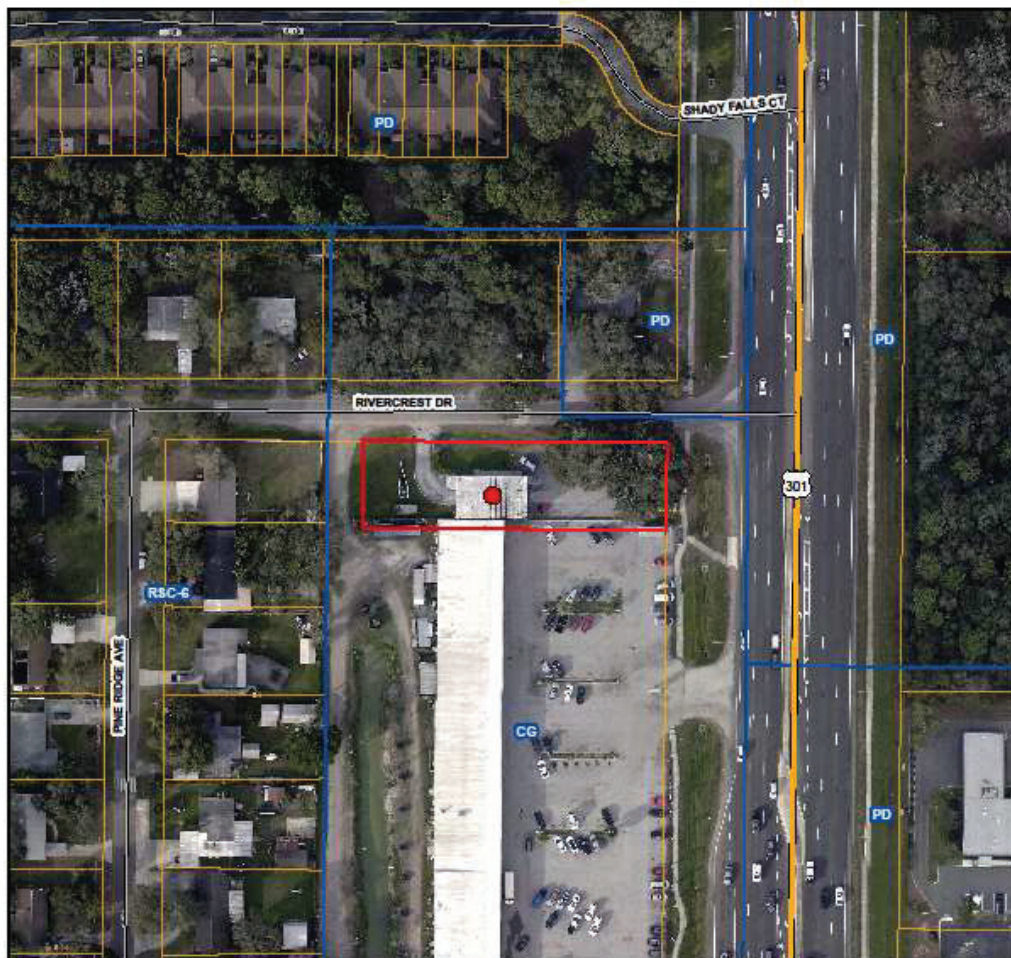





Hillsborough County Florida


Land Use Application Summary Report

Application Number:	SU-AB 23-0187	Adjacent Zoning and Land Uses:	
Request:	4-COP-X AB Permit with Distance Separation Waivers	North:	CG, PD 84-0170 (MM 90-0001), Medical Office
		South:	CG, Shopping Center
Comp Plan Designation:	SMU-6	East:	PD 03-1600 (PRS 20-0939), Vacant
Service Area:	Urban Service Area	West:	CG, Shopping Center access

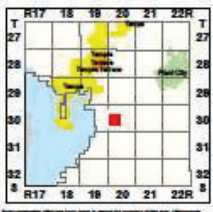



ZONING MAP
SU-AB 23-0187
 Folio: 76441.0100

- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- WET ZONE AREA
- SCHOOLS
- PARKS


 0 30 60 90 120 150 180 Feet

STR: 20-30-20



This map is provided by Hillsborough County for informational purposes and does not constitute a contract. It is subject to change without notice. The County is not responsible for any errors or omissions. The user assumes all liability for any use of this map.

Date: 08/08/2023 File: G:\2023\GIS\Zoning_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 4-COP-X Alcoholic Beverage Development Permit (AB) for the sale and consumption of beer, wine and liquor on the permitted premises only, except as otherwise allowed by state statute.

