22-1379	Intake Date: 08/31/22					
Hearing(s) and type: Date: 11/21/22 Type: LUHO	Receipt Number:					
Date: Type:	Intake Date: 08/31/22 Receipt Number:					
Property Information						
Address: 1424 E. Fletcher Ave City/State/Zip	_{::} Tampa, FL 33612					
TWN-RN-SEC: 06-28-19 Folio(s): 35256.0100 Zoning: CG Future	e Land Use: R-20 Property Size: 1.6 acres					
Property Owner Information						
· · · ·						
Address: 17633 Gunn Hwy., Ste 117_City/State/Zip: Odessa FL 33556						
	Fax Number N/A					
Applicant Information						
Restaurant Kikiriki Inc.	Daytime Phone 323-496-8212					
Address: 5820 N. Church Ave. #244 City/State/Zip: Tampa, FL 33619						
Email: jn2quint@jremmanuel.com	Fax Number N/A					
Applicant's Representative (if different	-					
Name: Anne Pollack, Fletcher Fischer Pollack						
Address: 433 Central Ave., Ste 400 City/State/Zip:	St. Petersburg, FL 33701					
Email: apollack@ffplegal.com	Fax Number 813-898-2838					

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Anne Pollack Digitally signed by Anne Pollack Date: 2022.08.30 11:28:49 -04'00'

Signature of the Applicant

Anne Pollack

Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Anne Pollack Digitally signed by Anne Pollack Date: 2022.08.30 11:29:03 -04'00'

Signature of the Owner(s) – (All parties on the deed must sign)

Anne Pollack

Type or print name

3 of 9 04/2022



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:A	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0204H
FIRM Panel	12057C0204H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120204D
County Wide Planning Area	University Area Community
Community Base Planning Area	University Area Community
Census Data	Tract: 010818 Block: 2007
Future Landuse	R-20
Future Landuse	OC-20
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	University Redevelopment Area



Folio: 35256.0100 PIN: U-06-28-19-ZZZ-000001-27850.0 J & S LAKE CHASE LLC Mailing Address: 17633 GUNN HWY STE 117 ODESSA, FL 33556-1912 Site Address: 1402 E FLETCHER AVE TAMPA, FI 33612

SEC-TWN-RNG: 06-28-19 Acreage: 1.61494994 Market Value: \$1,869,700.00 Landuse Code: 1630 STORE/SHP CENTE

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

Hillsborough County Fibrida