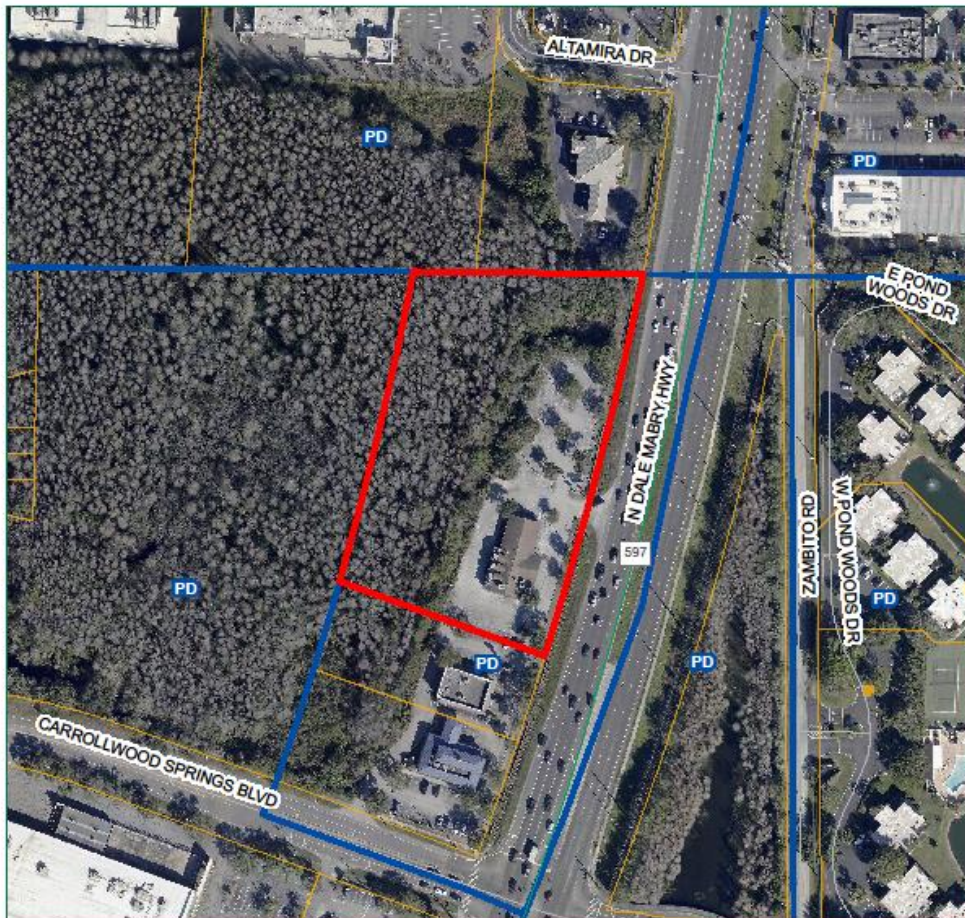




# Hillsborough County Florida

## Land Use Application Summary Report

Application Number:	SU-AB 20-1234	Adjacent Zoning and Land Uses:	
Request:	Distance Separation Waiver for a 4-COP Permit	North:	PD/ Commercial (Wawa)
		South:	PD/ Commercial
Comp Plan Designation:	OC-20 (Office Commercial-20)	East:	N Dale Mabry Hwy. ROW/ PD Commercial
Service Area:	Urban	West:	PD / Single Family (Wetlands)



### Immediate Aerial Zoning Map

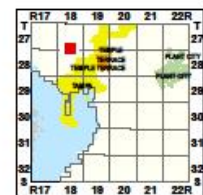
**SU-AB 20-1234**

Folio: 16355.0510

- Application Site
- Zoning Boundary
- Parcels



STR: 33-27-18



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

DISCLAIMER: This map has been prepared for the convenience of the public and is not intended to be used as a legal document. It is not intended to be used as a legal document and is not intended to be used as a legal document.

Users of this map are hereby notified that the information is not intended to be used as a legal document and is not intended to be used as a legal document.

Date: 08/22/2020 File: G:\2019\GIS\2020\Zoning\_Site.mxd

**Request Summary:**

Pursuant to Land Development Code Section 6.11.11, the request is for a distance separation waiver for a proposed 4-COP Alcoholic Beverage Permit to allow for the sale and consumption of beer, wine and liquor on and off the permitted premises (package sales). The proposed wet zoning is requested for an existing restaurant at 15412 N. Dale Mabry Highway. The property is zoned PD (Planned Development) 98-1228, which allows consideration of the requested AB. The wet zoned area will comprise a total footprint of 5,860 square feet; as shown on the revised wet zone survey received January 11, 2021. No outdoor area is being proposed.

The existing restaurant building has a 2-COP-R wet zoning, SU-AB 01-1272, which allows the sale and consumption of beer and wine on and off the permitted premises in connection with a restaurant. It was approved for a 5,860-square-foot area.

**Separation Requirements:**

Per LDC Section 6.11.11.D, proposed 4-COP wet zonings must be located at least 500 feet from specified community uses and 250 feet from residentially zoned properties, and there can be no more than three existing wet zonings of certain types within 1,000 feet.

Per the submitted survey, there are no specified community uses within 500 feet of the proposed wet zoning. However, there is residentially zoned property (PD 78-0236A) within 196 feet. Additionally, there are seven existing wet zonings of certain types within 1,000 feet of the proposed wet zoning as follows:

<b>Residentially Zoned Property (250-Foot Separation Required)</b>	<b>Distance from proposed wet zoning</b>
Nearest residentially zoned parcel	196 feet
<b>Other Wet Zonings of Certain Types Within 1,000 Feet (Maximum of 3 Existing Allowed)</b>	<b>Distance from proposed wet zoning</b>
Old Brew Pub, 15491 N Dale Mabry Hwy. 4-COP	800 feet
Better Homes, 15411 N Dale Mabry Hwy. 2-COP-X	938 feet
Torch Cigar, 15407 N Dale Mabry Hwy. 4-COP-X	667 feet
Whole Foods, 3802 Northdale 2-COP	668 feet
Pollo Tropical, 15298 N Dale Mabry Hwy. 2-COP	613 feet
Shogun Sushi, 15213 N Dale Mabry Hwy. 2-COP	921 feet
Amscott, 15211 N Dale Mabry Hwy. 4-COP-SX	938 feet

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 significant impacts on the surrounding uses, and whether certain circumstance exist such that the necessity for the separation requirement(s) is negated.

