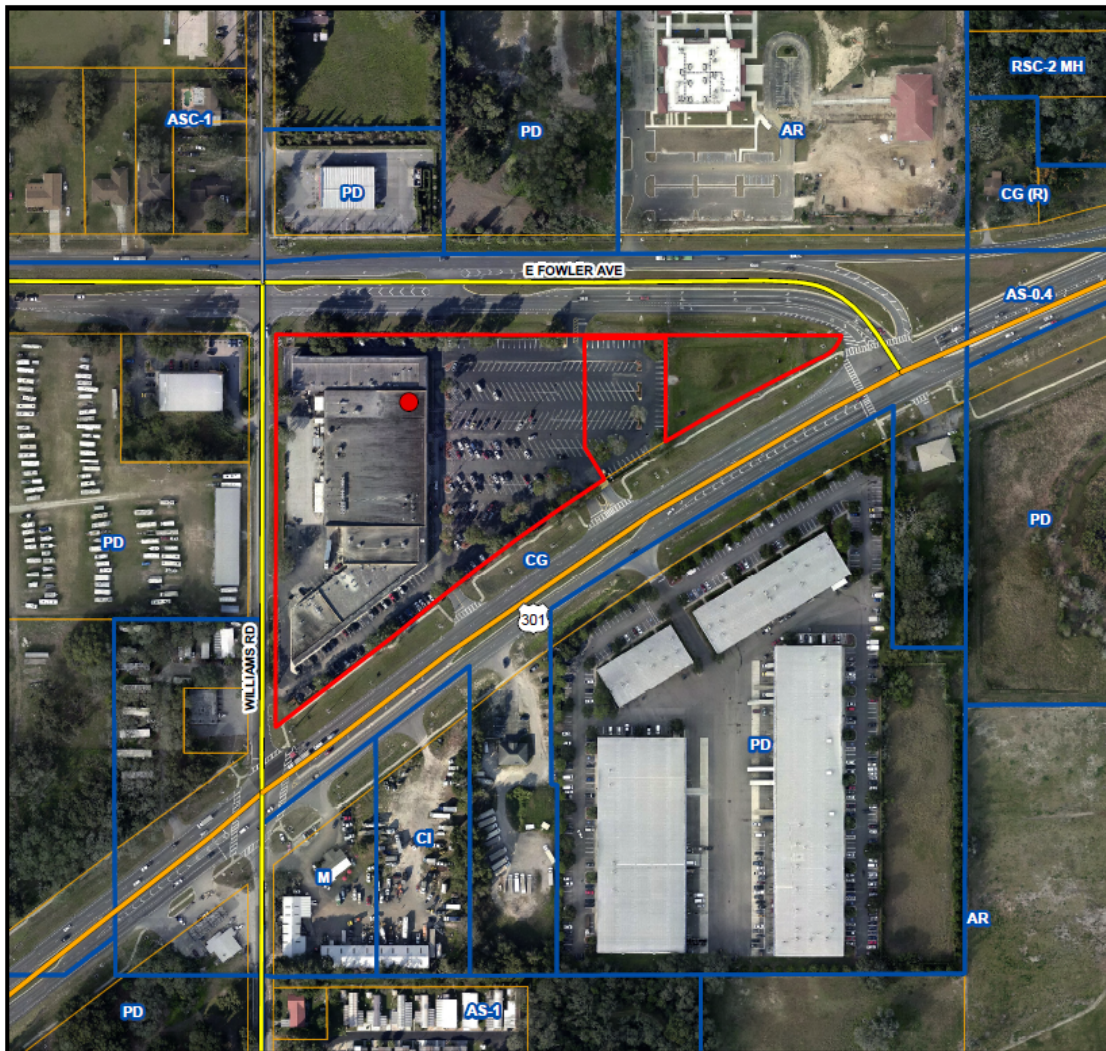





Hillsborough County Florida


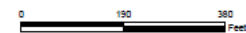
Land Use Application Summary Report

Application Number:	SU-AB 22-0723	Adjacent Zoning and Land Uses:	
Request:	Distance Separation Waiver for a 3-PS Alcoholic Beverage Permit	North:	PD 05-1633 & PD 84-0339
		South:	Commercial General
Comp Plan Designation:	SMU-6	East:	Commercial General
Service Area:	Urban Service Area	West:	PD 89-0052/PRS 18-0407




ZONING MAP
SU-AB 22-0723
 Folio: 60922.0000

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

STR: 17-28-20

T	R17	18	19	20	21	22R	T
27							27
28				18			28
29							29
30							30
31							31
32							32
S	R17	18	19	20	21	22R	S

NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map. Hillsborough County makes no warranty, expressed or implied, as to the accuracy, completeness, or timeliness of the information provided herein for any purpose. Hillsborough County expressly disclaims any representation and warranty, including without limitation, the implied warranty of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any errors, omissions, or inaccuracies in this information provided regardless of the amount of time or money spent in reliance on information provided by any person or reliance on any information and/or documents provided.

This document is provided by Hillsborough County for informational purposes and Hillsborough County does not guarantee the accuracy or completeness of the data.

