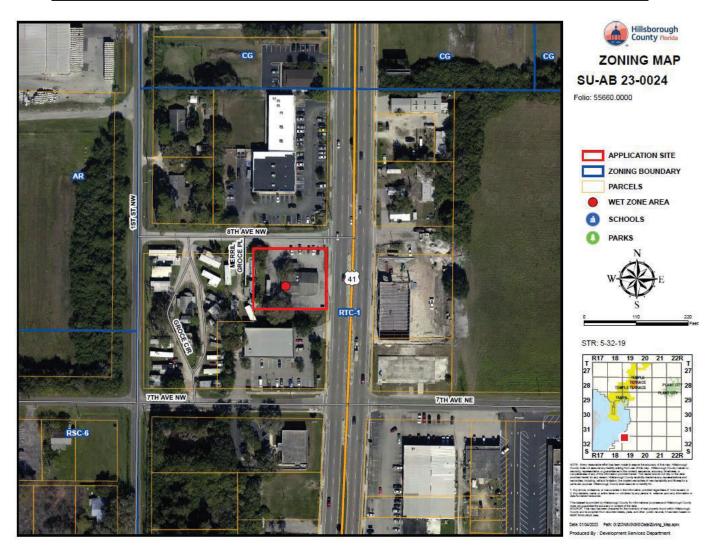


Land Use Application Summary Report

Application Number:	SU-AB 23-0024	Adjacent Zo	oning and Land Uses:
Request:	Distance Separation Waiver for a 2-COP-X Permit	North:	8 th Ave. N. ROW & RTC-1
		South:	RTC-1
Comp Plan Designation:	OC-20 (Office Commercial – 20)	East:	RTC-1
Service Area:	Urban Service Area	West:	RTC-1



APPLICATION: SU-AB 23-0024

Request Details and Background:

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-COP-X Alcoholic Beverage Permit to allow the sale of beer and wine for consumption on the permitted premises only. The wet zoned area will comprise a footprint of 2,845 square feet of indoor area as shown on the revised wet zone survey received on February 24, 2023.

The requested alcoholic beverage permit is for a proposed billiards parlor located at 720 N. U.S. Highway 41, Ruskin, Florida. The property is zoned Ruskin Town Center-1 (RTC-1), which permits the proposed use and consideration of the requested AB permit.

Distance Separation Requirements for a 2-COP-X AB Permit:

Per LDC Section 6.11.11.D.5, the following distance separation requirements apply to the proposed wet zoning:

- 1. The distance from the proposed structure to certain community uses shall be 500 feet.
 - According to the survey submitted by the applicant, the request **complies** with this requirement.
- 2. The distance from the proposed structure to residentially zoned property shall be 250 feet.
 - According to the survey submitted by the applicant, the request <u>does NOT</u> comply with this requirement.
 There is residentially zoned property located 45 feet to the west that is occupied by a nonconforming mobile home park.
- 3. There shall be no more than three approved 3-PS, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 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. According to the survey submitted by the applicant, the request **complies** with this requirement.

Per LDC Section 6.11.11.E., waivers to the required separation distances may be requested by applicants at a noticed public hearing. The hearing officer may consider such requests on the basis of whether special or unique circumstances exist such that the proposed alcoholic beverage use does not pose significant impacts on the surrounding uses, and whether certain circumstance exist such that the necessity for the separation requirement(s) is negated.

Required Distance Separations

Residentially zoned property:

The applicant requests a 205-foot reduction to the required separation distance from residentially zoned property to allow a distance separation of 45 feet and has provided the following justification:

- The proposed use does not have significant negative significant impacts on surrounding land uses and circumstances exist such that the necessity for the specified distance requirement is negated.
- To travel to the closest residential property, a traveler would be required to go around U.S. Highway 41 and 7th Avenue to get to 1st Street and onto 8th Avenue NW.
- There are also trees separating the residences creating an additional impediment to accessing the proposed alcoholic beverage location.

APPLICATION: SU-AB 23-0024 LUHO HEARING DATE: March 27, 2023

Staff Findings:

LDC Section 6.11.11.E.3. provides for the 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 whether certain circumstances negate the necessity for the specified distance requirements."