**Distance waiver from residentially zoned property:**

The applicant requests a 54-foot distance waiver from residentially zoned property to allow a separation of 196 feet and has provided the following justification:

- There restaurant bar closes at a reasonable hour.
- The restaurant has policies in place to ensure patron's safe and moderate alcohol consumption.

**Concentration waiver for other types of existing Alcoholic Beverage uses within 1,000 feet:**

The applicant requests a waiver to the maximum number of existing wet zonings within 1,000 feet and has provided the following justification:

- There are full-service restaurants operating within a half mile radius of the property approved for 4-COP liquor license.

**Staff Findings:**

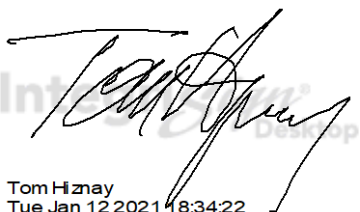
- LDC Section 6.11.11.E.3 provides for the approval of separation waivers where there are "special or unique circumstances where the alcoholic beverage use applied for does not have significant impacts on surrounding land uses and certain circumstances negate the necessity for the specified distance requirements."
- The residentially zoned property that is within 250 feet of the proposed wet zoning, located to the west of the restaurant, is comprised of natural conservation area which prevents direct travel between the single-family homes farther to the west, resulting in a normal route of travel between the two uses of more than 1,700 feet. Additionally, a 6-foot-high wall serve as a buffer between the proposed wet zoning and the homes.
- The other existing wet zonings of certain types within 1,000 feet are located in shopping centers which have no functional relationship with the subject restaurant and, in most cases, are separated from the restaurant by roadways, including Dale Mabry Highway, thereby mitigating the cumulative impact of the existing and proposed wet zonings.
- In view of the site's existing 2-COP-R wet zoning, the proposed 4-COP wet zoning represents a marginal increase in the intensity of the use.

**2.0 Recommendation:**

For the reasons discussed above, staff finds the proposed wet zoning **APPROVABLE, subject to recommended conditions**. Approval is based upon the revised wet zone survey reflecting a total wet zone footprint of 5,860 square feet (total area) and received January 11, 2021.

**2.1 Recommended Conditions:**

Upon approval of SU-AB 20-1234, the existing 2-COP-R wet zoning of the subject premises, SU-AB 01-1272, shall be rescinded.

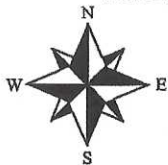
Staff's Recommendation:	<b>Approvable With Conditions</b>
Zoning Administrator Sign-off:	 Tom Hinzay Tue Jan 12 2021 18:34:22



**SPECIAL PURPOSE SURVEY WET ZONE 4-COP**  
**MR. & MRS. CRAB #15412 N. DALE MABRY HWY,**  
**SECTION 33, TOWNSHIP 27 SOUTH, 18 RANGE EAST,**  
**HILLSBOROUGH COUNTY, FLORIDA.**

