Special Use-Alcoholic Beverage
Permit with Waivers Application:

SU-AB 24-0495

**LUHO Hearing Date:** 

April 22, 2024

**Requested Classification:** 3-PS



**Development Services Department** 

#### 1.0 APPLICATION SUMMARY

Applicant: Publix Super Markets, Inc

Zoning: PD 86-0154 (PRS 21-0229)

FLU Category: UMU-20

Service Area: Urban

Community Plan Area: Apollo Beach

Overlay: None

Special District: None

Use: Liquor Store

Total Wet Zone Area Requested: 1,400 square feet

Inside Area Requested: 1,400 square feet

Outside Area Requested: None

Location: 7070 Waterset Blvd, Apollo Beach, FL 33572; Folio # 51526.0000



## **Introduction Summary:**

The proposed wet zoning is sought for a proposed liquor store within a newly developed shopping center. The property is zoned Planned Development PD 86-0154, most recently modified by Personal Appearance PRS 21-0229, which allows the consideration of the proposed wet zoning.

Pursuant Land Development Code (LDC) Section 6.11.11, the request is a distance separation waiver for a 3-PS Alcoholic Beverage Permit for the sale of beer, wine, and liquor to be sold in sealed containers only for consumption off the permitted premises (package sales).

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

Development Services Recommendation:			
Approvable			
Existing Alcoholic Beverage Permit Being Rescinded:	No	Existing Alcoholic Beverage Permit Number:	N/A

LUHO HEARING DATE: April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

2.0 REQUESTED DISTANCE SEPARATION WAIVER DETAILS			
Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to	250 feet	118 feet	132 feet
residentially zoned property			
Applicant's Justification:			

The proposed liquor store will be located within The Shops at Big Bend Shopping Center that is oriented toward southern portion of the shopping center parcel. The proposed liquor store space is adjacent to the Publix supermarket. The proposed liquor store space is separated from the residentially zoned property by three retail spaces, a large parking lot area, landscaping, and an access driveway off of Big Bend Road. The other retail spaces, parking lot area, landscaping and access driveway provide a significant buffer between the proposed liquor store and the residentially zoned property mitigating any significant negative impact to the residential use.

The proposed liquor store will sell beer, wine, and liquor to be sold in sealed containers only for consumption off the permitted premises (package sales). The proposed liquor store will be within a retail shopping center with other commercial and retail uses. Publix has a strong training program for its employees with regard to checking identification of customers purchasing alcoholic beverages.

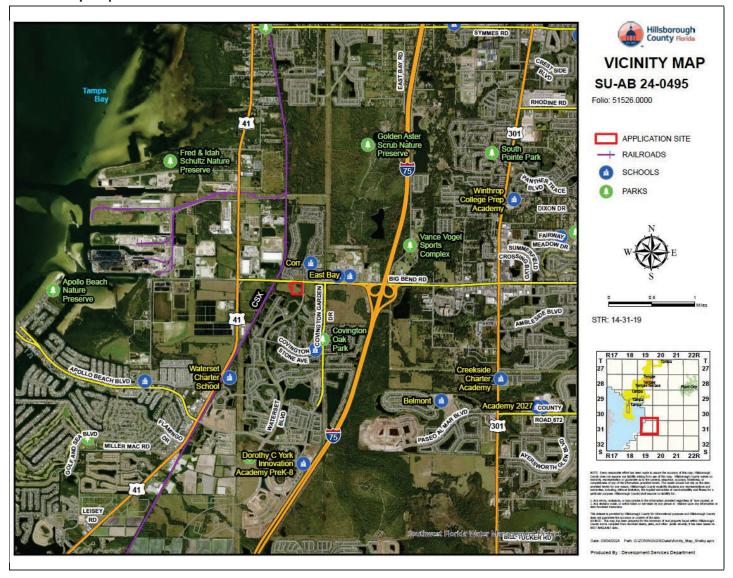
The location of the liquor store is within the same Planned Development zoning as the residential use and the proximity of commercial uses and residential has been planned for the area. The liquor store use has less potential adverse impacts than other Commercial uses permitted by the sites zoning. The design of The Shops at Big Bend Shopping Center negates the necessity for the specified distance separation requirement to the community use.