The wet zoning is sought by a proposed restaurant, El Patio Peruvian Cuisine and Bar, located at 9401 S US Highway 301. The wet zoned area will comprise a footprint of 2,166 square feet of indoor area, as shown on the revised wet zone survey received April 28, 2023, with no outdoor area. The original request was sought for a proposed restaurant and hookah lounge; however, the sale of alcoholic beverages is prohibited within hookah lounges within Hillsborough County per Article XIX of the Code of Ordinances which was adopted in 2021. In response, the applicant has submitted a revised narrative stating the proposed establishment will not include a hookah lounge and will operate solely as a restaurant and bar.

The property is zoned Commercial General (CG), which allows the host use and consideration of the proposed wet zoning. The subject premises currently has a 2-APS wet zoning (SU-AB 80-0771) for the sale of beer and wine in sealed containers only for consumption off the permitted premises (package sales) that will be rescinded if the proposed wet zoning is approved.

Distance Separation Requirements for a 4-COP-X AB 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 residentially zoned property shall be 250 feet. According to the survey submitted by the applicant, the request **does NOT** comply with this requirement. As shown on the submitted survey, there is property zoned RSC-6 to the northwest and west within 117 feet to the west of the proposed wet zoning.
- 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. According to the survey submitted by the applicant, the request **does NOT** comply with this requirement. There are four existing wet zonings of the specified types within 1,000 feet 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 a 133-foot waiver to the required 250-foot separation from the residentially zoned property to allow a separation of 117 feet. The applicant's justification for the waiver includes the following:

- The nearest residential houses from 9401 S. US Highway 301 are west and northwest from the proposed property and shopping center, approximately 275 feet from the front door of the proposed restaurant.
- Directly north of 9401 S. US Highway 301 is a commercial business that looks like a house (dental office) that begins from US Highway 301 to the dirt road behind the proposed property and are located

approximately 117 feet from the proposed property. Their building, parking lot and an additional parking lot spans beyond the proposed property.

- There is a tire shop directly behind the proposed property shielding the view of the 2 or 3 houses closest to the proposed property. The rest of the properties are behind the shopping center just south of the proposed property and well to the west.



- The closest residential properties are shielded by the back of the shopping center and tire shop business adjacent to the proposed wet zoning location.

The applicant requests a waiver to the permitted maximum of three approved AB permits of the specified types within 1,000 feet. According to the wet zone survey there are four approved AB permits in the same classification. The applicant's justification for the waiver includes the following:

- There are 11 alcoholic beverage permits within 1,000 feet of the proposed wet zone area, four of which are within the same wet zone classification. Of the four, two of the approved wet zonings located at 9405 US Highway 301 and 9433 US Highway 301 are no longer being used and it would seem unlikely they would revert to serving alcohol. The two wet zoned areas are currently occupied by a barber shop and a tattoo shop. Therefore, effectively there are two similar alcoholic beverage permits in operation within 1,000 feet, a Beef O' Brady's restaurant over 800 feet away, and CJ's Saloon, approximately 100 feet away from the proposed wet zone area.
- The subject location is currently approved for a 2-APS alcoholic beverage permit, which will be rescinded upon approval of the proposed 4-COP-X alcoholic beverage permit.

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 homes to the west that are located within 250 feet of the proposed wet zoning are screened from the proposed wet zoned area by 6-foot-high solid fence along the eastern boundary of the residential parcels, and there is a tire shop located between the proposed wet zoning and the residential

parcels. Additionally, the proposed wet zoning is separated from the single-family parcels to the northwest by a two-lane street, Rivercrest Drive.

- The proposed wet zoning does not include any outdoor area and the building entrance faces east, away from the residentially zoned parcels to the west and northwest. The walking distance from the entrance to the rear property line of the nearest residential parcel is approximately 190 feet, while the walking distance from the entrance to the front door of the nearest single-family home is more than 300 feet.
- There is an approximately 30-foot-wide driveway on the west side of the shopping center site that provides an additional buffer between the proposed wet zoning and residential development.

- The proposed wet zoning is located along a principal arterial roadway with approximately 195 feet of right-of-way width. Numerous commercial developments exist along Highway 301 in the vicinity, including shopping centers and numerous wet zoned establishments.

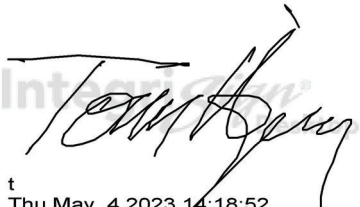


- Four approved alcoholic beverage permits of the same wet zone classification existing within 1,000 feet of the proposed wet zone area. However, one of those wet zonings is located on the east side of Highway 301 and therefore has no functional relationship to the proposed wet zoning, which should mitigate the cumulative impact of the four wet zoning. Additionally, the premises for two of the four existing wet zonings of the specified types are occupied by a barber shop and a tattoo shop that seem unlikely to revert to a business that serves alcohol.
- 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 4-COP-X Alcoholic Beverage Permit to be **APPROVABLE subject to conditions**. Approval is based upon the revised wet zone survey reflecting a total wet zone footprint of 2,166 square feet, as shown on the revised wet zone survey received April 28, 2023.

