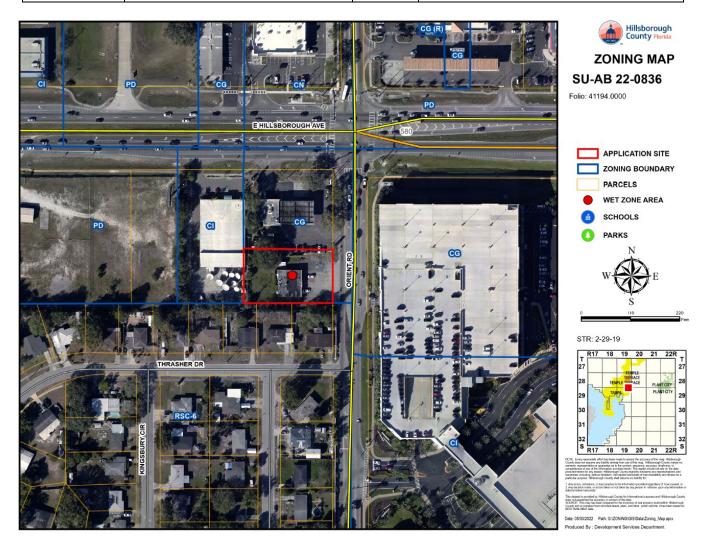


**Land Use Application Summary Report** 

Application Number:	SU-AB 22-0836	A	Adjacent Zoning and Land Uses:
Request:	quest: 4-COP-RX AB Permit with	North:	CG and OC-20
	Distance Separation Waiver	South:	RSC-6 and R-6
Comp Plan Designation:	OC-20	East:	CG and CMU-12
Service Area:	Urban	West:	CI and OC-20



#### **Request Summary**

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 4-COP-RX Alcoholic Beverage Development Permit (AB) to allow for the sale and consumption of beer, wine, and liquor on the permitted premises only 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. Additionally, the restaurant must have a patron seating capacity of at least 100 seats and a gross floor capacity (gross floor area plus covered patio area) of at least 2,500 square feet.

The wet zoning is sought by an existing café and bakery at 5310 N Orient Road. The proposed wet zoned area will be 2,969 square feet in size, comprised of 2,404 square feet of indoor area and 565 square feet of covered outdoor area as shown on the revised wet zone survey stamped received November 22, 2022. Additionally, the applicant has advised staff that the restaurant will have a patron seating capacity of at least 100 seats.

The property is zoned CG (Commercial General) which permits the proposed use and consideration of the requested AB permit.

### **Distance Separation Requirements for a 4-COP-RX 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 150 feet. According to
  the survey submitted by the applicant, the request <u>does not</u> comply with this requirement. The proposed
  wet zoning is 32 feet from residentially zoned property to the south that is developed with single-family
  homes.
- 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 Waiver**

The applicant requests a 118-foot waiver to the required 150-foot separation from the residentially zoned property to allow a separation of 32 feet. The applicant's justification for the waiver includes the following:

- The property will have noise control. By having noise control we will enforce no music on the outside patio.
- Outside will close at 9pm throughout the week [Sunday through Thursday] and on the weekends [Fridays and Saturdays] at 10pm.
- Restricted hours for the weekdays 12pm and weekends last call will be 2am.
- Outside patio will have extension screening.
- Adding fencing 6 by 8 with extension screening and landscaping five bamboo trees. That will make a barrier and noise reducer as well.
- This building was built before I came to existence with it. I did not cause this to happen.
- This building was an old pizza shop, that I am currently using to make a nice restaurant.
- Also the housing on the side of me is vacant.
- I will serve the neighborhood and bring them unique food. This will bring more variety to the community as well.
- This is also an area where people can come and relax after work or even after losing at the casino.

**APPLICATION: SU-AB 22-0836** 

### **Staff Findings:**

• LDC Section 6.11.11.E.3 provides for approval of separation waivers where there are "special or unique circumstances where the alcoholic beverage use applied for does not have significant impacts on surrounding land uses and certain circumstances negate the necessity for the specified distance requirements."