03/2022: This map was prepared for the purpose of real property tax rolls. Hillsborough County and its employees, including county staff and other public works, do not warrant the accuracy of any data.

Date: 04/05/2022 Path: G:\ZONING\GIS\Data\Zoning_Map.aprx
 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 3-PS Alcoholic Beverage Development Permit to allow the sale of beer, wine, and liquor in sealed containers only for consumption off the permitted premises (package sales).

The wet zoning is sought for a proposed Winn Dixie liquor store at 9535 East Fowler Avenue in an existing shopping center. The wet zoned area will comprise a total footprint of 2,002 square feet of indoor area as shown on the revised wet zone survey stamped received June 10, 2022.

The property is zoned CG (Commercial General), which permits a liquor store and consideration of the requested AB permit.

Distance Separation Requirements for a 3-PS 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 **does NOT** comply with this requirement. A Hindu mandir, BAPS Shiri Swaminarayan, is located 293 feet to the north across Fowler Avenue. Staff notes that a church is located on the same shopping center as the proposed wet zoning, however, because the church leases its space, at least some of which appears to wet zoned 3-PS, the use does not meet the definition of a church in the LDC and therefore no separation is required for the proposed wet zoning.
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** comply with this requirement.
3. There shall be no more than three approved AB permits of a certain types within 1,000 feet of the proposed alcoholic beverage use as measured from the proposed wet zoning to the existing alcoholic beverage uses.
 - According to the survey submitted by the applicant, the request **does NOT** comply with this requirement. There are five existing wet zonings of the specified types within 1,000 feet, including one 2-COP, one 2-COP-X, one 4-COP and two 3-PS wet zonings.

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 Waiver for Certain Community Uses

The applicant requests a 207-foot waiver to the required separation from the Hindu mandir, BAPS Shiri Swaminarayan to allow a separation of 293 feet. The applicant's justification for the waiver is as follows:

- The Package Store will not adversely impact the permitted uses in the zoning district for which it is proposed, since a liquor store is a permitted use under the Code, which requires a separate Alcohol Beverage Special Use Permit. Instead, the Package Store complements the applicant's current grocery store and other businesses located in the existing shopping center. Given the size of the Package Store (2,002 SF) and its location inside of the grocery store's current footprint, the Package Store will not have a significant negative impact on surrounding land uses.

- While the edge of the proposed Package Store wet-zone is within 500 feet of the property line of BAPS Shri Swaminarayan, the proposed use is separated from the proposed AB by a 4-lane divided highway (East Fowler Avenue), with no direct access from the church across the road the proposed liquor store.
- Lastly, the proposed liquor store would only sell alcoholic beverages for off-premise consumption. As a result, the church is unlikely to be negatively impacted by the proposed wet zone.

Requested Waiver for Number of Existing Wet Zoning

The applicant requests a waiver to the maximum number of existing wet zonings of certain types within 1,000 feet. The applicant’s justification for the waiver includes in part, the following:

- While the straight-line distance from the proposed Package Store to the existing 3-PS, 2 COP and 2-COP-X wet-zonings is within 1,000 ft, the shopping center is in an L-shape. Therefore, Winn-Dixie’s proposed Package Store would not be visible from either Koosie’s (2-COP) or Osmay (2-COP-X), which offer a different type of off-premise opportunity than that which would be available to the store customers.
- Additionally, the 4-COP (AB 76-0534 (PUB), is an old alcoholic beverage approval, which is not in use, and therefore would not offer the type of off-premises opportunity that would be available to the grocery store customers.

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.”

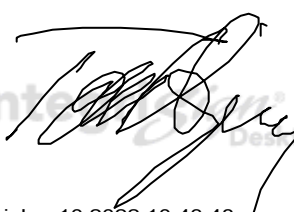
- The BAPS Shri Swaminarayan mandir is separated from the proposed wet zoning by Fowler Avenue, a 4-lane divided highway. This results in a normal route of travel between the two uses that exceeds the 500-foot separation requirement. On foot, the route of travel between the entrances to the two uses is approximately 1,500 feet. By vehicle, the route of travel is even farther due to the divided roadway which makes direct access impossible.



- Only three of the existing wet zonings of the specified types within 1,000 feet are located in the same shopping center as the proposed wet zoning. The other two existing wet zonings of the specified types are separated from the proposed wet zoning by Williams Road and have no functional relationship with the shopping center. Consequently, staff finds this mitigates the potential cumulative impact of the total number of wet zonings of the specified types within 1,000 feet.
- Staff received no objections from BAPS Shri Swaminarayan Mandir or other parties.

2.0 Recommendation:

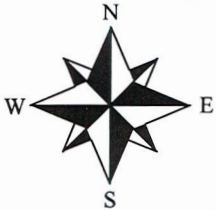
For these reasons discussed above, staff finds the proposed wet zoning does not pose significant impacts on surrounding land uses and the necessity for the specified distance separation requirements is negated by the circumstances identified above. Therefore, staff finds the request to be **approvable**. Approval is based upon the wet-zone survey indicating a total of 2,002 square feet of floor space for the proposed use that was received June 10, 2022.