1. Upon approval of SU-AB 23-0187, the existing 2-APS wet zoning of the premises, SU-AB 80-0771 shall be rescinded.

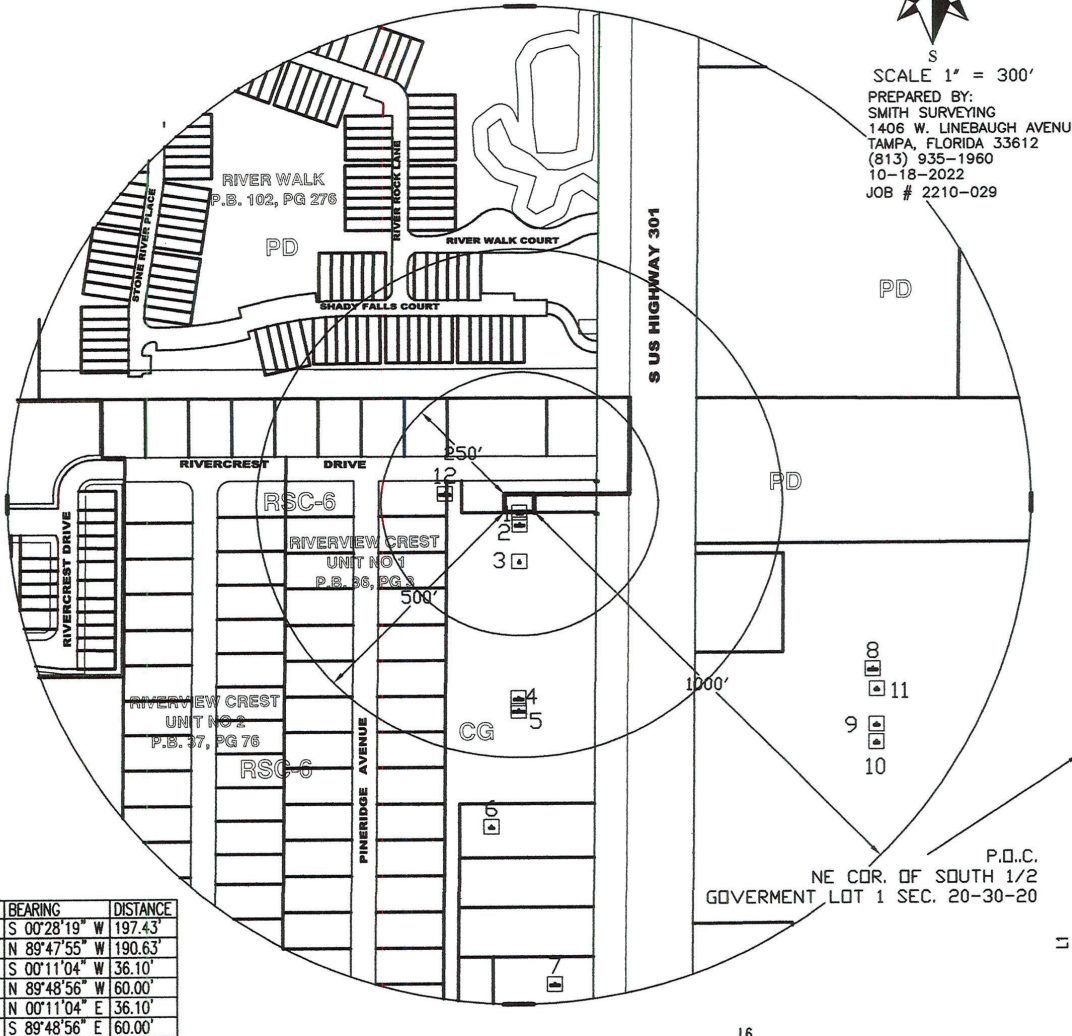
Staff's Recommendation	Approvable, Subject to Conditions
Zoning Administrator's Sign-Off	 t Thu May 4 2023 14:18:52

SHEET 1 OF 2
SEE SHEET 2 FOR LEGEND

SPECIAL PURPOSE SURVEY WET ZONE 4-COP-X
EL PATIO PERUVIAN CUISINE & BAR #9401 S. 301 HWY.
SECTION 20, TOWNSHIP 30 SOUTH, RANGE 20 EAST
HILLSBOROUGH COUNTY, FLORIDA.