LUHO HEARING DATE: April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

## 3.0 LAND USE MAP SET AND SUMMARY DATA

## 3.1 Vicinity Map



## **Context of Surrounding Area:**

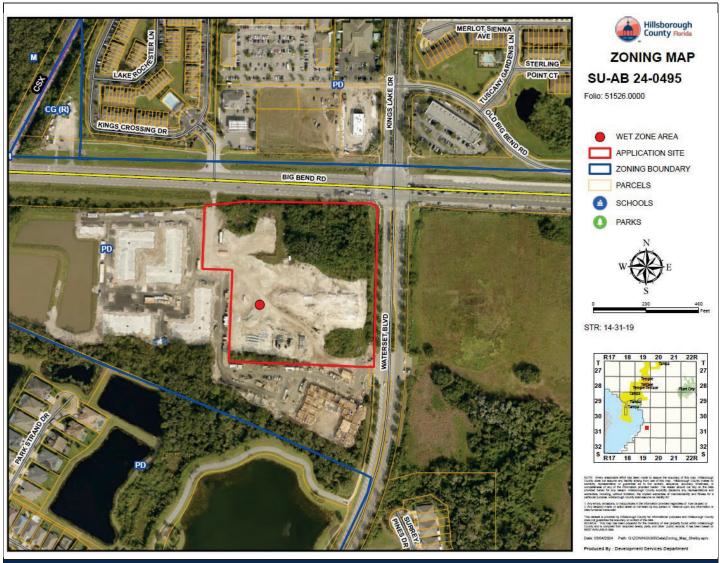
The proposed wet zoning is in the north Apollo Beach area, surrounded by new residential and commercial development. The site is off of Big Bend Road, a major arterial roadway. The nearest properties are occupied by general commercial uses, and multi-family or single-family residences, while more distant properties are used for manufacturing, agriculture, and preservation.

LUHO HEARING DATE: April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

## 3.0 LAND USE MAP SET AND SUMMARY DATA

## 3.2 Immediate Area Map



Adjacent Zonings and Uses			
Location:	Zoning:	Land Use:	
North	PD 84-0276 (PRS 21-1155)	Convenience Store, Fast Food Restaurant, General Commercial Uses (Mid Construction)	
South	PD 86-0154 (PRS 21-0229)	Multi-Family Residences (Mid Construction)	
East	PD 86-0154 (PRS 21-0229)	Vacant Commercial	
West	PD 86-0154 (PRS 21-0229)	Multi-Family Residences (Mid Construction)	

LUHO HEARING DATE: April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

#### **4.0 STAFF FINDINGS**

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

The applicant is requesting distance waivers to permit a 3-PS Alcoholic Beverage license for a proposed liquor store. The proposed wet zoning area is within 250 feet from residentially zoned property, where the parcel abuts a multi-family residential development on the west and south property boundaries. The proposed liquor store is nearest to the residential property boundary to the west, where there is a 132 feet separation. The two properties are a part of the same Planned Development, which permits the abutting commercial and multifamily residential uses within Tract 7. The wet zoning proposal consistent with the intentions of the PD for mixed-use development on this tract of land.

The proposed liquor store will be oriented to the north, away from the multi-family dwellings. The closest apartment or townhouse building within the adjacent multi-family property is approximately 250 feet to the west measured in a straight-line distance. The two properties are to be separated by a 20-foot buffer with Type B screening, including landscaping and fencing six feet in height. Vehicle access between the two properties is limited to the two main entrances into the residential property.



Figure 1: Subject shopping center and multi-family dwellings as of most recent aerial (02/20/2024).

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

### **5.0 RECOMMENDATION**

Staff finds the proposed 3-PS Alcoholic Beverage Permit to be **APPROVABLE.** Approval is based upon the wet zone survey reflecting a total wet zone footprint of 1,400 square feet, as shown on the wet zone survey received February 27, 2024.