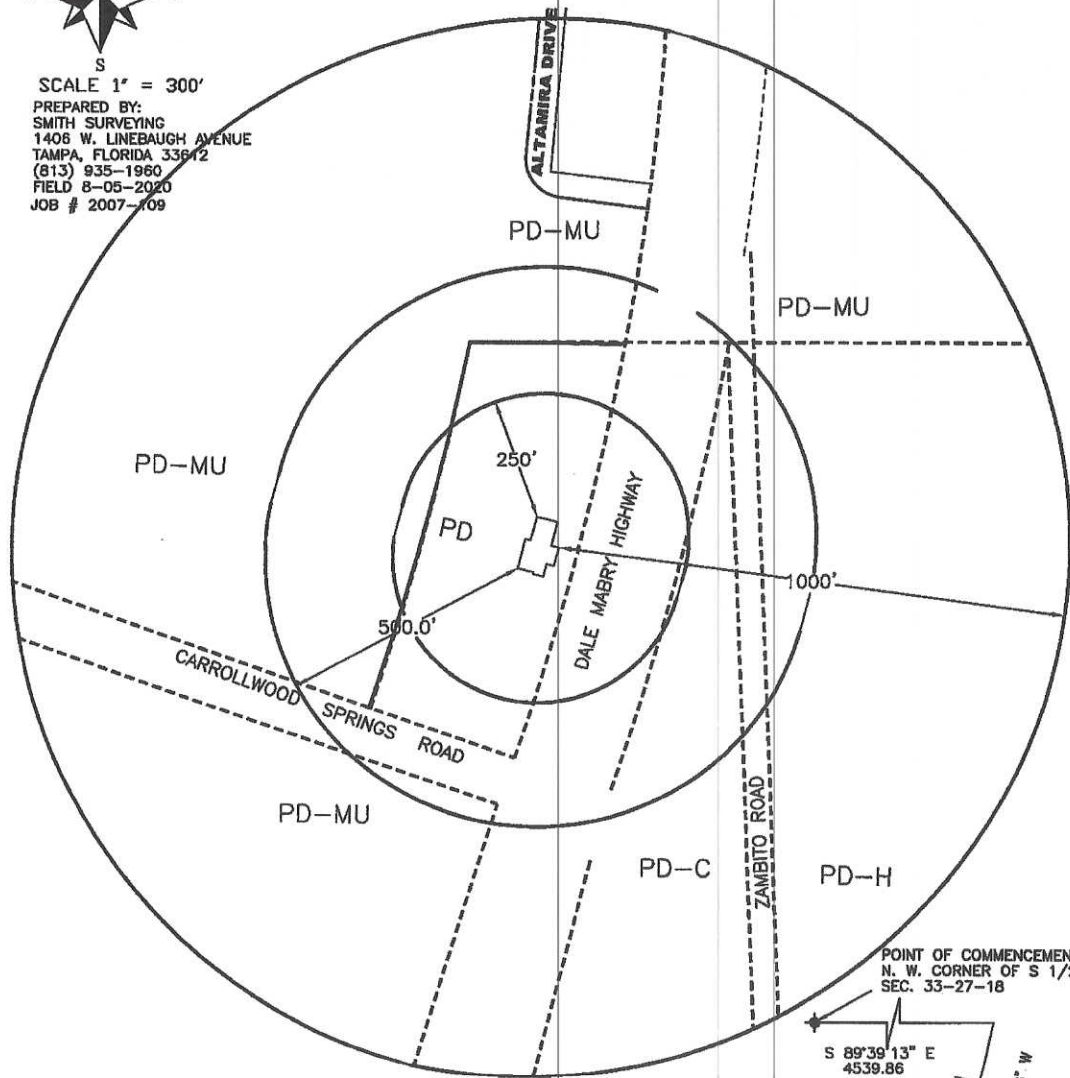
SHEET 1 OF 3

RECEIVED  
 SEP 10, 2020  
 DEVELOPMENT  
 SERVICES



SCALE 1" = 300'

PREPARED BY:  
 SMITH SURVEYING  
 1406 W. LINEBAUGH AVENUE  
 TAMPA, FLORIDA 33612  
 (813) 935-1960  
 FIELD 8-05-2020  
 JOB # 2007-109



POINT OF COMMENCEMENT  
 N. W. CORNER OF S 1/2  
 SEC. 33-27-18

POINT-OF-BEGINNING

DESCRIPTION: COMMENCE AT THE N.W. CORNER OF THE S 1/2 OF SECTION 33, TOWNSHIP 27 SOUTH, RANGE 18 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE RUN S.89°39'13"E., A DISTANCE OF 4539.86 FEET; THENCE RUN S.14°45'56"W., A DISTANCE OF 357.97 FEET TO THE POINT OF BEGINNING; THENCE RUN S.75°14'04"E., A DISTANCE OF 42.00 FEET; THENCE RUN S.14°45'56"W., A DISTANCE OF 49.00 FEET; THENCE RUN S.75°14'04"E., A DISTANCE OF 14.70 FEET; THENCE RUN S.14°45'56"W., A DISTANCE OF 37.40 FEET; THENCE RUN N.75°14'04"W., A DISTANCE OF 14.70 FEET; THENCE RUN S.14°45'56"W., A DISTANCE OF 26.00 FEET; THENCE RUN N.75°14'04"W., A DISTANCE OF 20.40 FEET; THENCE RUN N.14°45'56"E., A DISTANCE OF 3.00 FEET; THENCE RUN N.75°14'04"W., A DISTANCE OF 32.30 FEET; THENCE RUN N.14°45'56"E., A DISTANCE OF 61.10 FEET; THENCE RUN S.75°14'04"E., A DISTANCE OF 10.70 FEET; THENCE RUN N.14°45'56"E., A DISTANCE OF 48.30 FEET TO THE POINT OF BEGINNING. CONTAINING 5860 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 FEET STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE. A VISUAL INSPECTION OF APPARENT 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 CASES WHERE AN ALCOHOLIC BEVERAGE PERMIT CLASSIFICATION REQUIRES THAT CERTAIN TYPES OF EXISTING ALCOHOLIC BEVERAGE USES WITHIN A 1,000 STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE BE INDICATED IN THE LAND DEVELOPMENT CODE, A VISUAL INSPECTION HAS BEEN MADE AND THE FINDINGS INDICATED ON THE SURVEY.



J. MICHAEL FUQUA P.S.M. 4192

Digitally signed by James Michael Fuqua  
 Date: 2020.08.18 08:38:09 -0400

Signature

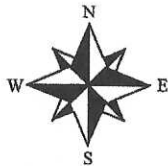
Date

Job Number: 2007-109

20-1234

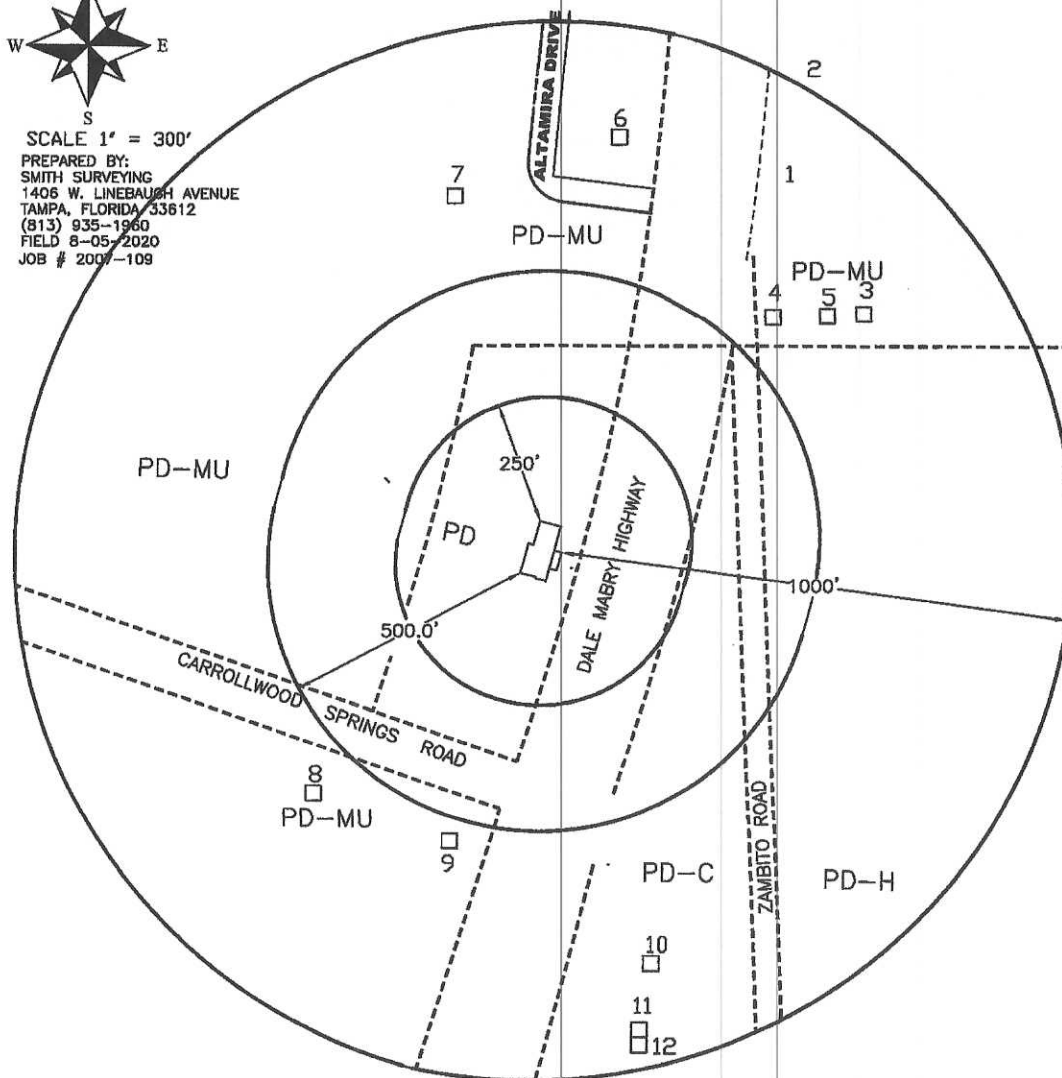
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SEP 10 2020  
DEVELOPMENT  
SERVICES