- The nearest single-family zoned property, zoned RSC-6, is located 32 feet south of the proposed wet zoning footprint. The RSC-6 property is developed with a row of single-family homes which face south, away from the subject property. Additionally, the rear of the homes are separated from the restaurant property by a six-foot-high wood fence.
- The pedestrian and vehicular route of travel from the entrance of the restaurant to the driveway of the nearest single-family home is approximately 252 feet in length.
- The Land Development Code permits the sale and consumption of alcoholic beverages on Monday through Saturday from 7:00 a.m. to 3:00 a.m. the next day, and on Sunday from 11:00 a.m. to 3:00 a.m. the next day. The applicant has advised staff that he will cease the sale and/or consumption of alcoholic beverages in the outdoor seating area no later than 9:00 p.m. on Sunday through Thursday, and 10:00 p.m. on Friday and Saturday. Additionally, he will cease the sale and/or consumption of alcoholic beverages in the indoor area at midnight Sunday through Thursday, and at 2:00 a.m. on Friday and Saturday.
- The subject property is occupied by an existing restaurant and the proposed wet zoning is limited to restaurant use. Therefore, the sale and consumption of alcoholic beverages poses a nominal increase in the intensity of the host use. Additionally, as reflected in the recommended conditions of approval, the sale and consumption of alcoholic beverages will be subject to more restrictive hours at night than what's allowed by the Land Development Code, and no music will be allowed on the outdoor patio.
- For the reasons discussed above, staff finds the proposed wet zoning does not pose significant impacts on the surrounding land uses, thereby negating the necessity for the prescribed separation requirements.

#### **Recommendation:**

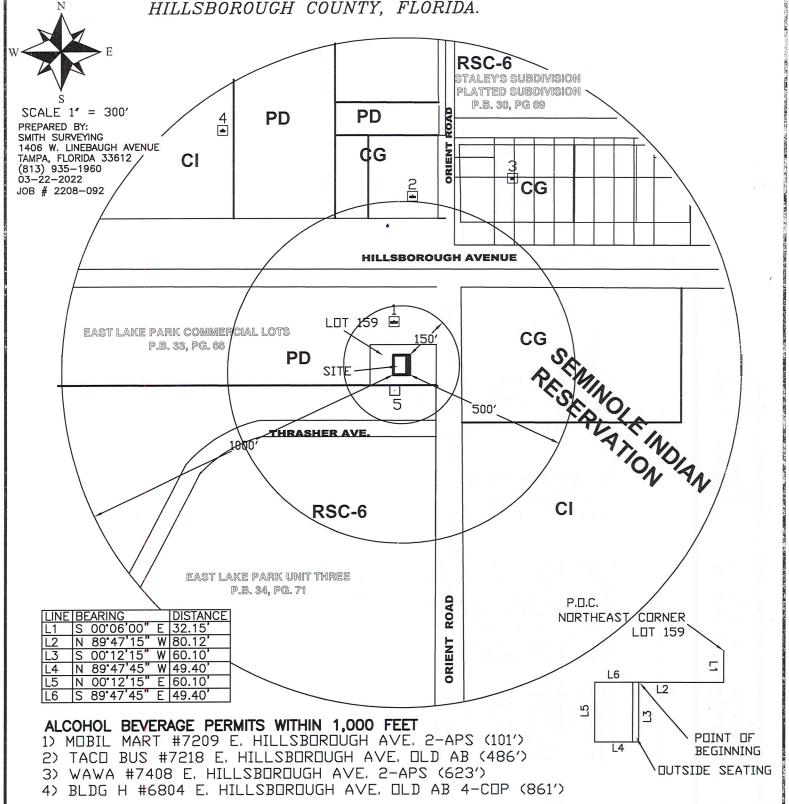
Staff finds the proposed 4-COP-RX Alcoholic Beverage Permit to be **APPROVABLE**, **subject to the recommended conditions below.** Approval is based upon the revised wet zone survey reflecting a total wet zone footprint of 2,969 square feet (+/-), as shown on the wet zone survey received November 22, 2022.