- A shown on the February 24, 2023, wet zone survey, there is a mobile home park located 45 feet west of the proposed wet zoning. The property occupied by the mobile home park is zoned RTC-1. This district permits C-G and RMC-20 uses and constitutes residentially zoned property since it's occupied by a residential use. However, the mobile home park is not a permitted RMC-20 use and therefore it's a nonconforming use. A staff search of department records by parcel folio number did not find evidence of Legal Nonconforming Use approval for the mobile home park.
- The host establishment for the proposed wet zoning is oriented eastward, away from the mobile home park. Additionally, the applicant has agreed to install a solid wood or PVC fence along the west property line adjacent to the mobile home park. Consequently, the route of pedestrian travel from the front entrance of the establishment on Highway 41 to 8th Avenue NW then westward to the nearest mobile home will be approximately 260 feet in length (shown below).



• The proposed wet zoning is located in an established commercial corridor along Highway 41. Additionally, the intent of the Ruskin Town Center zoning districts (RTC-1 and RTC-2), as stated in LDC Section 3.17.01, is to revitalize Ruskin's business center along Highway 41 and establish a mixed-use, walkable and pedestrian friendly Town Center. Staff finds the requested separation waiver congruous with this intent.

2.0 Recommendation:

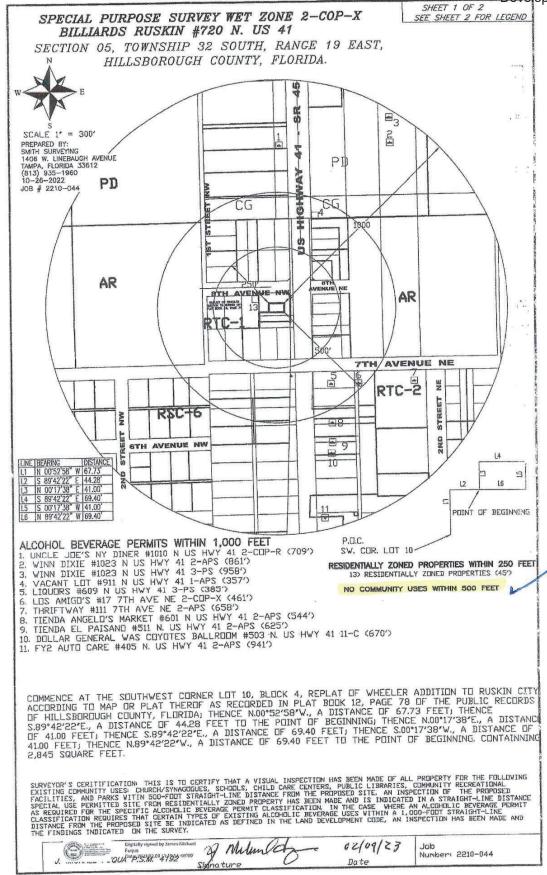
For the reasons discussed above, staff finds the request to be **APPROVABLE subject to the recommended condition below.** Approval is based upon the wet-zone survey indicating a total of 2,845 square feet of indoor area as shown on the revised wet zone survey received on February 24, 2023.

APPLICATION: SU-AB 23-0024 LUHO HEARING DATE: March 27, 2023 CASE REVIEWER: Tim Lampkin, AICP

2.1 Recommended Condition:

Within 90 days of approval of SU-AB 23-0024, a solid wood or PVC fence shall be installed along the entire west property line of the host parcel (folio # 55660.0000). The fence shall be six feet in height, except for the northernmost 20 feet of the property line, where the fence shall be four feet in height.

Staff's Recommendation:	Approvable with recommended conditions
	1 All Dace
Zoning Administrator Sign-off:	t Wed Mar 15 2023 11:30:32



SHEET 2 OF 2

Legend

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Petition Prefixes
RZ Rezoning
NM Major Madification
PRS Personal Appearance
SU Special Use
Variance
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Appeal
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                  UPAn Service Area
UPAn Expansion Area
RSA Rural Service Area
Zoning Districts
AN Agricuttural Mining (1 unit per 20 acres)
AR Agricutture (1 unit per 10 acres)
AR Agricutture (1 unit per 10 acres)
AR Agricutture (1 unit per 10 acres)
ARSC-1
                                    Service Areas
USA Urban Service Area
UEA Urban Expansion Area
RSA Rural Service Area
                                                  Definitions for Special Uses (alcoholic beverages)

1-APS Beer to be sold in scaled containers only for consumption off the licensed previses (package sales). Not withstanding the provisions of general law, vendors holding mall beverage off-previses sales licenses under State Beverage laws shifting mall be subject to alcoholic beverage regulations of Beverage and while the said in sealed containers only for consumption off the Bernard previses (package sales).

1-AHALSHORD geer and when to be said in sealed containers only for consumption off the Bernard ulquor to be said in sealed containers only for consumption off the Ilcensed previses (package sales).

2-PS Beer, when and Ilquor to be said on sealed containers only for consumption off the Ilcensed previses of the Ilcensed previses (package sales).

2-CDP-X Beer and when for sale and consumption on and off the Ilcensed previses (package sales).

3-CDP-R Beer and when for sale and consumption on and off the Ilcensed previses of the previous forms of the sale of food and non-constant to be at least lifty of the rescent from at the sale of food and non-constant be at least lifty of the rescent from at the sale of food and non-constant because of the sale sales (package sales).

2-CDP-RUBber and when for sale and consumption on the licensed previses only in sale and liquor for sale and consumption on and off the licensed previses (package sales).
                                                                            UCA-MS: UNIVERSITY COMMUNITY AREA - MAIN STREET
UNIVERSITY COMMUNITY AREA - MEIGHBORHOOD OFFICE
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UCA-NHO UNIVERSITY COMMUNITY AREA -NEIGHBORHOOD OFFICE DISTRICT

February 24, 2023

To whom it may concern:

I, Angela Quintana owner of Billiards Ruskin LLC, hereby propose the following:

As a property owner in Florida and a Minority Business Owner, I suffered a lot during the pandemic both personally and financially. Through hard work and perseverance, I have been able to come out of the pandemic with positivity, gratefulness and a vision.

My vision is to give Ruskin a place where people can gather, friends can go, new friendships can be built. A place where people can forget about the daily routine and laugh and have a good time. We all went through a lot during the pandemic and having a place to go to have fun is what I propose.

With a Billiards in town I will be providing just that for the community.

There are no places in the Ruskin township where you can go to enjoy an evening or to relax and have fun.

The place will be clean, secure and pleasing to the eye.

Thank you for the opportunity of hearing my narrative. I hope that I can get my place opened as soon as possible.

Sincerely

Angela Quintana

Billiards Ruskin LLC

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Instrument #: 2022223128, Pg 1 of 2, 4/29/2022 2:52:19 PM DOC TAX PD(F.S. 201.02) \$3150.00, INT. TAX PD (F.S. 199) S0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: BHARRIS Cindy Stuart, Clerk of the Circuit Court Hillsborough County

This instrument prepared by:

Name:

T.St.Hilaire, an employee of

Address:

Executive Title of Florida, Inc. 170 E. Bloomingdale Ave.

Brandon, FL 33511

Return to:

Executive Title of Florida, Inc.

FILE NO. 220262

Address:

170 E. Bloomingdale Ave.

Brandon, FL 33511

Property Appraisers Parcel Identification Number(s): 055661-0000 & 055660-0000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 28th day of April, 2022 by JACK H. GULLEY, individually, and DENNIS A. GULLEY and LINDA CHERYL REX floa LINDA C. ARLINGTON, AS SUCCESSOR CO-TRUSTEES OF THE TRUST AGREEMENT OF JACK H. GULLEY, DATED JANUARY 26, 1995 whose post office address is 701 TIMBERCREST DRIVE, LEESBURG, FL 34748, hereinafter called the grantor, to SALAH RAFE HIJAZ whose post office address is 511 N. U.S. HIGHWAY 41, RUSKIN, FL 33570-3766 hereinaster called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in HILLSBOROUGH County, State of FLORIDA, viz:

Lot 9 and the North 1/2 of Lot 10, Block 4 of REPLATT - OF - WHEELER ADDITION TO RUSKIN CITY, according to the map or plat thereof as recorded in Plat Book 12, page 78, of the Public Records of Hillsborough County, Florida, less that portion thereof lying within 50 feet of the centerline of U.S. 41, State Road 23, as set forth in Judgment recorded in Minute Book 68, page 141, Public Records of Hillsborough County, Florida.

Lot 8, Block 4 of REPLATT - OF - WHEELER ADDITION TO RUSKIN CITY, according to the map or plat thereof as recorded in Plat Book 12, page 78, of the Public Records of Hillsborough County, Florida, less right of way for State Road #45, formerly State Road #23 and less triangular piece deeded to State of Florida in Official Records Book 649, page 644, Public Records of Hillsborough County, Florida.

Grantor warrants this is non-homestead property.

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

To Have and to Hold, the same in fee simple for ever.

