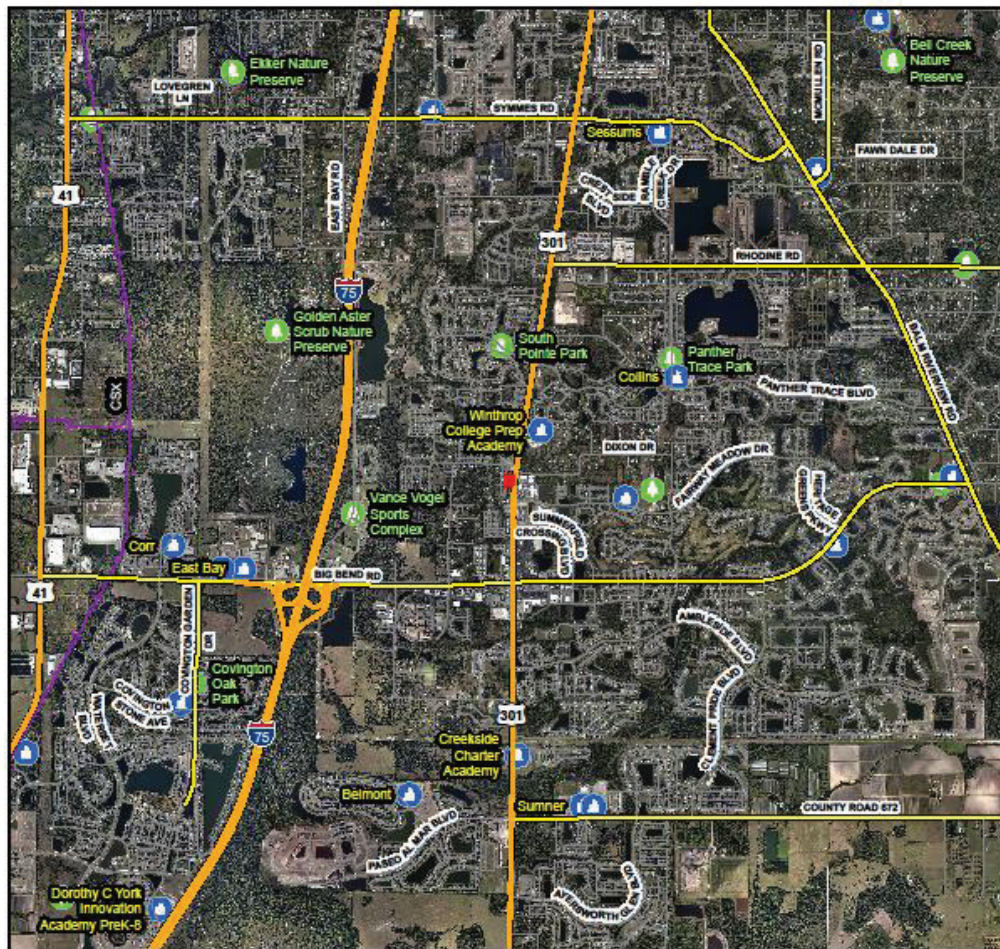






## Land Use Application Summary Report

Application Number:	SU-AB 23-0755	Adjacent Zoning and Land Uses:	
Request:	2-COP-R AB Permit with Distance Separation Waivers	North:	PD 20-0182, Vacant
		South:	Stelling Drive, then PD 20-0182, Vacant
Comp Plan Designation:	RES-6	East:	US 301, then PD 99-0896, Mini Warehouse
Service Area:	Urban Service Area	West:	Lackland Road, then RSC-6, Single Family Residential




  
**VICINITY MAP**  
**SU-AB 23-0755**  
 Folio: 77486.0100

APPLICATION SITE  
+ RAILROADS  
S SCHOOLS  
P PARKS

  
 0 3,000 6,000 Feet

STR: 7-31-20, 8-31-20

R17	18	19	20	21	22R
T 27					
28					
29					
30					
31					
32					
S					

Note: This map is intended for informational purposes only. It is not a legal document. The information on this map is derived from public records and is subject to change without notice. The user assumes all responsibility for the accuracy and completeness of the information on this map. The user also assumes all responsibility for the use of the information on this map. The user agrees to hold the County harmless for any and all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising out of or from the use of the information on this map.