- 1. The sale and/or consumption of alcoholic beverages on the outdoor patio shall cease at 9:00 p.m. Sunday through Thursday, and at 10:00 p.m. Friday and Saturday.
- 2. The sale and/or consumption of alcoholic beverages in the indoor area shall cease at 12:00 midnight Sunday through Thursday, and at 2:00 a.m. Friday and Saturday.
- 3. A solid 6-foot-high fence shall be installed and maintained along the south edge of the outdoor patio.
- 4. No music shall be allowed on the outdoor patio.

Staff's Recommendation	Approvable, Subject to Conditions
Zoning Administrator's Sign-Off	- Jam Ayins
g amai c a ga c a c	t Fri Dec 9 2022 10:01:27

# SPECIAL PURPOSE SURVEY WET ZONE 4-COP-RX 4 US CAFE & BAKERY #5310 N. ORIENT RD.

SECTION 02, TOWNSHIP 29 SOUTH RANGE 19 EAST,



# RESIDENTIALLY ZONED PROPERTIES WITHIN 150 FEET

5) #7010 THRASHER DR. 32.00'

## COMMUNITY USES WITHIN 500 FEET

NO COMMUNITY USES WITHIN 500 FEET

INSIDE SEATING 2404 SQUARE FEET DUTSIDE SEATING 565 SQUARE FEET DVERALL SEATING 2969 SQUARE FEET

LEGAL DESCRIPTION:
THAT PART OF LOT 159, BLOCK B, EAST LAKE COMMERCIAL LOTS, AS PER MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGE 66, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF LOT 159; RUN THENCE S.00°06′00″E., A DISTANCE OF 32.15 FEET; THENCE N.89°47′45″W., A DISTANCE OF 80.12 FEET TO THE POINT OF BEGINNING; THENCE S.00°12′15″W., A DISTANCE OF 60.10 FEET; THENCE N.89°47′15″W., A DISTANCE OF 49.40′ FEET; THENCE N.00°12′15″E., A DISTANCE OF 60.10 FEET; THENCE S.89°47′15″E., A DISTANCE OF 49.40 FEET TO THE POINT OF BEGINNING, CONTAINING 2969 SQUARE FEET

SURVEYOR'S CERITIFICATION: 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 WITIN 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

of Miluredo

10/21/22 Date

Job Number: 2208-092

# Legend

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Petition Prefixes
RZ Rezoning
MM Molecular
                                                                                                                     Rezoning
Major Modification
Personal Appearance
                       PRS
                                                                                                                     Special Use
Variance
                         SU
VAR
                                                                                                  hensive Plan Categories
Agricultural/Mining (1 unit per 20 acres)
Agriculture (1 unit per 10 acres)
Agriculture (1 unit per 10 acres)
Agriculture/Rural (1 unit per 5 acres)
Agriculture Estate (1 unit per 25 acres)
Residential Planned-1 (1 unit per acre)
Residential Planned-2 (2 units per acre)
Residential Planned-2 (2 acres per unit)
Neighborhood Mixed Use-4
Residential-4 (4 units per acre)
Residential-6 (6 units per acre)
Suburban Mixed Use-6
Residential-9 (9 units per acre)
Residential-12 (12 units per acre)
Community Mixed Use-12
Residential-20 (20 units per acre)
Office Commercial
                       Comp
AM
                   ARAE Res-1 RP-1 Res-2 NMU Res-4 Res-6 SMU Res-9 Res-12 CMU
                   Res-20
IIC
UMU
                                                                                                               Residential-20 (20 units per acre)

Office Commercial

Urban Mixed Use-20

Regional Mixed Use-35

Research/Corporate Park

Light Industrial Planned

Light Industrial

Heavy Industrial

Electrical Power Generation Facitly

Public/Quasi-Public

Environmentally Sensitive Areas

Natural Preservation

Scenic Corridor
                     RMU
RCP
                 RCP
LI-P
LI
HI
EPGF
P
E
N
S
                     Service
                                                                                                                 Urban Service Area
Urban Expansion Area
Rural Service Area
                     USA
UEA Urban Service Area

Zoning Districts

AM Agriculture (1 unit per 10 acres)

AR Agriculture Rural (1 unit per 20 acres)

AR Agriculture Rural (1 unit per 3 acres)

AR Agriculture Rural (1 unit per 3 acres)

