

Special Use-Alcoholic Beverage Permit with Waivers Application: SU-AB 24-0596
LUHO Hearing Date: May 20, 2024
Requested Classification: 4-COP-RX



Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Terry Haley
Zoning: CN
FLU Category: RES-1
Service Area: Rural
Community Plan Area: South Shore Areawide
Overlay: None
Special District: None
Use: Proposed Restaurant
Total Wet Zone Area Requested: 6,052 sf
Inside Area Requested: 5,377 sf
Outside Area Requested: 675 sf
Location: 10522 S. County Rd. 39, Lithia; Folio 93937.0200



Introduction Summary:

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 4-COP-RX Alcoholic Beverage Permit to allow the sale of beer, wine, and liquor for consumption on the permitted premises only in connection with a restaurant. The requested wet zoning requires the host restaurant to have a patron seating capacity of at least 100 seats and a gross floor capacity of at least 2,500 square feet. Additionally, at least 51 percent of the restaurant's total biannual sales must be derived from the sale of food and non-alcoholic beverages. These requirements shall not be waived or varied.

The subject property has an existing AB permit per SU AB 21-1374, approved on January 5, 2022, for a 2-COP for the sale and consumption of beer and wine on and off the permitted premises for the White Oak Cottage. The existing AB permit total wet zone footprint of 6,052 square feet is requested to be maintained and unchanged for the proposed 4-COP-RX AB permit with no requested expansion of the existing AB footprint.

Distance Separation Requirements	Complies with Requirement
Distance to Certain Community Uses Shall Be 500 feet	No
Distance to Residentially Zoned Property Shall be 150 Feet	Yes

Development Services Recommendation:

Approvable, Subject to Conditions

Existing Alcoholic Beverage Permit Being Rescinded:	Yes	Existing Alcoholic Beverage Permit Number:	SU AB 21-1374
---	-----	--	---------------

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	340	160 feet
Community Use:	Pinecrest Elementary School		

Applicant’s Justification:

- The current AB permit has been operational for approximately 2 years with no negative impacts on the surrounding neighborhood.
- The proposal to add liquor as an allowable beverage is pursuant to patron’s requests per applicant’s narrative.
- The applicant also proposes to extend the hours of serving alcohol as there have been no complaints.
- Lastly, the applicant references the justification they provided for the existing 2-COP (SU AB 21-1374), which would also apply for this request:
 - There is extensive buffering between the proposed wet zoning and the school.
 - There is a drainage ditch, a fence, and County Road 39 between the proposed wet zone location and the school building.
 - There is a second drainage ditch on the west side of County Road 39, followed by a four-foot fence on the school property.
 - Once on the school property there is approximately 330 feet of parking lot to traverse before arriving at the school building.

