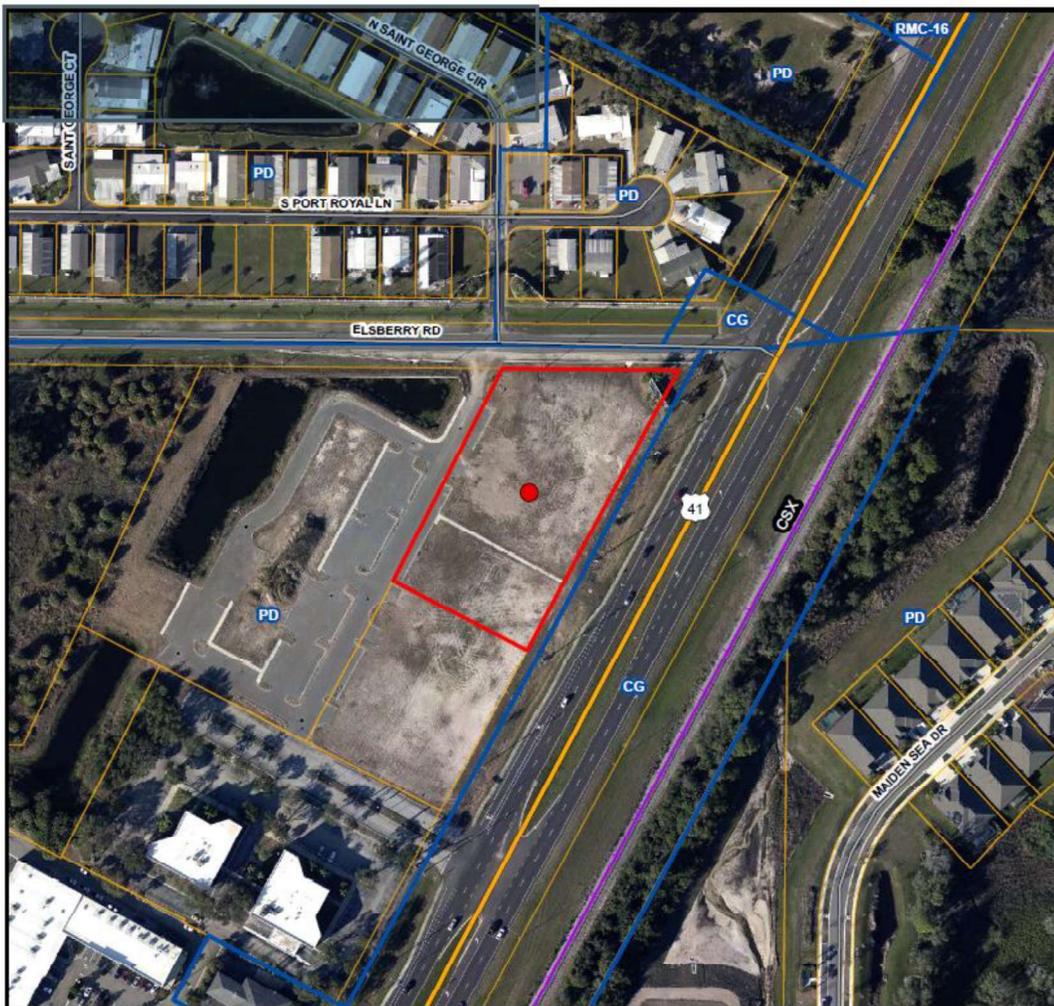




# Hillsborough County Florida

## Land Use Application Summary Report

Application Number:	SU-AB 22-1721	Adjacent Zoning and Land Uses:	
Request:	Distance Separation Waiver for a 4-COP Permit	North:	Elsberry ROW & PD 85-0310
		South:	PD 77-0123
Comp Plan Designation:	OC-20 (Office Commercial – 20)	East:	N. US Hwy. 41 ROW & PD 14-0815
Service Area:	Urban Service Area	West:	PD 77-0123



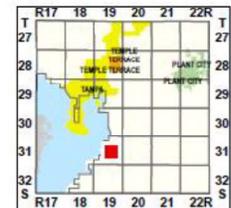
### ZONING MAP SU-AB 22-1721 Folio: 51583.0510

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



0 100 200 Feet

STR: 22-31-19



NOTES: This map was prepared by Hillsborough County to assist in the review of the application. It is not intended to be used as a legal document. The user should consult the official zoning map and other applicable laws and regulations. Hillsborough County is not responsible for any errors or omissions on this map. The user should consult the official zoning map and other applicable laws and regulations. Hillsborough County is not responsible for any errors or omissions on this map. The user should consult the official zoning map and other applicable laws and regulations. Hillsborough County is not responsible for any errors or omissions on this map. The user should consult the official zoning map and other applicable laws and regulations.

Date: 01/04/2023 Path: G:\ZONING\GIS\Dev\Zoning\_Map.sxd  
Produced By: Development Services Department

**Request Details and Background:**

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 4-COP Alcoholic Beverage Permit to allow the sale of beer, wine, and liquor for consumption on and off the permitted premises (package sales). The wet zoned area will comprise a footprint of 4,000 square feet of indoor area, and 435 square feet of outdoor area for a total wet zone area comprising 4,435-square-feet, as shown on the revised wet zone survey received on February 15, 2023.