Agricultural, Single-family Estate (1 unit per 2.5 acres)

Agricultural, Single-family Conventional (1 unit per acre)

Agricultural, Single-family Conventional (2 units per acre)

Agricultural Industrial

Residential, Single-family Conventional (3 units per acre)

RSC-3

Residential, Single-family Conventional (4 units per acre)

RSC-6

Residential, Single-family Conventional (6 units per acre)

Residential, Single-family Conventional (6 units per acre)

Residential, Single-family Conventional (6 units per acre)

Residential, Duplex Conventional (6 units per acre)

Residential, Duplex Conventional (6 units per acre)

Residential, Multi-family Conventional (6 units per acre)

Residential, Multi-family Conventional (6 units per acre)

RRC-10

RRC-10

Residential, Multi-family Conventional (10 units per acre)

RRC-11

Residential, Multi-family Conventional (10 units per acre)

Residential, Multi-family Conventional (10 units 
                   UEA
RSA
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PC :Point of Curvature
PT :Point of Tangency
PRC :Point of Reverse Curvature
PCC :Point of Reverse Curvature
PC :Point of Intersection
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Surveyor's Notes:

Definitions for Special Uses (alcoholic beverages):

1-APS

Beer to be sold in sealed containers only for consumption off the licensed premises (package sales). Not withstanding 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).

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).

Beer and wine for sale and consumption on and off the licensed premises.

2-CIP-X Beer and wine for sale and consumption on the licensed premises (package sales) in connection with a restaurant. The combined gross sales of the restaurant shall be verififed by a bi-annual report to be at least fifty
one (51) percent from to the sale of food and non-alcoholic beverages,

2-CIP-XX

Beer and wine for sale and consumption on the licensed premises only in connection with a restaurant, see (6) above.

Beer, wine and liquor for sale and consumption on and off the licensed premises (package sales).

UCA-MBU UNIVERSITY COMMUNITY AREA - MAIN STREET UNIVERSITY COMMUNITY AREA - MAIN STREET UNIVERSITY COMMUNITY AREA - NEIGHBORHOOD OFFICE DISTRICT

VOBRE ALTIDOR
4 US CAFÉ AND BAKERY LLC
5310 N ORIENT RD
TAMPA, FL
At 4 US CAFÉ AND BAKERY, our customer for the past year has been asking if I can serve some type of alcohol beverage in the restaurant because we are located right next to the Hard Rock Casino. And I would like to continue to serve our customer and not go out of business. Consequently, I have decided to go through the process to get the license.
Vobre Altidor
Managing Partner

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Dover Fl 33527	nting Co	
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13555 GLED HARWEIT KI	Seminole 1	
13555 GIEN HARWEIT MY Dover, F1. 33527		
Dover, Fl. 53327	·	
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first party, to BAN-band 5. Scu		LARRIS, WROS
whose postoffice address is 13555	11-15 Naewou d	W Dayler H 33527
whose postoffice address is 13555	1 EN HACWEN R	C. Sover 11,000
second party:  (Wherever used herein the terms "first pa	arty" and "second party" shall include sing	ılar and plural, heirs, legal
representatives, and assigns of individuals, so admits or requires.)	and the successors and assigns of corporat	ions, wherever the context
thitnesseth, That the said first part in hard paid by the said second party, the	ty, for and in consideration of t	he sum of \$ 10 .
lease and quit-claim unto the said second po	arty forever, all the right, title, i	nterest, claim and demand which
the said first party has in and to the following in the County of Hills borougn	ing described lot, piece or parcel  State of Hoco	
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PN# U-02-0	29-19-1 MM-Ba	0000-00/59.0
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<i>*</i>		
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soever of the said first party, either in law o second party forever.	or equity, to the only proper use	e, benefit and behoof of the said
In Witness Whereof, The said fin	rst party has signed and sealed	these presents the day and year
first above written. Signed, sealed and delivered in presence of:	:	
	Lie fi	Horris L.S.
Le Cost &	Eliept	MRRIS
Kuhfuf Kobert S. MAKH		L.S.
STATE OF FLORIDA.	). }	
COUNTY OF HILLSHOVERS	) I HEREBY CERT	TIFY that on this day, before me, an
officer duly authorized in the State aforesaid and	in the County aforesaid to take a	cknowledgments, personally appeared
to me known to be the person described in and	who executed the foregoing instru	ment and MAS acknowledged
to me known to be the person described in and the person described in and the same.  EXPIRES: August 16, 2011  Bonded Thu Notary Public Onderwhere 2011		2 rd To 6
	the County and State last aforesa	id this ()— (4) day of

