

Special Use-Alcoholic Beverage Permit with Waivers Application:

SU-AB 24-0493

LUHO Hearing Date:

May 20, 2024

Requested Classification:

4-COP



Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Elena’s Blue Cigars and Hookah LLC

Zoning: CG

FLU Category: RES-6

Service Area: Urban

Community Plan Area: Northwest Town and Country

Overlay: None

Special District: None

Use: Cigar Bar and Lounge

Total Wet Zone Area Requested: 2,494 square feet

Inside Area Requested: 1,641 square feet

Outside Area Requested: 853 square feet

Location: 9953 W. Hillsborough Avenue, Tampa; Folio 5999.0150



Introduction Summary:

The applicant is requesting a 4-COP alcoholic beverage permit with distance separation waivers to allow for a cigar room and cocktail lounge at 9953 W. Hillsborough Avenue.

Distance Separation Requirements	Complies with Requirement
Distance to Certain Community Uses Shall Be 500 feet	No
Distance to Residentially Zoned Property Shall be 250 Feet	No
No More than 3 Approved Alcoholic Beverage uses within 1,000 feet	No

Development Services Recommendation:

Approvable, Subject to Conditions

Existing Alcoholic Beverage Permit Being Rescinded:	No	Existing Alcoholic Beverage Permit Number:	NA
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2.0 REQUESTED DISTANCE SEPARATION WAIVER DETAILS

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to certain community uses	500 feet	166 feet	334 feet

Community Uses: Educated Minds Academy (334') and Educated Minds Primary School (461')

Applicant's Justification:

The proposed wet zoning will have little to no impact on the surrounding community uses. It is located on the backside of an out parcel which is part of a much larger and higher density retail center. The footprint is extremely small, 1,641 square feet. As far as community uses in particular, our peak hours will be outside the operational hours of the daycare, elementary and church, and thus will not have any major effect on their operations.

W. Hillsborough Avenue is one of the highest traffic corridors in Hillsborough County. We would see on average 62K cars per day pass by. Special Use Permits have been granted along this corridor, so we believe there is a precedent set for the area. Our intent is to enhance the entertainment experience in the community in question and have made every attempt to avoid having a negative impact on the area as a whole, including choosing a site that is shielded on all sides from the very negative impact that these ordinances seek to enforce.

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to residentially zoned property	250 feet	69 feet	181 feet

Applicant's Justification:

The proposed wet zoning will have little to no impact on the surrounding residential uses. It is located on the backside of an out parcel which is part of a much larger and higher density retail center. The footprint is extremely small, 1,641 square feet and its proximity to residential is blocked by a privacy wall on the opposite side of W. Hillsborough Avenue.

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Requested Waiver	# Approved Permits
No more than 3 approved alcoholic beverage permits within 1,000 feet	4