**SPECIAL PURPOSE SURVEY WET ZONE 4-COP**  
**MR. & MRS. CRAB #15412 N. DALE MABRY HWY,**  
**SECTION 33, TOWNSHIP 27 SOUTH, 18 RANGE EAST,**  
**HILLSBOROUGH COUNTY, FLORIDA.**



SCALE 1" = 300'

PREPARED BY:  
SMITH SURVEYING  
1406 W. LINEBAUGH AVENUE  
TAMPA, FLORIDA 33612  
(813) 935-1960  
FIELD 8-05-2020  
JOB # 2007-109



**ALCOHOL BEVERAGE PERMITS WITHIN 1,000 FEET**

- ✓ 1) OLD BREW PUB VACANT #15491 N. DALE MABRY HWY. 4-COP (800')
- ✓ 2) CVS #15499 N. DALE MABRY HWY. 2-APS (999')
- ✓ 3) BETTER HOMES #15411 N. DALE MABRY HWY. 2-COP-X (938')
- ✓ 4) SACRED PEPPER #15405 N. DALE MABRY HWY 4-COP-X (586')
- ✓ 5) TORCH CIGAR LOUNGE #15407 N. DALE MABRY HWY (CLOSED) AB (667')
- ✓ 6) WAWA #15524 N. DALE MABRY HWY 2-APS (783')
- ✓ 7) WHOLE FOODS #3802 NORTHDAL 2-COP (668')
- ✓ 8) TARGET #15240 N. DALE MABRY HWY 2-APS (613')
- ✓ 9) POLLO TROPICAL #15298 N. DALE MABRY HWY 2-COP (542')
- ✓ 10) RIGHT PRICE LIQUORS #15227 N. DALE MABRY 3PS (782')
- ✓ 11) SHOGUN SUSHI #15213 N. DALE MABRY HWY 2-COP (921')
- ✓ 12) AMSCOTT #15211 N DALE MABRY HWY 4-COP-SX (938')

**RESIDENTIALLY ZONED PROPERTIES WITHIN 250 FEET**

NO RESIDENTIALLY ZONED PROPERTIES WITHIN 250 FEET

**COMMUNITY USES WITHIN 500 FEET**

NO COMMUNITY USES WITHIN 500 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 FEET STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE. A VISUAL INSPECTION OF APPARENT 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 CASES WHERE AN ALCOHOLIC BEVERAGE PERMIT CLASSIFICATION REQUIRES THAT CERTAIN TYPES OF EXISTING ALCOHOLIC BEVERAGE USES WITHIN A 1,000 STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE BE INDICATED IN THE LAND DEVELOPMENT CODE, A VISUAL INSPECTION HAS BEEN MADE AND THE FINDINGS INDICATED ON THE SURVEY.



Digitally signed by:  
Michael Fuqua  
Date: 2020.09.18 08:38:34 -0400

J. MICHAEL FUQUA P.S.M. 4192

Signature

Date

Job  
Number: 2007-109

20-1234



# 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 acre)  
Res-2 Residential-2 (2 units per acre)  
Res-2 Residential Planned-2 (2 acres per unit)  
Res-4 Residential-4 (4 units per acre)  
Res-6 Residential-6 (6 units per acre)  
Res-9 Residential-9 (9 units per acre)  
Res-12 Residential-12 (12 units per acre)  
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 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  
SPT-HC Historic and Cultural Conservation  
SPT-RVR Recreational Vehicle & Private Pleasure Craft Residential Overlay  
SPT-UC-1 Special Public Interest-University Community  
SPT-UC-2 Special Public Interest-University Community  
SPT-AP-1 Special Public Interest-Airport Community  
SPT-AP-2 Special Public Interest-Airport  
SPT-AP-3 Special Public Interest-Airport  
SPT-AP-4 Special Public Interest-Airport  
SPT-AP-5 Special Public Interest-Airport  
SPT-AP-V Special Public Interest-Airport  
SPT-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. 91-385 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-COP Beer and wine for sale and consumption on and off the licensed premises.
- 2-COP-X Beer and wine for sale and consumption on the licensed premises only.
- 2-COP-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-COP-RX Beer and wine for sale and consumption on the licensed premises only in connection with a restaurant, see (6) above.
- 4-COP 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) :Used
PT	Point of Tangency	(Desc) :Description
PRC	Point of Reverse Curvature	(C) :Calculation
PCC	Point of Compound Curvature	(F) :Field Measure
PI	Point of Intersection	W.C. :Witness Corner
(P)	Plot	Sec. :Section
S.C.I.R.	Set Capped Iron Rod 1/2" # 5982	Twp. :Township
F.C.I.R.	Found Capped Iron Rod	O/H :Overhead
F.I.R.	Found Iron Rod	C :Centerline
F.I.P.	Found Iron Pipe	N/C :No Conditioner
F.P.I.P.	Found Pinched Iron Pipe	O/A :Overall
F.C.M.	Found Concrete Monument	Conc. :Concrete
S.C.M.	Set Concrete Monument	A.P.D. :A Part Of
SPK&Disk	Set P-K Nail & Disk	TBM :Temporary Benchmark
FP&Disk	Found P-K Nail & Disk	BH :Benchmark
F.R.R. Spk.	Found Railroad Spike	COV. :Covered
N.C.F.	No Corner Found or Set	MAS. :Masonry
P.R.M.	Permanent Reference Monument	RES. :Resident
Rye	Range	P.B. :Plat Book
R/W	Right of Way	PG :Page
	Wood Fence (WF)	R/V :Right Of Way
P.D.B.	Point of Beginning	TYP. :Typical
P.O.C.	Point of Commencement	
W.C.	Witness Corner	
DRAWN BY J.A.H.		
Surveyor's Notes:		