The property consists of one parcel that is currently vacant. The property is zoned PD (Planned Development) 77-0123, as most recently modified by PRS (Personal Appearance) 22-0429, which permits the proposed use and consideration of the requested AB permit. The property is located in Area 62B of PD 77-0123, which is designated for commercial, and office uses.

**Distance Separation Requirements for a 4-COP AB Permit:**

Per LDC Section 6.11.11.D.5, the following distance separation requirements apply to the proposed wet zoning:

1. The distance from the proposed structure to certain community uses shall be 500 feet.
  - According to the survey submitted by the applicant, the request **complies** with this requirement.
2. 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.
3. 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 and 11-C (Social Club) wet zonings within 1,000 feet of the proposed wet zoning.
  - According to the survey submitted by the applicant, the request **does comply** with this requirement. There are currently not more than three (3) approved wet zonings of the specific types within 1,000 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 pose significant impacts on the surrounding uses, and whether certain circumstance exist such that the necessity for the separation requirement(s) is negated.

**Required Separation from Residentially Zoned Property**

The applicant requests a waiver with the following justification:

- The establishment is a restaurant, not a bar and further states that most of the revenue generated will be from serving meals.
- Alcohol will only be served within the building and within the enclosed, fenced-in patio.
- The fence around the patio will visually block patrons from view toward the nearby residentially zoned neighborhood.
- The establishment will never be open in the evenings and will serve alcohol only during its operating hours, 7:00am to 2:30pm Monday through Sunday, and will restrict alcohol service to begin at 11:00am on Sundays to abide by County code.

**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 whether certain circumstances negate the necessity for the specified distance requirements.”



Figure 1: Residential to the North (Google Maps, 2-14-2023)

- The proposed wet zoning is separated from the residentially zoned Planned Development by Elsberry Road. The residential development is enclosed with an opaque fence ranging in height from approximately 4 feet to 6 feet (Figure 1).



Figure 2: Residential Distance to Proposed AB

- The proposed wet zoning is separated from the residential development by a 2-lane roadway with a crosswalk to the east creating a greater distance from the proposed alcoholic beverage permit resulting in a pedestrian distance of approximately 700 feet from the front yard of the residential development to the restaurant.
- The normal route of travel from the entrance of the proposed restaurant to the residential development to the north is approximately 350 feet via vehicular travel to the driveways located in the front of the homes.

- The applicant has proposed conditions to end alcohol sales at 2:30 p.m. each day, consistent with the closing time of the restaurant, whereas the Land Development Code allows alcohol sales and service until 3:00 a.m. daily.

- The proposed 4-COP wet zoning is requested by a restaurant. However, the 4-COP category is not limited to restaurant use. Nevertheless, for the reasons discussed above, including the 2:30 p.m. termination of alcohol sales and consumption every day, staff finds the proposed wet zoning does not pose significant impacts on surrounding land uses and the necessity for the specified distance separation requirements is negated by the circumstances identified above.

**2.0 Recommendation:**

For the reasons discussed above, staff finds the request to be **APPROVABLE, subject to the recommended condition below**. Approval is based upon the wet-zone survey indicating a total of 4,000-square-feet of indoor area and 435-square-feet outdoor area for a total area of 4,435-square feet, as shown on the revised wet zone survey received on February 15, 2023.

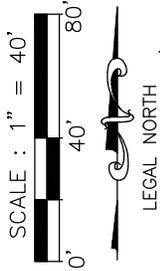
**2.1 Recommended Conditions:**

1. The sale and/or on-premises consumption of alcoholic beverages shall be limited to the hours of 7:00 a.m. to 2:30 p.m. Monday through Saturday, and 11:00 a.m. to 2:30 p.m. on Sunday.

Staff's Recommendation:	<b>Approvable with recommended conditions</b>
Zoning Administrator Sign-off:	 t Fri Feb 17 2023 08:27:55