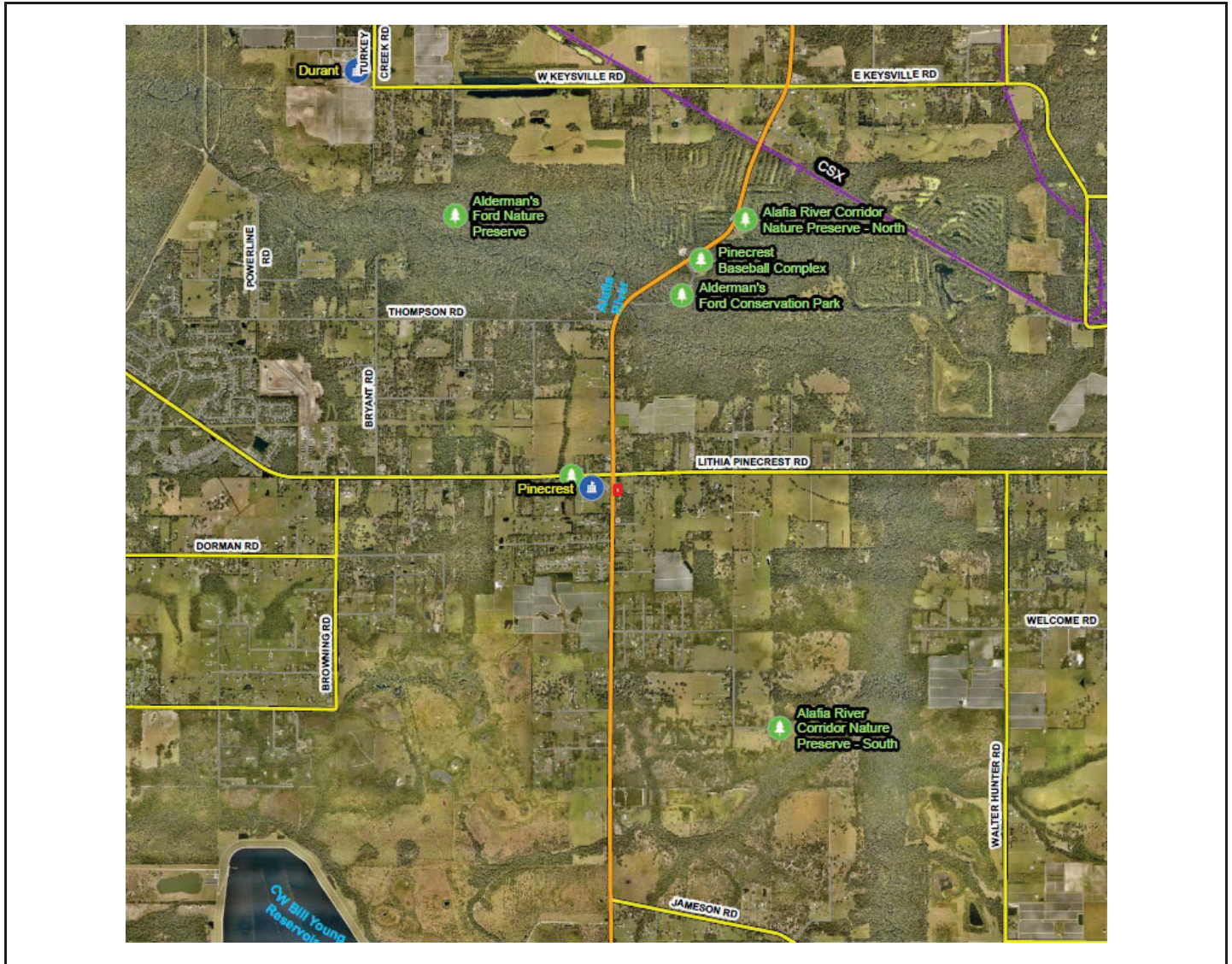
Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to residentially zoned property	150 feet	NA	Over 150 feet

Applicant’s Justification:

The proposed AB does not seek a waiver for distance to residentially zoned property.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.1 Vicinity Map



Context of Surrounding Area:

The subject property is approximately 400 feet south of the intersection of Lithia Pinecrest Road and S. County Road 39. The site is situated in the Southshore Areawide Systems Community Planning Area and within the Rural Service Area.

Surrounding land uses consist of commercial establishments of various types located at the northwest, northeast, and southeast corners of the Lithia Pinecrest Road and S. County Road 39 intersection. Agricultural Rural (AR) zoned property is located east of the subject site and ASC-1 (Agricultural, Single-family Conventional) zoned property is located to the south. Immediately north of the subject property is a Circle K convenience store. Directly west across S. County Road 39 is property zoned Agricultural Rural (AR) and the location of Pinecrest Elementary School.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.2 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Existing Land Use:
North	Commercial neighborhood (CN)	Circle K Convenience Store
South	Agricultural, Single-family Conventional (ASC-1)	Vacant and SF
East	Agricultural Rural (AR)	Agricultural/Vacant
West	Agricultural Rural (AR)	S. County Road 39 and Pinecrest Elementary School

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.”