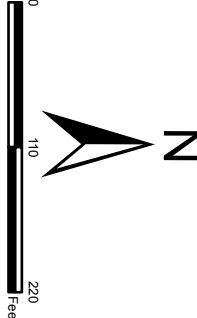


Immediate Aerial  
Zoning Map

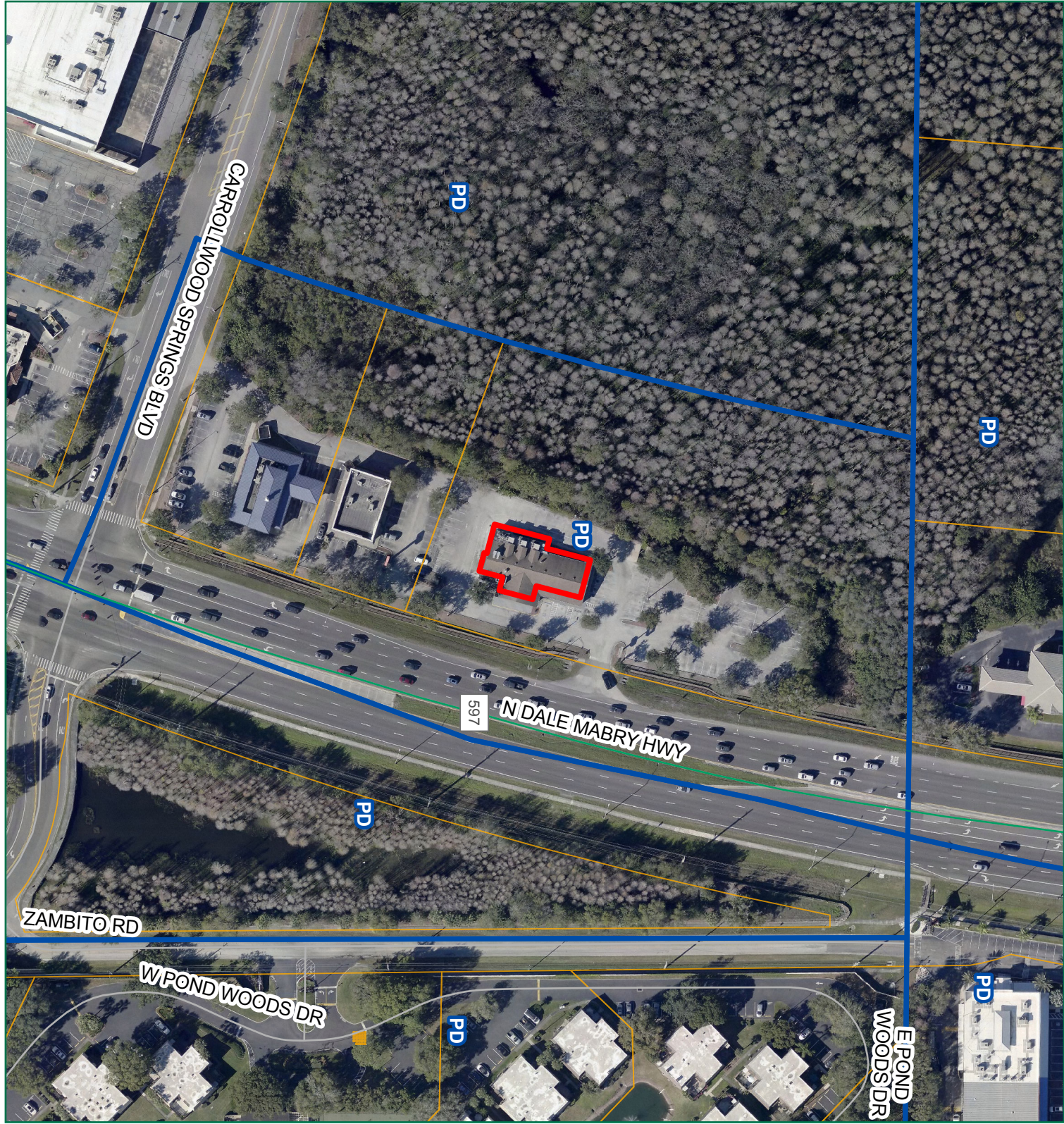
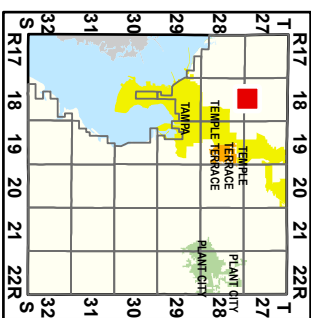
SU-AB 20-1234

Folio: 16355.0510

-  Application Site
-  Zoning Boundary
-  Parcels



STR. 33-27-18



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, and is not intended to be used for any purpose other than for informational purposes only. It is not intended to be used for any purpose other than for informational purposes only.

SOURCE: This map has been prepared for the purpose of recording public records. It has been prepared from recorded deeds, plats, and other AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 10/15/2020    Path: G:\ZONING\GIS\MapZoning\_Site.aprx



**ATTACHMENT B (Page 2 of 2)****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:

6 Wet Zone range 1000 sq feet

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

Behind the restaurant are all trees and wetland, across street is complex is not effect any of wetzone. just no negative impact anyone around.