Date: 07/11/2023  
 Path: Z:\Development Services\GIS\_Support\vicinity\_map.aprx  
 Produced By: Development Services Department

### Request Summary

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-COP-R Alcoholic Beverage Development Permit (AB) for the sale and consumption of beer and wine on and off the permitted premises (package sales) in connection with a restaurant. At least 51 percent of the restaurant's biannual sales shall be derived from the sale of food and non-alcoholic beverages.

The wet zoning is sought by a proposed restaurant, Mission BBQ, located at the northwest corner of US Highway 301 and Stelling Drive in Riverview. The wet zoned area will comprise a footprint of 3,907 square feet of total area, as shown on the wet zone survey received July 3, 2023, with 295 square feet of outdoor patio area.

The property is zoned Planned Development (PD) 20-0182, most recently modified by PRS (Minor Modification) 21-0360, which allows the host use and consideration of the proposed wet zoning.

### Distance Separation Requirements for a 2-COP-R AB Permit:

Per LDC Section 6.11.11.D.4, the following distance separation requirements apply to the proposed wet zoning:

- The distance from the proposed structure to residentially zoned property shall be 150 feet. According to the survey submitted by the applicant, the request **does NOT** comply with this requirement. As shown on the submitted survey, there are two properties within 150 feet zoned RSC-6 to the west across Lackland Road, 72 feet and 83 feet to the west of 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 **does** comply with this requirement.

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 Waivers

The applicant requests 78-foot and 67-foot waivers to the required 150-foot separation from the residentially zoned property to allow a separation of 72 feet and 83 feet. The applicant's justification for the waiver includes the following:

- The 2-COP-R alcoholic beverage use classification is a common use along the western and eastern sides of US Highway 301, as it is a highly commercialized corridor.
- The residentially zoned properties are separated from the proposed wet zone area by Lackland Road, and the approved PD requires a 10-foot buffer area along the PD boundary on Lackland Road with a 6-foot high fence and evergreen plants and ground cover throughout the buffer, with evergreen shade trees to be planted at a height of 10 feet at the time of planting.
- The PD requires that delivery trucks for any uses within the PD access Stelling Drive, with no westbound movements onto Lackland Road.
- The alcoholic beverage sales use is interior to the structures proposed on the site and shall be in compliance with all other applicable LDC regulations for such uses. The PD already contemplates CN type uses with buffering/screening and other impact safeguards; therefore, the proposed alcoholic beverage permit will not result in negative impacts on the surrounding uses.


**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 single-family residential properties to the west that are located within 150 feet of the proposed wet zoning will be screened from the proposed wet zoned area by a 6-foot-high privacy fence along the western boundary of the PD zoned parcel, as well as evergreen plants, at the time of planting a minimum 3 feet in height, a row of evergreen shade trees which are not less than 10 feet high at the time of planting, a minimum of two-inch caliper and spaced not more than 15 feet apart, and evergreen ground cover over the remainder of the 10-foot wide buffer along Lackland Road per PD zoning requirements. The PD zoning also prohibits rear access driveways for the commercial parcel onto Lackland Drive and requires delivery trucks to exit east from the proposed access location on Stelling Drive towards US Highway 301 and away from residentially zoned properties.
- The entrance for the proposed restaurant/wet zone area faces east, away from the residentially zoned parcels, and towards US Highway 301. The walking distance from the restaurant entrance to the property line of the nearest residential parcel is over 200 feet.
- The proposed wet zoning is located along a principal arterial roadway, US Highway 301 with approximately 185 feet of right-of-way width. Numerous commercial developments exist along US Highway 301 in the vicinity, including shopping centers and numerous wet zoned establishments.
- LDC Section 6.11.11.I limits the hours of sale of alcoholic beverages to Monday through Saturday, 7:00 a.m. to 3:00 a.m. of the following day, and 11:00 a.m. to 3:00 a.m. of the following day on Sundays. The applicant has agreed to limit the sale of alcoholic beverages to Monday through Saturday, 11:00 a.m. to 9:00 p.m., and Sunday, 11:30 am to 8:00 p.m. to mitigate any potential impact on surrounding properties.
- For the reasons discussed above, staff finds the proposed wet zoning with the proposed condition of approval does not pose significant impacts on surrounding land uses and the necessity for the specified distance requirements is negated.