SECTION 22 - TOWNSHIP 31 SOUTH - RANGE 19 EAST  
HILLSBOROUGH COUNTY - FLORIDA

FIRST WATCH  
4-COP SPECIAL USE  
APPLICATION #SU-AB 22-1721



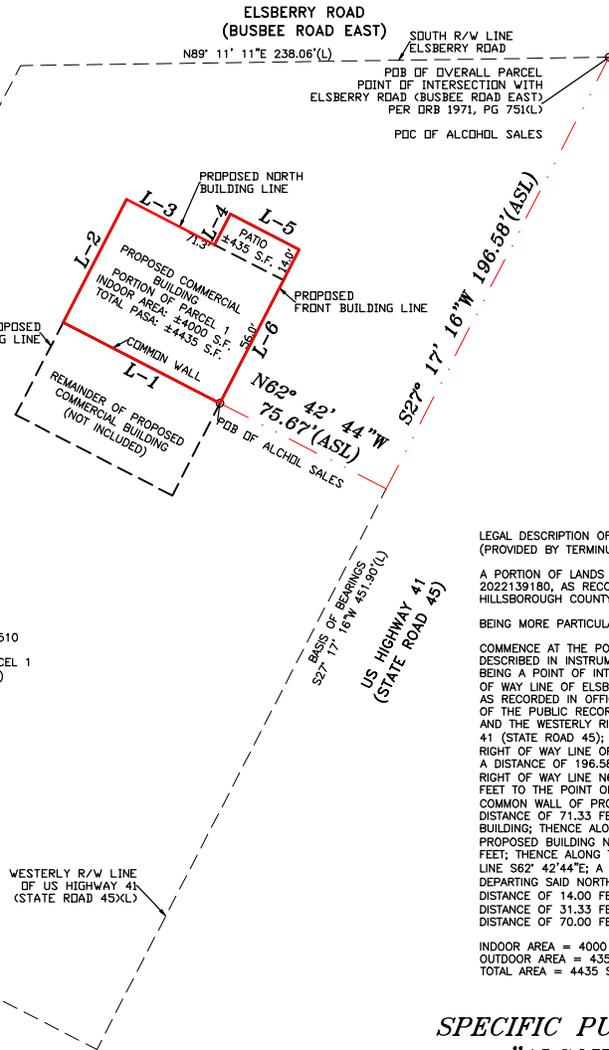
- LINE DATA:  
 L-1: N62° 42' 44"W 71.33'(ASL)  
 L-2: N27° 17' 16"E 56.00'(ASL)  
 L-3: S62° 42' 44"E 40.00'(ASL)  
 L-4: N27° 17' 16"E 14.00'(ASL)  
 L-5: S62° 42' 44"E 31.33'(ASL)  
 L-6: S27° 17' 16"W 70.00'(ASL)  
 L-7: S89° 21' 45"W 718.70'(L)

FOLIO: 051583-0500

FOLIO: 051583-0510

REMAINDER OF PARCEL 1  
(NOT INCLUDED)

FOLIO: 051583-0545



LEGAL DESCRIPTION OF PROPOSED ALCOHOL SALES  
(PROVIDED BY TERMINUS SURVEYING, LLC):

A PORTION OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2022139180, AS RECORDED IN, THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF BEGINNING OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2022139180, ALSO BEING A POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF ELSBERRY ROAD (BUSBEE ROAD EAST) AS RECORDED IN OFFICIAL RECORD BOOK 1971, PAGE 751 OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY AND THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41 (STATE ROAD 45); THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41 S27° 17' 16"W, A DISTANCE OF 196.58 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE N62° 42' 44"W, A DISTANCE OF 75.67 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE COMMON WALL OF PROPOSED BUILDING N62° 42' 44"W, A DISTANCE OF 71.33 FEET TO THE REAR FACE OF THE BUILDING; THENCE ALONG THE REAR FACE OF THE PROPOSED BUILDING N27° 17' 16"E, A DISTANCE OF 56.00 FEET; THENCE ALONG THE PROPOSED NORTH BUILDING LINE S62° 42' 44"E, A DISTANCE OF 40.00 FEET; THENCE DEPARTING SAID NORTH BUILDING LINE N27° 17' 16"E, A DISTANCE OF 14.00 FEET; THENCE S62° 42' 44"E, A DISTANCE OF 31.33 FEET; THENCE S27° 17' 16"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

INDOOR AREA = 4000 S.F. MORE OF LESS  
 OUTDOOR AREA = 435 S.F. MORE OF LESS  
 TOTAL AREA = 4435 S.F. MORE OF LESS

SPECIFIC PURPOSE SURVEY  
"ALCOHOL SALES"

ADDRESS:  
 US HIGHWAY 41  
 FOLIO: 051583-0510  
 TAMPA, FLORIDA 33572

PAGE 1 OF 2

NOT VALID WITHOUT PAGE 2 OF 2  
 THIS IS NOT A BOUNDARY SURVEY

NOTES:

- This is not a "BOUNDARY SURVEY"
- The SPECIFIC PURPOSE SURVEY as shown hereon, was made without benefit of abstract of Title. The undersigned and Terminus Surveying LLC, makes no guarantees or representations regarding easements, claims of Boundary line disputes, agreements, reservations or any other similar matters which may appear in the public records of the local county courthouse.
- This SPECIFIC PURPOSE SURVEY was prepared for the exclusive use and benefit of the parties listed hereon. Liability to third parties may not be transferred or assigned. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- SPECIFIC PURPOSE SURVEY by no means represent a determination on whether properties will or will not flood. The Land within the Boundaries of this Boundary may or may not be subject to flooding. The local County/City Building Department has information regarding flooding and restrictions on development.
- Additions or deletions to survey map or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- This SPECIFIC PURPOSE SURVEY does not depict ownership.
- The purpose of this SPECIFIC PURPOSE SURVEY is to outline the designated proposed area for the sale of alcoholic beverages.
- No underground foundations, installations or improvements have been located except as shown.
- There are no visible encroachments other than shown.
- Ownership of fences were not verified at time of survey.
- All measurements are in feet and tenths, unless otherwise noted.
- Bearings are based on the Northwesterly Right-of-way line of US Highway 41. Said line bears S27° 17' 16"W.

