

Special Use-Alcoholic Beverage Permit with Waivers Application: SU-AB 24-0394
LUHO Hearing Date: April 22, 2024
Requested Classification: 2-COP-R

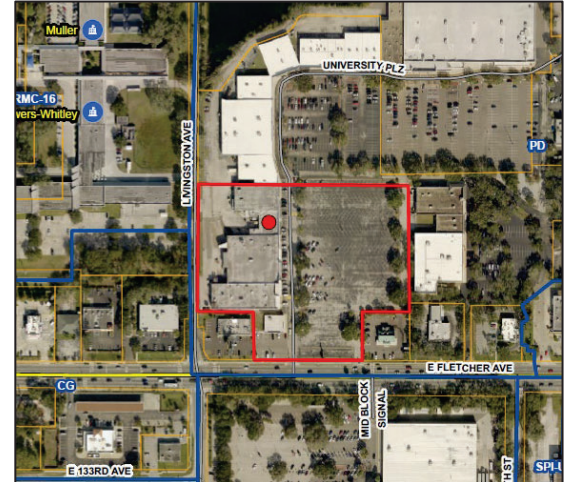


Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Jin Chen
Zoning: PD ZC 92-0172 (PRS 14-0721)
FLU Category: OC-20
Service Area: Urban
Community Plan Area: University
Overlay: None
Special District: None
Use: Restaurant
Total Wet Zone Area Requested: 1,546 square feet
Inside Area Requested: 1,546 square feet
Outside Area Requested: None
Location: 13520 University Plaza, Tampa FL 33613; Folio # 34957.0000



Introduction Summary:

The proposed wet zoning is sought for an existing restaurant, Flaming Mountain Chinese Grill and Skewers. The property is zoned in a Planned Development, most recently modified by Personal Appearance PRS 14-0721, which allows the consideration of the proposed wet zoning.

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

Distance Separation Requirements	Complies with Requirement
Distance to Certain Community Uses Shall Be 500 feet	No
Distance to Residentially Zoned Property Shall be 150 Feet	Yes

Development Services Recommendation:

Approvable

Existing Alcoholic Beverage Permit Being Rescinded:	No	Existing Alcoholic Beverage Permit Number:	N/A
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2.0 REQUESTED DISTANCE SEPARATION WAIVER DETAILS

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to certain community uses	500 feet	275 feet	225 feet

Community Uses: Muller Elementary School and Building Construction Academy at Bowers Whitley High School (On same property)