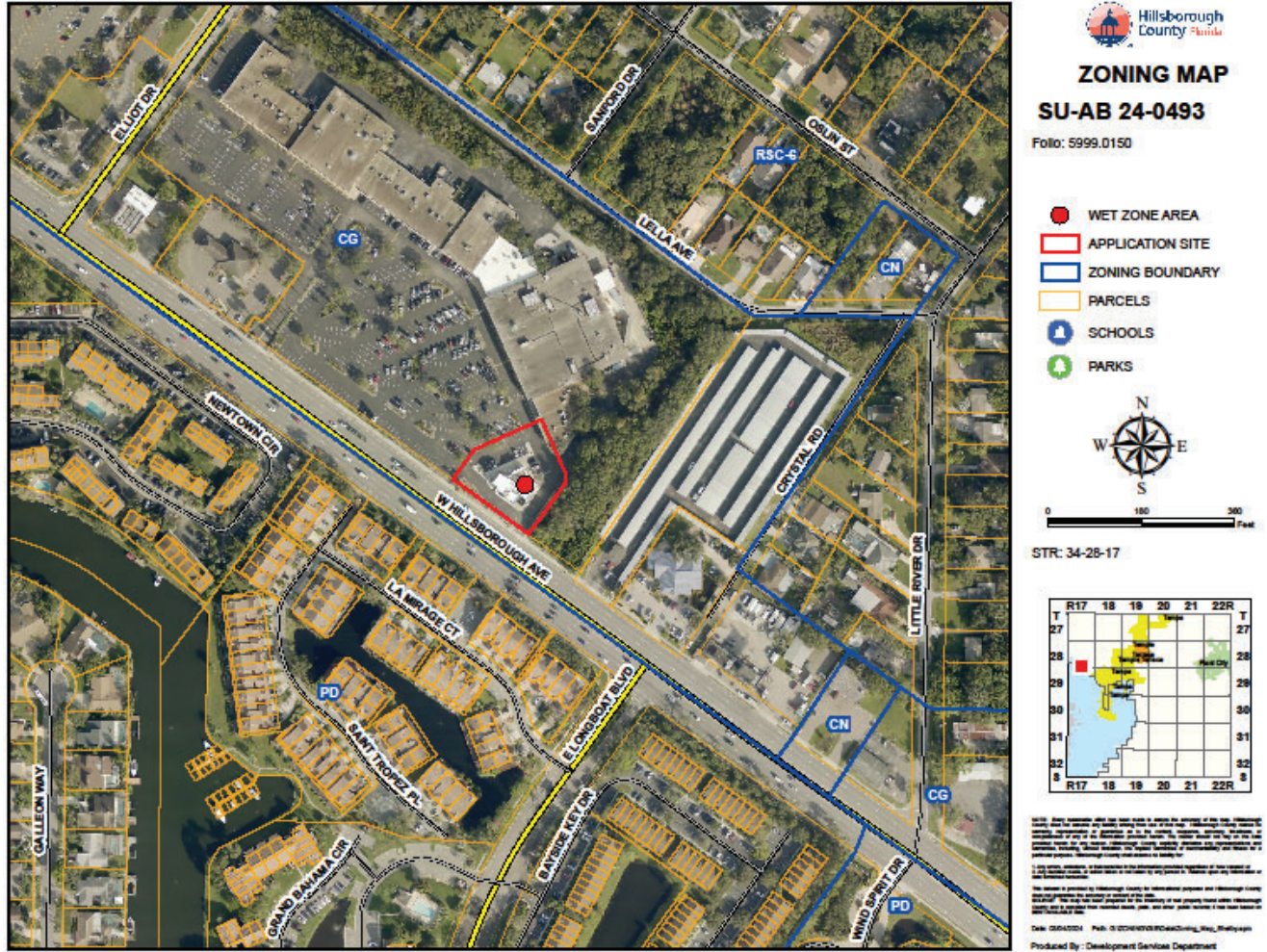
Applicant's Justification:

The proposed wet zoning will have little to no impact on the surrounding uses. It is located on the backside of an out parcel which is part of a much larger and higher density retail center. The footprint is extremely small, 1,641 square feet and its proximity to residential is blocked by a privacy wall on the opposite side of W. Hillsborough Avenue (Exhibit B). As far as community uses in particular, our peak hours will be outside the operational hours of the daycare, elementary and church, and thus will not have any major effect on their operations.

W. Hillsborough Avenue is one of the highest traffic corridors in Hillsborough County. We would see on average 62K cars per day pass by. Special Use Permits have been granted along this corridor, so we believe there is a precedent set for the area. Our intent is to enhance the entertainment experience in the community in question and have made every attempt to avoid having a negative impact on the area as a whole, including choosing a site that is shielded on all sides from the very negative impact that these ordinances seek to enforce.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.2 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Land Use:
North	CG	Shopping Center
South	PD	Hillsborough Avenue, then Multifamily Condominiums
East	CG	Shopping Center
West	CG	Shopping Center

4.0 Staff Findings

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

Staff finds the requested separation waiver supportable because the proposed site is separated from Educated Minds Academy and Primary School by a parking area, and the childcare center and school are located within a commercial shopping center where various commercial uses would be expected to be found.

The proposed wet zoning is separated from the residentially zoned property to the south by Hillsborough Ave. a 6-lane principal arterial road, and a six-foot-high masonry wall and row of shade trees. Additionally, the route of travel from the proposed wet zoning to the nearest residential property exceeds 1400 feet.


There are three existing wet zonings of certain types within the shopping center. Staff finds the proposed wet zoning is consistent with the character of the shopping center and should not significantly increase the cumulative effects posed by the number of wet zonings in the shopping center. No objections to the proposed wet zoning from neighboring residents or other tenants of the shopping center have been received by staff. There is a fourth wet zoning located along Hillsborough Avenue, to the south that is being separated by an intervening property, and a local road. Therefore, staff does not object to the requested waiver regarding the number of existing wet zonings within 1,000 feet.

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

5.0 RECOMMENDATION AND PROPOSED CONDITIONS (If Applicable)

Staff finds the proposed 4-COP Alcoholic Beverage Permit to be **APPROVABLE with conditions**. Approval is based upon the wet zone survey reflecting a total wet zone footprint of 2,494 square feet, as shown on the wet zone survey received February 27, 2024.

