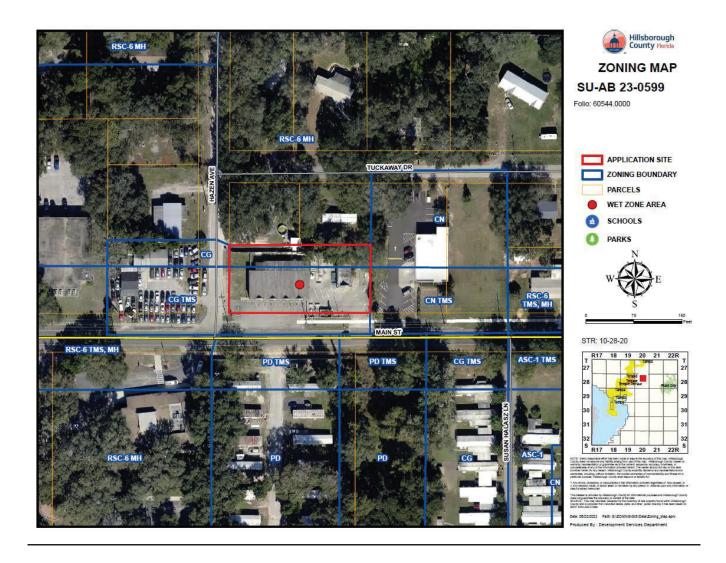


Land Use Application Summary Report

Application Number:	SU-AB 23-0599	A	Adjacent Zoning and Land Uses:
Request:	2-APS AB Permit with	North:	RSC-6, Mobile Homes
	Distance Separation Waivers	South:	PD 92-0190, PD 87-0182, Mobile Homes
Comp Plan Designation:	RES-6	East:	CN, Post Office
Service Area:	Rural Service Area	West:	CG, Car sales



APPLICATION: SU-AB 23-0599 LUHO HEARING DATE: July31,2023

Request Summary

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-APS Alcoholic Beverage Development Permit (AB) for the sale of beer and wine sold in sealed containers only for consumption off the licensed premises. The wet zoning is sought by a proposed convenience store located at 10802 Main Street, Thonotosassa, FL. The wet zoned area will comprise a footprint of 1,089 square feet of indoor area, as shown on a wet zone survey received July 18, 2023, with no outdoor area.

The property is zoned Commercial General (CG) and located within the Thonotosassa Main Street Overlay District, which allows the host use and consideration of the proposed wet zoning.

Distance Separation Requirements for a 2-APS AB Permit:

Per LDC Section 6.11.11.D.2, 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, the Hillsborough County Thonotosassa Branch Library is 160 feet to the southwest of and the Thonotosassa Park is 388 feet to the southwest of the proposed wet zoning.
- The distance from the proposed structure to residentially zoned property shall be 50 feet from the side yard(s) and 20 feet from the functional rear yard. According to the survey submitted by the applicant, the request does NOT comply with this requirement. As shown on the submitted survey, the proposed functional rear yard setback the proposed wet zoned area is 14 feet from property zoned Residential Single-Family Conventional (RSC-6).

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.

Requested Separation Waivers

The applicant requests a 6-foot waiver to the required 20-foot functional rear yard separation from the residentially zoned property to allow a separation of 14 feet. The applicant's justification for the waiver includes the following:

- Main Street Market will be of convenience to the community that do not have vehicular transportation and are wanting to have a close convenient store to their area. It will have all the essentials that a convenience store should have. The market provides great customer service and closer proximity to its neighbors than other commercial establishments.
- There is also a solid wood fence that divides the property of Main Street Market and any residential property surrounding it. The fence will remain on the property.

The applicant requests a 112-foot waiver and a 340-foot waiver to the required 500-foot distance separation from the community uses to allow a separation of 388 feet and 160 feet. The applicant's justification for the waiver includes the following:

- Main Street Market will be of convenience to the community that do not have vehicular transportation and are wanting to have a close convenient store to their area. It will have all the essentials that a convenience store should have. The market provides great customer service and closer proximity to its neighbors than other commercial establishments.
- The community uses are not directly connected or accessible from the property that Main Street Market is

APPLICATION: SU-AB 23-0599
LUHO HEARING DATE: July31,2023 CASE REVIEWER: Jared Follin

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."