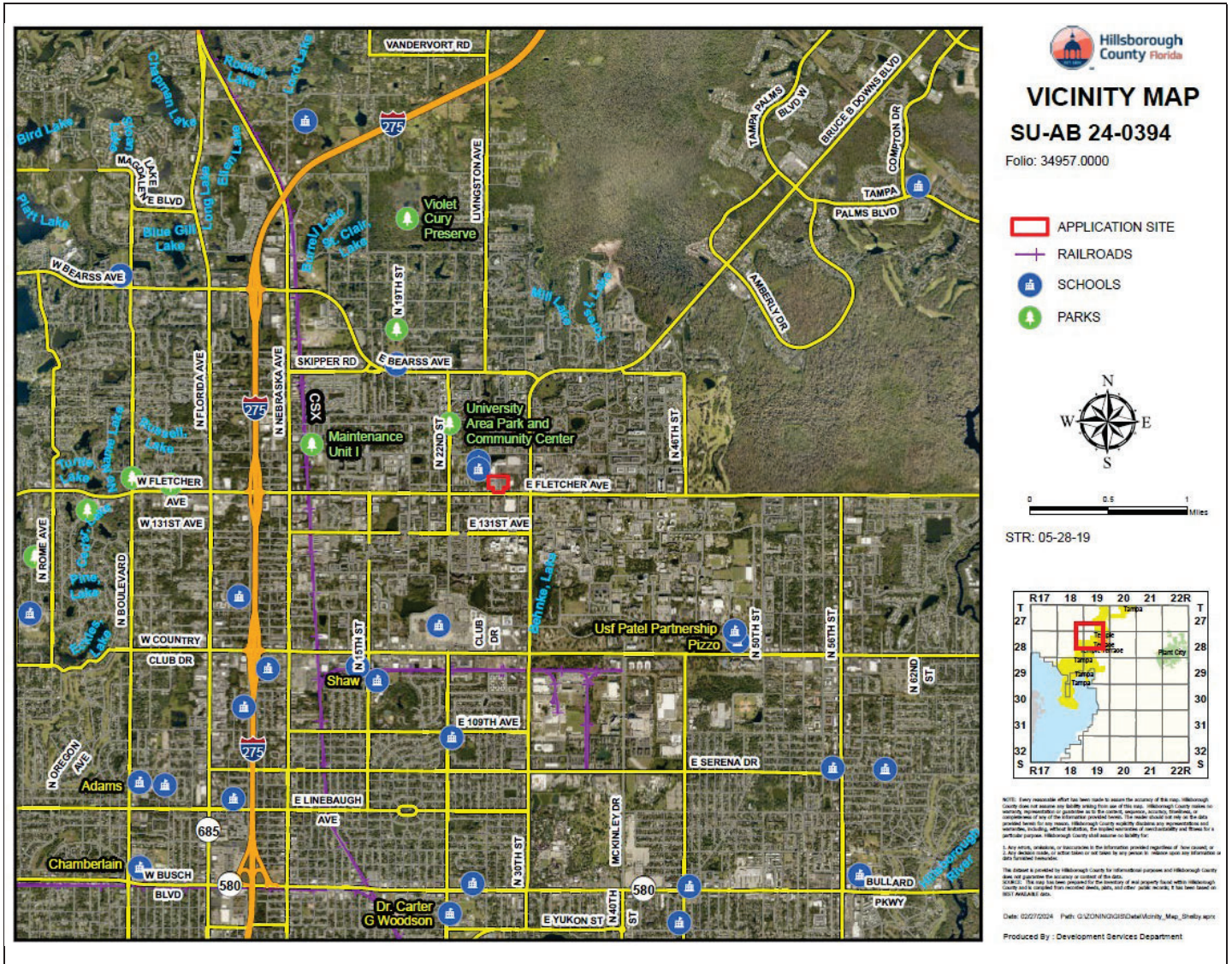
Applicant’s Justification:

The plaza center is Southeast away from the Muller Elementary Magnet School/Building Construction Academy at Bowers Whitley high school, and there is no direct route from the school to the subject restaurant requesting a wet zoning. People have to walk through Inoma Street and turn to Livingston Avenue or Fletcher Avenue to get to the restaurant from the school.

If people want to get to the school from the restaurant or get to the restaurant from the school, they have to walk through Fletcher Avenue or Livingston Avenue and Inoma Street, making the actual distance is much more than 500 feet.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.1 Vicinity Map