LEGEND (NOT TO SCALE)

(C) CALCULATED LEGAL DESCRIPTION (INSTRUMENT: 2022139180)	4-COP-X Beer, wine, and liquor for sale and consumption on the permitted premises
(M) MEASURED	2-COP Beer and wine for sale and consumption on and off the permitted premises
(P) PLAT	PD PLANNED DEVELOPMENT
(O) OTHER BEARING	CS COMMERCIAL - GENERAL
(F) FOUND WAL & DISC	CR COMMERCIAL NEIGHBORHOOD
LB LICENSED BUSINESS	RSC RESIDENTIAL - SINGLE FAMILY COMMERCIAL
NFS NO CORNER FOUND OR SET	RSC-4 RESIDENTIAL CONVENTIONAL 4 UNITS
ORB OFFICIAL RECORDS BOOK	RSC-8 RESIDENTIAL CONVENTIONAL 8 UNITS
PD PLAT BOOK	PAK PROPOSED ALCOHOL SALES AREA
PO POINT OF BEGINNING	
PDB POINT OF BEGINNING	
PSM PROFESSIONAL SURVEYOR AND MAPPER	
R/W RIGHT-OF-WAY	

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS. THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS DOCUMENT IS AUTHORIZED BY MICHAEL P. MOONEYPSM 3930 AND IS COMPLIANT WITH 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE.

MICHAEL P. MOONEY DATE  
 Professional Surveyor & Mapper  
 FLORIDA REGISTRATION #3930  
 Survey not valid without the electronic signature and seal of a Florida Surveyor & Mapper

CERTIFIED TO:  
 - Consolidated Development Services

TERMINUS SURVEYING LLC.  
 2752 JASON STREET  
 TAMPA, FLORIDA 33619  
 (813) 681-4481  
 www.TerminusSurveying.com  
 FrontDesk@TeamTerminus.com

COPYRIGHT 2023 BY TERMINUS SURVEYING, LLC CERTIFICATE OF AUTHORIZATION: LB #8207

JOB INFORMATION:  
 CREW CHIEF: JT  
 FIELD DATE: 9/15/2022  
 FIELD BOOK: T67 PAGE: 177  
 DRAFTER: EHT  
 DRAWING DATE: 10/3/2022  
 CHECKED BY: CB

JOB#  
 220977

REVISIONS  
 EHT 1/17/23 COUNTY COMMENTS  
 EHT 1/26/23 COUNTY COMMENTS  
 EHT 2/14/23 UPDATED S.F. AREA AND LEGAL  
 EHT 2/15/23 UPDATED S.F. AREA