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

trees and wetland behind, didn't impact around area.

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



# DISTANCE WAIVER NOTIFICATION LIST

1. OLD BREW PUB VACANT #15491 N. DALE MABRY HWAY 4-COP (800')
2. BETTER HOMES #15411N. DALE MABRY HWAY 2-COP-X(938')
3. SACRED PEPPER #15405 N. DALE MABRY HWAY 4-COP-X(586')
4. WHOLE FOODS #3802 NORTHDAL 2-COP (668')
5. POLLO TROPICAL #15298 N. DALE MABRY HWAY 2-COP (542')
6. RIGHT PRICE LIQUORS #15227 N. DALE MABRY 3PS(782')
7. SHOGUN SUSHI #15213 N. DALE MABRY HWAY 2-COP (921')
8. AMSCOTT #15211 N. DALE MABRY HWAY 4-COP-SX (938')



## Mr. & Mrs. Crab Juicy Seafood & Bar

[www.mrandmrscrabseafood.com](http://www.mrandmrscrabseafood.com)

15412 N. Dale Mabry Hwy

Tampa , FL 33618

1. **Special Conditions and Circumstances:** The occupants of this property are prohibited from pursuing a 4COP liquor license pursuant to unique zoning code restrictions. These restrictions have created special circumstances and conditions which are peculiar to the building involved and which are not applicable to similar structures in the same zoning district.
2. **Not Self-Created:** These special conditions and circumstances have not resulted directly from the actions of Mr. & Mrs. Crab Juicy Seafood and Bar or any representative thereof. The building proprietors failed to notify our agents of the unique zoning restrictions imposed on the property. The principal agents of our company were unaware that the normal operation of our business would be in violation of said zoning codes prior to the lease, renovation and occupation of the property.
3. **No Special Privilege:** An approval of this zoning variance request will not confer a special privilege denied by this chapter to other lands, buildings or structures in the same zoning district. In fact, no other similarly operating full-service restaurants within a half mile radius of this property have been subject to the unique restrictions imposed by this code. Additionally, the businesses previously occupying the property were exempt from such restrictions and were in due course granted the opportunity to pursue 4COP liquor license certification.
4. **Deprivation of Rights:** As stated previously, all full service restaurants operating within a half mile radius of the property enjoy the liberties of 4COP liquor license certification and the businesses previously occupying the property have as well. Failure to grant this zone variance request would result in a deprivation of rights and would work unnecessary and undue hardship onto Mr. & Mrs. Crab Juicy Seafood and Bar. Additionally, it is imperative that each of our locations obtain a 4COP liquor license in order to fulfill the expectations associated with our brand name. The principal agents of our company would not have leased this space had they been aware of the unique zoning restrictions and have not purchased the property with the distinct intent to violate the restrictions of said requirements.
5. **Minimum Possible Variance:** The zoning variance requested is the minimum variance that will make possible the reasonable use of the building.
6. **Purpose and Intent:** Approval of this zoning variance will undoubtedly be in harmony with the purpose and intent of the existing zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to public welfare. We are primarily a family restaurant and generate more than 50% of our revenue from food sales. Our mission statement is to create a unique and family friendly seafood experience. Alcohol sales make up only a small, yet important, portion of our business. Our bar closes at a reasonable hour and we have many policies in place to ensure that our patrons practice safe and moderate alcohol consumption. Employees in management positions hold ServSafe alcohol certifications and are fully aware of the laws and responsibilities associated with alcohol service. Therefore, the approval of this zoning variance will not impair the safety, comfort, morals or general welfare of the surrounding citizens.

Prepared by and  
when recorded return to:  
Gregory R. Haney, Esq.

**SHUMAKER**

Shumaker, Loop & Kendrick, LLP

101 East Kennedy Boulevard  
Suite 2800  
Tampa, Florida 33602  
Phone: (813) 229-7600

Total Consideration Paid:  
**\$1,457,865.00**

Documentary Stamp Taxes:  
**\$10,205.30**

**SPECIAL WARRANTY DEED**

**THIS INDENTURE** is made this 27<sup>th</sup> day of January, 2012, between **Tricor, Inc.**, a North Carolina corporation, whose address is 7421 Carmel Executive Park, Suite 250, Charlotte, North Carolina 28226 ("**Grantor**"), and **South Florida Barbeque of Carrollwood, Inc.**, a Florida corporation, whose address is 2920 SE Dune Drive, #340, Stuart, Florida 34996 ("**Grantee**").

**WITNESSETH**, that Grantor, for and in consideration of the amount set forth above, hereby grants, bargains, sells, conveys, remises, releases, and transfers unto Grantee, all that certain real property situate in Hillsborough County, Florida, and more particularly described as follows (the "**Property**"):

See ***Exhibit A***, attached hereto and made a part hereof.

**TOGETHER WITH** all structures and improvements located thereon and all rights, privileges, easements, tenements, hereditaments, limited common elements and appurtenances thereunto belonging or in any wise appertaining (collectively, the "**Property**").

**SUBJECT TO** those matters more particularly described on ***Exhibit B*** attached hereto (the "**Permitted Exceptions**") and by reference made a part hereof; provided, however, that this reference shall not serve to impose or reimpose, as applicable, same.

**TO HAVE AND TO HOLD** the same in fee simple forever subject to the Permitted Exceptions. And Grantor does covenant with Grantee that at the time of the delivery of this Deed, Grantor is lawfully seized of the Property in fee simple, and the Property is free from all encumbrances, liens, easements, covenants, restrictions and other matters except the Permitted Exceptions.



Page 2

**AND GRANTOR DOES HEREBY FULLY WARRANT** the title to the Property, except for the Permitted Exceptions, and will defend the title to the Property against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise.

**IN WITNESS WHEREOF**, Grantor has caused these presents to be signed the day and year above written.

Signed, sealed and delivered  
in the presence of:

Theresa B. Randall  
Print Name: Theresa B. Randall

Karen K. Singletary  
Print Name: KAREN K. Singletary

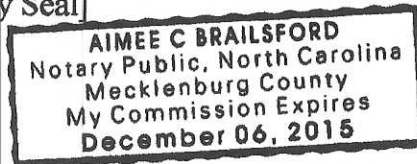
**GRANTOR:**  
**Tricor, Inc.,**  
a North Carolina corporation

By: Edmund G. Tubel  
**Edmund G. Tubel, Chief Financial Officer**

STATE OF North Carolina  
COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me this 26 day of January, 2012, by **Edmund G. Tubel**, as Chief Financial Officer of Tricor, Inc., a North Carolina corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ produced \_\_\_\_\_ as identification.