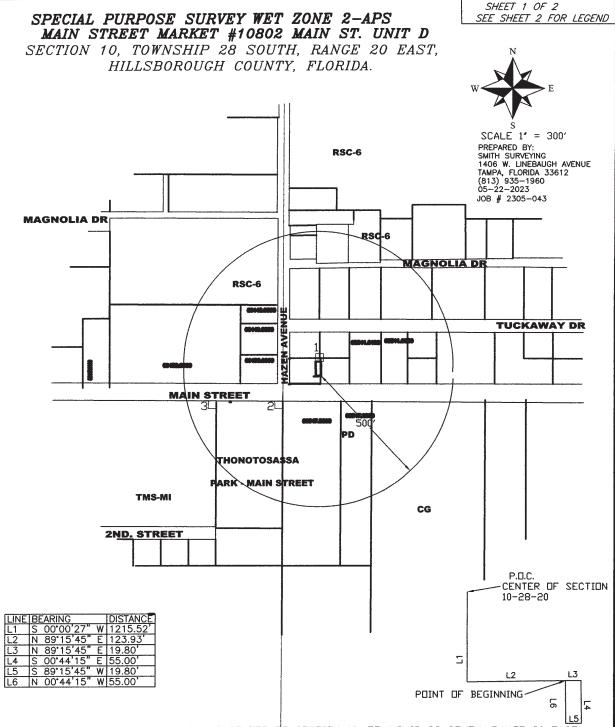
- The residential properties developed with mobile homes to the north of the proposed wet zoned area are screened from view of the proposed wet zoned area by solid wood fencing between the residential properties and the subject property.
- The proposed wet zoning does not include any outdoor area and the building entrance faces south, away from the residentially zoned parcels to the north. The walking distance from the entrance to the southern property line of the nearest residential parcel is approximately 260 feet, while the walking distance from the entrance to the front door of the nearest single-family home is approximately than 345 feet.
- The proposed wet zoning is within 500 feet of a public library and public park which are located to the southwest across Main Street. The walking distance from the entrance of the proposed wet zoning to the entrance of the public library is approximately 300 feet and approximately 470 feet to the property line of the public park. The public library and park are separated from the proposed wetzoning by Main Street, which is a collector roadway with approximately 60 feet of right-of-way width.
- LDC Section 6.11.11.I limits the hours of sale of alcoholic beverages to Monday through Saturday, 7:00 a.m. to 3:00 a.m. of the following day, and 11:00 a.m. to 3:00 a.m. of the following day on Sundays. The applicant has agreed to limit the sale of alcoholic beverages to Monday through Saturday, 7:00 a.m. to 10:00 p.m., and Sunday, 11:00 am to 10:00 p.m. to mitigate any potential impact on surrounding properties.
- For the reasons discussed above, staff finds the proposed wet zoning with the proposed condition of approval do not pose significant impacts on surrounding land uses and the necessity for the specified distance requirements is negated.

Recommendation:

Staff finds the proposed 2-APS Alcoholic Beverage Permit to be **APPROVABLE subject to conditions.** Approval is based upon the wet zone survey reflecting a total wet zone footprint of 1,089 square feet, as shown on the wet zone survey received July 18, 2023.

1. The sale of alcoholic beverages on the premises shall be limited to Monday through Saturday, 7:00 a.m. to 10:00 p.m., and Sunday, 11:00 am to 10:00 p.m.