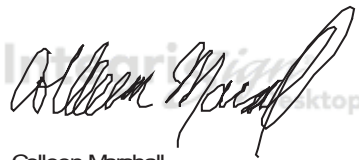
- As shown on the April 15, 2024, wet zone survey, Pinecrest Elementary School property line is approximately 160 feet the proposed wet zone structure.
- There is an existing AB permit for a 2-COP Alcoholic Beverage Development Permit (AB) for the sale and consumption of beer and wine on and off the permitted premises pursuant to SU AB 21-1374.
- The Pinecrest Elementary School property line is approximately 160 feet the proposed wet zone structure. However, the straight-line distance to the Pinecrest Elementary School building is approximately 517 feet from the proposed wet zoning.
- The vehicular route of travel from the entrance of White Oak Cottage to the Pinecrest Elementary School building is approximately 620 feet crossing directly across County Road 39, making a left hand turn onto County Road 39, a right turn onto the school property driveway entrance and to the school parking lot near a school entrance.
- The proposed wet zoning is separated from the school by a drainage ditch on both sides of S. County Road 39 creating an impediment to pedestrians. Following established crosswalks, going north and crossing at Lithia Pinecrest then heading south to the school is approximately a 1,600-foot distance for pedestrians.
- School District staff objects to the proposed wet zoning on the grounds that it does not meet separation requirements from Pinecrest Elementary School. However, school staff objects to all requested separation waivers from schools and provides no basis for the objection, other than the lack of required separation. In the subject case, staff finds the circumstances discussed above and the proposed condition mitigate the need for the required separation distance.
- The applicant has agreed to a condition limiting use of the AB permit for the sale and consumption of alcoholic beverages to between the hours of 11:00 a.m. and 10:00 p.m. daily. These hours are more restrictive than those permitted under the LDC, which are as follows: Monday through Saturday, 7:00 a.m. to 3:00 a.m. the following day; and Sunday, 11:00 a.m. to 3:00 a.m. the following day.
- 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-RX Alcoholic Beverage Permit to be **APPROVABLE, subject to the recommended conditions** below. Approval is based upon the revised wet zone survey reflecting a total wet zone footprint of 6,052 square feet, as shown on the revised wet zone survey received April 15, 2024.

1. The permitted alcoholic beverage use for the consumption of alcoholic beverages shall be limited to the hours between 11:00 a.m. and 10:00 p.m. daily.
2. Upon approval of SU AB 24-0596, the existing 2-COP AB permit (SU AB 21-1374) shall be rescinded.

Zoning Administrator Sign Off:

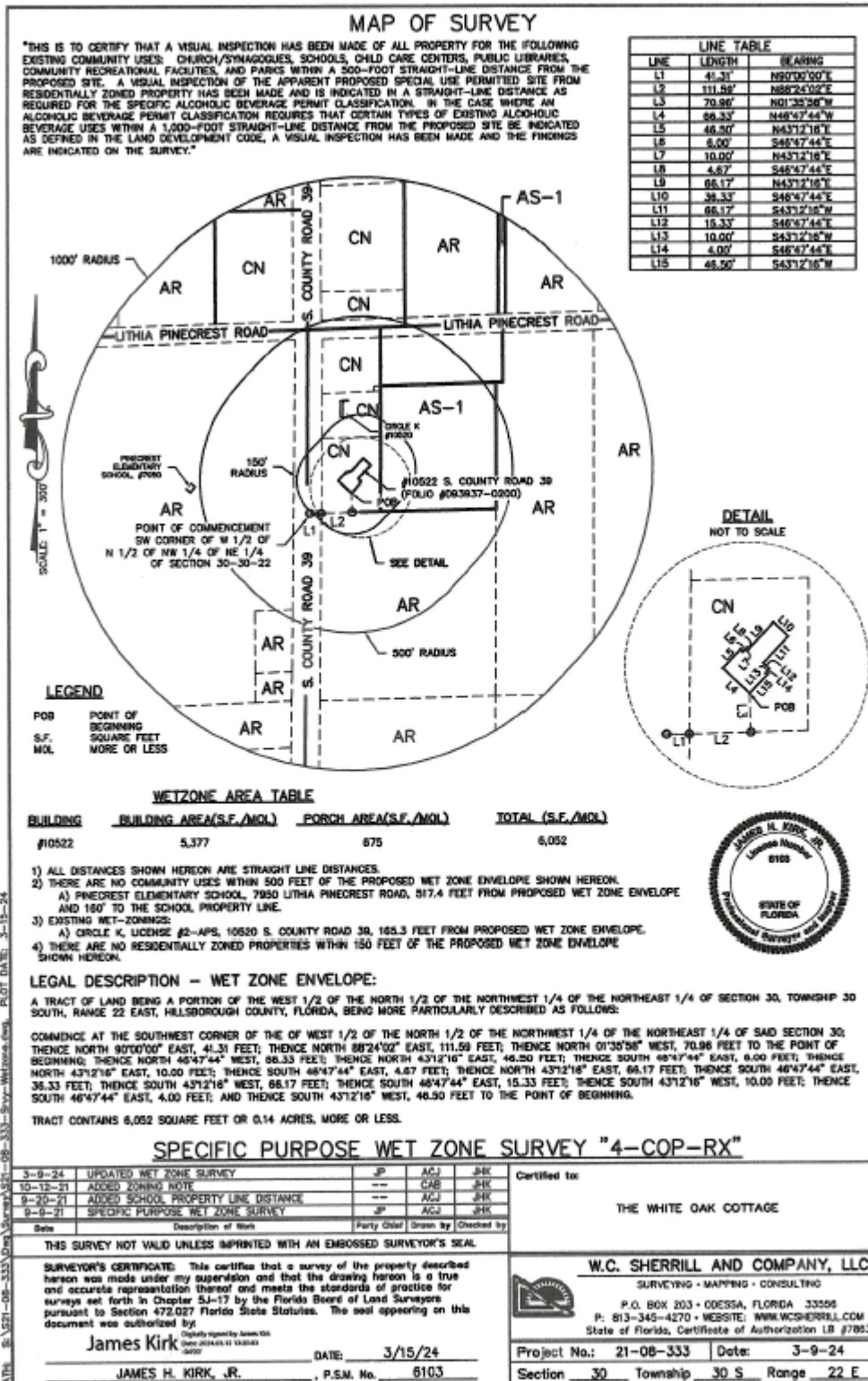


Colleen Marshall
Mon Apr 29 2024 12:32:34

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



24-0596

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



Additional / Revised Information Sheet

Office Use Only

Application Number: 24-0596

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: 24-0596 Applicant's Name: Shaunessy Decor LLC dba The White Oak Cottage

Reviewing Planner's Name: Timothy Lampkin Date: 04/15/2024

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): 05/20/2024

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.


Terry A. Haley (Agent for Applicant)
Signature

April 12, 2024
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

24-0596

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: _____

Terry A. Haley (Agent for Applicant)

(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____

Date: April 15, 2024



**Hillsborough
County Florida**
Development Services

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.

WRITTEN STATEMENT CASE# 24-0596

On January 5th, 2022 "The White Oak Cottage" located at 10530 S County Road 39 in Lithia, FL Folio # 093937-0200 was approved for a Case #21-1374 for a 2-COP Alcoholic Beverage permit- The sale and consumption of beer and wine on the permitted premises only. This approval was granted with the following conditions:

- 1) The permitted alcoholic beverage use shall be an accessory to a home decor store.
- 2) The sale and on-premises consumption of alcoholic beverages shall be limited to the hours between 11:00 a.m. and 7:00 p.m. daily.

We are now requesting a License Series Upgrade to a 4-COP-RX which offers Beer, wine, and liquor for sale and consumption on the permitted premises only in connection with a restaurant.

We are also requesting that our alcohol service hours be increase to 11:00a.m. to 10:00 p.m. verses the required 7:00p.m. which is now in place.

BELOW YOU WILL FIND SUPPORT FOR OUR REQUEST IN CASE # 24-0596

In an effort to satisfy our clientele's request and to be competitive in the local market, we are seeking an increase in our alcoholic beverage license series and an increase in our hours of service.

After two years of operating with a clean track record and no negative impacts on the surrounding community, we are hoping to upgrade to a 4- COP RX** alcoholic beverage license and at the same time extend our hours of service from 11:00 AM to 7:00 PM to 10:00 PM.

The increase to a 4- COP RX license would allow us to add liquor to our beverage selections in order to satisfy our patrons' request. Fortunately, our business has been successful and we are hoping that with our clean operating track record along with NO negative impacts in the community we can not only add liquor, but increase our hours of service.

Our limited hours are often the deciding factor in many of our patrons dining with us, the extended hours would provide a much -needed convenience for our clientele and at the same time would result in a sales increase for our business.

We are hoping that your decision will be a positive one, resulting in another successful Hillsborough County Independently owned small business!

** A 4-COP RX alcoholic beverage license allows for the sale and consumption of beer, wine, and liquor on the permitted premises only in connection with a restaurant.