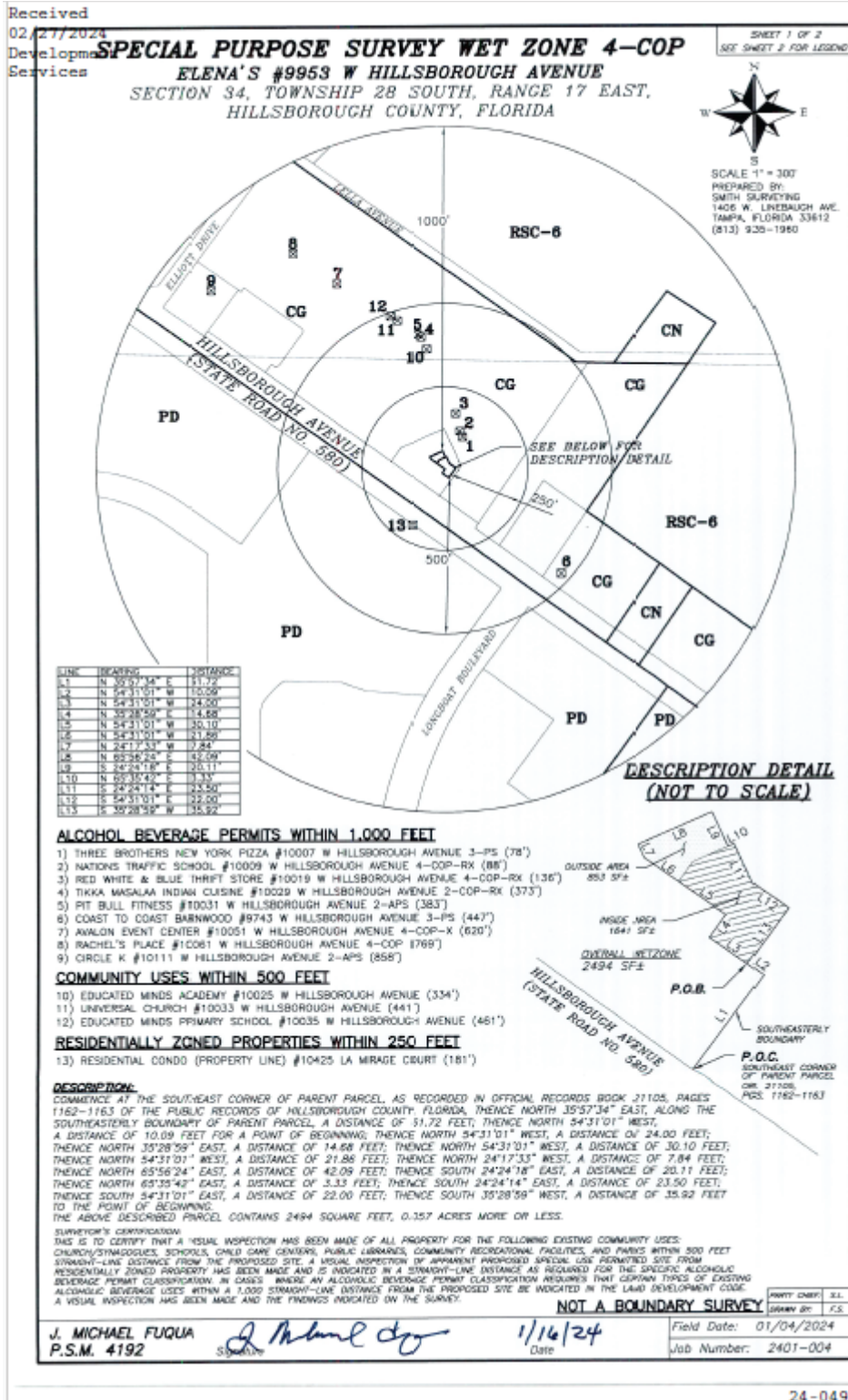
1. A 5-foot-wide sidewalk clearance shall be maintained at all times adjacent to the parking lot to allow for continued ADA and pedestrian accessibility to building entrances.