**Recommendation:**

Staff finds the proposed 2-COP-R Alcoholic Beverage Permit to be **APPROVABLE subject to conditions**. Approval is based upon the wet zone survey reflecting a total wet zone footprint of 3,907 square feet, as shown on the wet zone survey received July 3, 2023.

1. The sale of alcoholic beverages on the premises shall be limited to Monday through Saturday, 11:00 a.m. to 9:00 p.m., and Sunday, 11:30 am to 8:00 p.m.

Staff's Recommendation	<b>Approvable, Subject to Conditions</b>
Zoning Administrator's Sign-Off	 Colleen Marshall Tue Aug 15 2023 16:15:28



## Alcoholic Beverage Special Use Distance Waiver Request

The Land Use Hearing Officer shall consider a waiver of the distance requirements from certain existing community uses and residentially zoned property, and/or from the maximum number of alcoholic beverage establishments within 1000 feet of the proposed Alcoholic Beverage Special Use. The Land Use Hearing Officer shall consider in connection with each waiver whether special or unique circumstances exist such that the proposed use does not have significant negative impacts on surrounding land uses and whether certain circumstances exist such that the necessity for the specified distance requirement is negated.

This request does not meet the following locational requirements:

Please see attached narrative.

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The special or unique circumstances that cause the proposed use to not have a significant negative impact on surrounding land uses are:

Please see attached narrative.

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The circumstances that negate the need for the specified distance requirement are:

Please see attached narrative.

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If more than one waiver is required the applicant shall provide a separate Attachment B for each waiver

## **Special Use – Alcoholic Beverage Permit Application**

### **2-COP-R**

#### **US Hwy 301 and Stelling Drive, Riverview**

The Applicant requests a Special Use Permit for Alcoholic Beverage use, for a portion of property located at the northwest corner of US Hwy 301 and Stelling Drive in Riverview (Folio No. 077486-0100), which is the subject of an approved PD zoning district (PD 20-0182), where CN uses are permitted. A copy of the PD conditions of approval is included with this application.

The request is for 3612 s.f. of indoor AB area and 295 s.f. of outdoor (patio) AB area, for a total of 3907 s.f. of AB area, as shown on the wetzone special purpose survey included with this application, which is consistent with the approved PD plan. This area represents one tenant suite in an approved multi-tenant structure. The contemplated tenant of this suite is Mission BBQ, who requires a 2-COP-R permit for their operations.

The Site has been zoned PD since 2020, and has received construction plan approval for the permitted structures and site design. The use of the site, including the proposed Special Use for 2-COP-R use, is in harmony with the surrounding area. This corridor of US 301 is highly commercialized on both sides, with a mix of restaurant, retail, and office/service uses. The proposed use is a restaurant use, with sale of beer and wine for consumption on premises, which is in line with other similar uses along US 301, including such uses on the west side which features more residential uses than on the east side. As examples, First Watch and Tijuana Flats are just over 1,000 feet south of the Site on the west side of US 301, and both are restaurants which include the sale and consumption of Alcoholic Beverages, and abut residential uses to the west. These are just several examples of AB uses in the surrounding area within close proximity to residential uses.

The proposed AB area is separated from residential uses to the west by Lackland Road, and is adjacent to other commercial use PDs to the north and south. In addition, the approved PD requires specific buffering/screening and other use standards as conditions of the approval.

The hours of operation for Mission BBQ's restaurant and associated AB sales are proposed as follows: 11:00 a.m. – 9:00 p.m. Monday-Saturday, and 11:30 a.m. – 8:00 p.m. Sunday. These hours further contribute to the compatibility of the use with the surrounding commercial and residential nature.

There are no defined community uses within the 500' radius of the Site. There are several existing AB uses within 1000' of the Site, which are listed on the special purpose survey. For a 2-COP-R use as proposed, there is no limitation on the number of existing AB uses within the 1,000' radius.