SCALE 1" = 300'
PREPARED BY:
SMITH SURVEYING
1406 W. LINEBAUGH AVENUE
TAMPA, FLORIDA 33612
(813) 935-1960
10-18-2022
JOB # 2210-029



LINE	BEARING	DISTANCE
L1	S 00°28'19" W	197.43'
L2	N 89°47'55" W	190.63'
L3	S 00°11'04" W	36.10'
L4	N 89°48'56" W	60.00'
L5	N 00°11'04" E	36.10'
L6	S 89°48'56" E	60.00'

ALCOHOL BEVERAGE PERMITS WITHIN 1,000 FEET

- 1) DENNY'S BARBER SHOP #9403 S. US HWY 301 2-COP 0.00'
- 2) RIVERVIEW FLORIST #9405 S. US HWY 301 4-COP-RX (25')
- 3) CJ'S SALOON #9411 S. US HWY 301 4-COP (100')
- 4) BELIEVERS INK. #9433 S. US HWY 301 2-COP (378')
- 5) RIVERVIEW FRESHMARKET #9613 S. US HWY 301 2-APS (403')
- 6) WAWA #9615 S. US HWY 301 2-APS (641')
- 7) WALGREENS #10624 GIBSONTON DR. 2-APS (961')
- 8) GREENBURG DENTAL & ORTHODONTIC #9618 S. US HWY 301 2-COP (752')
- 9) BEEF O' BRADY #9622 S. US HWY 301 2-COP-RX (814')
- 10) BEALLS OUTLET #9624 S. US HWY 301 2-APS (834')
- 11) NAPA AUTO PARTS #9620 S. US HWY 301 2-APS (778')

RESIDENTIALLY ZONED PROPERTIES WITHIN 250 FEET

- 12) NEAREST RESIDENTIALLY ZONED PROPERTY (117')

COMMUNITY USES WITHIN 500 FEET

NO COMMUNITY USES WITHIN 500 FEET

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTH 1/2, GOVERNMENT LOT 1, SECTION 20, TOWNSHIP 30 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE S.00°28'19"W., A DISTANCE OF 197.43 FEET; THENCE N.89°47'55"W., A DISTANCE OF 190.63 FEET TO THE POINT OF BEGINNING; THENCE S.00°11'04"W., A DISTANCE OF 36.10 FEET; THENCE N.89°48'56"W., A DISTANCE OF 60.00 FEET; THENCE N.00°11'04"E., A DISTANCE OF 36.10 FEET; THENCE S.89°48'56"E., A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2166 SQUARE FEET.

SURVEYOR'S CERTIFICATION: THIS IS TO CERTIFY THAT A VISUAL INSPECTION HAS BEEN MADE OF ALL PROPERTY FOR THE FOLLOWING EXISTING COMMUNITY USES: CHURCH/SYNAGOGUES, SCHOOLS, CHILD CARE CENTERS, PUBLIC LIBRARIES, COMMUNITY RECREATIONAL FACILITIES, AND PARKS WITHIN 500-FOOT STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE. AN INSPECTION OF THE PROPOSED SPECIAL USE PERMITTED SITE FROM RESIDENTIALLY ZONED PROPERTY HAS BEEN MADE AND IS INDICATED IN A STRAIGHT-LINE DISTANCE AS REQUIRED FOR THE SPECIFIC ALCOHOLIC BEVERAGE PERMIT CLASSIFICATION. IN THE CASE WHERE AN ALCOHOLIC BEVERAGE PERMIT CLASSIFICATION REQUIRES THAT CERTAIN TYPES OF EXISTING ALCOHOLIC BEVERAGE USES WITHIN A 1,000-FOOT STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE BE INDICATED AS DEFINED IN THE LAND DEVELOPMENT CODE, AN INSPECTION HAS BEEN MADE AND THE FINDINGS INDICATED ON THE SURVEY.

J. MICHAEL FUQUA P.S.M. 4192

J. Michael Fuqua
Signature

4/25/23
Date

Job Number: 2210-029

Legend

- Petition Prefixes**
 RZ Rezoning
 MM Major Modification
 PRS Personal Appearance
 SU Special Use
 VAR Variance
 APP Appeal
- Comprehensive Plan Categories**
 AM Agricultural/Mining (1 unit per 20 acres)
 A Agriculture (1 unit per 10 acres)
 AR Agriculture/Rural (1 unit per 5 acres)
 AE Agriculture Estate (1 unit per 2.5 acres)
 Res-1 Residential-1 (1 unit per 1 acre)
 RP-1 Residential Planned-1 (1 unit per acre)
 Res-2 Residential-2 (2 units per acre)
 RP-2 Residential Planned-2 (2 acres per unit)
 NMU Neighborhood Mixed Use-4
 Res-4 Residential-4 (4 units per acre)
 Res-6 Residential-6 (6 units per acre)
 SMU Suburban Mixed Use-6
 Res-9 Residential-9 (9 units per acre)
 Res-12 Residential-12 (12 units per acre)
 CMU Community Mixed Use-12
 Res-20 Residential-20 (20 units per acre)
 DC Office Commercial
 UMU Urban Mixed Use-20
 RMU Regional Mixed Use-35
 RCP Research/Corporate Park
 LI-P Light Industrial Planned
 LI Light Industrial
 HI Heavy Industrial
 EPGF Electrical Power Generation Facility
 P Public/Quasi-Public
 E Environmentally Sensitive Areas
 N Natural Preservation
 S Scenic Corridor