Staff's Recommendation:	Approvable
Zoning Administrator Sign-off:	 t Fri Jun 10 2022 10:43:48

SPECIAL PURPOSE SURVEY WET ZONE 3-PS

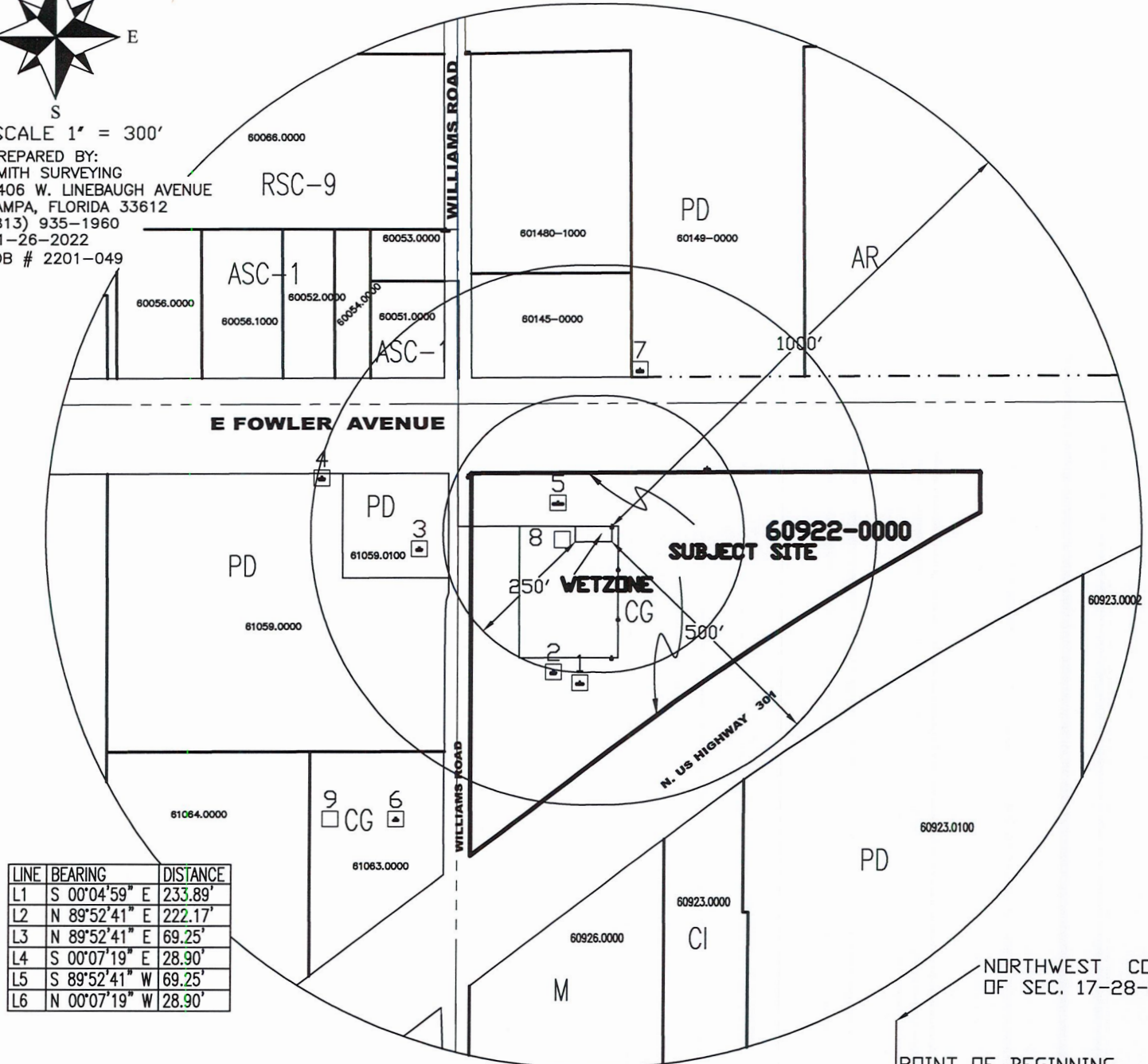
WINN DIXIE #9535 E. FOWLER AVE.

SECTION 17, TOWNSHIP 28 SOUTH, RANGE 20 EAST,
HILLSBOROUGH COUNTY, FLORIDA.