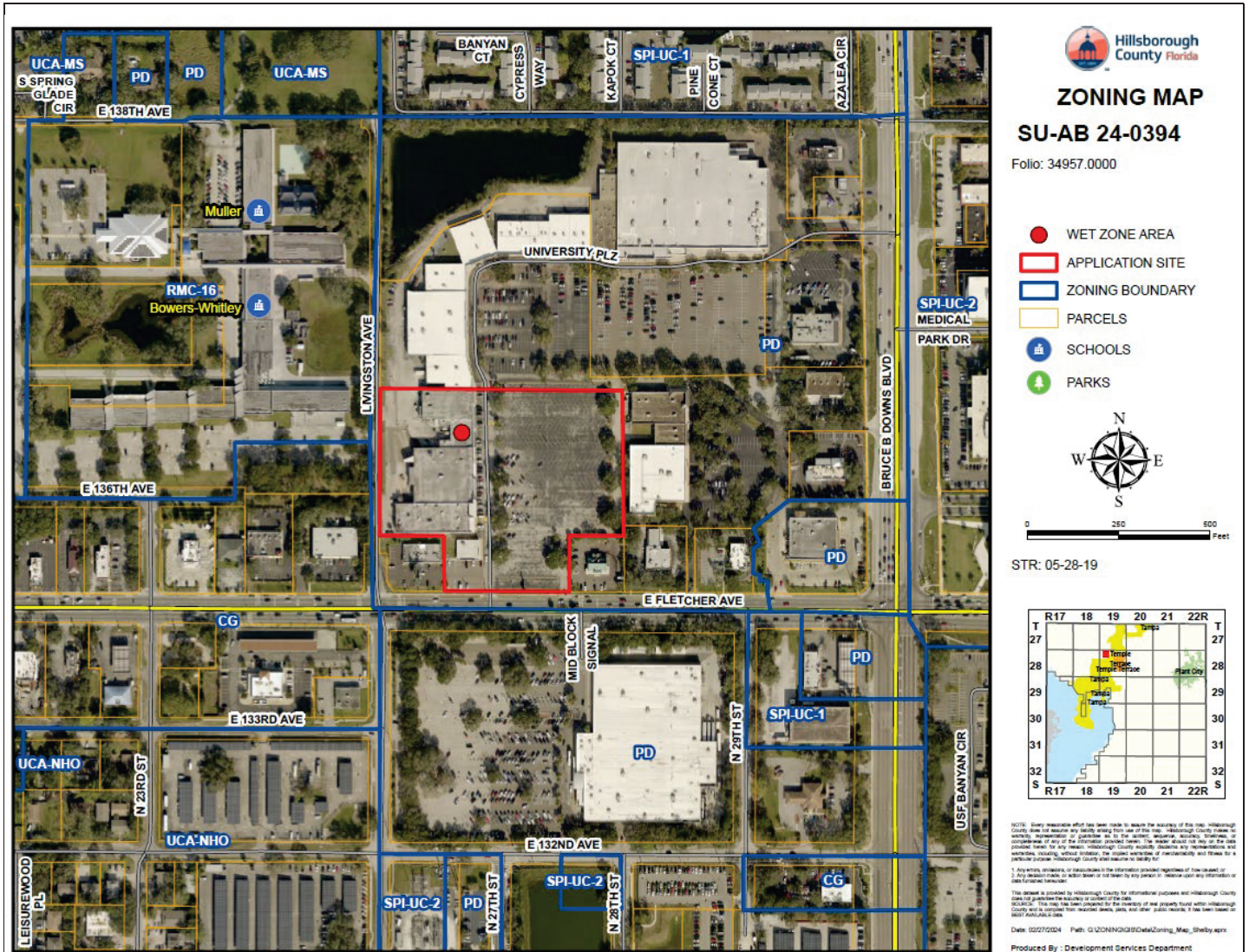


Context of Surrounding Area:

The subject property is located in the University Community Plan Area, just two blocks away from the University of South Florida campus. The surrounding area is composed of various mixed uses, including general commercial uses, hospitals, multi-family housing, schools, and other uses related to the university.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.2 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Land Use:
North	PD ZC 92-0172 (PRS 14-0721)	Various Commercial Uses
South	PD ZC 92-0172 (PRS 14-0721)	Various Commercial Uses
East	PD ZC 92-0172 (PRS 14-0721)	Various Commercial Uses
West	CG	Medical Office
	RMC-16	Public Schools

4.0 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 applicant is requesting distance waivers to permit a 2-COP-R Alcoholic Beverage license for an existing restaurant, Flaming Mountain Chinese Grill and Skewers. The proposed wet zoning is within 500 feet from certain community uses to the west, across Livingston Avenue, where an RMC-16 zoned property is occupied by two public schools, Muller Elementary Magnet School and Building Construction Academy at Bowers/Whitley High School. The property boundary is approximately 225 feet from the subject restaurant.