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Developne Peceived

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

# IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

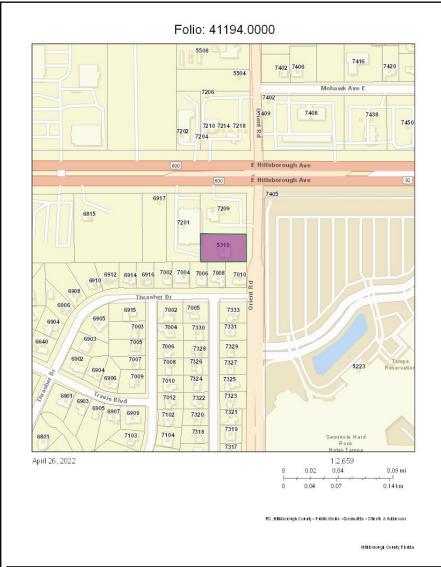
You must schedule an appointment to submit this application. To request an appointment please call 813-272-5600. All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

Property Information		
Address: 5310 N. Orient RoadCity/State/Zip: Tampa, FL 33610TWN-RN-SEC:		
Folio(s): 041194-0000 Zoning:Future Land Use: Property Size:		
Property Owner Information		
Name: Eixie Harris and Barbara Scudder Daytime Phone: 813-390-3078		
Address: P. O. Box 880 City/State/Zip: Plant City, FL		
Email: bscudder1@gmail.com or 320tpd@gmail.com FAX Number: none		
Name:		
Address: 5310 N ORIENT 121) City/State/Zip: TANPA, FL 33610		
Email: <u>la/fidor3Agmail.</u> Lon 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.  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.		
Cohe altolo & Barbara Scudde		
Signature of Applicant  When Alfredor  Type or Print Name  Signature of Property Owner  Exie Harris and Barbara Scudder  Type or Print Name		
Intake Staff Signature: Ana Lizardo Office Use Only Intake Date: 04/26/22		
Case Number: 22-0836 Public Hearing Date: 06/21/22 Receipt Number: 153380		
Type of Application: SU-AB		
Development Services, 601 E Kennedy Blvd, 19 <sup>th</sup> Floor  Revised 07/02/2014		



# 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	0380J		
FIRM Panel	12057C0380J		
Suffix	J		
Effective Date	Fri Sep 27 2013		
Pre 2008 Flood Zone	Х		
Pre 2008 Firm Panel	1201120376C		
County Wide Planning Area	East Lake Orient Park		
Community Base Planning Area	East Lake Orient Park		
Census Data	Tract: 012001 Block: 2009		
Future Landuse	OC-20		
Urban Service Area	TSA		
Waste Water Interlocal	City of Tampa Waste Water		
Water Interlocal	City of Tampa Water		
Mobility Assessment District	Urban		
Mobility Benefit District	2		
Fire Impact Fee	Northeast		
Parks/Schools Impact Fee	NORTHEAST		
ROW/Transportation Impact Fee	ZONE 4		
Wind Borne Debris Area	Outside 140 MPH Area		
Aviation Authority Height Restrictions	90' AMSL		
Competitive Sites	NO		
Redevelopment Area	NO		



Folio: 41194.0000
PIN: U-02-29-19-1MM-B00000-00159.0
EXIE P HARRIS AND BARBARA S SCUDDER
Mailing Address:
13555 GLEN HARWELL RD
DOVER, FL 33527-3821
Site Address:
5310 N ORIENT RD

TAMPA, FI 33610 SEC-TWN-RNG: 02-29-19 Acreage: 0.55257797

Market Value: \$202,464.00 Landuse Code: 2103 COMM./OFFICE

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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.

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

22-0836