TERMINUS SURVEYING

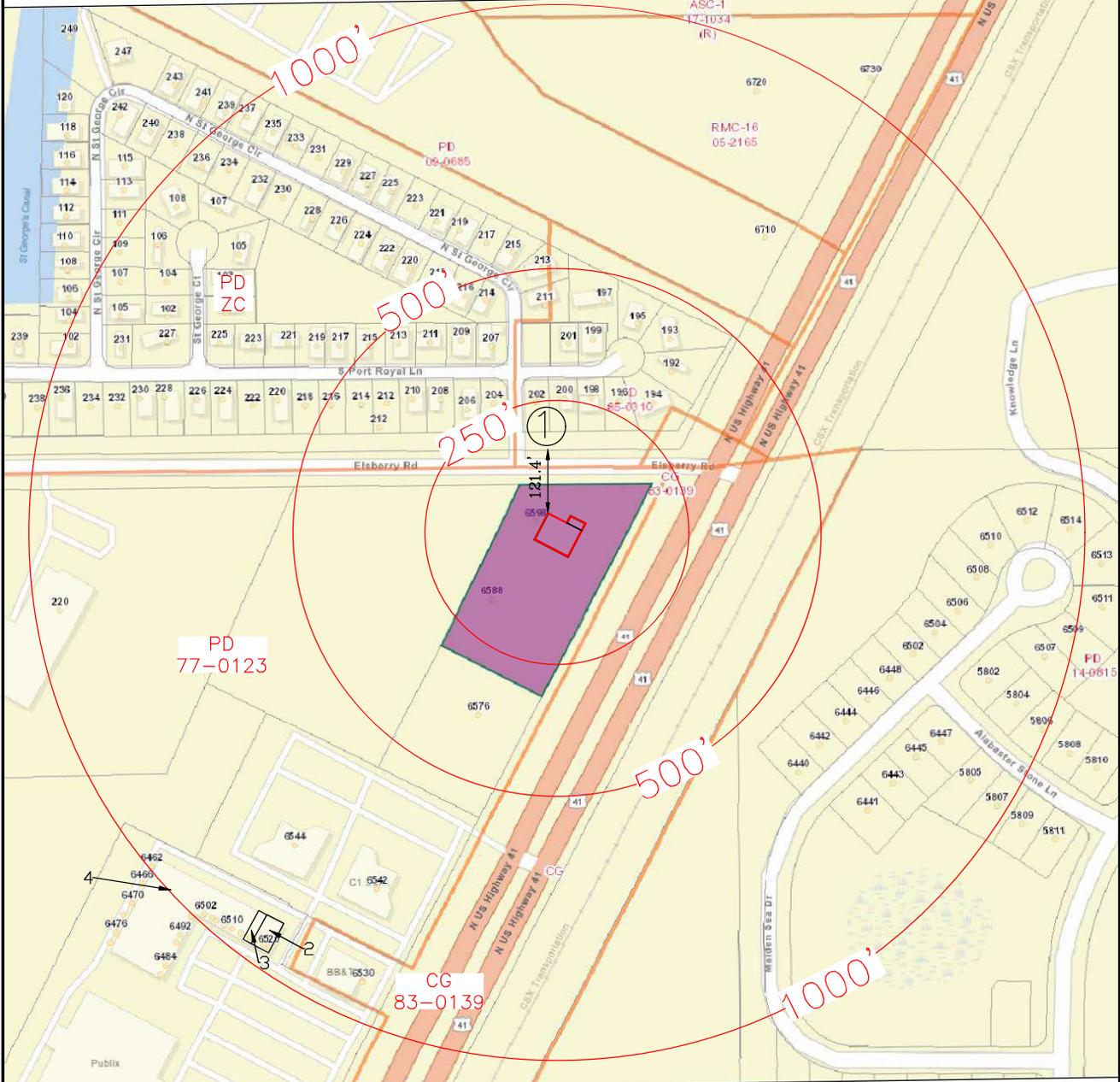
TERMINUS SURVEYING

SECTION 22 - TOWNSHIP 31 SOUTH - RANGE 19 EAST  
HILLSBOROUGH COUNTY - FLORIDA

SPECIFIC PURPOSE SURVEY  
"ALCOHOL SALES"

FIRST WATCH  
4-COP SPECIAL USE

ADDRESS:  
US HIGHWAY 41  
FOLIO: 051583-0510  
TAMPA, FLORIDA 33572



4-COP REQUIREMENTS (PER HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE SECTION 6.11.11-ALCOHOL BEVERAGE USE:

A. THE DISTANCE FROM THE PROPOSED STRUCTURE TO CERTAIN COMMUNITY USES SHALL BE 500 FEET. NONE AT TIME OF SURVEY.

B. RESIDENTIALLY ZONED (PLANNED DEVELOPMENT) ZONING IS LOCATED WITHIN 250.  
1) 505 ELSBERRY RD, APOLLO BEACH, CARIBBEAN ISLES RESIDENTIAL COOPERATIVE (121.4'±)

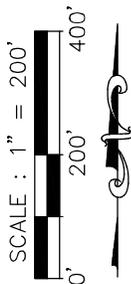
C. THERE SHALL BE NO MORE THAN THREE APPROVED 3-PS, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 4-COP-SX, 4-COP-SBX, 11-C (SOCIAL CLUB) OR BOTTLE CLUB ALCOHOLIC BEVERAGE USES WITHIN 1,000 FEET OF THE PROPOSED ALCOHOLIC BEVERAGE USE AS MEASURED FROM THE PROPOSED STRUCTURE TO THE EXISTING ALCOHOLIC BEVERAGE USE. AN ALCOHOLIC BEVERAGE DEVELOPMENT PERMIT APPLICATION SHALL REFERENCE ALL ALCOHOLIC BEVERAGE CONDITIONAL USES OR WET ZONINGS THAT WERE APPROVED UNDER PREVIOUS ZONING REGULATIONS AS WELL AS NONCONFORMING WET ZONED ESTABLISHMENTS.

- 2) 6520 US HIGHWAY 41, RICKY'S RESTAURANT AND LOUNGE (855.5'±) = BAR (07-1184/ 4-COP)
- 3) 6514 US HIGHWAY 41, ANCHOR PUB (THE DOCKS PUB) (GONE) (856.8'±) = BAR (89-0023/ 4-COP)
- 4) US HIGHWAY 41, APOLLO LIQUORS (GONE) (960.3'±) = LIQUOR STORE (84-1086/ 4-COP)

PAGE 2 OF 2  
NOT VALID WITHOUT PAGE 1 OF 2  
THIS IS NOT A BOUNDARY SURVEY

LEGEND (NOT TO SCALE)

(C) CALCULATED	4-COP-X Bar, wine, and liquor for sale and consumption on the permitted premises
(L) LEGAL DESCRIPTION	2-COP Bar and wine for sale and consumption on and off the permitted premises
(M) MEASURED	PD PLANNED DEVELOPMENT
(P) PLAT	CG COMMERCIAL - GENERAL
CB CHORD BEARING	CG COMMERCIAL - NEIGHBORHOOD
FD FOUND WALL & DISC	RSC RESIDENTIAL - SINGLE FAMILY COMMERCIAL
LB LICENSED BUSINESS	RSC-4 RESIDENTIAL CONVENTIONAL 4 UNITS COMMERCIAL
NEFS NO CORNER FOUND OR SET	RSC-6 RESIDENTIAL CONVENTIONAL 6 UNITS COMMERCIAL
ORB ORIGINAL RECORDS BOOK	PSM PROPOSED ALCOHOL SALES AREA
PB PLAT BOOK	
PI PAGE	
PLS PROFESSIONAL LAND SURVEYOR	
PGB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
PSM PROFESSIONAL SURVEYOR AND IMPPER	
R/W RIGHT-OF-WAY	



SURVEYORS CERTIFICATION:

This is to certify that a visual inspection has been made of all property for the following existing community uses: church/synagogues, child care centers, public libraries, community recreational facilities, and parks within 500-foot straight-line distance from proposed site. An inspection of the proposed special use permit 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 beverages uses within a 1,000-foot straight-line distance from proposed site be indicated as defined in the Land Development Code, an inspection has been made and the finding indicated on the survey.



