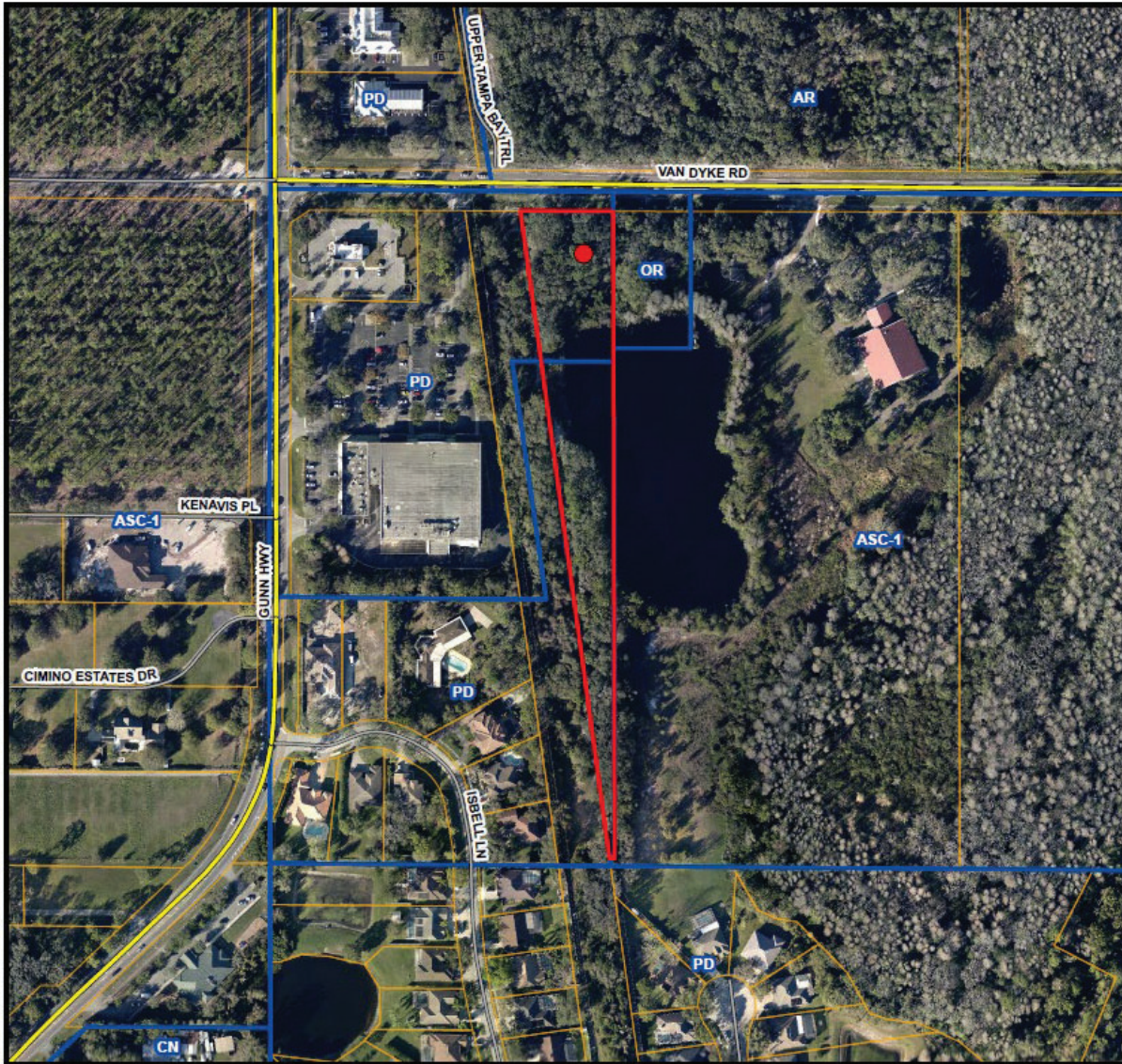




Land Use Application Summary Report

Application Number:	SU 22-1135 AB	Adjacent Zoning and Land Uses:	
Request:	2-COP Alcoholic Beverage Permit with Separation Waiver	North:	Agricultural Rural – AR / Vacant
		East:	Office Residential – OR / Resid, Office
Comp Plan:	RES-1	South:	Planned Development – PD 93-0196 / Vacant (SF Resid)
Service Area:	Rural Service Area	West:	Planned Development – PD 92-0009 / Powerline corridor



**ZONING MAP
SU-AB 22-1135**

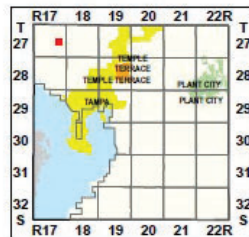
Folio: 2100.0000

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



0 200 400 Feet

STR: 23-27-17



NOTES: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map. Hillsborough County makes no warranty, representation or guarantee as to the content, accuracy, accuracy, timeliness, or completeness of any of the information provided herein. This map should not replace the data provided herein for any other purpose. Hillsborough County provides this information as a public service and does not warrant, represent, or guarantee the accuracy, completeness, or timeliness of the information provided. Hillsborough County does not assume any liability for any errors, omissions, or inaccuracies in the information provided. Hillsborough County does not assume any liability for any errors, omissions, or inaccuracies in the information provided. Hillsborough County does not assume any liability for any errors, omissions, or inaccuracies in the information provided.

Date: 07/05/2022 Path: G:\ZONING\GIS\Date_Zoning_Map.aprx
Produced By: Development Services Department

Request Details:

The applicant seeks approval of separation waivers for a 2-COP Alcoholic Beverage Permit for an undeveloped commercial site located at 7720 Van Dyke Road in Odessa. The requested wet zoning allows the sale of beer and wine, for consumption on and off the permitted premises (package sales).

The subject wet zoning is proposed for a portion of a parcel with two Planned Development (PD) zoning districts: the northernmost 294 feet of the parcel is part of PD 92-0009 which allows commercial and office uses, while the remainder of the parcel is part of PD 96-0193 and approved for one single-family home. The proposed wet zoning is within the portion zoned PD 92-0009.

Under PD 92-0009, as most recently modified by MM 21-0116, the portion of the PD for which the wet zoning is requested allows a microbrewery, free-standing bar/tavern, brew pub, bicycle repair and sales in addition to a food truck corral (maximum of 5 food trucks). Additionally, the PD stipulates that buildings and the food truck corral area (to include any associated seating) shall be located a minimum of 0 feet from the western boundary and a minimum of 30 feet from the wetland line (southern boundary).

The proposed wet zoning area contemplates indoor and outdoor AB use, as shown on the wet zone special purpose survey included with this application. The limits of the proposed wet zoning area are consistent with the approved PD General Site Plan (GSP) and conditions. The wet zone legal description will match the area labeled as "Structure & food cart pods / trucks location" noted in the PD GSP. The conditions of the PD also limit the noise and hours of operation.

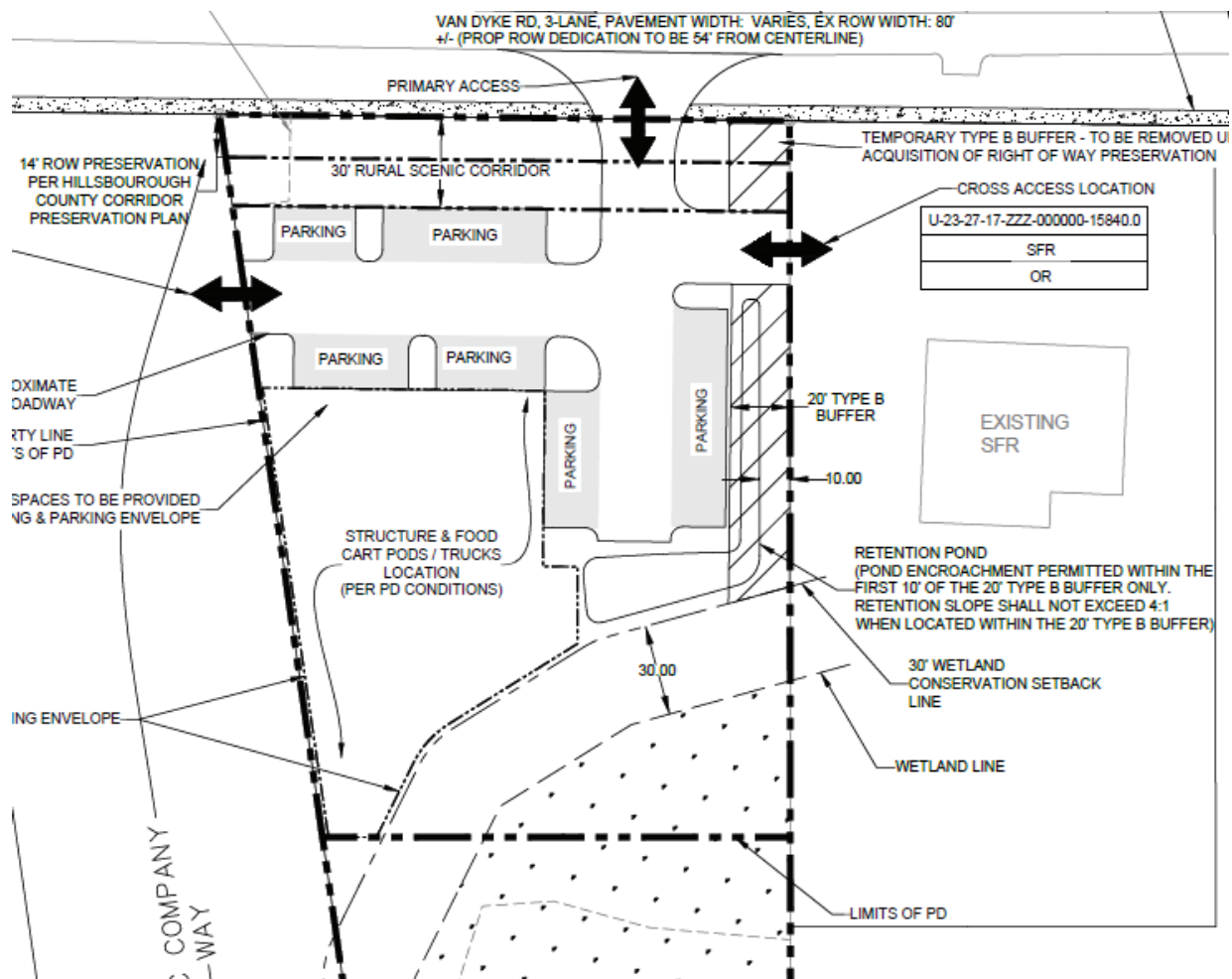


Figure 1. PD Certified Site Plan.

The permitted hours of operation for the subject site that are set forth in Condition 1.2.9 of PD 92-0009, as modified by MM 21-0116, prohibits operations from 11:00 p.m. to 6:00 a.m. Sunday through Thursday, and from 12:00 a.m. to 6:00 a.m. on Friday and Saturday.

Additionally, LDC Section 6.11.11.I limits the sale and/or consumption of alcoholic beverages to the hours from 7:00 a.m. to 3:00 a.m. the next day on Monday through Saturday, and from 11:00 a.m. to 3:00 a.m. the next day on Sunday.

In view of both sets of restrictions, staff finds the following hours for alcohol sales and/or consumption may be considered: Sunday, 11:00 a.m. to 11:00 p.m.; Monday through Thursday, 7:00 a.m. to 11:00 p.m.; and Friday and Saturday, 7:00 a.m. to 12:00 midnight.

The applicant proposes that if the hours of operation for the subject site, or portion thereof, are modified in the future by the Board of County Commissioners to allow for additional hours of operation, the sale and/or consumption of alcoholic beverages shall also be permitted for said modified hours. Staff does not object to this proposal, provided that in no case will the sale and/or consumption of alcoholic beverages be allowed before 7:00 a.m. Monday through Saturday and 11:00 a.m. on Sunday, nor after 3:00 a.m. any day, as reflected in the recommended conditions of approval in this report.

According to the revised survey submitted by the applicant on September 16, 2022, the proposed wet zone area will be 0.241 acres (10,497.9 square feet) in total size.

Per LDC Section 6.11.11.D.4, the following distance separation requirements apply to the proposed wet zoning:

- 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. As shown on the submitted survey, there is a community use (Journey A Christian Church) within 500 feet, located to the east. The applicant requests a 280-foot waiver separation resulting of a distance of 220 feet.

- 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. As shown on the submitted survey, the southern portion of the subject parcel is zoned PD 93-0196, approved for a single-family home. The applicant requests a 250-foot waiver separation resulting in a distance of 0 feet.

- 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.

According to the survey submitted by the applicant, the request **does** comply with this requirement.

Per LDC Section 6.11.11.E, waivers to the required distance separations may be requested by the applicant 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 circumstances exist such that the necessity for the separation requirement(s) is negated.

Waiver Request:

The applicant has submitted the following justification for the requested separation waiver from the community use:

- The proposed Special Use is contemplated by the existing approved PD site plan, and is therefore a compatible and approved use of the Site.
- The surrounding area is commercialized, especially at the relatively major intersection of Gunn Hwy and Van Dyke Road, which is a community center in the area.

- The conditions of approval placing limitations on the use of the Site to ensure mitigation of any potential impacts to the surrounding community uses.
- Alcoholic Beverage-related uses have been deemed compatible with and approved for the Site. Without a Special Use permit, the Site cannot operate as contemplated in the permitted uses of the PD plan.

The applicant has submitted the following narrative and justification for the requested separation waiver from the residentially zoned property (southern portion of the site):

- The Site is part of a larger parcel that is subject to both the PD with commercial uses (MM 21-0116) as well as PD 93-0196, which covers the lower portion of the parcel. PD 93-0196 depicts a single family residence on a portion of the property. The southernmost portion of the proposed wetzone area touches the northernmost portion of PD 93-0196, and is therefore within 0' of residentially zoned property.
- Since it is the same parcel, under common ownership, and PD 93-0196 was in existence prior to MM 21-0116's approval, the proposed Special Use as approved under MM 21-0116 is clearly compatible with this other portion of the parcel's zoning.
- Although zoned for a single-family residential unit, such a unit has not been constructed..

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 PD is approved for uses such as a microbrewery, eating establishment and food truck space and therefore contemplates the sale of alcoholic beverages.
- The proposed wet zoning is separated from the church by property zoned O-R (Office, Residential) which serves as a buffer and screening between both uses.
- The normal route of travel from the proposed wet zoning to the church sanctuary is more than 650 feet.
- The residentially zoned portion of the parcel to the south is vacant and under common ownership with the property for which the wet zoning is sought. Additionally, extensive vegetation and wetlands exist between the commercially zoned portion and the residentially zoned property. This area is vacant today.
- The recommended hours of operation for the sale and/or consumption of alcoholic beverages for the proposed wet zoning are more restrictive than the hours allowed by the Land Development Code.
- The immediate area consists of an intersection of roadways containing a mix of commercial shopping centers, retail and eating establishments. The requested AB license is typically found in commercial corridors and intersections.
- Staff notes that approval of the wet zoning does not guarantee that other requirements established by the conditions of approvals and GSP for both PD districts including but not limited to access between the two portions of the subject parcel will be approved or granted.

Recommendation:

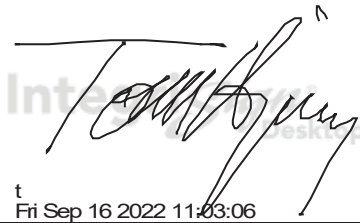
For the reasons discussed above, staff finds the proposed wet zoning does not pose significant impacts on surrounding land uses and the necessity for the specified distance separation requirements is negated by the circumstances identified above. Therefore, staff finds the request to be **APPROVABLE, with conditions**. Approval is based upon the survey indicating a total wet zoned area of 0.241 acres (10,497.9 square feet) in total size, covering indoor and outdoor areas, received September 16, 2022.

Proposed Conditions:

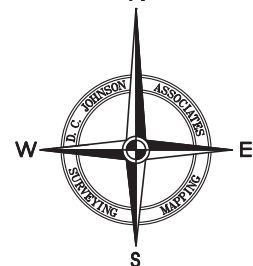
1. The sale and/or consumption of alcoholic beverages shall be limited to the following hours: Sunday, 11:00 a.m. to 11:00 p.m.; Monday through Thursday, 7:00 a.m. to 11:00 p.m.; and Friday and Saturday, 7:00 a.m. to 12:00 midnight.
2. If PD 92-0009 is modified in the future to allow additional hours of operation for the subject property, the permitted hours for the sale and/or consumption of alcoholic beverages under this Alcoholic Beverage permit shall be amended in like manner, except that in no case shall the sale and/or consumption of alcoholic beverages be allowed before 7:00 a.m. Monday through Saturday and 11:00 a.m. on Sunday, nor after 3:00 a.m. any day.

Staff's Recommendation: **Approvable, with conditions**

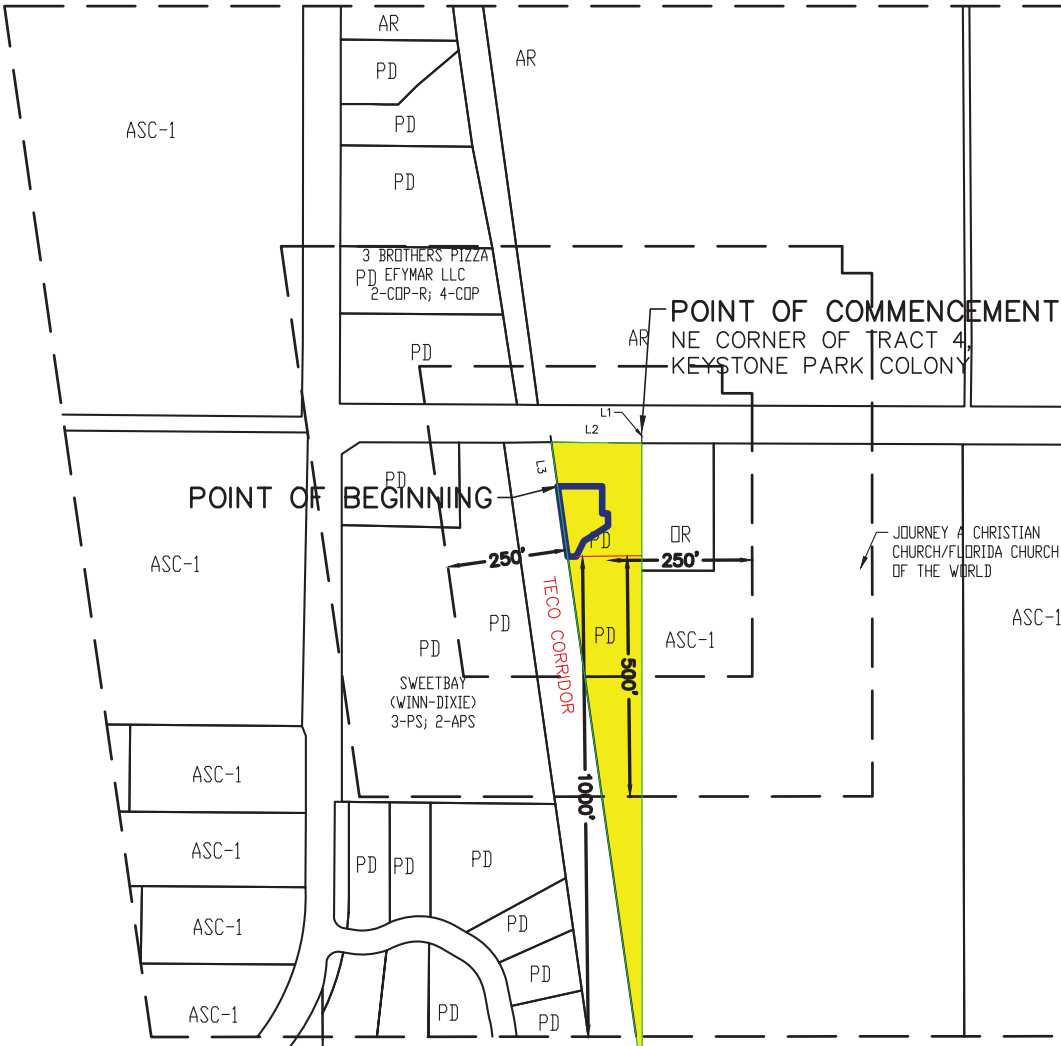
Zoning
Administrator
Sign-off:



t
Fri Sep 16 2022 11:03:06



SCALE 1" = 400'
0 100' 200' 400'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 00°02'16" E	25.00'
L2	N 89°20'21" W	188.15'
L3	S 08°06'36" E	92.73'
L4	N 90°00'00" E	92.75'
L5	S 00°00'00" E	56.66'
L6	N 89°57'15" E	11.94'
L7	S 00°38'52" E	25.88'
L8	S 57°42'36" W	59.61'
L9	S 26°17'32" W	35.69'
L10	S 89°19'07" W	17.90'
L11	N 08°06'36" W	148.06'

DESCRIPTION:

A parcel of land lying within that part of Tract 4, KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County, Florida and being in Section 23, Township 27 South, Range 17 East, County, Florida, being more particularly described as follows:
 For a POINT OF REFERENCE commence at the Northeast corner of said Tract 4, KEYSTONE PARK COLONY; thence S.00°02'16"E., along the East boundary of said Tract 4, a distance of 25.00 feet to the South right-of-way line of Van Dyke Road; thence N.89°20'21"W., along said South right-of-way line, a distance of 188.15 feet to the Easterly boundary of a Tampa Electric Company right-of-way; thence S.08°06'36"E., along said Easterly boundary, a distance of 92.73 feet for a POINT OF BEGINNING; thence East, a distance of 92.75 feet; thence South, a distance of 56.66 feet; thence N.89°57'15"E., a distance of 11.94 feet; thence S.00°38'52"E., a distance of 25.88 feet; thence S.57°42'36"W., a distance of 59.61 feet; thence S.26°17'32"W., a distance of 35.69 feet; thence S.89°19'07"W., a distance of 17.90 feet to the aforesaid Easterly boundary; thence N.08°06'36"W., along said Easterly boundary, a distance of 148.06 feet to the POINT OF BEGINNING.
 Containing 0.241 acres, more or less.

Subject site zoning: PD (Planned Development)
 Adjacent parcel zoning: OR (Office Residential); PD (Planned District); ASC-1 (Agricultural, Single Family Conventional);
 Straight-line distance to nearest residentially zoned property: 0 feet
 Straight-line distance to nearest residence: 280 feet
 Straight-line distance to nearest school: 870 feet
 Straight-line distance to nearest child care center: 1487 feet
 Straight-line distance to nearest public library: 2352 feet
 Straight-line distance to nearest church: 480 feet

- ALCOHOL BEVERAGE PERMITS WITHIN 1,000 FEET
- Sweetbay #17649 Gunn Hwy 2-APS (230')
 - Sweetbay #17649 Gunn Hwy 3-PS (230')
 - EFYMAR LLC #17759 Gunn Hwy 4-COP (421')
 - Three Brothers New York Pizza #17773 Gunn Hwy 2-COP-R (458')
- RESIDENTIALLY ZONED PROPERTIES (RSC-3 and PD) WITHIN 250 FEET
- 7720 Van Dyke Road, Odessa, FL (0')
- COMMUNITY USES WITHIN 500 FEET
- Journey A Christian Church/Florida Church of the World #7708 Van Dyke Rd 220'

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 string line distance from the proposed site. A visual inspection of the apparent 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, a visual inspection has been made and the findings are indicated on the survey.

SKETCH ONLY **SPECIFIC PURPOSE SURVEY**
NOT A FIELD SURVEY **WET ZONE "2-COP)** **SHEET 1 OF 2**

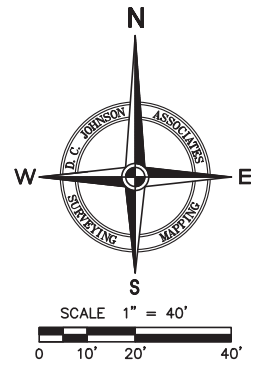
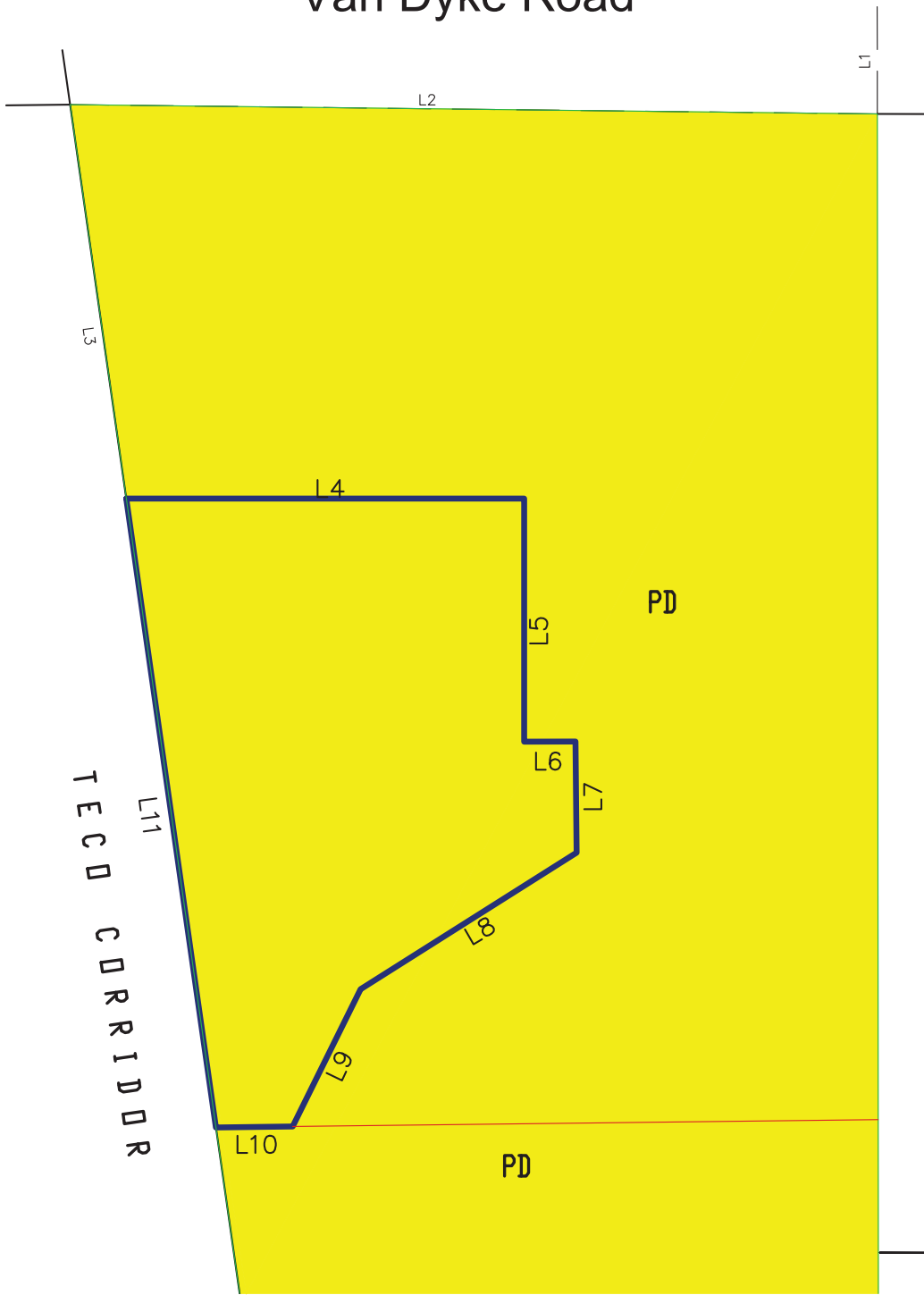
Corner Monuments were not set in conjunction with the preparation of this sketch.
 Improvements, if any, have not been located in conjunction with the preparation of this sketch.
 This sketch is for graphic illustration only, and does not represent a field survey.
 Descriptions created per this sketch.

7720 Van Dyke Road
 PREPARED FOR
7720 Van Dyke Holdings, LLC
 JOB NO: 2018-203A01.BG00005 DRAWN BY: ARG

We hereby certify that the sketch and description shown hereon are true and correct to the best of our knowledge and belief, and were prepared in accordance with the Standards of Practice as set forth by the Florida Board of Land Surveyors, in Chapter SJ-17, Florida Administrative Code, pursuant to Section 471.22, Florida Statutes.
 LST7043
 STATE OF FLORIDA
 Professional Surveyor and Mapper
 Andrew R. Getz Date: 9/15/2022
 For D.C. Johnson & Associates, Inc. License Number 7043
 Not valid without the signature and raised seal of a Florida Licensed Surveyor

D.C. JOHNSON & ASSOCIATES
SURVEYING AND MAPPING
 Florida Licensed Business No. LB 4514
 11911 S. Curley St. San Antonio, FL 33576
 (352) 588-2768 survey@dcjohnson.com
 www.dcjohanson.com

Van Dyke Road



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 00°02'16" E	25.00'
L2	N 89°20'21" W	188.15'
L3	S 08°06'36" E	92.73'
L4	N 90°00'00" E	92.75'
L5	S 00°00'00" E	56.66'
L6	N 89°57'15" E	11.94'
L7	S 00°38'52" E	25.88'
L8	S 57°42'36" W	59.61'
L9	S 26°17'32" W	35.69'
L10	S 89°19'07" W	17.90'
L11	N 08°06'36" W	148.06'

SPECIFIC PURPOSE SURVEY WET ZONE "2-COP)

Corner Monuments were not set in conjunction with the preparation of this sketch. Improvements, if any, have not been located in conjunction with the preparation of this sketch. This sketch is for graphic illustration only, and does not represent a field survey. Descriptions created per this sketch.

7720 Van Dyke Road

PREPARED FOR

7720 Van Dyke Holdings, LLC

JOB NO: 2018-203A01.BG00005 | DRAWN BY: ARG

SKETCH ONLY
NOT A BOUNDARY SURVEY

SHEET 2 OF 2
SEE SHEET 1 FOR DESCRIPTION



Florida Licensed Business No. LB 4514
11911 S. Curley St. San Antonio, FL 33576
(352) 588-2768 survey@dcjohnson.com
www.dcjohanson.com

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Additional / Revised Information Sheet

Office Use Only		
Application Number: SU-AB 22-1135	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 22-1135 Applicant's Name: Van Dyke Holdings LLC

Reviewing Planner's Name: Israel Monsanto Date: 9/15/2022

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): 9/26/2022

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@hcfgov.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@hcfgov.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.

Jaime R. Maier

Digitally signed by: Jaime R. Maier
DN: CN = Jaime R. Maier email = jaime.maier@hwhlaw.com C = US O = Hill Ward Henderson OU = Attorney
Date: 2022.09.15 17:04:50 -04'00'

Signature

9/15/2022

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

SU-AB 22-1135

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: **Jaime R. Maier**

Digitally signed by: Jaime R. Maier
DN: CN = Jaime R. Maier email = jaime.maier@hwhlaw.com C = US O = Hill Ward Henderson OU = Attorney
Date: 2022.09.15 17:04:40 -04'00'

(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.



SENDER'S DIRECT DIAL:
813-506-5184

SENDER'S E-MAIL:
jaime.maier@hwlaw.com

September 15, 2022

Israel Monsanto
Development Services Department
County Center
601 E. Kennedy Blvd., 19th Floor
Tampa, FL 33602

Re: SU AB 22-1135 – Revised Wetzone Special Purpose Survey and Narrative

Dear Mr. Monsanto:

Pursuant to discussions with County Staff, please find the attached revised wetzone survey and narrative, which clarifies the parcel boundary and wetzone area with a zoomed-in view, shows distance to residentially zoned portion of the parcel (0'), revises measurement to community use from parcel line rather than structure, and removes extraneous information from outside the 1000' radius. The revised narrative clarifies the community use distance waiver measurement, and adds the residentially zoned property waiver request.

Please accept these materials for filing in the application record, and please contact our office with any questions.

Thank you.

Sincerely,

HILL WARD HENDERSON

A handwritten signature in blue ink, appearing to read "Jaime R. Maier", written over a horizontal line.

Jaime R. Maier, Esq.

KC/JRM

Special Use – Alcoholic Beverage Permit Application

7720 Van Dyke Road

The Applicant requests a Special Use Permit for Alcoholic Beverage use, in connection with the approved PD zoning district for the Site, as amended in MM 21-0116. A copy of the PD conditions of approval is included with this application, which includes microbrewery, bar/tavern, and brew pub uses, and contemplates a Special Use Permit to facilitate same.

The proposed wetzone area of the Site contemplates indoor and outdoor AB use, as shown on the wetzone special purpose survey included with this application, which is consistent with the approved PD plan. The conditions of the PD limit the noise and hours of the potential uses of the Site.

The permitted hours of operation for the Site uses as set forth in Condition 1.2.9 of MM 21-0116 are: no operations from 11pm to 6am Sundays through Thursdays and no operations from 12am to 6am on Friday and Saturday. Therefore, the sale and/or consumption of alcoholic beverages shall be limited to the following: Friday and Saturday 6am to 12am and Sunday through Thursday 6am to 11pm. If the hours of operation for the Site uses, or portion thereof, are modified in the future by the Board of County Commissioners to allow for modified hours of operation, then the sale and/or consumption of alcoholic beverages shall also be permitted for said modified hours.

The Site has been zoned PD for various commercial uses since 2006, and is in harmony with the growth of the surrounding area, as it will provide a needed space for locals to congregate and enjoy entertainment uses in proximity to other recreation type uses in the Odessa area. Especially in a post-pandemic world, outdoor AB areas are a desired entertainment option for many customers.

This application requires waivers from the standard separation distances from specified uses, as described more fully below. Specifically, the proposed AB Special Use permit does not meet the following locational requirements, and therefore needs waivers:

1. Waiver to permit 2-COP within 500' of community uses (church), said community use located at:
 - a. 7708 Van Dyke Road, within 220'
2. Waiver to permit 2-COP within 250' of residentially zoned property, said property located at:
 - a. 7720 Van Dyke Road, within 0'

These waiver requests are justified as follows:

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

For the existing community use, in this case, a church, no negative impacts are anticipated by the proposed use. The proposed Special Use is contemplated by the existing approved PD site plan, and is therefore a compatible and approved use of the Site. The surrounding area is commercialized, especially at the relatively major intersection of Gunn Hwy and Van Dyke Road, which is a community center in the area. The conditions of approval placing limitations on the use of the Site ensure mitigation of any potential impacts to the surrounding community uses. For the residentially zoned property, the Site is part of a larger parcel that is subject to both the PD with commercial uses (MM 21-0116) as well as PD 93-0196, which covers the lower portion of the parcel. PD 93-0196 depicts a single family residence on a portion of the property. The southernmost portion of the proposed wetzone area touches the northernmost portion of PD 93-0196, and is therefore within 0' of residentially zoned property. Since it is the same parcel, under common ownership, and PD 93-0196 was in existence prior to MM 21-0116's approval, the proposed Special Use as approved under MM 21-0116 is clearly compatible with this other portion of the parcel's zoning. Although zoned for a single-family residential unit, such a unit has not been constructed.

2. *The circumstances that negate the need for the specified distance requirements are:*

The proposed Special Use permit for Alcoholic Beverage Use on the Site is in harmony with and contemplated by the Site's existing, approved PD zoning. Alcoholic Beverage-related uses have been deemed compatible with and approved for the Site. Without a Special Use permit, the Site cannot operate as contemplated in the permitted uses of the PD plan.

PREPARED BY & RETURN TO:
Albert C. Kreischer, Jr.
FUENTES & KREISCHER, P.A.
1407 W. BUSCH BLVD.
TAMPA, FL 33612

File No. 2018454

Parcel ID #2100.0000

WARRANTY DEED

THIS INDENTURE made the 20 day of June, 2018, by **John J. Cullaro, Individually and as Trustee of the Alto Pharmaceuticals, Inc. Pension Plan and Trust**, whose address is P.O. Box 271150, Tampa, Florida 33688, hereinafter called the Grantor, to **7720 Van Dyke Holdings, LLC, a Florida limited liability company**, whose address is 9504 Eddings Road, Odessa, FL 33556, hereinafter called the Grantee:

Witnesseth: That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases, and transfers unto the Grantee, that certain land situated in Hillsborough County, Florida, to-wit:

That part of Tract 4 and Tract 5, lying in the Northeast 1/4 of Section 23, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, according to the map or plat thereof, as recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County, Florida, lying East of Tampa Electric Company right of way; more particularly described as follows:

Commencing at the Northeast corner of said Tract 4, lying in the Northeast 1/4 of said Section 23; thence S. 00°39'10" E., along the East boundary of said Tract 4, a distance of 25.00 feet to the Point of Beginning; said Point of Beginning also being on the South boundary of Van Dyke Road; thence S. 00°39'10" E., along the East boundary of said Tract 4 and Tract 5, a distance of 1274.89 feet to the Southeast corner of said Tract 5; thence S. 89°51'23" W., along the South boundary of Tract 5 a distance of 7.37 feet to the Easterly boundary of Tampa Electric Company right of way; thence N. 08°42'11" W. (N. 08°42'14" W. calculated), along the Easterly boundary of the Tampa Electric Company right of way a distance of 1289.76 feet; thence East along the South boundary of Van Dyke Road a distance of 188.01 feet to the Point of Beginning.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

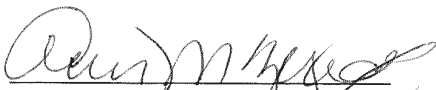

To Have and To Hold the same in fee simple forever.

The property described in his Warranty Deed is not the homestead property of the Grantor, **John J. Cullaro**, under the laws and constitution of the State of Florida in that neither Grantors nor any members of the Grantors immediate family reside thereon.



And the Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, except: taxes for 2018, and subsequent years, zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities, and conditions, easements, and restrictions of record, if any, with the understanding that this reference shall not operate to reimpose any of them.

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

Signed, sealed and delivered in our presence:

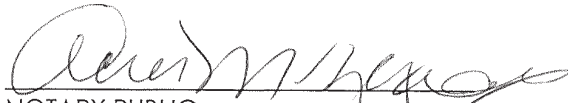

Print: Ann M. Zyndorf

Print: Gina Harvey

Alto Pharmaceuticals, Inc. Pension Plan and Trust

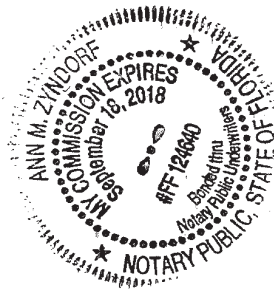

John J. Cullaro, Trustee

John J. Cullaro, Individually

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 14 day of June, 2018, by **John J. Cullaro, Individually and as Trustee of the Alto Pharmaceuticals, Inc. Pension Plan and Trust**, who is personally known to me or who has produced drivers license as identification.


NOTARY PUBLIC
Print: Ann M. Zyndorf

My Commission Expires:





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only		
Application No: <u>22-1135</u>		Intake Date: <u>6/28/2022</u>
Hearing(s) and type: Date: <u>8/22/2022</u>	Type: <u>LUHO</u>	Receipt Number: <u>174656</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Clare Odell</u>

Property Information

Address: 7720 Van Dyke Road City/State/Zip: Odessa, FL, 33556

TWN-RN-SEC: 27-17-23 Folio(s): 002100-0000 Zoning: PD (MM 21-0116) Future Land Use: R-1 Property Size: 2.73 ac, m.o.l.

Property Owner Information

Name: 7720 Van Dyke Holdings LLC Daytime Phone _____

Address: 9504 Eddings Rd City/State/Zip: Odessa, FL 33556-4803

Email: _____ Fax Number _____

Applicant Information

Name: Same as Property Owner Daytime Phone _____

Address: _____ City/State/Zip: _____

Email: _____ Fax Number _____


Applicant's Representative (if different than above)

Name: Kami Corbett, Esq./ Hill Ward Henderson Daytime Phone 813-227-8421

Address: 101 E. Kennedy Blvd., Ste. 3700 City/State/Zip: Tampa, FL 33602

Email: kami.corbett@hwhlaw.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.