- Service Areas**
 USA Urban Service Area
 UEA Urban Expansion Area
 RSA Rural Service Area

- Zoning Districts**
 AM Agricultural Mining (1 unit per 20 acres)
 A Agriculture (1 unit per 10 acres)
 AR Agriculture Rural (1 unit per 2.5 acres)
 AS-0.4 Agricultural, Single-Family Estate (1 unit per 2.5 acres)
 AS-1 Agricultural, Single-Family (1 unit per acre)
 ASC-1 Agricultural, Single-Family Conventional (1 unit per acre)
 AI Agricultural Industrial
 RSC-2 Residential, Single-Family Conventional (2 units per acre)
 RSC-3 Residential, Single-Family Conventional (3 units per acre)
 RSC-4 Residential, Single-Family Conventional (4 units per acre)
 RSC-6 Residential, Single-Family Conventional (6 units per acre)
 RSC-9 Residential, Single-Family Conventional (9 units per acre)
 MH Residential, Single-Family Mobile Home Overlay
 RDC-6 Residential, Duplex Conventional (6 units per acre)
 RDC-12 Residential, Duplex Conventional (12 units per acre)
 RMC-6 Residential, Multi-Family Conventional (6 units per acre)
 RMC-9 Residential, Multi-Family Conventional (9 units per acre)
 RMC-12 Residential, Multi-Family Conventional (12 units per acre)
 RMC-16 Residential, Multi-Family Conventional (16 units per acre)
 RMC-20 Residential, Multi-Family Conventional (20 units per acre)
 BPO Business, Professional Office
 OR Office Residential
 CN Commercial, Neighborhood
 CG Commercial, General
 CI Commercial, Intensive
 M Manufacturing
 SB Show Business Overlay
 SPI-HC Historic and Cultural Conservation
 SPI-RVR Recreational Vehicle & Private Pleasure Craft Residential Overlay
 SPI-UC-1 Special Public Interest-University Community
 SPI-UC-2 Special Public Interest-University Community
 SPI-UC-3 Special Public Interest-University Community
 SPI-AP-1 Special Public Interest-Airport
 SPI-AP-2 Special Public Interest-Airport
 SPI-AP-3 Special Public Interest-Airport
 SPI-AP-4 Special Public Interest-Airport
 SPI-AP-5 Special Public Interest-Airport
 SPI-AP-V Special Public Interest-Airport
 SPI-NMD Special Public Interest-North Dale Mabry Overlay
 PD Planned Development
 PD-C PLANNED DEVELOPMENT COMMERCIAL
 IPD-1 Interstate Planned Development
 IPD-2 Interstate Planned Development
 IPD-3 Interstate Planned Development

- Definitions for Special Uses (alcoholic beverages):**
 1-APS Beer to be sold in sealed containers only for consumption off the licensed premises (package sales). Notwithstanding the provisions of general law, vendors holding malt beverage off-premises sales licenses under State Beverage laws shall be subject to alcoholic beverage regulations of Hillsborough County, Florida (Ch. 81-385 S 1, Laws of Florida).
 2-APS Beer and wine to be sold in sealed containers only for consumption off the licensed premises (package sales).
 3-PS Beer, wine and liquor to be sold in sealed containers only for consumption off the licensed premises (package sales).
 2-CDP Beer and wine for sale and consumption on and off the licensed premises.
 2-CDP-X Beer and wine for sale and consumption on the licensed premises only.
 2-CDP-R Beer and wine for sale and consumption on and off the licensed premises (package sales) in connection with a restaurant. The combined gross sales of the restaurant shall be verified by a bi-annual report to be at least fifty-one (51) percent from the sale of food and non-alcoholic beverages.
 2-CDP-RX Beer and wine for sale and consumption on the licensed premises only in connection with a restaurant, see (6) above.
 4-CDP Beer, wine and liquor for sale and consumption on and off the licensed premises (package sales).

UCA-MS: UNIVERSITY COMMUNITY AREA - MAIN STREET
 UNIVERSITY COMMUNITY AREA - NEIGHBORHOOD OFFICE
 UCA-NHO UNIVERSITY COMMUNITY AREA - NEIGHBORHOOD OFFICE DISTRICT