And the grantor hereby covenants with the 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 hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31ST, 2021. FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

In Witness Whereof, the said grantor has signe	d and sealed these presents the day and year first above written.
Algored, sealed and delivered in the presence of:	DENNIS A. GULLEY, AS SUCCESSOR CO-TRUSTEE OF THE TRUST AGREEMENT OF JACK H. GULLEY, DATED JANUARY
Signature Cheryl Leiman	26, 1995 Selley On Tructed
Printed Signature	DENNIS A GULLEY
	Successor Co-Trustee
Signature Valerie Blickenstaff	Jack H. Seelly By Come Selly in Front
Printed Signature	JACK H. GULLEY by DENNIS A. GULLEY, as Automeyin Fact
	LINDA CHERYL REX f/k/a LINDA C. ARLINGTON, AS SUCCESSOR CO-TRUSTEE OF THE TRUST AGREEMENT OF JACK H. GULLEY, DATED JANUARY 26, 1995
	BY: Almh Clift Rey GO Trustee LINDA CHERYL REX Successor Co-Trustee
	Ack H. GULLEY by JINDA CHERYL REX as Attorney in Fact
STATE OF FLORIDA COUNTY OF HILLSBOROUGH	
April, 2022 by DENNIS A. GULLEY and LINDA CHER	means of [X] physical presence OR [] online notarization, this 28th day of YL REX fk/n LINDA C. ARLINGTON, AS SUCCESSOR CO-TRUSTEES Y, DATED JANUARY 26, 1995, and DENNIS A. GULLEY and LINDA ley-in-Fact for JACK H. GULLEY, individually, who is personally known to he did/did not take an oath.
Notary Public	[seal]
My Commission Expires:	
	CHERYLA, LEIMAN MY COMMISSION # GG 956949 EXPIRES: June 7, 2024 Bonded Thru Notary Public Underwriters



Property/Applicant/Owner Information Form

	Official	Use Only	Intake Date: 12/29/2022
Application No: 23-0024 Hearing(s) and type: Date: 02/27/2023	_ LU	JHO	Receipt Number: 228447
			Intake Staff Signature: Clare Odell
Date:	Type:		milane stati significant.
	Propert	y Information	
Address: 720 N US Highway	141	City/State/2	Ruskin FLA 33570
TWN-RN-SEC: Follo(s): 0.55040	~ <i>000 0</i> Zoning:_	RTC-1 Futt	ire Land Use: Property Size: 6313.13
	ok	wner Informa	tion
	ESTERNIS AS AL	Watter treatment	
Name: Salah Rafe HIJ	92		Daytime Phone
511 N US HIGHWO	14 41	City/State/Zip	Ryskin FL 33570
Email: 59/9/1/192@49/00	. Con	2	Fax Number
Name: Angela Quintar	a	nt Informatio	Daytime Phone 20/2/83866
52117 Sandy Shel	1 /ru	e	Hpollo Beach FL 335/
Address:		City/ state/2	201-384-1696
Email: 1 MACIAS/72@ YUNE	0. CC4	//	Fax Number <u>201-384-1696</u>
			rent than above)
			Daytime Phone
Name:			
Address:		City/State/Z	ip:
			Fax Number
Email:	-		And a second processing from the processing of t
i hereby swear or affirm that all the inform provided in the submitted application pace and accurate, to the best of my knowledge authorize the representative listed above to act on my behalf on this application. Signature of the publicant Angela Quintana Type or print name	KET IS TILLE	and repetition the cu	by authorize the processing of this application accognize that the final action taken on this an shall be binding to the property as well as to arrent and any future owners. The of the Owner(s) - (Al parties on the deed must sign) The of the Owner(s) - (Al parties on the deed must sign) The of the Owner(s) - (Al parties on the deed must sign) The of the Owner(s) - (Al parties on the deed must sign)



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County	
Zoning Category	Community Based	
Zoning	RTC-1	
Description	Ruskin Town Center	
RZ	07-0517	
Flood Zone:AE	BFE = 9.0 ft	
FIRM Panel	0656H	
FIRM Panel	12057C0656H	
Suffix	Н	
Effective Date	Thu Aug 28 2008	
Pre 2008 Flood Zone	AE	
Pre 2008 Firm Panel	1201120656C	
County Wide Planning Area	Ruskin	
Community Base Planning Area	SouthShore	
Community Base Planning Area	Ruskin	
Census Data	Tract: 014121 Block: 1085	
Future Landuse	OC-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	
Overlay District	Ruskin Town Center	
Competitive Sites	NO	
Redevelopment Area	NO	



Folio: 55660.0000 PIN: U-05-32-19-1V2-000004-00008.0 SALAH RAFE HIJAZ Mailing Address: 511 N US HIGHWAY 41 RUSKIN, FL 33570-3766 Site Address:

> 720 N 41 HWY RUSKIN, Fl 33570 SEC-TWN-RNG: 05-32-19 Acreage: 0.45443699

Market Value: \$336,821.00 Landuse Code: 1211 STORE/SHP CENTE

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