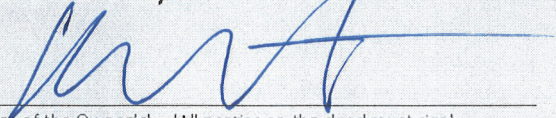


Signature of the Applicant

Kami Corbett, as Agent

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)

Kami Corbett, as Agent

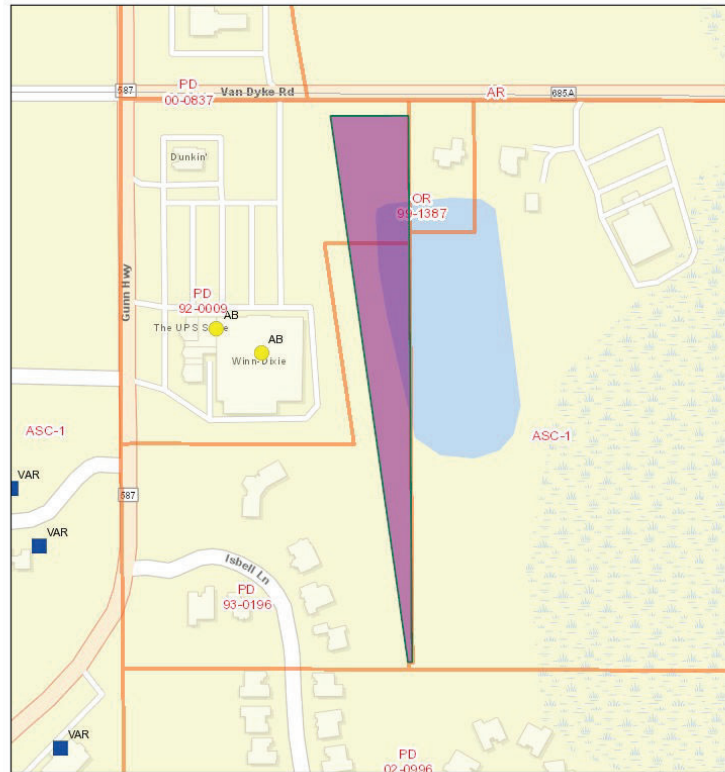
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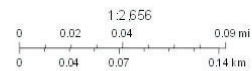
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	92-0009
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	93-0196
Flood Zone:AE	BFE = 51.4 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0039H
FIRM Panel	12057C0039H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120040D
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa
Planned Development	PD
Re-zoning	null
Major Modifications	06-0976, 21-0116
Personal Appearances	93-0247,00-0633,12-0392
Planned Development	PD
Re-zoning	null
Census Data	Tract: 011512 Block: 1003
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 2100.0000



June 28, 2022



Hillsborough County Florida

Folio: 2100.0000
PIN: U-23-27-17-001-000000-15850.0
7720 VAN DYKE HOLDINGS LLC
Mailing Address:
9504 EDDINGS RD
ODESSA, FL 33556-4803
Site Address:
7720 VAN DYKE RD
ODESSA, FL 33556
SEC-TWN-RNG: 23-27-17
Acreage: 2.7253499
Market Value: \$78,664.00
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.
 Or

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



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

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

Applicant/Representative: Kami Corbett, Esq., as Agent Phone: 813-227-8421

Representative's Email: Kami.Corbett@hwhlaw.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Description for the subject site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of Code Enforcement/Building Code Violation(s) (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fastrack Approval (if applicable)

Additional application-specific requirements are listed in Part B of this packet.



Specific Submittal Requirements for Special Use Alcoholic Beverage Permit (waiver required)

This application is for proposed Alcoholic Beverage Permits, commonly known as “wet zonings,” which do not meet the separation requirements found in [Section 6.11.11 of the Land Development Code](#) for the specific category of Alcoholic Beverage permit being requested. This application requires review by a Land Use Hearing Officer (LUHO) through a noticed public hearing process in accordance with [LDC Section 10.02.00](#). The required information below is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

Part B: Project Information

Additional Submittal Requirements for a Special Use - Alcoholic Beverage Permit (waiver required)

- | | | |
|---|--|---|
| 1 | <input checked="" type="checkbox"/> | Project Description/Written Statement |
| 2 | <input checked="" type="checkbox"/> | Site Plan - Submit a neatly drawn site plan showing all buildings on the parcel where the proposed wet zoning will be located. Additionally, the footprint of the wet zoning shall be depicted on the site plan. |
| 3 | <input checked="" type="checkbox"/> | Wetzone Survey - prepared by a Florida registered land surveyor in accordance with DRPM Section 4.1.2.C.7 |
| 4 | <input checked="" type="checkbox"/> | <u>Distance Waiver Request Form</u> **see narrative/justification statement |
| 5 | <input checked="" type="checkbox"/> | <u>Distance Waiver Notification List</u> - As specified in DRPM 12.5.A.3 . |
| 6 | <input type="checkbox"/> | <u>Alcoholic Beverage Verification Application for State Alcoholic Beverage License Signoff</u> (optional)
Please note: If you plan to submit an Alcoholic Beverage Verification application for local zoning sign-off on a state Alcoholic Beverage license in connection with this proposed wet zoning, you must submit a separate Alcoholic Beverage Verification application with this wet zoning application. Payment of a review fee is not required for the Alcoholic Beverage Verification application provided that it's submitted simultaneously with this wet zoning application . All other Alcoholic Beverage Verification applications shall require payment of a separate fee for each sign-off. |
| 7 | not included
<input type="checkbox"/> | Supplemental Information (optional) |