Aimee C Brailsford  
Notary Public - (Signature)  
[Notary Seal]



**Exhibits:**

**A – Legal Description**

**B – Permitted Exceptions**

20-1234

**EXHIBIT A**  
**Legal Description**

From the Northwest corner of the South 1/2 of Section 33, Township 27 South, Range 18 East, Hillsborough County, Florida; run thence South 89°39'13" East, 4314.46 feet, along the North boundary of the South 1/2 of said Section 33 to the Point of Beginning, thence continue South 89°39'13" East 304.71 feet to the West right-of-way line of Dale Mabry Highway (State Road 597); thence Southwesterly, 850.00 feet along the arc of a curve concave to the Northwest, having a radius of 5597.58 feet (chord bearing South 14°30'12" West, 849.18 feet) along the West right-of-way line of said Dale Mabry Highway; thence North 70°38'05" West, 300.01 feet; thence Northeasterly 749.86 feet along the arc of a curve concave to the Northwest, having a radius of 5297.58 feet (chord bearing North 14°46'10" East, 749.24 feet) to the Point of Beginning.

LESS AND EXCEPT the following described parcel conveyed in Deed recorded in Official Records Book 13094, Page 814 and being more particularly described as:

From the Northwest corner of the South 1/2 of Section 33, Township 27 South, Range 18 East, Hillsborough County, Florida; run thence South 89°39'13" East, 4314.46 feet, along the North boundary of the South 1/2 of said Section 33 to a point; thence continue along the same line a distance of 304.71 feet to the West right-of-way line of Dale Mabry Highway (State Road 597); thence Southwesterly, 553.79 feet along the arc of a curve concave to the Northwest, having a radius of 5597.58 feet (chord bearing South 12°59'13" West, 553.56 feet) along the West right-of-way line of said Dale Mabry Highway to the Point of Beginning; thence continue along said West right-of-way line of Dale Mabry Highway (State Road 597); thence Southwesterly 296.21 feet along the arc of a curve concave to the Northwest having a radius of 5597.58 feet (chord bearing South 17°20'14" West, 296.18 feet) along the West right-of-way line of said Dale Mabry Highway; thence North 70°38'05" West, a distance of 300.01 feet; thence Northeasterly, 296.24 feet along the arc of a curve concave to the Northwest, having a radius of 5297.58 feet (chord bearing North 17°13'25" East, a distance of 296.20 feet); thence run South 70°38'05" East, 300.61 feet to the Point of Beginning.

Together with beneficial Easements Rights created and as set forth in that certain Reciprocal Easement and Restriction Agreement recorded in Book 13094, Page 818.

**Parcel Identification Number:** U-33-27-18-ZZZ-000000-72040.0



Page 4

**EXHIBIT B**  
**Permitted Exceptions**

1. Taxes and assessments for the year 2012 and subsequent years.
2. Terms and conditions of the Agreement as set forth in instrument recorded in Book 3358, Page 1101 and as set forth in Agreement Regarding Dingus Agreement recorded in Book 6111, Page 102.
3. Notice of Assessments recorded in Book 10901, Page 1565.
4. Easement granted to Tampa Electric Company, a Florida corporation by instrument recorded in Book 11027, Page 328, as affected by Partial Release of Easement recorded in Book 13414, Page 1056.
5. Terms, conditions, restrictions, provisions, easement rights and obligations as set forth in Reciprocal Easement and Restriction Agreement recorded in Book 13094, Page 818.

Prepared by and  
when recorded return to:  
Gregory R. Haney, Esq.

**SHUMAKER**

Shumaker, Loop & Kendrick, LLP

101 East Kennedy Boulevard  
Suite 2800  
Tampa, Florida 33602  
Phone: (813) 229-7600

Total Consideration Paid:  
**\$1,457,865.00**

Documentary Stamp Taxes:  
**\$10,205.30**

**SPECIAL WARRANTY DEED**

**THIS INDENTURE** is made this 27<sup>th</sup> day of January, 2012, between **Tricor, Inc.**, a North Carolina corporation, whose address is 7421 Carmel Executive Park, Suite 250, Charlotte, North Carolina 28226 ("**Grantor**"), and **South Florida Barbeque of Carrollwood, Inc.**, a Florida corporation, whose address is 2920 SE Dune Drive, #340, Stuart, Florida 34996 ("**Grantee**").

**WITNESSETH**, that Grantor, for and in consideration of the amount set forth above, hereby grants, bargains, sells, conveys, remises, releases, and transfers unto Grantee, all that certain real property situate in Hillsborough County, Florida, and more particularly described as follows (the "**Property**"):

See ***Exhibit A***, attached hereto and made a part hereof.

**TOGETHER WITH** all structures and improvements located thereon and all rights, privileges, easements, tenements, hereditaments, limited common elements and appurtenances thereunto belonging or in any wise appertaining (collectively, the "**Property**").

**SUBJECT TO** those matters more particularly described on ***Exhibit B*** attached hereto (the "**Permitted Exceptions**") and by reference made a part hereof; provided, however, that this reference shall not serve to impose or reimpose, as applicable, same.

**TO HAVE AND TO HOLD** the same in fee simple forever subject to the Permitted Exceptions. And Grantor does covenant with Grantee that at the time of the delivery of this Deed, Grantor is lawfully seized of the Property in fee simple, and the Property is free from all encumbrances, liens, easements, covenants, restrictions and other matters except the Permitted Exceptions.

Page 2

**AND GRANTOR DOES HEREBY FULLY WARRANT** the title to the Property, except for the Permitted Exceptions, and will defend the title to the Property against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise.