SCALE 1" = 300'

PREPARED BY:
SMITH SURVEYING
1406 W. LINEBAUGH AVENUE
TAMPA, FLORIDA 33612
(813) 935-1960
01-26-2022
JOB # 2201-049



LINE	BEARING	DISTANCE
L1	S 00°04'59" E	233.89'
L2	N 89°52'41" E	222.17'
L3	N 89°52'41" E	69.25'
L4	S 00°07'19" E	28.90'
L5	S 89°52'41" W	69.25'
L6	N 00°07'19" W	28.90'

ALCOHOL BEVERAGE PERMITS WITHIN 1,000 FEET

- 1) KOOSIE'S SPORTS PUB #9539 E. FOWLER AVE. 2-COP (270')
- 2) OSMAI HOUSE #9543 E. FOWLER AVE. 2-COP-X (252')
- 3) PARTY LIQUORS #9491 E. FOWLER AVE. 3PS (295')
- 4) HAPPY TRAVELER CAMPGROUND #9401 E. FOWLER AVE 2-APS (494')
- 5) CONTAGIOUS CHURCH UNITS 9501-9511 #9511 E. FOWLER AVE. 3-PS (56')
- 6) JAY'S MINI MART # 11606 WILLIAMS RD 2-APS (626')
- 8) WINN-DIXIE #9535 E. FOWLER AVE 2-APS (0.00) FEET
- 9) AB 76-0534 (PUB) 4-COP (705')

RESIDENTIALLY ZONED PROPERTIES WITHIN 250 FEET

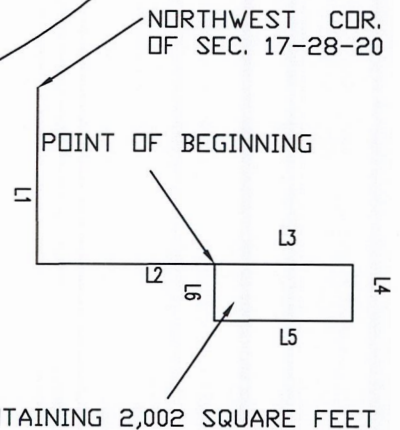
NO RESIDENTIALLY ZONED PROPERTIES WITHIN 250 FEET

COMMUNITY USES WITHIN 500 FEET

- 7) BAPS SHIRI SWAMINARAYAN # 9556 E. FOWLER AVE. (293')

COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 28 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE S.00°04'59"E., A DISTANCE OF 233.89 FEET; THENCE N.89°52'41"E., A DISTANCE OF 222.17 FEET TO THE POINT OF BEGINNING; THENCE N.89°52'41"E., A DISTANCE OF 69.25 FEET; THENCE S.00°07'19"E., A DISTANCE OF 28.90 FEET; THENCE S.89°52'41"W., A DISTANCE OF 69.25 FEET; THENCE N.00°07'19"W., A DISTANCE OF 28.90 FEET TO THE POINT OF BEGINNING. CONTAINING 2,002 SQUARE FEET.

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



J. MICHAEL FUQUA P.S.M. 4192

Signature

Date

Job Number: 2201-049



Additional / Revised Information Sheet

Office Use Only		
Application Number: <u>22-0723</u>	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: 22-0723 Applicant's Name: Winn-Dixie Supermarkets, Inc.

Reviewing Planner's Name: Timothy Lampkin Date: 06/09/2022

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): 06/21/2022

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@hcflgov.net

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@hcflgov.net.

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

Signature

06/09/2022

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 22-0723

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

Updated Distance Waiver Request Narrative based upon updated Wet Zone Survey

*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.

Application Number: 22-0723

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:

- Proposed 3-PS (“**Package Store**”) is within 1,000 of five (5) approved wet-zonings which are designated as follows:
 - 2-COP (Koozie’s Sports Pub: 9539 E. Fowler Avenue);
 - 2-COP-X (Osmy House: 9543 E. Fowler Avenue);
 - 3-PS (Party Liquors: 9491 E. Fowler Avenue);
 - 3-PS (Contagious Church Units 9501-9511: 9511 E. Fowler Avenue); and
 - 4-COP (AB 76-0534 (PUB): 9401 E. Fowler Avenue).

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

- Winn-Dixie’s grocery store is currently wet-zoned for the sale of beer and wine for off-premises consumption (2-APS), this waiver request is to allow Winn-Dixie to build out a portion of the interior of the grocery store (2,002) for the sale of beer, wine and alcoholic beverages for off-premises consumption only. The Hillsborough County Land Development Code (the “**Code**”) establishes an array of uses for offices, businesses, and commercial facilities in CG zoning districts. The Package Store will not adversely impact the permitted uses in the zoning district for which it is proposed, since a liquor store is a permitted use under the Code, which requires a separate Alcohol Beverage Special Use Permit. Instead, the Package Store complements the applicant’s current grocery store and other businesses located in the existing shopping center. Given the size of the Package Store (2,002 SF) and its location inside of the grocery store’s current footprint, the Package Store will not have a significant negative impact on surrounding land uses.