TERMINUS  
SURVEYING  
LLC.

2752 JASON STREET  
TAMPA, FLORIDA 33619

(813) 681-4481  
www.TerminusSurveying.com  
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COPYRIGHT 2023 BY TERMINUS SURVEYING, LLC CERTIFICATE OF AUTHORIZATION: LB #8207

JOB INFORMATION:

CREW CHIEF: JT  
FIELD DATE: 9/15/2022  
FIELD BOOK: T67 PAGE: 177  
DRAFTER: EHT  
DRAWING DATE: 10/3/2022  
CHECKED BY: CB

JOB#  
220977

TERMINUS SURVEYING

TERMINUS SURVEYING



October 26, 2022

Hillsborough County  
Development Services  
601 E Kennedy Blvd.  
Tampa, FL 33602

**RE: First Watch – Apollo Beach Project Description**

First Watch is an award-winning Daytime Dining concept serving made-to-order breakfast, brunch and lunch using fresh ingredients. A recipient of hundreds of local “Best Breakfast” and “Best Brunch” accolades, First Watch’s chef-driven menu includes elevated executions of classic favorites along with First Watch specialties such as the protein-packed Quinoa Power Bowl®, Farm Stand Breakfast Tacos, Avocado Toast, Chickichanga, Morning Meditation (juiced in-house daily), Vodka Kale Tonic and its famous Million Dollar Bacon.

As First Watch continues to scale its operations nationwide, every restaurant contains a consistent set of core brand elements that create a sense of familiarity and comfort. These are augmented by the introduction of unique, site-specific features such as larger, enhanced patios, indoor and outdoor bars, dedicated to-go entrances and back-of-house improvements. These features allow First Watch to serve more demand and provide a seamless experience for customers and employees.

In 2021, the concept was recognized as the fastest-growing full-service restaurant chain based on unit growth by FSR Magazine. There are more than 440 First Watch restaurants in 28 states, and the restaurant concept is majority owned by Advent International, one of the world’s largest private-equity firms. For more information, visit [www.firstwatch.com](http://www.firstwatch.com).

**Project Data:**

- Project Address: Corner of Elsberry Road and N US Hwy 41
- Business Name: First Watch
- Scope of work: The proposed site is a 4,000 square foot suite within a newly constructed multi-tenant shell building. First Watch will build-out the interior and the 500 square foot outdoor dining area to a full-service restaurant.
- Approximate number of Seats:
  - Interior: 132
  - Exterior: 29
- Hours of operation: 7:00am-2:30pm daily
- Number of employees: 10-15 employees per shift, 30 maximum total employees



# Additional / Revised Information Sheet

Office Use Only		
Application Number: SU-AB 22-1721	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: SU-AB 22-1721 Applicant's Name: Emily Roberts

Reviewing Planner's Name: Tim Lampkin Date: 2/3/2023

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): 2/27/2023

### Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

Will this revision remove land from the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with + on the last page.

**Email this form along with all submittal items indicated on the next page in pdf form to:**

**[ZoningIntake-DSD@hcf.gov](mailto:ZoningIntake-DSD@hcf.gov)**

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcf.gov](mailto:ZoningIntake-DSD@hcf.gov).

***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.***

Emily L. Roberts  
Signature

2/3/2023  
Date



**Hillsborough  
County Florida**  
Development Services

# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

**Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS?**     Yes     No

I hereby confirm that the material submitted with application \_\_\_\_\_

Includes sensitive and/or protected information.

Type of information included and location \_\_\_\_\_

Does not include sensitive and/or protected information.

**Please note:** Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: Emily L. Roberts  
(Must be signed by applicant or authorized representative)

Intake Staff Signature:  Date: \_\_\_\_\_



# Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
----------	----------------

- 1  **Cover Letter\*\***+ If adding or removing land from the project site, the final list of folios must be included
- 2  **Revised Application Form\*\***+
- 3  **Copy of Current Deed\*** Must be provided for any new folio(s) being added
- 4  **Affidavit to Authorize Agent\*** (If Applicable) Must be provided for any new folio(s) being added
- 5  **Sunbiz Form\*** (If Applicable) Must be provided for any new folio(s) being added
- 6  **Property Information Sheet\*\***
- 7  **Legal Description of the Subject Site\*\***
- 8  **Close Proximity Property Owners List\*\***
- 9  **Site Plan\*\*** All changes on the site plan must be listed in detail in the Cover Letter.
- 10  **Survey**
- 11  **Wet Zone Survey**
- 12  **General Development Plan**
- 13  **Project Description/Written Statement**
- 14  **Design Exception and Administrative Variance requests/approvals**
- 15  **Variance Criteria Response**
- 16  **Copy of Code Enforcement or Building Violation**
- 17  **Transportation Analysis**
- 18  **Sign-off form**
- 19  **Other Documents** (please describe):

\*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

+Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

SU-AB 22-1721 – First Watch

**CRITERIA JUSTIFICATION**

*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:

- Establishment will be 250 ft. or less from a residentially zoned neighborhood.