Legend			
PC	:Point of Curvature	(D)	:Deed
PT	:Point of Tangency	(Desc)	:Description
PRC	:Point of Reverse Curvature	(C)	:Calculation
PCC	:Point of Compound Curvature	(F)	:Field Measured
PI	:Point of Intersection	W.C.	:Witness Corner
(P)	:Plat	Sec.	:Section
S.C.I.R.	:Set Capped Iron Rod 1/2"	Twp.	:Township
	# 6962	O/H	:Overhead
F.C.I.R.	:Found Capped Iron Rod	C	:Centerline
F.I.R.	:Found Iron Rod	A/C	:Air Conditioner
F.I.P.	:Found Iron Pipe	O/A	:Overall
F.P.I.P.	:Found Pinched Iron Pipe	Conc.	:Concrete
F.C.M.	:Found Concrete Monument	A.P.D.	:A Part Of
S.C.M.	:Set Concrete Monument	TBM	:Temporary Benchmark
SPK&Disk	:Set P-K Nail & Disk	BM	:Benchmark
FPK&Disk	:Found P-K Nail & Disk	CV	:Covered
F.R.R. Spk.	:Found Railroad Spike	M.S.	:Masonry
W.C.F.	:No Corner Found or Set	RES.	:Resident
P.R.M.	:Permanent Reference Monument	P.B.	:Plat Book
Rge.	:Range	PG.	:Page
R/W	:Right of Way	PP	:Power Pole
	---Wood Fence (WF)	R/V	:Right Of Way
	---Chain Link Fence (CLF)	TYP.	:Typical
P.I.B.	:Point of Beginning		
P.I.C.	:Point of Commencement		
W.C.	:Witness Corner		

DRAWN BY J. A. H.

Surveyor's Notes:



Hillsborough
County Florida
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Date Stamp Here

Application Number: SU-AB 23-0187 Applicant's Name: EL PATIO PERUVIAN CUISINE & BAR

Reviewing Planner's Name: Colleen Marshall Date: 04/13/2023

Application Type:

- Planned Development (PD)
- Minor Modification/Personal Appearance (PRS)
- Standard Rezoning (RZ)
- Variance (VAR)
- Development of Regional Impact (DRI)
- Major Modification (MM)
- Special Use (SU)
- Conditional Use (CU)
- Other _____

Current Hearing Date (if applicable): 04/24/2023

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

04/13/2023

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: _____

REVISED NARRATIVE

EL PATIO PERUVIAN CUISINE & BAR

RE: SU-AB 23-0187-El Patio Hookah Lounge & Restaurant

“You must submit a revised narrative which clearly states that you are dropping the hookah concept and you will be operating a restaurant with bar only”.. Tom Hiznay

William Quinones
Willq1234@aol.com

EL PATIO PERUVIAN CUISINE & BAR

El Patio will be featuring a Peruvian style menu offering hot & cold food, Sushi, Ceviche and more. Our beverage menu will include alcoholic cocktails, beers, soda juices and more. WE NO WILL INCLUDE THE HOOKAH LOUNGE CONCEPT AND WILL OPERATE SOLELY AS A RESTURANT AND BAR. Effective immediately we are filing for a name change to our LLC.

Our Hours of operation will be from 8am to 3am Monday through Sunday.

Our restaurant will serve breakfast, lunch, and dinner Monday through Friday from 8am to 9pm.

On Thursdays, Fridays, Saturdays, and Sundays we will plan evening and night events from 10pm to 3am. On these nights we will offer a limited food menu and full bar options.

Our location will display approx. 10 big screen televisions where we will promote sports watch party's large championship games like the Super Bowl, March Madness, World Series, Stanley Cup, World cup, etc.

We will also have shows for our community and customers to enjoy, like: Comedy, Transgender shows, Art Shows, Political meet and greets, etc.

Our late nights will include live music bands of different genres, dance contests with a DeeJay.

Riverview is growing every day, providing a safe and fun location is our goal. My experience as owner of London Height British Pub in Seminole Heights for 3 years showed my that if you entertain the community they will come.

El Patio will be our community's destination for good food and fun entertainment.



Alcoholic Beverage Special Use Distance Waiver Request

Land Development Code Section 8.11.11.0 prescribes separation requirements for proposed Alcoholic Beverage Permits, which are:

- (1) 1-APS and 2-APS
 - A. The distance from the “permitted” structure to certain community uses² shall be at least 500 feet.
 - B. The distance from the “permitted” structure to residentially zoned property shall be at least 50 feet from the side yard(s) and 20 feet from the functional rear yard.
- (2) 1-APS-IS and 2-APS-IS
 - A. The distance from the proposed structure to schools shall be 500 feet.
- (3) 2-COP-R, 2-COP-RX, 4-COP-RX, AND 11C (Golf Clubs, Tennis and Racquetball Clubs, Wedding and Special Occasion Reception Halls)
 - A. The distance from the “permitted” structure to certain community uses shall be at least 500 feet.
 - B. The distance from the “permitted” structure to residentially zoned property shall be at least 150 feet.
- (4) 3-P S, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 4-COP-SX, 4-COP-SBX, 11-C (Social Clubs) and Bottle Clubs
 - A. The distance from the “permitted” structure to certain community uses shall be at least 500 feet.
 - B. The distance from the “permitted” structure to residentially zoned property shall be at least 250 feet.
 - C. 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 Use Permits within 1,000 feet of the proposed Special Use as measured from the “permitted” structure to the existing Alcoholic Beverage Conditional Use or wet-zoning approved under previous zoning regulations as well as nonconforming wet-zoned establishments.