The driving distance is approximately one-third of a mile from the proposed wet zone area to the main entrance for Bowers/Whitley Academy off of Livingston Road. The driving distance to the main entrance for Mueller Elementary is approximately 0.70 miles, as vehicles must access its drop-off area from a different entrance off Inoma Steet. The closest school building to the proposed wet zoning is approximately 250 feet measured in a straight line.

The proposed wet zoning is located within PD 92-0172, which is developed with an existing shopping plaza with general commercial uses, including several wet-zoned establishments, personal services, and retail stores. The shopping plaza is located along E Fletcher Avenue, a major arterial roadway approximately 100 feet in width, and Bruce B Downs Boulevard, a principal arterial roadway approximately 200 feet in width. The subject restaurant is located towards the center of the shopping center, which is oriented to the east, away from the school campus. Walking access is hindered by fencing around the shopping plaza, therefore pedestrians must access the shopping mall from E Fletcher Avenue, for a walking distance of one-third of a mile from Bowers/Whitley Academy to the restaurant.

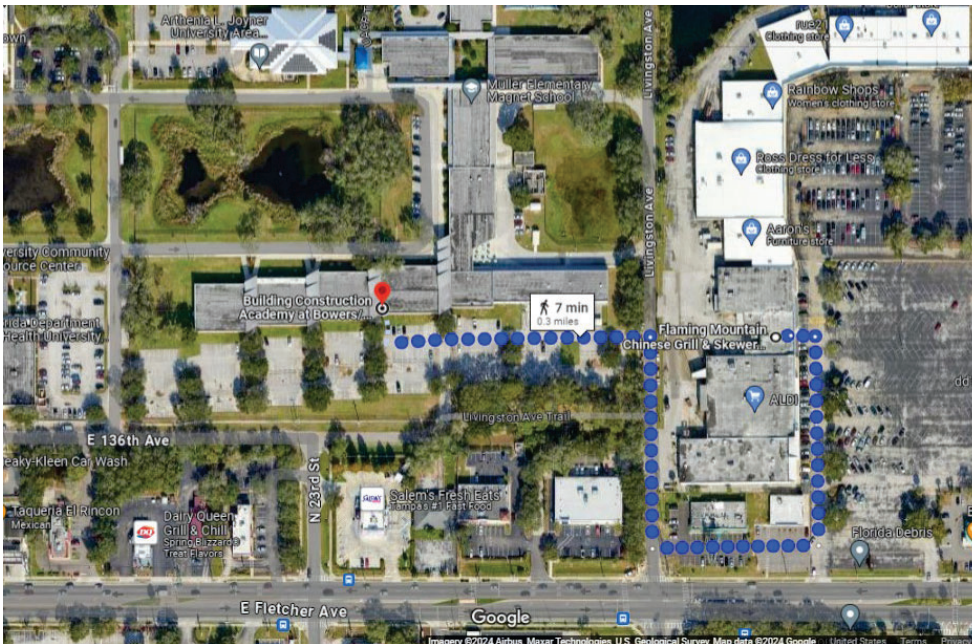


Figure 1: Google Maps walking directions from the subject restaurant to Bowers/Whitley Academy.

For the reasons discussed above, staff finds the proposed wet zoning does not pose significant impacts on surrounding land uses and the necessity for the specified distance requirements is negated.

5.0 RECOMMENDATION

Staff finds the proposed 2-COP-R Alcoholic Beverage Permit to be **APPROVABLE**. Approval is based upon the wet zone survey reflecting a total wet zone footprint of 1,546 square feet, as shown on the wet zone survey received April 10th, 2024.