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

- While the straight-line distance from the proposed Package Store to the existing 3-PS, 2 COP and 2-COP-X wet-zonings is within 1,000 ft, the proposed Package Store will act to offer convenience to Winn-Dixie's customers to purchase all of their groceries in one shopping. The shopping center is in an L-shape, and Winn-Dixie's proposed Package Store would not be visible from either Koosie's (2-COP) or Osmay (2-COP-X), which offer a different type of off-premises opportunity than that which would be available to the grocery store customers.
- Additionally, although the straight-line distance from the proposed Package Store to Party Liquors (3-PS) and Contagious Church (3-PS) is within 1,000 ft, the proposed Package Store faces East, and is not visible from these locations. Further, the Party Liquors use is separated from the proposed Package Store by Williams Road, with the nearest route of pedestrian travel from the front of the proposed Winn-Dixie Package Store to the entrance of Party Liquors being roughly 1,056 feet.
- Further, although the Osmay House unit appears to have a 2-COP-X wet-zoning, the menu listed for the location does not provide for the purchase of beer, wine or alcoholic beverages, and a State of Florida liquor license could not be found for this business. Although the property provides a 2-COP-X wet-zone, customers may not be able to purchase beer, wine or alcoholic beverages for off-premises consumption at Osmay House. Therefore, the proposed Package Store would provide an additional option for customers entering, or passing the shopping center to make such purchases while conveniently shopping in the Shopping Center.
- Finally, the 4-COP (AB 76-0534 (PUB)), is an old alcoholic beverage approval, which is not in use, and therefore would not offer the type of off-premises opportunity that would be available to the grocery store customers.

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

44.00
19,194.70
PP = 2742.100 00

Prepared By and Return to:

ALL FLORIDA TITLE AGENCY, INC.
611 Bay Street, Suite B
Tampa, FL 33606
Attn: Cynthia M. McGaughan

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into as of the 16th day of July, 2012, between **CLINTON HOUSE COMPANY, L.P.**, a New York limited partnership, qualified to do business in Florida as Clinton House Company, Ltd., whose address is c/o RMC Leasing and Management, LLC, 8902 N. Dale Mabry Highway, Suite 200, Tampa, FL 33614, hereinafter referred to as the "Grantor", and **RMC UE, LLC**, a Florida limited liability company, whose address is c/o RMC Property Group, 8902 N. Dale Mabry Highway, Suite 200, Tampa, FL 33614, hereinafter referred to as the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns forever, all that certain parcel of land lying and being in the County of Hillsborough, State of Florida, as more particularly described in the **Exhibit "A"** annexed hereto and by this reference made a part hereof said property having as its tax identification number 060922.0000.

TOGETHER WITH all the improvements, tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining and together with all rights and easements of record (collectively, the "Premises").

SUBJECT TO all matters listed as permitted exceptions in **Exhibit "B"** annexed hereto and by this reference made a part hereof provided that this shall not operate to reimpose any such permitted exception.

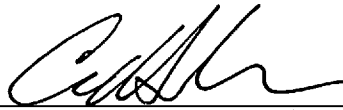
TO HAVE AND TO HOLD the above described Premises, with the appurtenances, subject to the permitted exceptions unto, the said Grantee, its successors and assigns, in fee simple forever.

And the Grantor does specially warrant the title to said land subject to the matters referred to above and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has caused these presents to be duly executed in its name, on the date set forth below its name, and by those thereunto duly authorized.

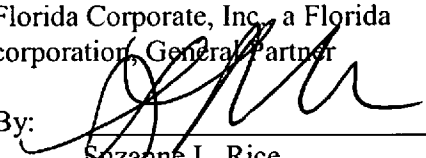
WITNESSES:

CLINTON HOUSE COMPANY, L.P., a New York limited partnership, qualified to do business in Florida as Clinton House Company, Ltd.


Print Name: Cory Paul Hopkins

By: Florida Corporate, Inc., a Florida corporation, General Partner

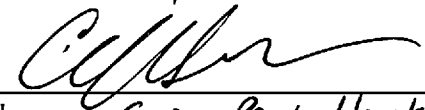

Print Name: KRISTI KIM JOHNSON

By: 
Suzanne L. Rice
President

Dated: _____, 2012

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 13 day of July, 2012 by Suzanne L. Rice, as President of Florida Corporate, Inc., a Florida corporation, general partner of Clinton House Company, L.P., a New York limited partnership, qualified to do business in Florida as Clinton House Company, Ltd. on behalf of said entity and who is personally known to me or has presented N/A as identification.


Name: Cory Paul Hopkins
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: June 16, 2016

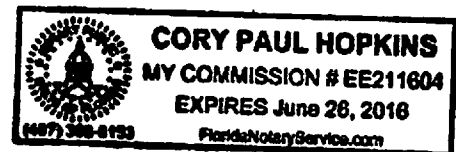


EXHIBIT "A"

That part of the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 28 South, Range 20 East, Hillsborough County, Florida, lying Northwesterly of State Road No. 43, Less the North 132.0 feet thereof for road right of way (Fowler Avenue, State Road 582); more particularly described as follows:

Commence at the Northwest corner of Section 17, Township 28 South, Range 20 East, Hillsborough County, Florida; thence South along the West boundary of said Section 17, a distance of 132.0 feet; thence North $89^{\circ} 37' 00''$ East, a distance of 25.0 feet to a point on the South right of way line of Fowler Avenue (State Road No. 582) and the East right of way line of Williams Road (as maintained and occupied) for a Point of Beginning. Thence continue North $89^{\circ} 37' 00''$ East along the South right of way line of Fowler Avenue (said South right of way line being 132.0 feet South of and parallel to the North boundary of said Section 17), a distance of 961.44 feet; thence South $00^{\circ} 23' 00''$ East, a distance of 78.86 feet to a point on a curve and a point on the Northwest right of way line of U.S. Highway No. 301 (State Road No. 43, 200.00 foot right of way); ;thence on an arc to the left in a Southwesterly direction along the Northwesterly right of way line of U.S. Highway 301, a distance of 876.75 feet with a radius of 5861.58 feet, subtended by a chord of 875.94 feet, chord bearing South $56^{\circ} 48' 20''$ West, to a point on tangency; thence South $52^{\circ} 36' 05''$ West, along the Northwesterly right of way line of U.S. Highway No. 301, a distance of 288.19 feet; thence North along the East right of way line of Williams Road (as maintained and occupied), a distance of 727.02 feet to the Point of Beginning.

Begin the same property described in Official Records Book 3631, Page 1581 and in Official Records Book 4551, Page 1080, of the Public Records of Hillsborough County, Florida.

EXHIBIT "B"

1. Taxes and assessments for the year 2012 and subsequent years, which are not yet due and payable.
2. Notice given pursuant to Section 713.10 (2) Florida Statutes, given by Clinton House Company, a Florida limited partnership, regarding Leases, which Notice is recorded in Official Records Book 7957, Page 265, as amended by Amended and Restated Notice Pursuant to Section 713.10, recorded April 11, 2011 in Official Records Book 20456, Page 1053.
3. Existing unrecorded leases and all rights thereunder of the Lessees and of any person claiming by, through or under the lease, as tenants only.
4. Easement Grant in favor of Houston Texas Gas and Oil Corporation from Earl E. Bilger and Metta Bilger, dated March 16, 1961 and recorded in Official Records Book 697, Page 288.
5. Declaration of Restrictions by Jorgensen Preston Development, Inc., dated August 2, 1985 and recorded in Official Records Book 4613, Page 1029.
6. Agreement by and between Jorgensen Preston Development, Inc., and the City of Temple Terrace, Florida, dated September 12, 1985 and recorded in Official Records Book 4640, Page 855 and Agreement by and between Jorgensen Preston Development, Inc., Barnett Bank of Tampa, N.A., and the City of Temple Terrace, Florida, dated September 12, 1985 and recorded in Official Records Book 4647, Page 337 and Acknowledgement by the City of Temple Terrace, Florida, dated May 13, 1991 and recorded in Official Records Book 6332, Page 1480.
7. Easement in favor of Tamp Electric Company, dated January 23, 1986 and recorded in Official Records Book 4762, Page 574.
8. Easement Agreement by and between Barnett Bank of Tampa, N.A. and the City of Temple Terrace, Florida, dated May 13, 1991 and recorded in Official Records Book 6332, Page 1474.
9. Terms and conditions as set forth Short Form Lease from Jorgensen Preston Development, Inc., to Winn-Dixie Stores, Inc., dated October 1, 1984 and recorded in Official Records Book 4428, Page 1947, as subordinated by Subordination, Non-Disturbance and Attornment Agreement, between Barnett Bank of Tampa, N.A. and Winn-Dixie Stores, Inc., recorded in Official Records Book 6458, Page 580 and by Subordination, Non-Disturbance and Attornment Agreement, between NationsBanc Mortgage Capital Corporation and Winn-Dixie Stores, Inc., recorded in Official Records Book 8744, Page 129, together with Assignment of Tenant's Interest in Leases, recorded in Official Records Book 17244, Page 86.

The Leasehold Interest in and to Store 777, in addition to numerous other parcels, was subsequently encumbered by the recordation of that certain Fee and Leasehold Mortgage,

Security Agreement, Assignment of Rents and Leases and Fixture Filing (Florida), recorded in Official Records Book 15183, Page 1317, as further affected by the recordation of that certain Modification No. 1, Bifurcation, Assignment and Assumption of Rents and Leases and Fixture Filing (Florida), recorded in Official Records Book 17244, Page 59.

NOTE: Memorandum of Exclusive Property Management Agreement, recorded in Official Records Book 17244, Page 106.

10. Terms and conditions of that certain Unrecorded Lease in favor of DOLGENCORP, Inc., as evidenced by Subordination, Non-Disturbance and Attornment Agreement, recorded June 17, 2008 in Official Records Book 18700, Page 1081 and Subordination, Non-Disturbance and Attornment Agreement dated effective July 16, 2012 and being recorded contemporaneously herewith.
11. Terms and conditions of that certain Unrecorded Lease in favor of Winn-Dixie Store #777, and Winn-Dixie Stores Leasing, LLC, successor in interest to Winn-Dixie Stores, Inc., as evidenced by Subordination, Non-Disturbance and Attornment Agreement, recorded in Official Records Book 18700, Page 1087 and Subordination, Non-Disturbance and Attornment Agreement dated June 13, 2012 and being recorded contemporaneously herewith.
12. Any and all matters as reflected on that certain survey prepared by Landmark Engineering & Surveying Corporation dated March 6, 2008, designated as Order No. 51479.