²“Certain community uses” shall include churches/synagogues, schools, child care centers, public libraries, community recreational facilities and parks.



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:

There shall be no more than three approved 3-PS, 2-COP, 2-COP-X, 4-COP, 4- COP-X, 4-COP-SX, 4-COPSBX, 11-C (Social Club) or Bottle Club Alcoholic Beverage Use Permits within 1,000 feet of the proposed Special Use as measured from the "permitted" structure to the existing Alcoholic Beverage Conditional Use or wet-zoning approved under previous zoning regulations as well as nonconforming wet-zoned establishments.

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

Currently there are 11 alcohol beverage permits within the 1,000 allow feet. If you see on the attached wet zone survey there are the following permits 2-4COP, 4- 2COP, and 5- APS. Although those permits are out there they are not all currently used as such. There are two permits that belong to two location right next to our proposed location #9403 & #9405 S. US HWY 301 where there is now a barber shop(2COP) and a florist (4COP), no longer selling alcohol. There are 4 other locations that also have nothing to do with selling alcohol, (Believer's ink- 2COP, Greenberg Dental- 2APS, Beall's Outlet- 2APS and NAPA Auto Parts- 2APS) all which are well established businesses. There are 3 which sell packaged beer and wine Wawa, Walgreens and Riverview Fresh market (2APS) all really dedicated to selling Gas, Pharmaceuticals and Food. Then there is Beef O' Brady's (2COP) over 800 FT. from our location which is known as a Family style restaurant and only selling beer and wine to there customers. The only 4COP within the bunch is CJ's Saloon which is a tradition Bar within the same complex as our proposed location and if you see in our description of our business we are more an entertainment destination that will have live entertainment for the surrounding neighborhood with food and drinks offered during day and at night. There are 11 Alcohol Beverage Permits within the allow area, 8 over the allowed 3 within the 1,000 feet I believe that those other 8 where approved at some point because of the diversity in the businesses. Our business will be only the second business selling Hard Liquor to be consumed on premise and the only one offering food and live entertainment. We are current zoned as 2APS and you like to be upgraded to 4COP.

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

[Empty rectangular box for providing circumstances that negate the need for the specified distance requirement]

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



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:

The distance from the "permitted" structure to residentially zoned property shall be at least 250 feet.

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

The nearest residential houses from 9401 S. US Hwy 301 are west and northwest from the proposed property and shopping center approx. 275 from the front door of the proposed property. Directly north of 9401 S. US Hwy 301 is a commercial business that looks like a house (dental Office) that begins from US Hwy. 301 to the dirt road behind the proposed property and are located approx. 117' from the proposed property. Their building, parking lot and an additional parking spans beyond the proposed property.

There is a tire shop directly behind the proposed property shielding the view of the 2 or 3 houses closest to the proposed property. The rest of the properties are behind the shopping center just south of the proposed property or well west. The proposed property currently is zone 2APS and we would like to get it changed to 4COP.

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

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I#: 2021242432 BK: 21640 PG: 1001, 07/23/2021 at 11:52 AM, RECORDING 2 PAGES \$18.50 D DOC STAMP COLLECTION \$4165.00 KEN BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK: CLKDU17

This Deed is being re-recorded to reflect the correct county of the property. Documentary stamps were paid at the time of the initial recording.

Prepared by and return to:

Synergy Title Partners, LLC
15027 Gulf Boulevard
Madeira Beach, FL 33708

File Number: 1789STP21

Consideration \$ 595,000.00

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 22nd day of July, 2021, between 9401 HWY 301, LLC., a Florida limited liability company whose post office address is 1410 SW 17th St., Suite 265, Ft. Lauderdale, FL 33316, grantor, and Kathryn Matheny, unmarried whose post office address is 8035 15th Ave NE, Seattle, WA 98115, grantee;

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Hillsborough County, Florida, to-wit:

Tract beginning 67.21 feet West of and 168.4 feet South of the Northeast corner of the South 1/2, Government Lot 1; thence North 89°5'48" West 270.00 feet along the South Right-of-Way line of Rivercrest Drive (50.00 feet wide) to a point, said point beginning 30.00 feet East of the Northeast Lot corner of Lot 21, RIVERVIEW CRES' UNIT NO. 1, as recorded in Plat Book 36, Page 3 of the Public Records of Hillsborough County, FL; and thence South 0°27'00" West along a line 30.00 feet East of and parallel to the East line of said Riverview Crest, a distance of 66.00 feet; thence South 89°51'48" East a distance of 270.00 feet to the West Right-of-Way line of US 301; thence North 0°27'00", then East, a distance of 66.00 feet along the said West Right-of-Way to the Point of Beginning; all being in Section 20, Township 30 South, Range 20 East, Hillsborough County, Florida.