Zoning Administrator Sign Off:



Colleen Marshall
Wed Apr 10 2024 17:02:53

SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this special use petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

6.0 PROPOSED WET ZONE SURVEY

**SHEET NO. 1 OF 3
SPECIFIC PURPOSE SURVEY
WET ZONE SURVEY
(NOT A BOUNDARY SURVEY)**

DESCRIPTION: A parcel of land lying in the Southwest 1/4 of Section 5, Township 28 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of said Southwest 1/4 of Section 5, run thence along the South boundary thereof, N.89°54'52"W., a distance of 1093.80 feet; thence N.00°05'08"E., a distance of 468.11 feet, to the POINT OF BEGINNING; thence S.89°34'36"W., a distance of 50.04 feet; thence N.00°25'24"W., a distance of 30.89 feet; thence N.89°34'36"E., a distance of 50.04 feet; thence S.00°25'24"E., a distance of 30.89 feet, to the POINT OF BEGINNING.

Containing 1546 square feet, more or less.

"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 the 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 the case where an Alcoholic Beverage Permit classification requires that certain types of existing alcoholic beverage uses within a 1000 straight-line distance from the proposed site be indicated as defined in the Land Development Code, a visual inspection has been made and the findings indicated on the survey."

NOTES:

1) See Sheet No. 2 for Sketch, see Sheet No. 3 for Measurements.

2-COP-R

This Survey Prepared For: *Happy China Wok*

REVISIONS					
Description	Date	Dwn.	Ck'd	P.C.	Order No.
Add school	3/29/23	JMG	MM	P.C.	*****

JACK M. GREASIE
LICENSE NUMBER: 5506

SURVEYOR'S CERTIFICATE
This certifies that a survey of the herein described property was made, under my supervision and under the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors & Mappers in October 30-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jack M. Greasie: *[Signature]*
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 5506

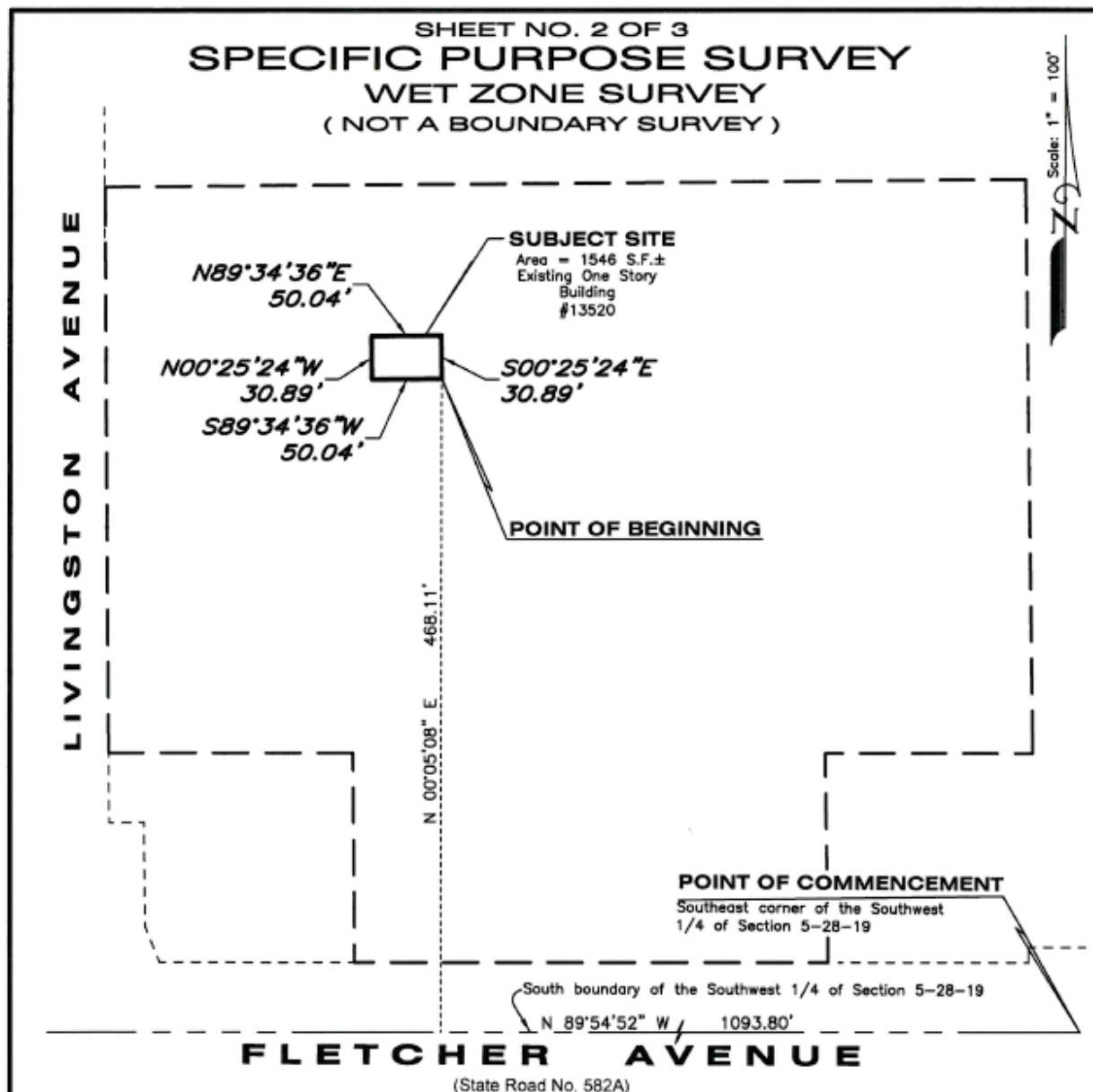
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