This application requires a waiver from the standard separation distances from residential uses, as described more fully below. Specifically, the proposed AB Special Use permit does not meeting the following distance requirement, and therefore needs a waiver:

1. Waiver to permit 2-COP-R within 150' of residentially zoned property, said properties located at:
  - a. 12921 Lackland Rd within 83'
  - b. 12914 Lurida Rd within 72'

This waiver request is justified as follows:

1. *The special or unique circumstances that cause the proposed use to not have a significant negative impact on surrounding land uses are:*

No negative impacts are anticipated by the proposed use. The 2-COP-R use is a common use along the western and eastern sides of US 301 in this area, as it is a highly commercialized corridor. There are residential uses behind the commercial parcels to the west of US 301, such as the subject properties within the 150' radius. In the case of the proposed AB area, the existence of Lackland Road separates the site from the closest residential uses, and the approved PD requires a 10' buffer area along the PD's boundary on Lackland Road, with a 6' fence and evergreen plants and ground cover throughout the buffer, with evergreen shade trees to be planted at a height of 10' at time of planting. The PD also requires that delivery trucks for any uses within the PD access Stelling Drive, with no westbound movements onto Lackland Road. The AB sales use is interior to the structures proposed on the site, and shall be in compliance with all other applicable LDC regulations for such uses. Therefore, where the approved PD already contemplates CN type uses with buffering/screening and other impact safeguards, the proposed AB permit will not result in negative impacts on the surrounding uses.

2. *The circumstances that negate the need for the specified distance requirements are:*

The circumstances that negate the need for the specified distance from residential uses are those described above, and because the proposed use is a type already contemplated in the CN uses approved in the PD zoning district and those reflected in the surrounding area. Without a Special Use permit, the site cannot operate as contemplated with Mission BBQ as a restaurant tenant, which is a compatible and consistent use in the area and will avoid negative impacts by its operation and design.

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This document prepare by and return to:  
Bastin Joseph  
13100 Lincoln Rd  
Riverview, FL 33578

Folio: 077486-0000 & 077486-0100

QUIT CLAIM DEED

This quit claim deed is made this 9<sup>th</sup> day of August 2022, by Heart of Riverview LLC, A Florida Limited Liability Company, whose address is 13100 Lincoln Rd, Riverview, FL 33578, herein after called the 'grantor', to, SHOPS AT STELLING NORTH LLC, A Florida Limited Liability Company, whose address is 13100 Lincoln Rd, Riverview, FL 33578, herein after called the 'grantee', ( whenever used herein the terms 'grantor' and 'grantee' include the corresponding parties and their heirs, legal representatives, assigns and successors )

WITNESSETH : that said grantor, for and in consideration of the sum ' TEN AND NO/100 DOLLARS' ( US \$ 10.00) and other good and valuable consideration to said grantor paid in hand by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit claim to the said grantee, all the right, title, interest, claim and demand, which grantor has in and to the following described land, situate, lying and being in Hillsborough county , Florida,viz:


See Exhibit 'A' Attached hereto and Incorporated herein by reference thereto

Said property is NOT the homestead of the grantor under Florida law.

To have and hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behalf of the said grantee forever.

In witness whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

  
Heart of Riverview LLC,  
By Bastin Joseph, Authorized member

Witness Sign   
Witness Print name Catherine M. Thompson

Witness Sign   
Witness Print name ANNE V. BELISLE

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

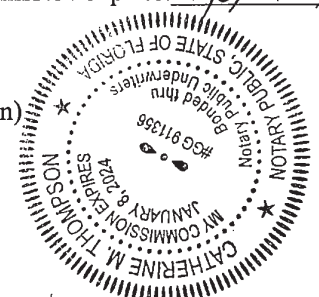
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 9<sup>th</sup> day of August 2022, by Bastin Joseph who is Personally Known  OR Produced Identification  Type of Identification Produced: \_\_\_\_\_

(Signature of Notary Public) 

(Name of Notary Public) Catherine M. Thompson My Commission expires: 1/8/2024

Affix Notary SEAL:

Online Notary:  (Check Box if acknowledgment done by Online Notarization)