Parcel Identification Number: 076441-0100

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 31, 2020.

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:

Cheryl L. Rainaldi
Witness Name: Cheryl L. Rainaldi

9401 Hyw 301, LLC
a Florida Limited Liability Company

By: Robert M. Bower AS mgr
Robert M. Bower, its Manager

Renee Liber
Witness Name: Renee Liber

State of FLORIDA
County of BROWARD

The foregoing instrument was acknowledged before me this 29 day of July, 2021, by Robert M. Bower, as Manager of 9401 HWY 301, LLC, A FLORIDA LIMITED LIABILITY COMPANY, on behalf of the LLC, he is personally known to me or has produced _____ as identification.

Renee Liber
Notary Public

Printed Name: _____
My Commission Expires: _____





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 23-0187

Intake Date: 2/14/2023

Hearing(s) and type: Date: 4/24/2023 Type: LUHO

Receipt Number: 241541

Date: 20-30-20 Type: _____

Intake Staff Signature: Clare Odell

Property Information

Address: 9401 S. Hwy 301 City/State/Zip: Riverview, FL 33578

TWN-RN-SEC: 20-3020 Parcel(s): 076441-0100 Zoning: CG Future Land Use: SMG-6 Property Size: 2,160 SF

Property Owner Information

Name: MATHENY KATHRYN Daytime Phone: 352 221 0119

Address: 5146 Flowing Oar Rd. City/State/Zip: Wimauma, FL. 33598

Email: KK.MATHENY@GMAIL.COM Fax Number _____

Applicant Information

Name: EL Patio Hookah Lounge Daytime Phone: 813-477-2173

Address: 9401 S. 301 Hwy City/State/Zip: Riverview FL. 33578

Email: willq1234@aol.com Fax Number _____

Applicant's Representative (if different than above)

Name: William Quinones Daytime Phone: 813-477-2173

Address: 802 W. Minnehaha St. City/State/Zip: Tampa, FL. 33604

Email: willq1234@aol.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.

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.

[Signature]
Signature of the Applicant

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

William Quinones
Type or print name

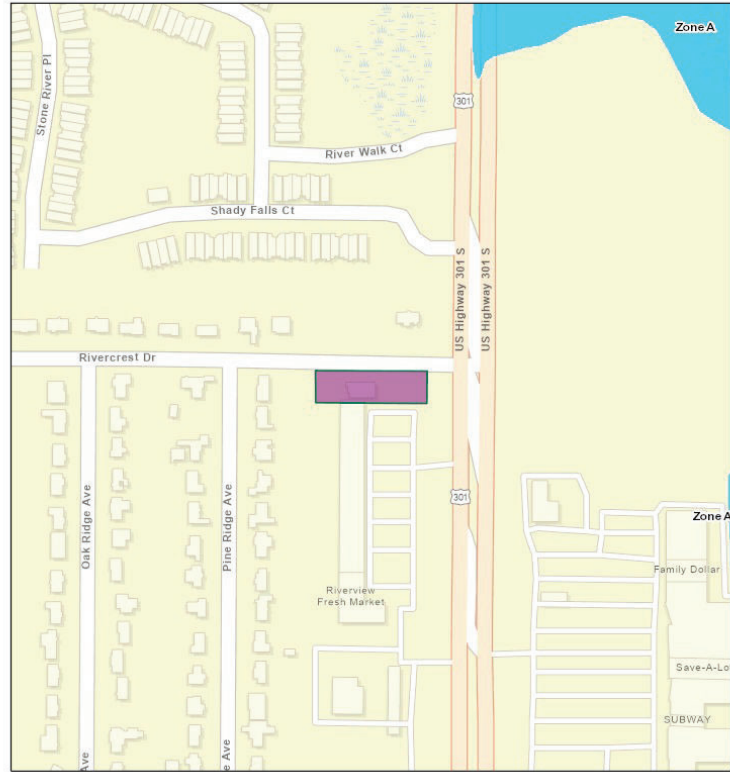
KATHRYN MATHENY
Type or print name



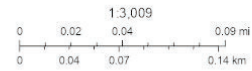
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0502H
FIRM Panel	12057C0502H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120502B
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Census Data	Tract: 013802 Block: 2005
Future Landuse	SMU-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: 76441.0100



February 14, 2023



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

Hillsborough County Florida

Folio: 76441.0100
PIN: U-20-30-20-Zzz-000003-01250.0
Kathryn Matheny
Mailing Address:
 8035 15th Ave Ne
 null
 Seattle, Wa 98115-4337
Site Address:
 9401 S 301 Hwy
 Riverview, Fl 33578
SEC-TWN-RNG: 20-30-20
Acreage: 0.437767
Market Value: \$404,575.00
Landuse Code: 3300 Comm./office

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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.