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

- The establishment is a restaurant, not a bar. The majority of revenue generated will be from serving meals.
- Alcohol will only be served within the building and within the enclosed, fenced-in patio.
- The fence around the patio will visually block patrons from view toward the nearby residentially zoned neighborhood.

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

- The establishment is a restaurant, not a bar. The majority of revenue generated will be from serving meals.
- The bar menu is limited to a selection of 4-5 mixed drinks – beer and wine will not be offered.
- The establishment will never be open in the evenings and will serve alcohol only during its operating hours, 7:00am-2:30pm Monday through Sunday, and will restrict alcohol service to begin at 11:00am on Sundays to abide by County code.

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This instrument was prepared by  
and should be returned to:  
Jonathan P. Jennewein, Esq.  
Hill Ward Henderson  
Suite 3700, Bank of America Plaza  
101 E. Kennedy Boulevard  
Tampa, Florida 33602

Consideration: \$1,700,000.00  
Documentary Stamp Tax: \$11,900.00  
Folio No.: 051583-0510

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, made and entered into this 15<sup>th</sup> day of March, 2022, by and among **N. R. G. INVESTMENTS, INC.**, a Florida corporation, whose address is 1706 S. Kingsway Road, Seffner, Florida 33584 (hereinafter referred to as the “**Grantor**”), and **APD APOLLO BEACH, LLC**, a Florida limited liability company, whose address is 1320 East 9<sup>th</sup> Avenue, 2<sup>nd</sup> Floor, Tampa, Florida 33605 (hereinafter referred to as the “**Grantee**”).

**W I T N E S S E T H:**

The Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers unto the Grantee all that certain land situate in Hillsborough County, Florida, more particularly described as follows:

See **Exhibit A** attached hereto and incorporated by reference herein.

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

TO HAVE AND TO HOLD the same unto the Grantee in fee simple forever.

The Grantor does hereby covenant with Grantee that except with respect to ad valorem taxes for 2021 and subsequent years, and all reservations, restrictions, limitations, declarations, easements, encumbrances, and other matters of public record without intending to reimpose any of same, the real property is free and clear of all claims, liens and encumbrances, and Grantor hereby warrants the title to the above-described real property and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under the Grantor but against none other.

(Signature Page Follows)

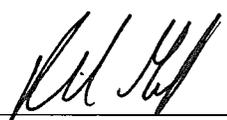
[SIGNATURE PAGE TO SPECIAL WARRANTY DEED]

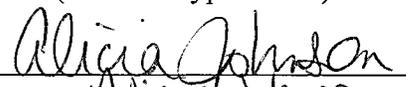
IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

WITNESSES:

N. R. G. INVESTMENTS, INC.,  
a Florida corporation

  
Name: Jonathan R Wellfare  
(Print or Type Name)

By:   
Richard Gonzalez  
President

  
Name: Alicia Johnson  
(Print or Type Name)

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 15<sup>th</sup> day of March, 2022, by Richard Gonzalez, as President of N. R. G. INVESTMENTS, INC., a Florida corporation, on behalf of the corporation. He is personally known to me or has produced a valid driver's license as identification.



Alicia R. Johnson  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG968429  
Expires 4/20/2024

  
Notary Public  
Alicia Johnson  
(Type, Print or Stamp Name)

My Commission Expires:

**EXHIBIT A**

Legal Description

PARCEL I: (FEE PARCEL)

REMAINDER PARCEL

A PORTION OF TRACT 30, OF RUSKIN TOMATO FARMS, AS RECORDED IN PLAT BOOK 27, PAGE 110 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND A PORTION OF SECTION 22, TOWNSHIP 31 SOUTH, RANGE 19 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION S 89°21'45" W, 718.70 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S HIGHWAY 41 (STATE ROAD 45); THENCE DEPARTING SAID NORTH LINE OF SECTION 22, ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41, S 27°17'16" W, 1569.69 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF ELDBERRY ROAD (BUSBEE ROAD EAST) AS RECORDED IN OFFICIAL RECORD BOOK 1971, PAGE 751 OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, S 27°17'16" W, 451.90 FEET; THENCE DEPARTING THE SAID WESTERLY RIGHT OF WAY, N 62°42'44" W, 210.00 FEET; THENCE N 27°17'16" E, 339.77 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT OF WAY LINE OF ELDBERRY ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, N 89°11'11" E, 238.06 FEET TO THE POINT OF BEGINNING.