<p>Zoning Administrator Sign Off:</p>	 <p>Colleen Marshall Tue May 7 2024 17:08:59</p>
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

6.0 PROPOSED WET ZONE SURVEY



6.0 PROPOSED WET ZONE SURVEY (Page 2 if Applicable)

Received
02/27/2024
Development
Services

SHEET 2 OF 2
SEE SHEET 1 FOR SKETCH

SPECIAL PURPOSE SURVEY WET ZONE 4-COP

ELENA'S #9953 W HILLSBOROUGH AVENUE

SECTION 34, TOWNSHIP 28 SOUTH, RANGE 17 EAST,
HILLSBOROUGH COUNTY, FLORIDA

Legend

AC	Point of Curvature	CG	Contour
AP	Point of Tangency	CO	Contour (Color)
APC	Point of Vertical Curvature	CU	Contour
APC	Point of Compound Curvature	CV	Contour
P	Point of Intersection	FD	Field Measurement
Q	Point	MC	Minimum Contour
Q1	Point	Se	Section
Q2	Point	Tp	Township
Q3	Point	SW	Section
Q4	Point	SW	Section
Q5	Point	SW	Section
Q6	Point	SW	Section
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Surveyor's Notes

24-0493

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Project Description:

Elena's Blues & Cigars will be an upscale cigar room and cocktail lounge focusing on crafts cocktails and fine wine selections. The brainchild of Will Gholston, the 11-year Tampa Bay Bucs veteran, the goal is to create an entertaining & relaxing, upscale atmosphere to enjoy great friends, and great music in a relaxed atmosphere. An ardent cigar fan, his group wants to create a long-lasting place for cigar aficionados and Blue's lovers alike to gather.

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This instrument prepared by
and return to:
Joseph W. Gaynor, Esquire
Johnson, Pope, Bokor, Ruppel
& Burns, LLP
911 Chestnut Street
Clearwater, FL 33756

Parcel Identification No. A0059990150

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of the 29th day of April 2022 by **9951 WEST HILLSBOROUGH CROSSINGS, INC., a Florida corporation**, whose address is 18167 US Highway 19 N, Clearwater, FL 33764 (hereinafter called the "Grantor"), and **iFIKA, LLC, a Florida limited liability company**, whose address is 17812 N US Highway 41, Lutz, FL 33549, (hereinafter called the "Grantee").

(Wherever used herein the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successor and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said 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 conform unto the Grantee, its successor 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 Exhibit A annexed hereto and by this reference made a part hereof (the "Property").

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging or in anywise pertaining.

SUBJECT TO real estate taxes for 2022 and all subsequent years.

FURTHER SUBJECT TO the easements, encumbrances and restrictions of record.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, upon the said Grantee, its successors and assigns.

NOTE TO RECORDER: Documentary stamps in the amount of \$7,483.00 are being paid on \$1,068,908.00 consideration in connection with this Deed as required pursuant to Section 201.02, Florida Statutes.

And the Grantor does specifically 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, Grantor has executed this Special Warranty Deed the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES:

GRANTOR:

9951 WEST HILLSBOROUGH CROSSINGS, INC., a Florida corporation

[Signature]
Print Name: Karin Hubbard

By: [Signature]
David McComas, President

[Signature]
Print Name: Lynn Matthews

STATE OF FLORIDA)

COUNTY OF Pinellas)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 28 day of April, 2022, by David McComas, as Manager of 9951 West Hillsborough Crossings, INC., a Florida corporation, who is personally known to me or has produced _____ as identification.

[Notary Seal]



[Signature]

NOTARY PUBLIC, State of Florida
Print name: Lynn A Matthews
My commission expires. 10/13/23

EXHIBIT "A"
LEGAL DESCRIPTION

The land referred to herein below is situated in the County of Hillsborough, State of Florida, and described as follows:

PARCEL 1:

Part of the Southwest 1/4 of Section 34, Township 28 South, Range 17 East, Hillsborough County, Florida, and being more particularly described as follows:

For a point of reference commence at the Northwest corner of the said Southwest 1/4 and run thence South 89° 01'58" East along the North boundary thereof a distance of 454.73 feet to a point on the Northeasterly right-of-way line of Hillsborough Avenue, thence South 54° 13'41" East, along said right-of-way line a distance of 574.97 feet to the Point of Beginning of the tract herein described, thence North 35° 46'19" East, a distance of 70.00 feet, thence North 65° 46'00" East, a distance of 142.00 feet, thence South 24° 14'00" East, a distance of 111.43 feet, thence 26.18 feet along the arc of a curve to the right, having a radius of 25.00 feet, a central angle of 60° 00'20" and a chord bearing and distance of South 05° 46'08" West, 25.00 feet, thence South 35° 46'19" West, a distance of 115.62 feet to a point on the aforementioned Northeasterly right-of-way line of Hillsborough Avenue, thence North 54° 13'41" West along said right-of-way line a distance of 180.00 feet to the Point of Beginning.

LESS AND EXCEPT therefrom that portion that lies within the following described tract of land, as conveyed to State of Florida in Official Records Book 5760, Page 299, of the Public Records of Hillsborough County, Florida.