Staff's Recommendation	Approvable, Subject to Conditions		
	Collein Marshell		
Zoning Administrator's Sign-Off	Colleen Marshall Thu Jul 20 2023 08:36:25		



LEGAL DESCRIPTION: COMMENCE AT THE CENTER OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 20 EAST HILLSBOROUGH COUNTY, FLORIDA; THENCE S.00°00′27″w., A DISTANCE OF 1215.52 FEET; THENCE N.89°15′45″E., A DISTANCE OF 123.93 FEET TO THE POINT OF BEGINNING; THENCE N.89°15′45″E., A DISTANCE OF 19.80 FEET; THENCE S.00°44′15″E., A DISTANCE OF 19.80 FEET; THENCE S.00°44′15″W., A DISTANCE OF 55.00 FEET; THENCE S.89°15′45″W., A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING, CONTAINNING 1,089 SQUARE FEET.

RESIDENTIALLY ZONED PROPERTIES WITHIN 50' FEET SIDE YARD/20' FROM REAR YARD

1) #10803 TUCKAWAY DR. TO REAR (14')

- COMMUNITY USES WITHIN 500 FEET
 3) THONOTOSASSA PARK #10707 MAIN STREET (388')
 - 5) HILLSBOROUGH COUNTY PUBLIC LIBRARY #10715 MAIN ST. (160')

SURVEYOR'S CERITIFICATION: 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 WITIN 500-FOOT STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE. AN INSPECTION OF THE PROPOSED SPECIAL USE PERMITTED SITE FROM RESIDENTIALLY ZUNED 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, AN INSPECTION HAS BEEN MADE AND THE FINDINGS INDICATED ON THE SURVEY.

J. MICHAEL FUQUA P.S.M. 4192



Legend

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Petition Prefixes
RZ Rezoning
MM Major M
PRS Pers
SU Special l
VAR Var
APP Appeal
                                                                                                                        Prefixes
Rezoning
Major Modification
Personal Appearance
Special Use
Variance
                                                                                       rehensive Plan Categories
Agricultural/Mining (1 unit per 20 acres)
Agriculture (2 unit per 10 acres)
Agriculture (3 unit per 5 acres)
Agriculture Estate (1 unit per 5 acres)
Agriculture Estate (1 unit per 2.5 acres)
Residential Planned-1 (1 unit per 1 acre)
Residential Planned-1 (1 unit per acre)
Residential Planned-2 (2 units per acre)
Residential Planned-2 (2 acres per unit)
Nelghborhood Mixed Use-4
Residential-16 (6 units per acre)
Residential-6 (6 units per acre)
Residential-12 (12 units per acre)
Residential-9 (9 units per acre)
Residential-12 (12 units per acre)
Residential-12 (12 units per acre)
Residential-12 (20 units per acre)
Residential-12 (20 units per acre)
Residential-12 (20 units per acre)
Iffice Commercial
Urban Mixed Use-3
Research/Corporate Park
Light Industrial Planned
Light Industrial Planned
Light Industrial
Perservation
Scenic Corridor

ice Areas
       A
AR
AE
Res-1
RP-1
Res-2
RP-2
NMU
Res-4
Res-6
SMU
Res-9
Res-12
CMU
          Res-20
OC
UMU
              RMU
RCP
LI-P
LI
                     HI
EPGF
              Service
USA
UEA
RSA
                                                                                                                                   Areas
Urban Service Area
Urban Expansion Area
Rural Service Area
   UPAN Service Area

Zoning Districts
AM Agricultural Mining (1 unit per 20 acres)
AR Agriculture (1 unit per 10 acres)
AR Agriculture (1 unit per 10 acres)
AR Agriculture (1 unit per 10 acres)
ARC-0.4
AS-1
ARS-1
ARS-1
ARS-1
ARS-1
AGRICULTURAL Single-Family Estate (1 unit per 2.5 acres)
Agricultural, Single-Family Estate (1 unit per acre)
Agricultural, Single-Family Conventional (1 unit per acre)
Agricultural, Single-Family Conventional (2 units per acre)
Agricultural Industrial
Residential, Single-Family Conventional (3 units per acre)
Residential, Single-Family Conventional (4 units per acre)
Residential, Single-Family Conventional (4 units per acre)
Residential, Single-Family Conventional (9 units per acre)
Residential, Single-Family Conventional (9 units per acre)
Residential, Single-Family Conventional (9 units per acre)
Residential, Multi-Family Conventional (10 units per acre)
Residential, Single-Family Conventional (10 units per acre)
Residential, Single-Family Conventiona
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PC :Point of Curvature
PT :Point of Tangency
PRC :Point of Tangency
PRC :Point of Reverse Curvature
PP : Point of Reverse Curvature
PP : Point of Reverse Curvature
PP : Point of Intersection
(C) :Description
(P) :Point of Intersection
(C) :Description
(P) :Point of Intersection
(C) :Description
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Surveyor's Notes:

Definitions for Special Uses (alcoholic beverages):

1-APS Beer to be sold in sealed containers only for consumption off the licensed premises (package sales). Not withstanding the provisions of general law, vendors holding malt beverage off-premises sales licenses under State Beverage laws shall be subject to alcoholic beverage regulations of Hillsborough County, Florida (Ch. 81-385 S. 1). Laws of Florida).

Hillsborough County, Florida (Ch. 81-385 S. 1). Laws of Florida).

Hillsborough County, Florida (Ch. 81-385 S. 1). Laws of Florida).

Beer and wine to be sold in sealed containers only for consumption off the Beer, wine and liquor to be sold in sealed containers only for consumption off the licensed premises (package sales).

3-PS Beer, wine and wine for sale and consumption on and off the licensed premises.

2-CIP—X Beer and wine for sale and consumption on and off the licensed premises.

2-CIP—Reser and wine for sale and consumption on ond off the licensed premises of the restaurant shall be verififed by a bi-annual report to be at least fifty-one (SI) percent from to the sale of food and non-alcoholic beverages.

2-CIP—RXBeer and wine for sale and consumption on the licensed premises only in Connection with a restaurant, see (6) above.

4-CIP—Beer, wine and liquor for sale and consumption on and off the licensed premises only in Connection with a restaurant, see (6) above.

UCA-MS: UNIVERSITY COMMUNITY AREA — MAIN STREET
UNIVERSITY COMMUNITY AREA —NEIGHBORHOOD OFFICE
UCA-NHO UNIVERSITY COMMUNITY AREA —NEIGHBORHOOD OFFICE DISTRICT



To whom it may Concern:

Im submitting this application to acquire a 29ps license/Permit. I want to be able to ppen a convenient store, 10802 main Streent Ste. D., Thonotoesassa, Florida. Fina acquiring to be able to sell Beer and wine packaged for off premises consumption.

I have nopefully fulfilled all that was needed for

The application



Prepared by:
Hillsborough Title, inc. DBA Paramount Title
Kristy Winant
12000 N Dale Mabry Hwy, Suite 140
Tampa, FL 33618
File No.: CW21-105503
This Deed is prepared pursuant to the issuance of Title Insurance

GENERAL WARRANTY DEED

Made this January 18, 2022. A.D. by The Fountain, LLC. a Florida Limited Liability Company, whose address is: 10919 Cory Lake Dr., Tampa, FL 33647 hereinafter called the grantor, to Vayosha, LLC, a Domestic Limited Liability Company, whose post office address is: 250 East 53rd Street, Apt. 2304, New York, NY 10022, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantse" include all the patties 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 Ten Dollars (\$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, Florida, viz.

THE SOUTH 130 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 20 EAST, LESS THE EAST 1198.7 FEET THEREOF, ALSO LESS THE WEST 25 FEET AND LESS THE SOUTH 30 FEET FOR ROAD RIGHT-OF-WAY, ALL LYING AND BEING IN HILLSBOROUGH COUNTY, FLORIDA.

AND

THE SOUTH 130 FEET OF THE WEST 110 FEET OF THE EAST 1198.7 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

Parcel ID No.: 060544-0000

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

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

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

And the 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; that the grantor hereby fully 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 the current year.