GeoPoint
Surveying, Inc.

1403 E. 5th Avenue Phone: (813) 248-8888
Tampa, Florida 33606 Fax: (813) 248-2266
www.geopointsurvey.com Licensed Business Number 13 776

Drawn: JMG | Checked: SEC | P.C.: JMG | Date: N/A
Date: 11/18/22 | Dwg: 13520 AB | Order No.:
Section 5, Township 28 South, Range 19 East

6.0 PROPOSED WET ZONE SURVEY (Page 2)



NOTES:

1) See Sheet No. 1 for Legal Description and certificate, see Sheet No. 3 for Measurements.

2-COP-R

This Survey Prepared For: *Happy China Wok*

REVISIONS				
Description	Date	Dwn.	Ck'd	P.C. Order No.
Add school	3/29/23	JMG	nn	P.C. nnnnn

SURVEYOR'S CERTIFICATE

This certifies that a survey of the herein described property was made under my supervision and made by the Licensed Technical Surveyors set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 63-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

STATE OF
FLORIDA

Jack M. Greene
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6506

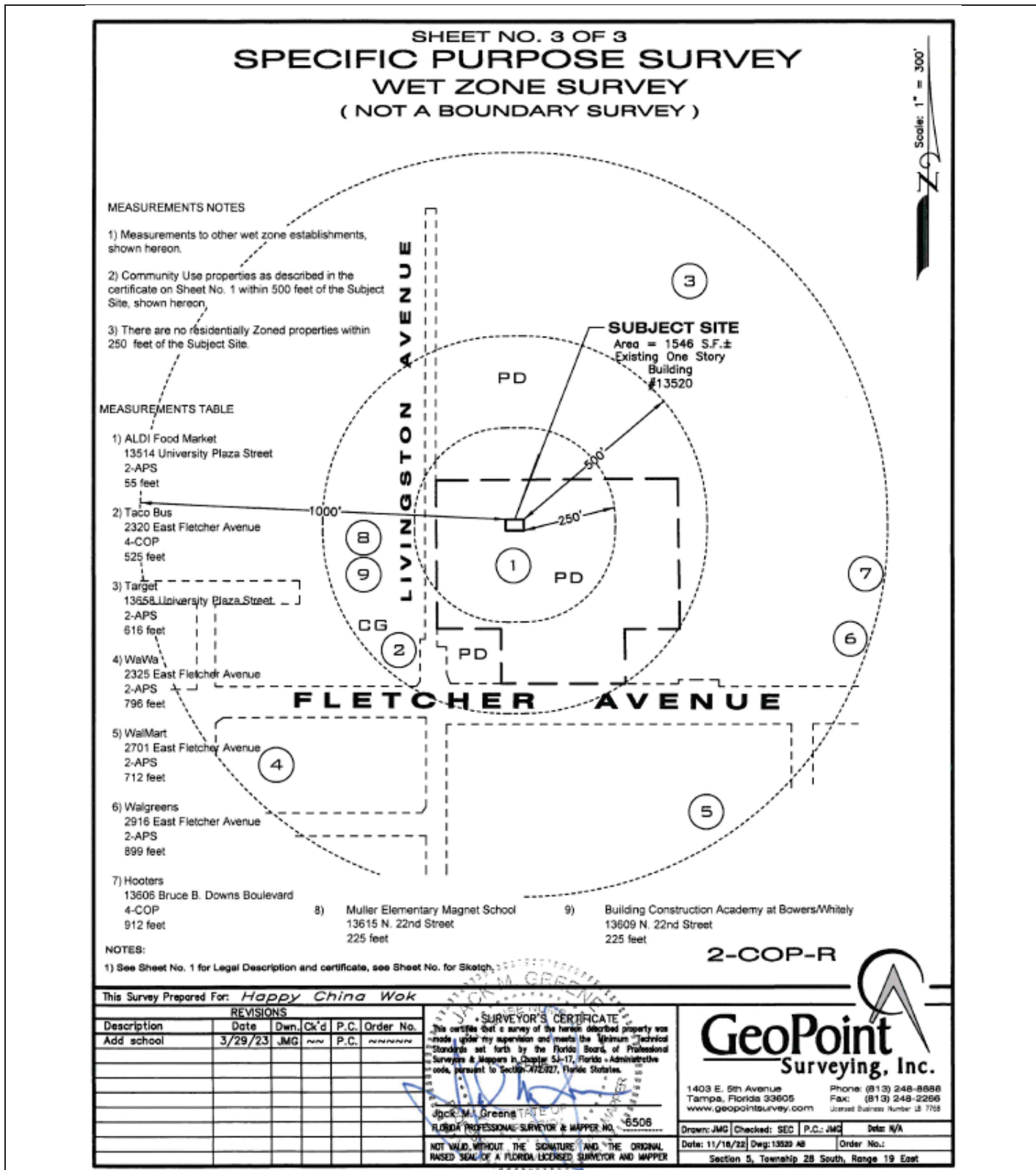
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 www.geopointsurvey.com Licensed Business Number LB 7188

Drawn: JMG Checked: SEC P.C.: JMG Date: N/A
 Date: 11/18/22 Dwg: 12820 AB Order No.:
 Section 5, Township 28 South, Range 19 East

6.0 PROPOSED WET ZONE SURVEY (Page 3)



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WRITTEN STATEMENT FOR 13520 UNIVERSITY PLAZA, TAMPA, FL 33613

THE PERMITTED STRUCTURE WITH 2-COP-R ALCOHOLIC LICENSE APPLICATION NEEDS TO SUBMIT THE SPECIAL USE APPLICATION, BECAUSE THE DISTANCE FROM THE PERMITTED STRUCTURE TO CERTAIN COMMUNITY USE – MULLER ELEMENTARY MAGNET SCHOOL IS LESS THAN 500 FEET.