Commence at a 1/2" iron rod with cap PLS #2168 marking the Southwest corner of the Northwest 1/4 of Section 34, Township 28 South, Range 17 East, Hillsborough County, Florida, thence North 00° 39'06" East, 254.54 feet along the West line of said Northwest 1/4 to the survey line of Hillsborough Avenue State Road 580, thence South 53° 58'18" East along said survey line 418.39 feet, thence North 35° 59'28" East, 49.65 feet to the Northerly existing R/W line of Hillsborough Avenue (1015-proj. 1065-5414) and the Point of Beginning, thence South 53° 59'39" East, along said Northerly existing R/W line, 1003.40 feet, thence North 33° 52'06" East, 18.72 feet, thence North 53° 58'18" West, 1002.70 feet, thence South 35° 59'28" West; 19.10 feet to said Northerly existing R/W line and the Point of Beginning, LESS existing rights of way.

PARCEL 2:

Non-exclusive easements, appurtenant to and for the benefit of Parcel 1, as

created by that certain Declaration of Cross-Easements, Covenants and Restrictions, recorded in Official Records Book 5298, Page 941, as amended in Official Records Book 5527, Page 1072 and Official Records Book 5527, Page 1076, of the public records of Hillsborough County, Florida, for the purposes set forth therein, over and across the lands set forth therein.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 24-0493 Intake Date: 02/27/2024
Hearing(s) and type: Date: 04/22/2024 Type: LUHO Receipt Number: 344894
Date: _____ Type: _____ Intake Staff Signature: Clare Odell

Property Information

Address: 9953 W. Hillsborough Ave. City/State/Zip: Tampa/FL/33615
TWN-RN-SEC: 34-28-17 Folio(s): 005999-0150 Zoning: CG Future Land Use: R-6 Property Size: 27,007 sq/ft

Property Owner Information

Name: IFIKA LLC Daytime Phone _____
Address: 17812 US HW 41 City/State/Zip: Lutz/FL/33549
Email: _____ Fax Number NA

Applicant Information

Name: Elena's Blues, Cigars, and Hookah LLC Daytime Phone 727-709-4604
Address: 9953 W. Hillsborough City/State/Zip: Tampa/FL/33615
Email: michael@oneononeconsultingfl.com Fax Number NA

Applicant's Representative (if different than above)

Name: Michael Perry Daytime Phone 727-709-4604
Address: 1721 30th Avenue N City/State/Zip: St. Petersburg/FL/33705
Email: michael@oneononeconsultingfl.com Fax Number NA

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.



Signature of the Applicant

Dawn Ward
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.

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

Enoch Poon
Type or print name



Property/Applicant/Owner Information Form

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Property Information

Address: 9953 W. Hillsborough Ave. City/State/Zip: Tampa/FL/33615
 TWN-RN-SEC: 34-28-17 Folio(s): 005999-0150 Zoning: CG Future Land Use: R-6 Property Size: 27,007 sq/ft

Property Owner Information

Name: IFIKA LLC Daytime Phone _____
 Address: 17812 US HW 41 City/State/Zip: Lutz/FL/33549
 Email: _____ Fax Number NA

Applicant Information

Name: Elena's Blues, Cigars, and Hookah LLC Daytime Phone 727-709-4604
 Address: 9953 W. Hillsborough City/State/Zip: Tampa/FL/33615
 Email: michael@oneononeconsultingfl.com Fax Number NA

Applicant's Representative (if different than above)

Name: Michael Perry Daytime Phone 727-709-4604
 Address: 1721 30th Avenue N City/State/Zip: St. Petersburg/FL/33705
 Email: michael@oneononeconsultingfl.com Fax Number NA

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Signature of the Applicant

Dawn Ward

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.

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

Enoch Poon, MANAGER OF IFIKA LLC

Type or print name



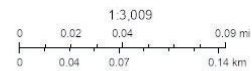
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:X	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0188H
FIRM Panel	12057C0188H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Town and Country
Community Base Planning Area	Northwest Hillsborough
Census Data	Tract: 011606 Block: 4012
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	190' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 5999.0150



February 27, 2024



ESRI, Esri Community Maps Contributors, University of South Florida, City of Tampa, County of Pinellas, FDEP © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, CedarMap, GeoReference, Inc, METI/NAUSA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Hillsborough County Florida

Folio: 5999.0150
PIN: U-34-28-17-ZZZ-000000-41130.0
Ifika Llc
Mailing Address:
 17812 N Us Hwy 41
 null
 Lutz, FL 33549
Site Address:
 9951 W Hillsborough Ave
 Tampa, FL 33615
SEC-TWN-RNG: 34-28-17
Acreage: 0.61769098
Market Value: \$898,300.00
Landuse Code: 1630 Store/shp Cente

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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.

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