Prepared by: Hillsborough Title, Inc. DBA Paramount Title Kristy Winant 12000 N Date Mabry Hwy, Suite 140 Tampa, FL 33618 incidental to the issuance of a title insurance policy File No.: CW21-105503 In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above The Fountain, LLC. a Florida Limited Liability Segundare Omoselewa Ogundipe Kristy N. Winant Managing Member 10919 Cory Lake Dr. Tampa, FL 33647 State of Florida Hillsborough The foregoing instrument was executed and acknowledged before me this 18th of January, 2022, by means of _____ Physical Presence or _____ Online Notarization, by The Fountain, LLC, a Florida Limited Liability Company, who is/are personally known to me or who has produced a valid driver's Ilcense as identification Kristy N. Winant Notary Public My Commission Expires: TARY AUG (SEAL) 10/18/2022 Kristy N Winant OF FLORID



Property/Applicant/Owner Information Form

Offic	ial Use Only				
Application No: SU-AB 23-0599		Intake Date: 06/05/2023			
	.UHO	Receipt Number: 274827			
Date: Type:		Intake Staff Signature: Koshia Rivas			
Proper	ty Information				
Address: 10802 Main Str. SteD City/State/Zip: Thonotos Sa, F1, 33592					
TWN-RN-SEC: 10-28-20 Folio(s): 060544-000 Zoning:		,			
TWN-RN-SEC: (C) (AS ACT FOIIO(S): 2003 447 0110 2011ing:	Future	e Land Ose: =Property Size:			
Property C	Owner Informatio	on Acent' 813-309-2238			
Name: VayoSha, LLC Daytime Phone 212-989-8353					
Address: 250 E. 53rd st. apt 2304	City/State/Zip:_	New York, NY 10022			
Email: abernstein @ Color-X. Com Fax Number 813 536-0517					
· ·	ant Information				
Name: Main Str Market, LLC		Daytime Phone 253 - 378-1111			
Address: 10802 Main Street Stel		· · · · · · · · · · · · · · · · · · ·			
Email: <u>Mainstrmarket (a) gmail</u>	com	Fax Number			
Applicant's Represen	tative (if differen	t than above)			
Name: Deva Sarsour		Daytime Phone			
Address: 3152 1/4/c Road pm 6# 13	City/State/Zip:_	Trinity FL. 34655			
Email: Mainstrmarket@gmail.C	aM	Fox Number			
email: 14 (2) 11 Section of 15 (2) 15 (2)		Pax 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.	and recog petition s	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 Applicant	Signature of t	he Owner(s) – (All parties on the deed must sign)			
Type or print name	Type or print	name			
AB (W)	3 of 9	02/2023			



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County		
Zoning Category	Commercial/Office/Industr		
Zoning	CG		
Description	Commercial - General		
Overlay	TMS		
Zoning Category	Commercial/Office/Industr		
Zoning	CG		
Description	Commercial - General		
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD		
FIRM Panel	0245H		
FIRM Panel	12057C0245H		
Suffix	Н		
Effective Date	Thu Aug 28 2008		
Pre 2008 Flood Zone	X		
Pre 2008 Firm Panel	1201120245D		
County Wide Planning Area	Thonotosassa		
Community Base Planning Area	Thonotosassa		
Census Data	Tract: 010303 Block: 1036		
Future Landuse	R-6		
Future Landuse	R-6		
Future Landuse	R-6		
Mobility Assessment District	Rural		
Mobility Benefit District	3		
Fire Impact Fee	Northeast		
Parks/Schools Impact Fee	NORTHEAST		
ROW/Transportation Impact Fee	ZONE 2		
Wind Borne Debris Area	Outside 140 MPH Area		
Overlay District	Thonotosassa Main Street		
Competitive Sites	NO		
Redevelopment Area	NO		



Hillsborough County Florida

Folio: 60544.0000 PIN: U-10-28-20-ZZZ-000002-02680.0 Vayosha Llc Mailing Address:

250 E 53rd St Apt 2304 null

New York, Ny 10022-5247 Site Address:

10802 Main St Thonotosassa, Fl 33592 SFC-TWN-RNG: 10-28-20

SEC-TWN-RNG: 10-28-20 **Acreage**: 0.53910297

Market Value: \$417,500.00 Landuse Code: 1630 Store/shp Cente

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