This instrument prepared by:
Greg W. Dworzanowski, P.A.
5422 Bay Center Drive, Suite 110
Tampa, Florida 33609

A portion of Tax Folio No. 060922.0000

QUIT CLAIM DEED

This Quit Claim Deed is made in connection with a Corrective Special Warranty Deed of even date herewith from RMC UE, LLC, a Florida limited liability company to RMC UE PAD, LLC, a Florida limited liability company, replacing the original Special Warranty Deed recorded on September 21, 2020 under Instrument # 2020387501, Public Records of Hillsborough County, Florida, delivery of which original Special Warranty Deed was not accepted by RMC UE PAD, LLC because the legal description attached to said instrument is incorrect and includes lands not intended to be conveyed.

THIS INDENTURE, made and entered into as of the 24th day of September, 2020, between RMC UE PAD, LLC, a Florida limited liability company, hereinafter referred to as the "Grantor", whose address is 8902 N. Dale Mabry Hwy, Suite 110 Tampa, Florida 33702, and RMC UE, LLC, a Florida limited liability company, hereinafter referred to as the "Grantee", whose address is 8902 N. Dale Mabry Hwy, Suite 110 Tampa, Florida 33702.

WITNESSETH:

WITNESSETH, that Grantor, for and in consideration of the sum of \$10.00 in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee, and his heirs and assigns forever, all the right, title, interest, claim and demand which the Grantor has, if any, in and to the following described lots, pieces or parcels of land, situate, lying and being in the County of Hillsborough, State of Florida, as more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, benefit and behoof of the Grantee, his heirs and assigns forever.

[Signature on the following page]

22-0723

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF:

RMC UE PAD, LLC, a Florida limited liability company



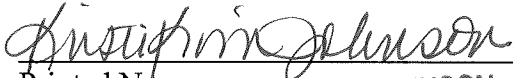
Printed Name: TERESA FREDERICK



By: _____

Name: H. Robert Eggleston, III

Title: Manager



Printed Name: KRISTI KIM JOHNSON

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

This instrument was acknowledged before me by means of [] physical presence or [] online notarization, on the 24th day of September, 2020, by H. Robert Eggleston, III, as Manager of RMC UE PAD, LLC, a Florida limited liability company, on behalf of such entity, who is [] personally known to me or [] has produced a -N/A- (state) driver's license as identification.



KRISTI KIM JOHNSON
Commission # GG 355363
Expires August 4, 2023
Bonded Thru Budget Notary Services

(Notarial Stamp or Seal)



Printed Name: KRISTI KIM JOHNSON

NOTARY PUBLIC

My Commission Expires: 8/4/2023

EXHIBIT "A"

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 28 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, LYING NORTHWESTERLY OF STATE ROAD NO 43, LESS THE NORTH 132.00 FEET THEREOF FOR ROAD RIGHT OF WAY (FOWLER AVENUE, STATE ROAD 582); MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 28 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE, ALONG THE WEST BOUNDARY OF SAID SECTION 17, SOUTH, 132.36 FEET; THENCE NORTH 89°37'00" EAST, 24.88 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF FOWLER AVENUE (STATE ROAD 582) AND THE EAST RIGHT OF WAY LINE OF WILLIAMS ROAD (AS MAINTAINED AND OCCUPIED) FOR A POINT OF BEGINNING. THENCE CONTINUE ALONG THE SOUTH RIGHT OF WAY OF FOWLER AVENUE, NORTH 89°37'00" EAST, 961.44 FEET; THENCE SOUTH 00°23'00" EAST, 78.86 FEET TO A POINT ON THE NORTHWEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 301 (STATE ROAD 43, 200.00 FOOT RIGHT OF WAY), SAID POINT LYING ON A NON-TANGENT CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 301, AND 268.68 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5861.58 FEET, A CENTRAL ANGLE OF 02°37'35", A CHORD WHICH BEARS SOUTH 59°46'39" WEST, A CHORD DISTANCE OF 268.66 FEET; THENCE DEPARTING SAID NORTHWESTERLY RIGHT OF WAY LINE, NORTH 00°06'17" WEST, 207.55 FEET; THENCE SOUTH 89°37'00" WEST, 151.00 FEET; THENCE SOUTH 00°06'17" EAST, 202.94 FEET; THENCE SOUTH 31°39'33" EAST, 83.42 FEET TO A POINT ON THE AFORESAID NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 301, SAID POINT LYING ON A NON-TANGENT CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, AND 481.42 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5861.58 FEET, A CENTRAL ANGLE OF 04°42'21", A CHORD WHICH BEARS SOUTH 54°52'24" WEST, A CHORD DISTANCE OF 481.28 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, SOUTH 52°36'05" WEST, 288.19 FEET TO THE POINT OF INTERSECTION OF SAID NORTHWESTERLY RIGHT OF WAY LINE AND THE EASTERLY RIGHT OF WAY LINE OF WILLIAMS ROAD; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, (AS MAINTAINED AND OCCUPIED), 727.02 FEET TO THE POINT OF BEGINNING.