## EXHIBIT A

A parcel of land lying within Section 7 & 8, Township 31 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows: For a POINT OF REFERENCE, commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 7; thence N.89°48'49"W. along the Northerly boundary thereof, a distance of 141.36 feet to a point of intersection with the Easterly right-of-way line of Lackland Road; thence S.04°57'52"W. along said Easterly right-of-way line, a distance of 224.97 feet to the Southwest corner of that parcel described in Special Warranty Deed Recorded in Official Records Book 22459, Page 1414 of the Public Records of Hillsborough County, Florida for a POINT OF BEGINNING; thence continue S.04°57'52"W., a distance of 235.53 feet; thence S.81°50'32"E., a distance of 198.38 feet to the Westerly right-of-way line of U.S. Highway 301 and a non-tangent point of curvature; thence Northerly 177.85 feet along said Westerly right-of-way line the following two (2) courses: (1) along the arc of a curve to the right, said curve having a radius of 5,797.58 feet, a central angle of 01°45'27", and a chord bearing and distance of N.08°30'06"E., 177.84 feet; (2) N.09°31'52"E., a distance of 85.55 feet to the Southeast corner of the aforementioned parcel described in Official Records Book 22459, Page 1414; thence N.89°19'37"W. along the South boundary thereof, a distance of 216.46 feet to the POINT OF BEGINNING. Containing 1.18 acres, more or less. AND;

A parcel of land lying within Section 7 & 8, Township 31 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows: For a POINT OF REFERENCE, commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 7; thence N.89°48'49"W. along the Northerly boundary thereof, a distance of 141.36 feet to a point of intersection with the Easterly right-of-way line of Lackland Road; thence S.04°57'52"W. along said Easterly right-of-way line, a distance of 460.50 feet for a POINT OF BEGINNING; thence continue S.04°57'52"W., a distance of 225.45 feet to a point of intersection with the Northerly right-of-way line of Stelling Drive; thence N.89°41'05"E. along said North right-of-way line, a distance of 193.10 feet to a point of intersection with the Westerly right-of-way line of U.S. Highway 301 and a non-tangent point of curvature; thence Northerly 196.73 feet along said Westerly right-of-way line and the arc of a curve to the right, said curve having a radius of 5,797.58 feet, a central angle of 01°56'39", and a chord bearing and distance of N.06°39'02"E., 196.72 feet; thence along a line non-tangent to said curve, N.81°50'32"W., a distance of 198.38 feet to the POINT OF BEGINNING. Containing 0.94 acres, more or less.

Prepared by:  
Bastin Joseph  
13100 Lincoln Rd  
Riverview, FL 33578

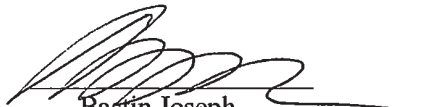
LIMITED LIABILITY COMPANY AFFIDAVIT

State of Florida  
County of Hillsborough

BEFORE ME, Before me, the undersigned authority, personally appeared Bastin Joseph ("Affiant"), who, being duly sworn according to law, deposes and says:

1. Affiant is the authorized member of Heart of Riverview LLC, a Florida Limited Liability Company.
2. Said limited liability company is currently in existence under valid articles of organization and regulations and has not been terminated or dissolved.
3. Affiant is the sole member of said limited liability company.
4. Bastin Joseph, is authorized by the articles of organization or regulations to execute deeds and mortgage on behalf of the said limited liability company, and all necessary consents have been obtained.
5. Neither the limited liability company nor any of the members are currently debtors in any bankruptcy proceedings, and this conveyance or mortgage is in the ordinary course of business.
6. Affiant further states that he is familiar with the nature of an oath and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has fully read this affidavit and understand its contents.

Further, Affiant sayeth naught:

  
Bastin Joseph

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me by means of [x] physical presence or [ ] online notarization this 9th Aug 2022 by Bastin Joseph, who is personally known to me or who presented identification

(Signature of Notary Public) 

(Name of Notary Public) Catherine M. Thompson My Commission expires: 1/8/2024

Affix Notary SEAL:

Online Notary:  (Check Box if acknowledgment done by Online Notarization)



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Property/Applicant/Owner Information Form

Official Use Only

Application No: SU-AB 23-0755 Intake Date: 07/03/2023
Hearing(s) and type: Date: 08/28/2023 Type: LUHO Receipt Number: 282968
Date: Type: Intake Staff Signature: Keshia Rivas

Property Information

Address: S 301 Hwy City/State/Zip: Riverview, FL 33578
TWN-RN-SEC: 31-20-07 Folio(s): 077486-0100 Zoning: PD 20-0182 Future Land Use: R-6 Property Size: 1.38 ac m.o.l.