**LUHO HEARING DATE:** April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

**Zoning Administrator Sign Off:** 

Colleen Marshall Thu Apr 11 2024 15:19:50

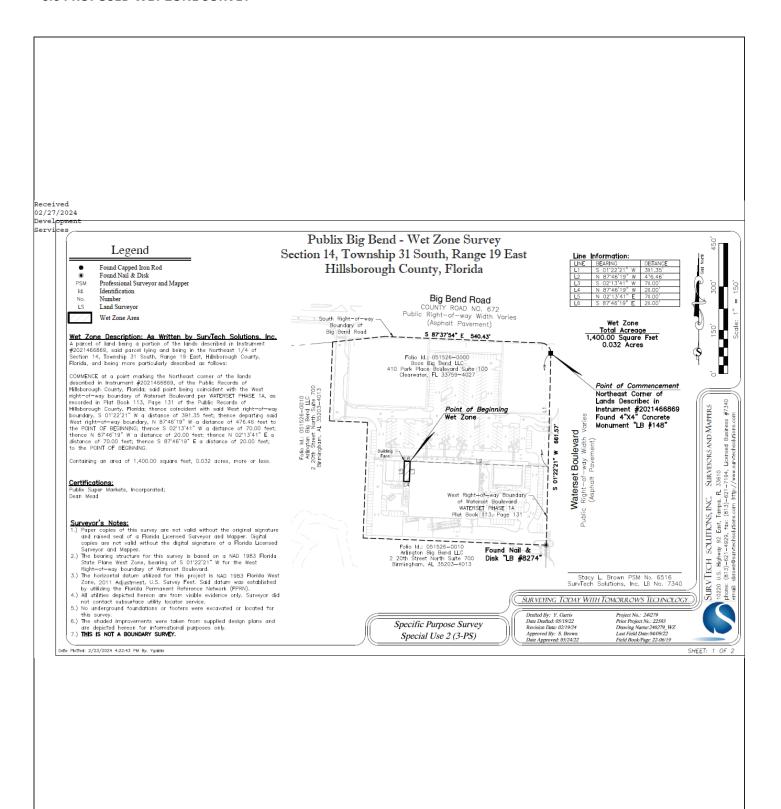
## SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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.

LUHO HEARING DATE: April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

#### **6.0 PROPOSED WET ZONE SURVEY**

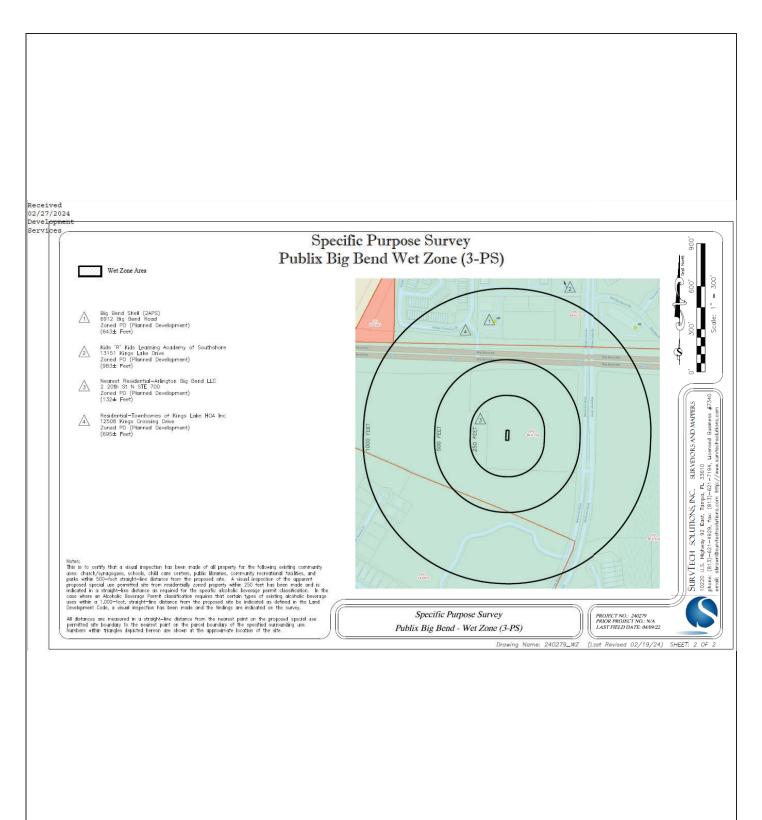


APPLICATION NUMBER:	SU-AB 24-049
---------------------	--------------

LUHO HEARING DATE: April 22, 2024

REQUESTED CLASSIFICATION: 3-PS Case Reviewer: Michelle Montalbano

## 6.0 PROPOSED WET ZONE SURVEY (Page 2 if Applicable)



## PUBLIX SUPER MARKETS, INC.

The Shops at Big Bend Shopping Center Liquor Store #1876 Address: 7070 Waterset Boulevard Apollo Beach, Florida 33572

# SPECIAL USE ALCOHOLIC BEVERAGE PERMIT APPLICATION (WAIVER REQUIRED) LIQUOR STORE

## WRITTEN STATEMENT

This Special Use Alcoholic Beverage Permit Application (Waiver Required) is being filed for a 1,400 square foot Publix liquor store (3-PS beer, wine, and liquor to be sold in sealed containers only for consumption off the permitted premises – package sales). The proposed liquor store is to be constructed adjacent to the Publix supermarket in The Shops at Big Bend Shopping Center located at the southwest corner of Big Bend Road and Waterset Boulevard in Apollo Beach, Florida (folio number 051526-0000). The address for the proposed liquor store space is 7070 Waterset Boulevard, Apollo Beach, Florida 33572.