We are also aware and satisfy all of the requirements for obtaining the 4-COP license with the RX restrictions by providing:

- A) 100 or more seats for dining
- B) A gross capacity of at least 2500 sq ft
- C) we derive more than 51% of pour sales in food

This Instrument Prepared By
and Return To:
Craig B. Hill, Esquire
Peterson & Myers, P.A.
P. O. Box 24628
Lakeland, FL 33802-4628

WARRANTY DEED

This Indenture made effective this 17th day of October, 2019, by and between **CENTRAL MAINTENANCE AND WELDING INC.**, a Florida corporation ("Grantor"), whose address is 2620 East Keyssville Road, Lithia, Florida 33547, and **KYLEE KAT HOLDINGS, LLC**, a Florida limited liability company ("Grantee"), whose address is 10530 South County Road, Lithia, Florida 33547.

Witnesseth that Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida, to-wit:

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

Property Appraiser Parcel Identification Number: U-30-30-22-ZZZ-000005-26440.0.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining to said land.

This conveyance is subject to the following:

1. Conditions, restrictions, and easements of record, if any, but this provision shall not operate to re-impose the same.
2. Zoning and other governmental regulations.
3. Taxes and assessments for 2019 and subsequent years.

To have and to hold, the same in fee simple title forever.

And Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land; that Grantor has good right and lawful authority to convey said land; and that Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

[SIGNATURE PAGE FOLLOWS]

[Signature Page to Warranty Deed]

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Karen Smith
Print Name: Karen Smith

CENTRAL MAINTENANCE AND WELDING INC.,
a Florida corporation

Sherrice Luognas
Print Name: Sherrice Luognas

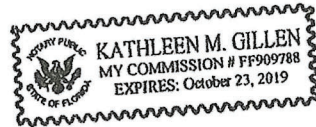
By: Conrad H. Varnum
Conrad H. Varnum, President

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 15 day of October, 2019, by Conrad H. Varnum, as President of Central Maintenance and Welding Inc., a Florida corporation, on behalf of said entity, who is personally known to me or has produced _____ as identification and who did not take an oath.

Kathleen M. Gillen
Printed Name: KATHLEEN M. GilLEN
Notary Public
My Commission Expires: 10/23/19





**Hillsborough
County Florida**
Development Services

(SU-AB Waiver) Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: 24-0596 Intake Date: 03/22/2024
 Hearing(s) and type: Date: 05/20/2024 Type: LUHO Receipt Number: 351903
 Date: 03/06/2024 Type: _____ Intake Staff Signature: Alejandra Prado

Applicant/Representative: Terry A. Haley Phone: (813) 453-4251

Representative's Email: terryahaley@aol.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
1	<input checked="" type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
2	<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.
3	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input checked="" type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input checked="" type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Fastrack Approval</u> (if applicable)

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



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 24-0596

Intake Date: 03/22/2024

Hearing(s) and type: Date: 05/20/2024

Type: LUHO

Receipt Number: 351903

Date: _____

Type: _____

Intake Staff Signature: Alejandra Prado

Property Information

Address: 10522 s. County Rd 39 City/State/Zip: Lithia, FL 33547
TWN-RN-SEC: U-30-30-22 Folio(s): 093937-0200 Zoning: CN Future Land Use: R1 Property Size: 1.34 acres

Property Owner Information

Name: Kylee Kat Holdings LLC Daytime Phone (813) 453-4251
Address: 10522 S. County Rd 39 City/State/Zip: Lithia, FL 33547
Email: terryahaley@aol.com Fax Number _____

Applicant Information

Name: Shaunessy Dobish Daytime Phone (813) 541-7625
Address: 10530 S, County Rd 39 City/State/Zip: Lithia, FL 33547
Email: dealerim@gmail.com Fax Number _____

Applicant's Representative (if different than above)

Name: Terry A. Haley Daytime Phone (813) 453-4251
Address: 108 Clocktower Dr.#157 City/State/Zip: Brandon, FL 33510
Email: terryahaley@aol.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.

Shaunessy Dobish
Signature of the Applicant

Shaunessy Dobish

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.