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THIS INDENTURE, Made this 15th day of August, A.D. 1968,
by and between LOMAX C. CHANCELLOR, and wife, ELLA M. CHANCELLOR

of the County of Hillsborough, in the State of Florida
parties of the first part, and CITY MARKETS BUILDING, INC.

whose post office address is: Post Office Box 1808, Tampa,
of the County of Hillsborough, in the State of Florida
party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of -----TEN AND NO/100----- Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed to the said party of the second part, its successors ~~heirs~~ and assigns forever, all of the following described land in Hillsborough County, Florida, to-wit:

The Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 5, Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said party of the second part, its / ~~heirs~~ and assigns, in fee simple forever.

And the said parties of the first part do hereby covenant with the said party of the second part that said described property is free from all liens and encumbrances EXCEPT: Taxes for the year 1968 and subsequent years.

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Co.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Co.

Tampa,
Florida

IN WITNESS WHEREOF, the said parties of the first part have executed this deed under seal on the date aforesaid.

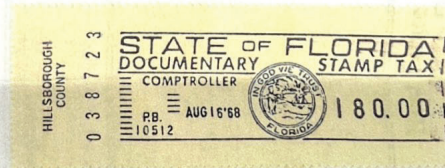
Tampa,
Florida

Signed, sealed and delivered in the presence of:

[Handwritten signatures of witnesses]

Lomax C. Chancellor (SEAL)
Lomax C. Chancellor
Ella M. Chancellor (SEAL)
Ella M. Chancellor

This instrument was prepared by REAL ESTATE TITLE COMPANY 609 Jackson Street, Tampa, Fla. as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.



STATE OF FLORIDA }
COUNTY OF HILLSBOROUGH }

OFF. REC. 1931 PG 422

I HEREBY CERTIFY, That on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

LOMAX C. CHANCELLOR and wife, ELLA M. CHANCELLOR

to me known to be the person s described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same as their free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August, A.D. 1968 .

[Signature]
Notary Public
My Commission Expires *[Signature]*
[Notary Seal: Notary Public, Hillsborough County, Florida]

54,807/fb

Warranty Deed

TO

DATE:

Description:

Real Estate Title Co.
TAMPA, FLORIDA
Ph. 229-6491

Aug 18 4 29 PM '68
CLERK, CIRCUIT COURT
HILLSBOROUGH COUNTY, FLA

RECEIVED

A 3 4 1 0 8



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 24-0394 Intake Date: 02/02/2024
 Hearing(s) and type: Date: 04/22/2024 Type: L UHO Receipt Number: 339487
 Date: _____ Type: _____ Intake Staff Signature: Alejandra Prado

Property Information

Address: 13520 UNIVERSITY PLAZA City/State/Zip: TAMPA, FL 33613
 TWN-RN-SEC: 28S-19E-05 Folio(s): ~~A0349570000~~
34957 0000 Zoning: PD Future Land Use: OC-20 Property Size: 7.295 Acres

Property Owner Information

Name: B&B CASH GROCERY STORES INC Daytime Phone 813-621-6411
 Address: 927 S US HWY 301 City/State/Zip: TAMPA, FL 33619
 Email: LTOLEDO@BBCHI.COM (AGENT FOR OWNER) Fax Number 813-626-3864

Applicant Information

Name: HONGFENG LI Daytime Phone 813-999-8530
 Address: 13520 UNIVERSITY PLAZA City/State/Zip: TAMPA, FL 33613
 Email: JINCHENCPAPA@GMAIL.COM Fax Number 813-280-2922

Applicant's Representative (if different than above)

Name: JIN CHEN Daytime Phone 813-999-8530
 Address: 9270 BAY PLAZA BLVD STE 604 City/State/Zip: TAMPA, FL 33619
 Email: JINCHENCPAPA@GMAIL.COM Fax Number 813-280-2922

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.

Signature of the Applicant

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.

J. Andrew Bever
Signature of the Owner(s) – (All parties on the deed must sign)

J. ANDREW BEVER, JR., PRESIDENT
Type or print name

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