Received
03/28/2022
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: 9525 E. Fowler Avenue City/State/Zip: Thonotosassa, FL 33592 TWN-RN-SEC: 285-20E-17
Folio(s): 60922.0000 Zoning: CG Future Land Use: SMU-6 Property Size: 2,002 SF

Property Owner Information

Name: RMC UE, LLC Daytime Phone: (813) 960-8154 Ext. 243
Address: c/o RMC Property Group, 8902 N. Dale Mabry Hwy #200 City/State/Zip: Tampa, FL 33614
Email: beggleston@rmcpg.com FAX Number: _____


Applicant Information

Name: Winn-Dixie Supermarkets, Inc. Daytime Phone: (904) 370-8116
Address: 8928 Prominence Parkway, #200 City/State/Zip: Jacksonville, FL 32256
Email: JustinMarkley@segrocers.com FAX Number: _____

Applicant's Representative (if different than above)

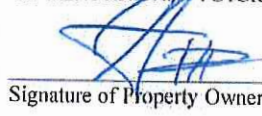
Name: H. Timothy Gillis, Esq. Daytime Phone: (904) 899-9926
Address: 1022 Park Street, Suite 308 City / State/Zip: Jacksonville, FL 32204
Email: TGillis@shutts.com FAX Number: _____

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

KEN JONES
Type or Print Name
LEGAL: APPROVED
ATTY: _____
DATE: 3/28/22

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

H. Robert Eggleston, III
Type or Print Name

Intake Staff Signature: Ana Lizardo Office Use Only Intake Date: 03/28/2022
Case Number: 22-0723 Public Hearing Date: 05/23/2022 Receipt Number: _____
Type of Application: SU-AB

Revised 07/02/2014

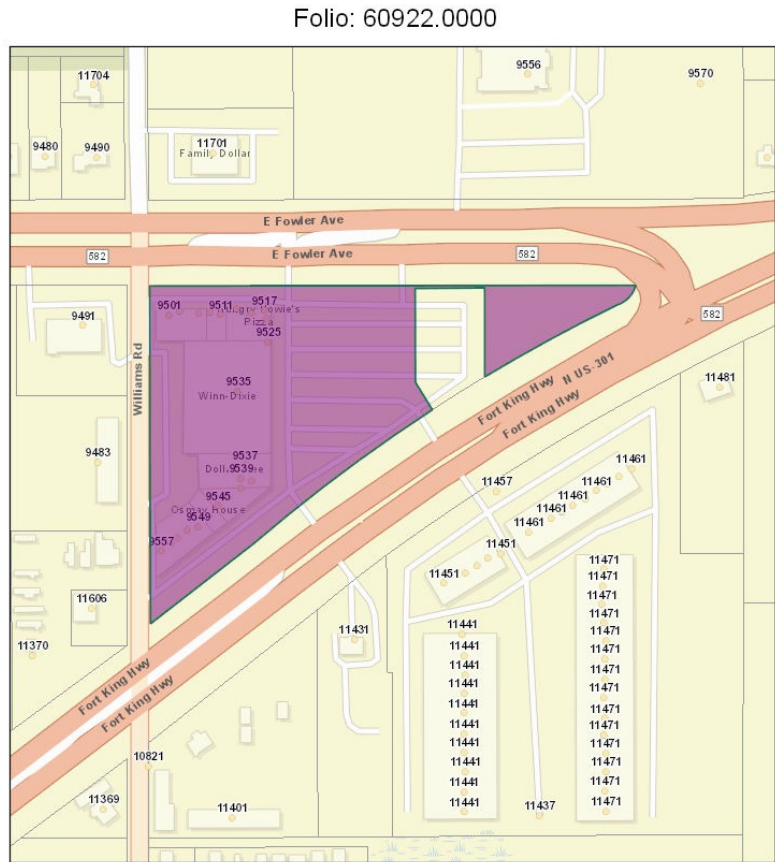
Development Services, 601 E Kennedy Blvd, 19th Floor

22-0723

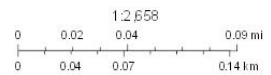


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0240H
FIRM Panel	12057C0240H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120240C
County Wide Planning Area	Thonotosassa
Community Base Planning Area	Thonotosassa
Census Data	Tract: 010203 Block: 2002
Future Landuse	SMU-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 2
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	130' AMSL
Competitive Sites	NO
Redevelopment Area	NO



March 29, 2022



RS, Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County Florida

Folio: 60922.0000
PIN: U-17-28-20-ZZZ-000002-07800.0
RMC UE LLC

Mailing Address:
8902 N DALE MABRY HWY STE 110
TAMPA, FL 33614-1579

Site Address:
9501 E FOWLER AVE
THONOTOSASSA, FL 33592
SEC-TWN-RNG: 17-28-20

Acreage: 7.55556011
Market Value: \$4,397,100.00
Landuse Code: 1620 STORE/SHP CENTE

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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.

22-0723