The Land Use Hearing Officer may grant waivers of the distance requirements from existing certain community uses and residentially zoned property, and/or from the maximum number of alcoholic beverage establishments within 1,000 feet of the proposed Alcoholic Beverage Special Use Permit. The waiver may be granted if there are special or unique circumstances where the alcoholic beverage use applied for does not have significant negative impacts on surrounding properties or if the circumstances make the distance requirements unnecessary.

This request does not meet the following locational requirements:

A. Hillsborough County Land Development Code Section 6.11.11. D. 4. requires separation of the proposed Special Use building footprint to residentially zoned property shall be at least 250 feet. This proposed Special Use lies within 132 feet of residential uses approved pursuant to Planned Development PRS 21-0229 (PD 86-0154) that approved the commercial and residential uses currently under construction. The residentially zoned parcel

is located to the northwest of the proposed liquor store requiring a waiver of approximately 118 feet.

The special or unique circumstances that make the specified distance requirements unnecessary are:

- 1. The proposed liquor store will be located within The Shops at Big Bend Shopping Center that is oriented toward southern portion of the shopping center parcel. The proposed liquor store space is adjacent to the Publix supermarket. The proposed liquor store space is separated from the residentially zoned property by three retail spaces, a large parking lot area, landscaping and an access driveway off of Big Bend Road. The other retail spaces, parking lot area, landscaping and access driveway provide a significant buffer between the proposed liquor store and the residentially zoned property mitigating any significant negative impact to the residential use.
- 2. The Shops at Big Bend Shopping Center has access points off of Big Bend Road and Waterset Boulevard to provide efficient traffic flow for visitors traveling to and from the shopping center.
- 3. The proposed liquor store will sell beer, wine, and liquor to be sold in sealed containers only for consumption off the permitted premises (package sales).
- 4. The proposed liquor store will be within a retail shopping center with other commercial and retail uses.
- 5. The design of The Shops at Big Bend Shopping Center negates the necessity for the specified distance separation requirement to the residential use.
- 6. Publix has a strong training program for its employees with regard to checking identification of customers purchasing alcoholic beverages.
- 7. The location of the liquor store is within the same Planned Development zoning as the residential use and the proximity of commercial uses and residential has been planned for the area.
- 8. The liquor store use has less potential adverse impacts than other Commercial uses permitted by the sites zoning.

Instrument #: 2021466869, Pg 1 of 3, 9/15/2021 4:38:30 PM DOC TAX PD(F.S. 201.02) \$150675.00, INT. TAX PD (F.S. 199) \$0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: MEBELING Cindy Stuart, Clerk of the Circuit Court Hillsborough County

This instrument prepared by:

Michael R. Rocha, Esq.
Brooks, Sheppard & Rocha, PLLC
400 N. Tampa Street, Suite 1910
Tampa, FL 33602

_[Space Above	This Line	for Recording	g Data]
---------------	-----------	---------------	---------

## SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, is made as of the day of September, 2021, by BAYVIEW PROPERTIES, LTD., LLLP, a Florida limited liability limited partnership, having an address of PO Box 2448, Plant City, Florida 33564-2448 ("Grantor"), to BOOS – BIG BEND, LLC, a Florida limited liability company, having an address of 410 Park Place Boulevard, Suite 100, Clearwater, Florida 33759 ("Grantee").

## WITNESSETH:

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, transfers and conveys unto Grantee and Grantee's successors and assigns, the following described land in Hillsborough County, Florida (the "Land"):

See <u>Exhibit</u> "A" attached hereto and incorporated herein by reference for the description of the Land conveyed herein.

Property Appraiser's Tax Folio No.: 051526-0000

SUBJECT TO real estate taxes for 2021 and all subsequent years, existing zoning and governmental regulations, and all easements, restrictions, and reservations of record; provided, however, that reference thereto shall not serve to reimpose any of the same.

TOGETHER WITH all the tenements, hereditaments and appurtenances with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto Grantee and Grantee's successors and assigns in fee simple forever.

And Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land; and, subject to the matters described above, that the Grantor will warrant and defend the title

to the Land against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor has executed this deed on the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES:

Print Name: Robert A. Wurra

Print Name: Brooke Tanner

**GRANTOR:** 

BAYVIEW PROPERTIES, LTD., LLLP, a Florida limited liability limited partnership

By: Bayview Management, LLC, a Florida limited liability company,

its General Parther

By:

its Manager

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of \_\_\_\_\_ physical presence or \_\_\_\_ online notarization, this \_!4\_ day of September, 2021, by Nylah J. Thompson, as Manager of Bayview Management, LLC, a Florida limited liability company, in its capacity as General Partner of BAYVIEW PROPERTIES, LTD., LLLP, a Florida limited liability limited partnership, and she acknowledged before me that she executed the foregoing on behalf of Bayview Management, LLC, in its capacity as General Partner of Bayview Properties, Ltd., LLLP, for the uses and purposes therein set forth. She is \_\_\_\_ personally known to me or \_\_\_ produced Fl. Driver Livense as identification.