**IN WITNESS WHEREOF**, Grantor has caused these presents to be signed the day and year above written.

Signed, sealed and delivered  
in the presence of:

Theresa B. Randall  
Print Name: Theresa B. Randall

Karen K. Singletary  
Print Name: KAREN K. Singletary

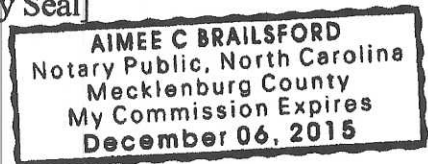
**GRANTOR:**  
**Tricor, Inc.,**  
a North Carolina corporation

By: Edmund G. Tubel  
**Edmund G. Tubel, Chief Financial Officer**

STATE OF North Carolina  
COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me this 26 day of January, 2012, by **Edmund G. Tubel**, as Chief Financial Officer of Tricor, Inc., a North Carolina corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ produced \_\_\_\_\_ as identification.

Aimee C Brailsford  
Notary Public - (Signature)  
[Notary Seal]



**Exhibits:**

**A – Legal Description**

**B – Permitted Exceptions**

20-1234



**EXHIBIT A**  
**Legal Description**

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**Parcel Identification Number:** U-33-27-18-ZZZ-000000-72040.0

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5. Terms, conditions, restrictions, provisions, easement rights and obligations as set forth in Reciprocal Easement and Restriction Agreement recorded in Book 13094, Page 818.



RECEIVED  
SEP 10, 2020  
DEVELOPMENT  
SERVICES



## SPECIAL USE (ALCOHOLIC BEVERAGE PERMIT) (WAIVER REQUIRED)

### IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application. To request an appointment please call 813-272-5600.  
All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

#### Property Information

Address: 15412 N. Dale Mabry Hwy City/State/Zip: Tampa, FL 33618 TWN-RN-SEC: 33/27/18  
Folio(s): 016355-0510 Zoning: PD Future Land Use: R-4 Property Size: 3.68 AC  
5,924 SF Bldg

#### Property Owner Information

Name: South Florida Barbeque of Carrollwood Inc Daytime Phone: 772-225-3120  
Address: 2920 SE Dune Dr Apt 340 City/State/Zip: Stuart, FL 34996  
Email: dalecoyne@aol.com FAX Number: \_\_\_\_\_

#### Applicant Information

Name: Min Feng Liu Daytime Phone: (347) 993-9365  
Address: 21610 Southwood Dr City/State/Zip: Wt FL 33549  
Email: minfengliu@gmail.com FAX Number: \_\_\_\_\_

#### Applicant's Representative (if different than above)

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City / State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant \_\_\_\_\_

Type or Print Name \_\_\_\_\_

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner \_\_\_\_\_

Type or Print Name Dale Coyne

Intake Staff Signature: Bianca Vazquez Office Use Only

Case Number: 20-1234

Public Hearing Date: 11/16/20

Intake Date: 09/10/20

Type of Application: Special Use Alcoholic Beverage

Receipt Number: 20-1234

Revised 07/02/2014

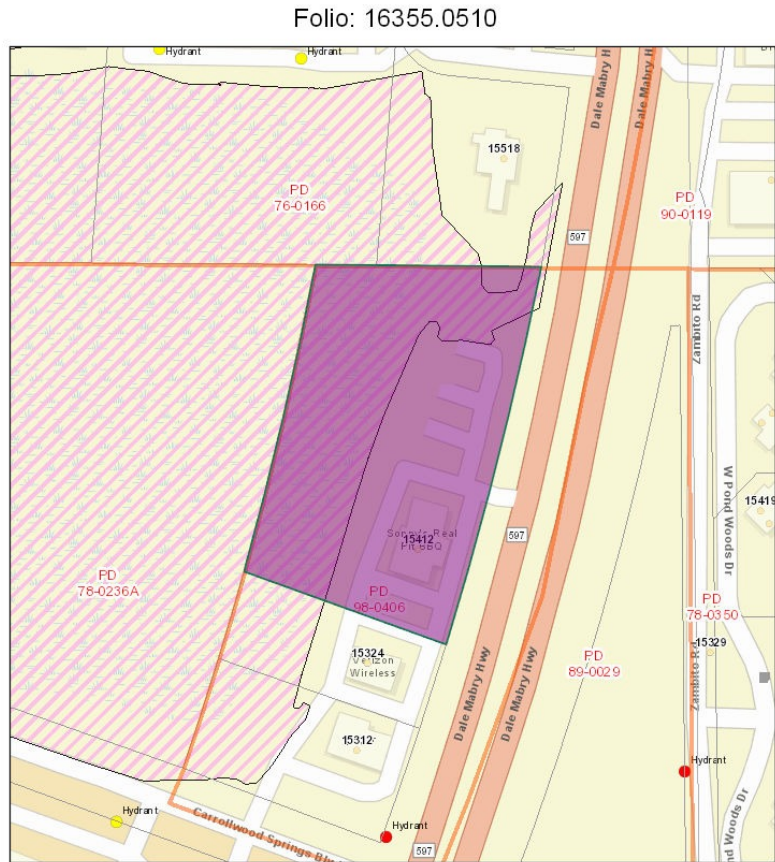
Development Services, 601 E Kennedy Blvd, 19<sup>th</sup> Floor

20-1234



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	85-0433
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0183H
FIRM Panel	12057C0183H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Census Data	Tract: 011417 Block: 1000
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	180' AMSL
Competitive Sites	NO
Redevelopment Area	NO



September 10, 2020

1:1,771  
0 0.01 0.03 0.06 mi  
0 0.02 0.04 0.09 km

PD, Hillsborough County - Public Works - Geomatics - Street & Addresses, EID

Hillsborough County Florida

**Folio: 16355.0510**  
**PIN: U-33-27-18-ZZZ-000000-72040.0**  
**SOUTH FLORIDA BARBEQUE OF CARROLLWOOD INC**  
**Mailing Address:**  
 2920 SE DUNE DR APT 340  
 STUART, FL 34996-1986  
**Site Address:**  
 15412 N DALE MABRY HWY  
 TAMPA, FL 33618  
**SEC-TWN-RNG: 33-27-18**  
**Acreage: 3.67785001**  
**Market Value: \$1,656,681.00**  
**Landuse Code: 2102 COMM./OFFICE**

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
- Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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