Property Owner Information

Name: Shops at Stelling North, LLC Daytime Phone
Address: 13100 Lincoln Rd City/State/Zip: Riverview, FL 33578
Email: Fax Number

Applicant Information

Name: Same as above Daytime Phone
Address: City/State/Zip:
Email: Fax Number

Applicant's Representative (if different than above)

Name: Jaime Maier, Esq. / Hill Ward Henderson, P.A. as Agent Daytime Phone 813-506-5184
Address: 101 E. Kennedy Blvd., Ste. 3700 City/State/Zip: Tampa, FL 33602
Email: Jaime.Maier@hwlaw.com Fax Number

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.

Jaime R. Maier, Esq. Digitally signed by Jaime R. Maier, Esq. DN: cn = Jaime R. Maier, o = Hill Ward Henderson, P.A., ou = Attorney, email = jmaier@hwlaw.com, c = US

Signature of the Applicant

Jaime Maier, Esq., as Agent

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.

Jaime R. Maier, Esq. Digitally signed by Jaime R. Maier, Esq. DN: cn = Jaime R. Maier, o = Hill Ward Henderson, P.A., ou = Attorney, email = jmaier@hwlaw.com, c = US

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

Jaime Maier, Esq., as Agent

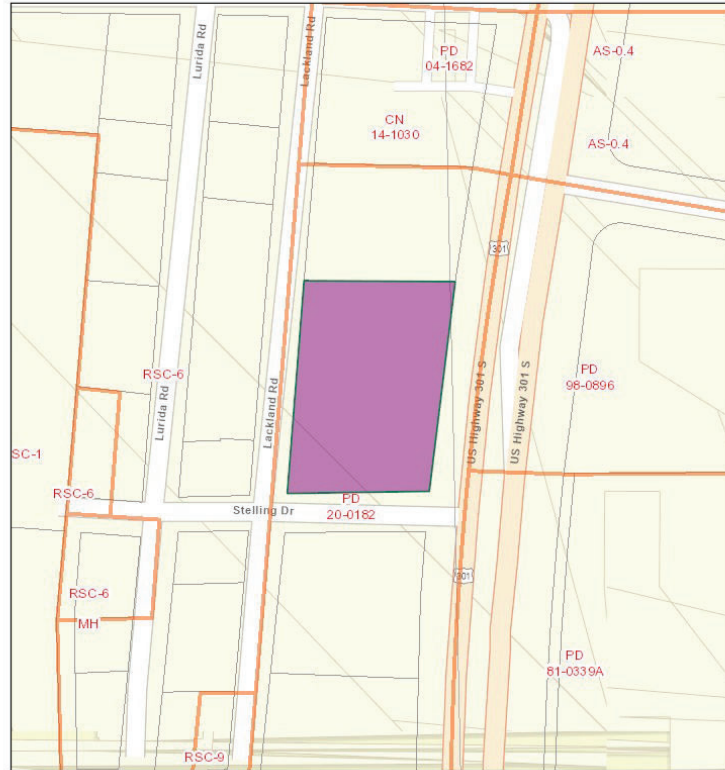
Type or print name



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	20-0182
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0515H
FIRM Panel	12057C0515H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120515B
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	20-0182
Note	null
Minor Changes	null
Major Modifications	21-0312
Personal Appearances	21-0360
Census Data	Tract: 013807 Block: 1055
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 8
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 77486.0100



July 3, 2023

RS: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

**Folio: 77486.0100**  
**PIN: U-07-31-20-ZZZ-000003-11690.0**  
**Shops At Stelling North Llc**  
**Mailing Address:**  
 13100 Lincoln Rd  
 null  
 Riverview, FL 33578-7516  
**Site Address:**  
 0 S 301 Hwy  
 Riverview, FL 33578  
**SEC-TWN-RNG: 07-31-20**  
**Acreage: 1.38341999**  
**Market Value: \$74,111.00**  
**Landuse Code: 0000 Vacant Resident**

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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.