BROOKE TANNER
Commission # HH 124934
Expires August 30, 2025
Banded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC
Print Name: Brooke Janner
My commission expires:

My commission expir

Commission No. \_\_\_\_

## **EXHIBIT "A"**

THAT PART OF THE NORTH 1/2 OF SECTION 14 AND THAT PART OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 31 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, LYING EAST OF THE ATLANTIC COASTLINE RAILROAD RIGHT OF WAY, SOUTH OF BIG BEND ROAD (STATE ROAD 672) AND WEST OF COVINGTON GARDEN DRIVE; LESS LANDS CONVEYED BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 19035, PAGE 745, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT: FROM THE ABOVE LANDS, ANY PORTION LYING WITHIN THE FOLLOWING PLATS:

PLAT OF COVINGTON PARK PHASE 5A, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGES 210 THROUGH 226, INCLUSIVE, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PLAT OF COVINGTON PARK PHASE 5C, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGES 299 THROUGH 309, INCLUSIVE, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PLAT OF WATERSET PHASE 1A, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 113, PAGES 131 THROUGH 145, INCLUSIVE, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PLAT OF WATERSET PHASE 1D, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGES 265 THROUGH 268, INCLUSIVE, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.





# Property/Applicant/Owner Information Form

	Official Use Only	
Application No: 24-0495		Intake Date: 02/27/2024
Hearing(s) and type: Date: 04/22/2024	Type: <u>LUHO</u>	Receipt Number: <u>344687</u> Intake Staff Signature: <u>lare Odell</u>
Date:	Туре:	Intake Staff Signature: <u>Vare Vael</u> l
	Property Informati	on
Address: 7070 Waterset Boule		
TWN-RN-SEC: 31-19-14 Folio(s): 051526.0	000 Zoning: PD F	e/Zip: Apollo Beach, FL 33572  UMU-20 Property Size: 8.388
	Property Owner Inform	
Name: Boos Big Bend, LLC	,	Agent (813) 223-4800Daytime Phone
Address: 410 Park Place Blvd., S	Suite 100 City/State/	Daytime Phone Agent (813) 223-4800 Zip: Clearwater,FL 33759-4027
Email: Agent: dsmith@stearr	nsweaver.com	Agent (813) 222-5089
	Applicant Informat	ion
Name: Publix Super Markets	s, Inc.	Agent (813) 223-4800Daytime Phone
Address: PO Box 407	City/State/	zip:_Lakeland, FL 33802
Agent: dsmith@stearnsweaver.cor	m; cwalden@stearnsv	/eaver.com Fax Number (813) 222-5089
	's Representative (if diff	
Name: David Smith - Stearn	s Weaver Mille	Pr
Address: PO Box 3299	City/State/	<sub>Zip:</sub> Tampa, FL 33601-3299
		eaver.com <sub>Fax Number</sub> (813) 222-5089
I hereby swear or affirm that all the inform	ation I here	eby authorize the processing of this application ecognize that the final action taken on this
provided in the submitted application pack and accurate, to the best of my knowledge		on shall be binding to the property as well as to
authorize the representative listed above	the c	urrent and any future owners.
to act on my behalf on this application.		1) 101 201
Signature of the Applicant	Signatu	re of the Owner(s) – (All parties on the deed must sign)
David Smith, As Authorize		vid Smith, As Authorized Agent



## PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	86-0154
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0511H
FIRM Panel	12057C0511H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120511C
County Wide Planning Area	Apollo Beach
Community Base Planning Area	SouthShore
Community Base Planning Area	Apollo Beach
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	17-1293
Personal Appearances	11-0026,06-1368,14-1077, 20-1316, 21-0229
Census Data	Tract: 014119 Block: 1012
Future Landuse	UMU-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	ID: 90
Redevelopment Area	NO



Folio: 51526.0000 PIN: U-14-31-19-ZZZ-000001-74270.0 Boos Big Bend Llc Mailing Address: 410 Park Place Blvd Ste 100 null

Clearwater, Fl 33759-4027 Site Address:

7021 Big Bend Rd Gibsonton, Fl 33534 SEC-TWN-RNG: 14-31-19

Acreage: 11.0163002 Market Value: \$5,521,380.00 Landuse Code: 1000 Vacant Comm.

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for: 1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.

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