PARCEL II: (EASEMENT ESTATE)

TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS CREATED BY THAT CERTAIN DRIVEWAY EASEMENT AGREEMENT BY AND BETWEEN BANK OF THE OZARKS, AN ARKANSAS BANKING CORPORATION, AND NRG INVESTMENTS, INC., A FLORIDA CORPORATION, RECORDED IN OFFICIAL RECORDS BOOK 25263, PAGE 1800, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PARCEL III (EASEMENT ESTATE)

ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY THAT CERTAIN EASEMENT AGREEMENT BY AND BETWEEN NRG INVESTMENTS, INC., A FLORIDA CORPORATION AND N.C. J. INVESTMENT COMPANY, A FLORIDA CORPORATION, RECORDED OCTOBER 19, 2020 IN OFFICIAL RECORDS INSTRUMENT NO. 2020430954, MORE PARTICULARLY DESCRIBED BELOW:

A PORTION OF TRACT 30, OF RUSKIN TOMATO FARMS, AS RECORDED IN PLAT BOOK 27, PAGE 110 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND A PORTION OF SECTION 22, TOWNSHIP 31 SOUTH, RANGE 19 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION S 89°21'45" W, 718.70 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S HIGHWAY 41 (STATE ROAD 45); THENCE DEPARTING SAID NORTH LINE OF SECTION 22, ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41, S 27°17'16" W, 1569.69 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF ELSBERRY ROAD (BUSBEE ROAD EAST) AS RECORDED IN OFFICIAL RECORD BOOK 1971, PAGE 751 OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY; THENCE DEPARTING THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY 41, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID ELSBERRY ROAD, S 89°11'11" W, 238.06 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, S 27°17'16" W, 593.47 FEET TO A POINT ON THE NORTHERLY LINE OF A DRIVEWAY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 25263, PAGE 1800 OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY, FLORIDA; THENCE ALONG THE SAID NORTH BOUNDARY OF SAID DRIVEWAY EASEMENT, N 62°42'44" W, 50.00 FEET; THENCE DEPARTING SAID NORTHERLY LINE, N 27°17'16" E, 525.08 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY; THENCE 51.53 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 118°06'05" AND A CHORD BEARING AND DISTANCE OF N 31°45'46" W, 42.88 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT OF WAY LINE OF ELSBERRY ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, N 89°11'11" E, 98.37 FEET TO THE POINT OF BEGINNING.



**Hillsborough  
County Florida**  
Development Services

# Property/Applicant/Owner Information Form

### Official Use Only

Application No: 22121 Intake Date: 121522  
Hearing(s) and type: Date: 22223 Type: □□□□ Receipt Number: 225321  
Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Clare Odell

### Property Information

Address: Corner of Elsberry Rd. & N US Hwy 41 City/State/Zip: Apollo Beach, FL 33572  
TWN-RN-SEC: 22-31-19 Folio(s): 051583-0510 Zoning: PD Future Land Use: OC-20 Property Size: 1.9 acres

### Property Owner Information

Name: APD Apollo Beach LLC Daytime Phone \_\_\_\_\_  
Address: 1320 E 9th Ave City/State/Zip: Tampa, FL 33605-3602  
Email: \_\_\_\_\_ Fax Number \_\_\_\_\_

### Applicant Information

Name: First Watch Restaurants Inc. Daytime Phone \_\_\_\_\_  
Address: 8725 Pendery Place City/State/Zip: Bradenton, FL 34201  
Email: messwein@agi-us.com Fax Number \_\_\_\_\_

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

Name: Emily Roberts Daytime Phone 214-364-3515  
Address: 16775 Addison Road, Suite 550 City/State/Zip: Addison, TX 75001  
Email: eroberts@cdsdevelopment.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.

Emily L. Roberts

Signature of the Applicant

Emily Roberts

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.

Frank David Capitano

Frank David Capitano (Oct 26, 2022 16:41 EDT)

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

Type or print name

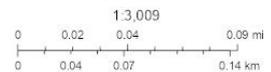


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	77-0123
Flood Zone:AE	BFE = 9.0 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0494H
FIRM Panel	12057C0494H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120494C
County Wide Planning Area	Apollo Beach
Community Base Planning Area	SouthShore
Community Base Planning Area	Apollo Beach
Planned Development	PD
Re-zoning	null
Note	99-0060 & 03-1457 WD; APPEAL 05-1958
Minor Changes	07-1187,09-0488,01-1129
Major Modifications	06-1999 WD,04-1824, 17-0948
Personal Appearances	06-0990,06-0897,02-1291, 02-0968,01-0730,98-1486, 02-1089,97-0156,96-0080, 12-0331,06-0066,02-1089, 98-1514,93-0370,05-0286, 00-0263,96-0110,88-0009, 18-1188, 20-0384, 22-0429
Census Data	Tract: 014106 Block: 1023
Future Landuse	R-20
Future Landuse	OC-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



December 15, 2022



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

Hillsborough County Florida

**Folio: 51583.0510**  
**PIN: U-22-31-19-1SF-000000-61501.0**  
**APD APOLLO BEACH LLC**  
**Mailing Address:**  
**1320 E 9TH AVE FL 2**  
**TAMPA, FL 33605-3602**  
**Site Address:**  
**0**  
**, FL**  
**SEC-TWN-RNG: 22-31-19**  
**Acreage: 1.89930999**  
**Market Value: \$589,456.00**  
**Landuse Code: 1000 VACANT COMM.**

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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.