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

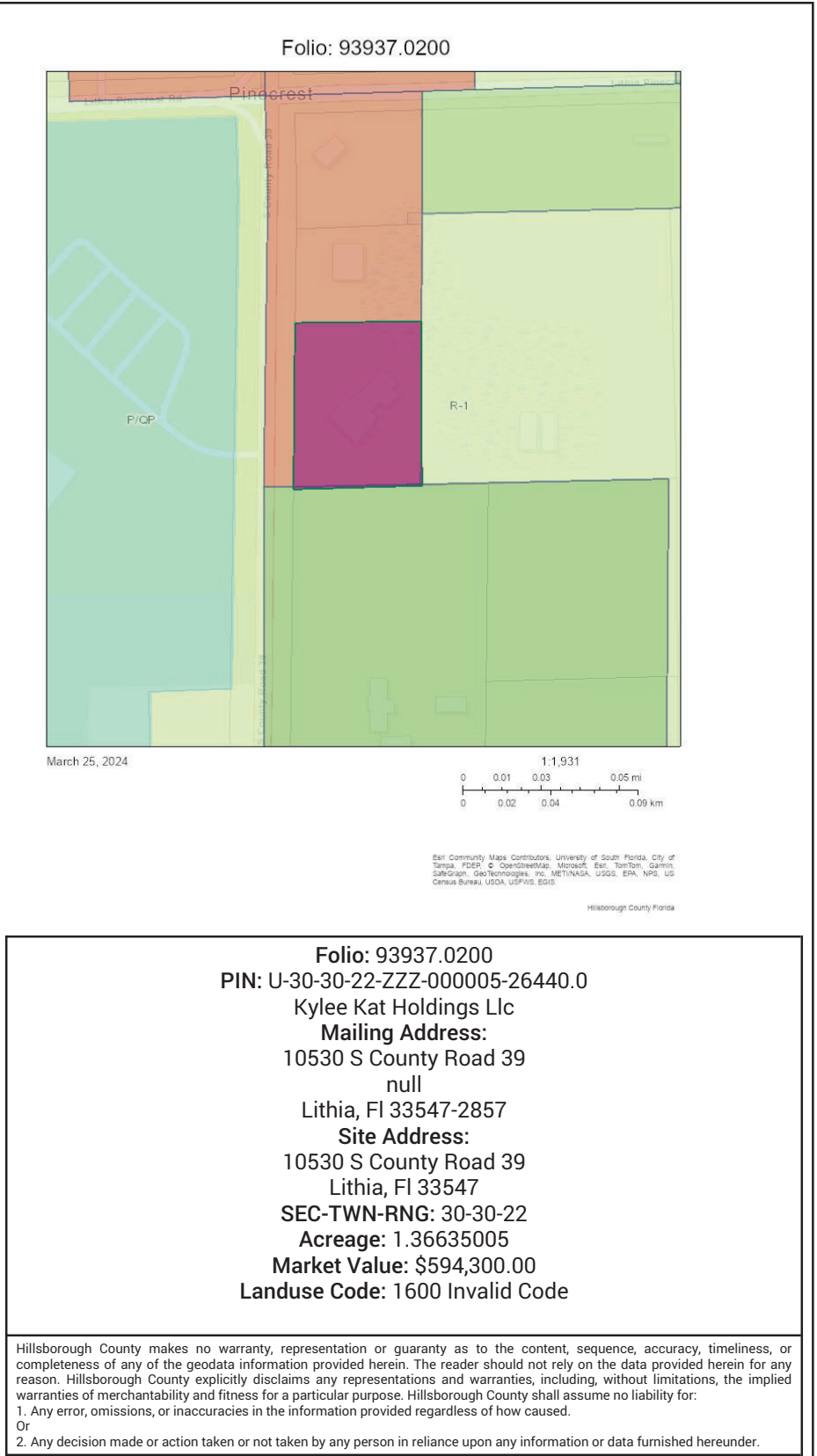
Shaunessy Dobish

Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CN
Description	Commercial - Neighborhood
RZ	82-0010
Zoning Category	Agricultural
Zoning	AR
Description	Agricultural - Rural
Overlay	null
RZ	null
Restr	null
Zoning Category	Agricultural
Zoning	ASC-1
Description	ASC-1
Overlay	null
RZ	21-0986
Restr	null
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0535H
FIRM Panel	12057C0535H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120535B
County Wide Planning Area	South Rural
Community Base Planning Area	SouthShore
Census Data	Tract: 013903 Block: 2020
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	5
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 6
Wind Borne Debris Area	Outside 140 MPH Area
Overlay District	Lithia Southeast County
Competitive Sites	NO
Redevelopment Area	NO



< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >