

Special Use-Alcoholic Beverage Permit with Waivers Application: SU-AB 23-1004
LUHO Hearing Date: November 20, 2023
Requested Classification: 4-COP-RX



Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Ten Ten Seafood & Grill Tampa Inc.
Zoning: CG
FLU Category: OC-20
Service Area: Urban
Community Plan Area: University
Overlay: None
Special District: None
Use: Eating Establishment
Total Wet Zone Area Requested: 12,464 square feet
Inside Area Requested: 12,464 square feet
Outside Area Requested: 0 square feet
Location: 1104 East Fowler Avenue #100 (Folio# 35902.0000)



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 Development Permit (AB) for the sale of beer, wine, and liquor for sale and consumption on the permitted premises in connection with a restaurant. The wet zoning is sought for a proposed restaurant, Ten Ten Seafood & Grill, within an existing strip center. The property is zoned CG (Commercial General), which allows the host use and consideration of the proposed wet zoning.

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

Development Services Recommendation:

Approvable

Existing Alcoholic Beverage Permit Being Rescinded:	No	Existing Alcoholic Beverage Permit Number:	N/A
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APPLICATION NUMBER: SU-AB 23-1004

LUHO HEARING DATE: NOVEMBER 20, 2023

REQUESTED CLASSIFICATION: 4-COP-RX

Case Reviewer: Jared Follin

2.0 REQUESTED DISTANCE SEPARATION WAIVER DETAILS

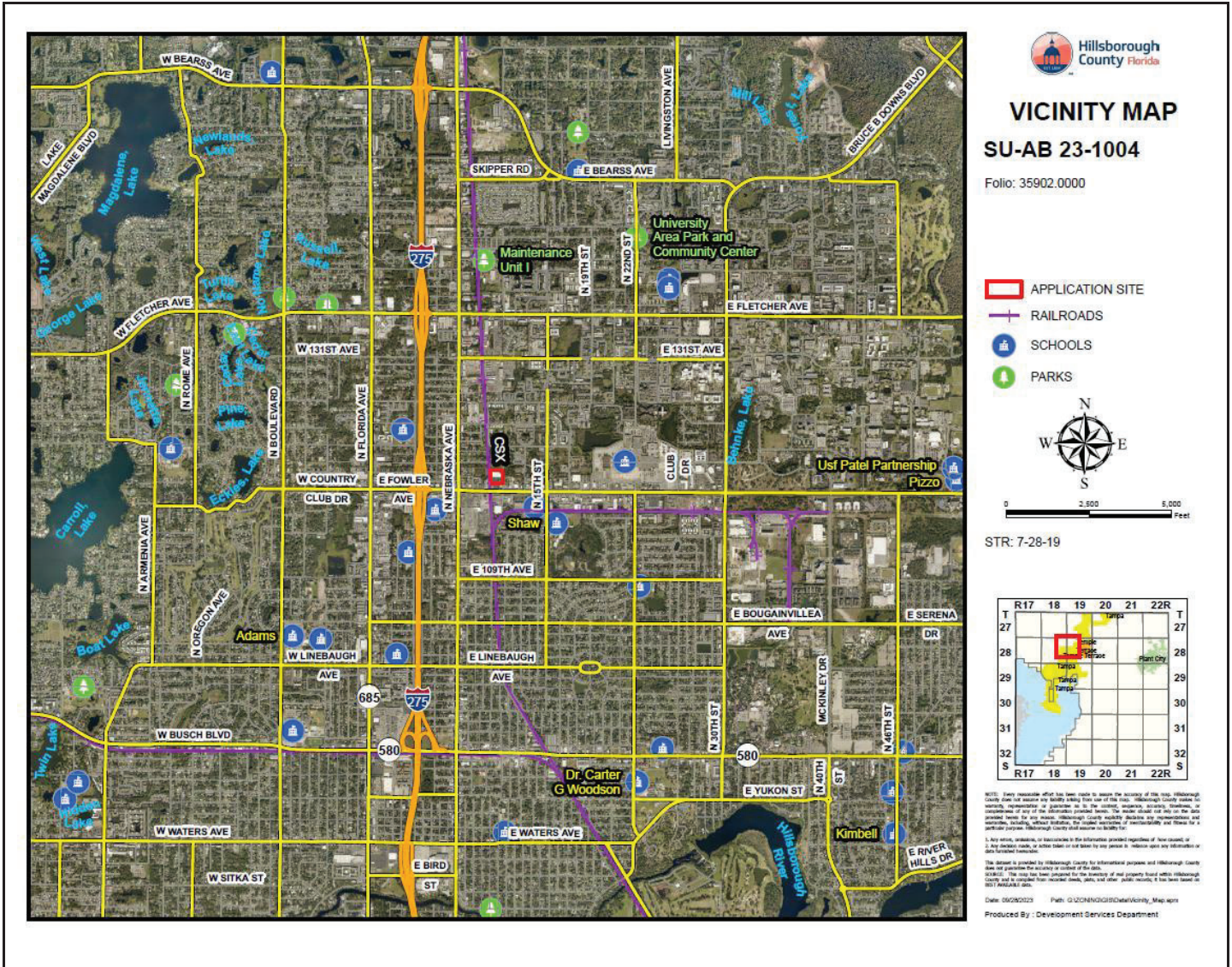
Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to residentially zoned property	150 feet	122 feet	28 feet

Applicant's Justification:

Although vacant lowland zoned RDC-12 is within the specified range, it is a pond, so it does not affect the specified distance requirement.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.1 Vicinity Map

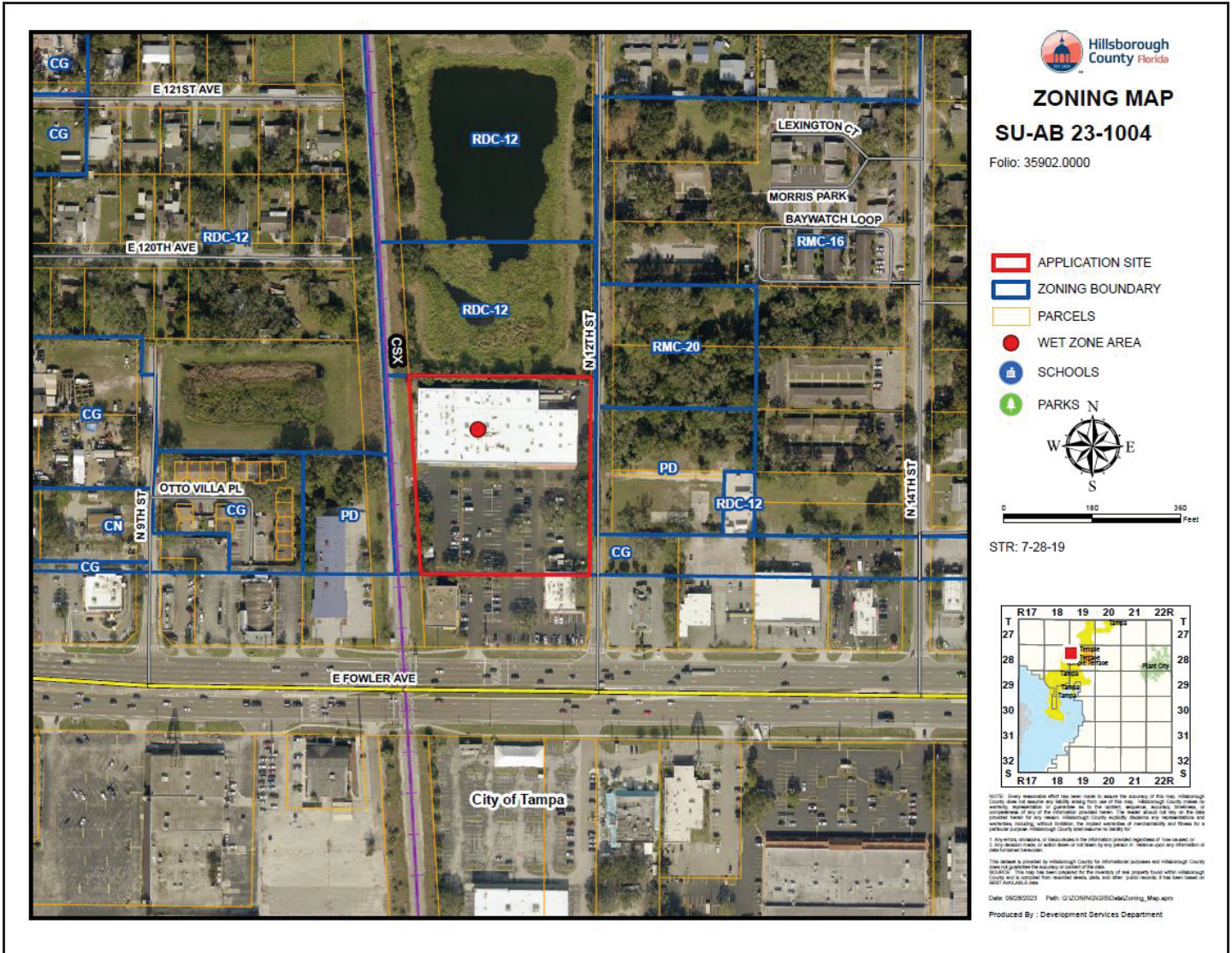


Context of Surrounding Area:

The surrounding area primarily consists of general commercial uses and high density residential. The property fronts a Principle Arterial (Fowler Avenue) and N 12th Street and is located approximately 1,000 feet west of N Nebraska Avenue.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.2 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Land Use:
North	RDC-12	Undeveloped
South	City of Tampa	Car rental, Eating establishment
East	RMC-20 PD 88-0042	Undeveloped, Natural Gas storage
West	RDC-12 PD99-0769	CSX Railroad, then Retention area, Auto repair

4.0 Staff Findings

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


The proposed wet zoning is located within 150 feet of one residentially zoned property. It is adjacent to the subject parcel to the north and is approximately 28 feet from the wet zone area. The residentially zoned property is owned by Hillsborough County and currently contains a large retention pond used for regional stormwater drainage. Given the extent of the retention area and County ownership, it seems unlikely for the property to be sold and developed for residential purposes.

Additionally, the proposed restaurant is oriented to the south, away from the residentially zoned property, with the entrance facing towards Fowler Avenue. Heavy vegetation and a 6-foot high chain link fence exist along the northern property line between the subject property and the residentially zoned property, preventing any vehicular or pedestrian access between the properties and screening the rear of the strip center from view of the residentially zoned property.

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

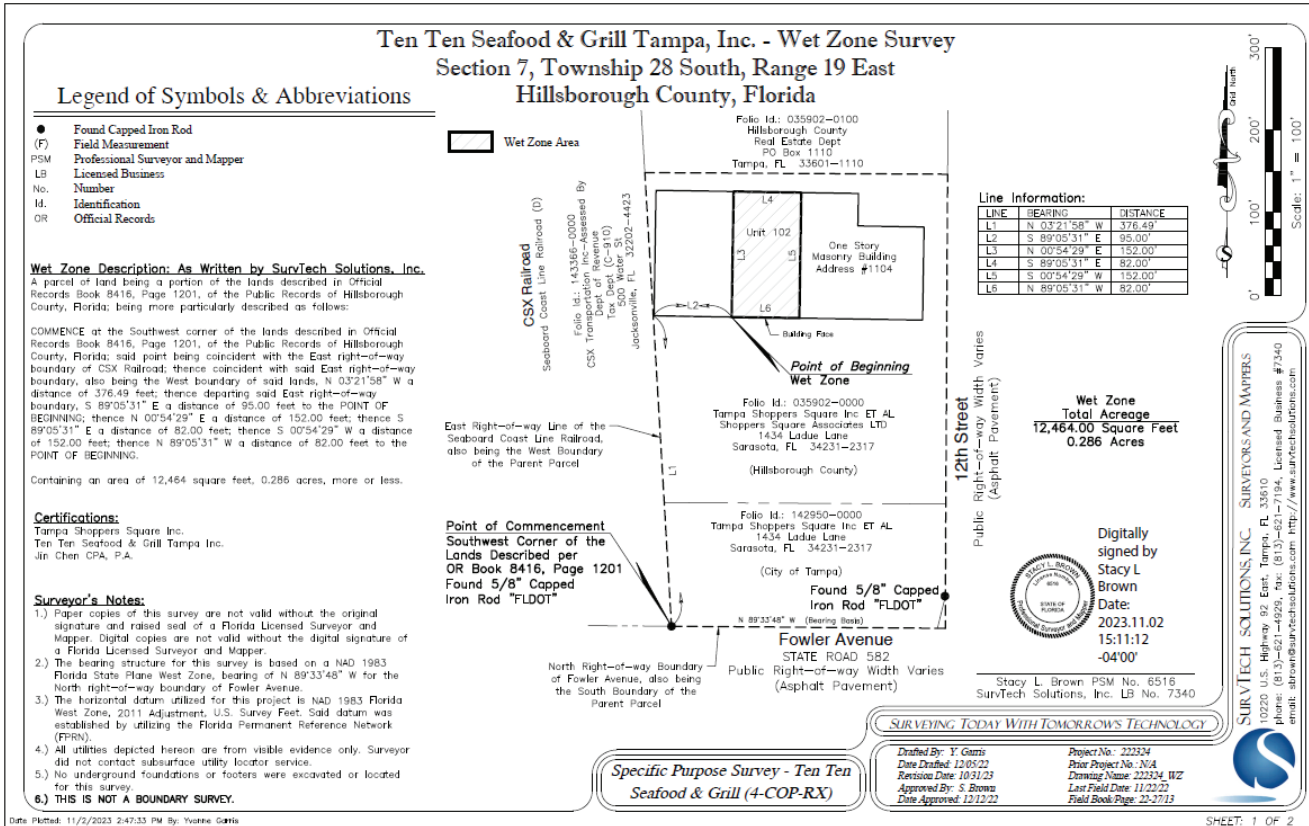
5.0 RECOMMENDATION AND PROPOSED CONDITIONS (If Applicable)

Staff finds the proposed 4-COP-RX Alcoholic Beverage Permit to be **APPROVABLE**. Approval is based upon the wet zone survey reflecting a total wet zone footprint of 12,464 square feet, as shown on the wet zone survey received November 3rd, 2023.

<p>Zoning Administrator Sign Off:</p>	 <p>Colleen Marshall Mon Nov 6 2023 12:02:55</p>
<p>SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.</p> <p>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.</p>	

6.0 PROPOSED WET ZONE SURVEY

Received November 3, 2023
Development Services

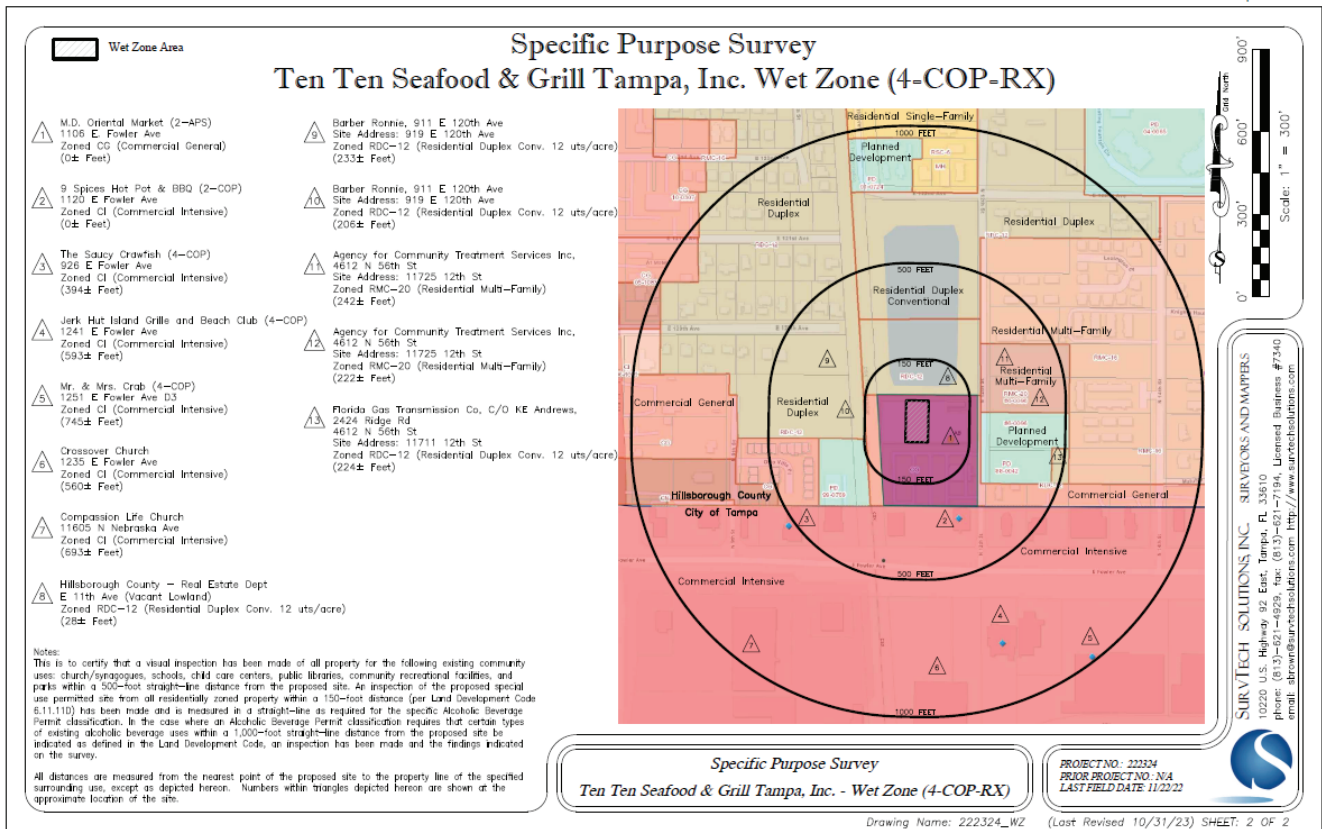


Date Plotted: 11/2/2023 2:47:53 PM By: Yuseen Garris

SHEET: 1 OF 2

6.0 PROPOSED WET ZONE SURVEY (Page 2 if Applicable)

Received November 3, 2023
Development Services



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**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Received November 3, 2023
Development Services

Date Stamp Here

Application Number: SU-AB 23-1004 Applicant's Name: XIN ZHI LI

Reviewing Planner's Name: JARED FOLLIN Date: 11/01/2023

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): 11/20/2023

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

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.



Signature

11/01/2023

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Transmittal Completed

Scanned into OPTIX

In-Take Completed by: _____

DATE 11/01/2023

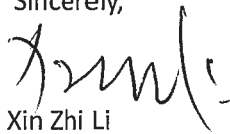
Re: SU-AB 23-1004

To Whom It May Concern:

This is Xin Zhi Li, the owner of Ten Ten Seafood & Grill Tampa Inc. Attached are the revised wet zone survey, revised distance waiver request and revised written statement that you requested for the Special Use, please review them.

If you have any questions, please email me at jinchencpapa@gmail.com, thank you.

Sincerely,



Xin Zhi Li

Written Statement

Ten Ten Seafood & Grill Tampa Inc_1104 East Fowler Ave 100

Date:10/31/2023

The Distance from the "permitted" structure to certain community uses shall be at least 500 feet.

A. The type of community uses within 500 feet: Not Found

The distance from "permitted" structure to residentially zoned property shall be at least 150 feet.

B. The minimum distance between the area to be wet-zoned and adjoining residentially zoned properties, measured from the property line, is specified in a separate document. The minimum required distance is 150 feet, Although Vacant Lowland is within the specified range, it is a pond, so does not affect the specified distance requirement.

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DOC TAX \$8,267.00
RECORD \$ 10.50

OFF REC 8416 61201

OK

Prepared by and return to:
William E. Getzen, Esq./bz
Williams, Parker, Harrison, Dietz & Getzen
200 South Orange Avenue
Sarasota, FL 34236
(941) 366-4800

Documentary Tax Pd. - F.S. 201.02 \$ 2,267.00
Documentary Tax Pd. - F.S. 201.09 \$ 2
Intangible Tax Pd - F.S. 199 \$ 2
Richard Ake, Clerk Hillsborough County
By: J. B. Cady Deputy Clerk

C

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

Indenture

1997 JAN - 7 AM 9:30

97003055

This Indenture, made this 2nd day of January, 1997, by and between WILLIAM E. GETZEN, hereinafter referred to as Grantor, whose post office address is 1421 Westbrook Drive, Sarasota, Florida 34231, and SHOPPERS SQUARE ASSOCIATES, LTD., a Florida limited partnership, hereinafter referred to as Grantee, whose post office address is 2376 Burton Lane, Sarasota, Florida 34239.

Witnesseth: Grantor, in consideration of the sum of ten dollars and other valuable considerations to him in hand paid by Grantee, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Grantee, its successors and assigns forever, the following described property situate in Hillsborough County, Florida:

AN UNDIVIDED ONE-HALF INTEREST in and to the property described in Exhibit "A" attached hereto and made a part hereof.

SUBJECT to easements, restrictions, agreements, liens and leases of record.

GRANTOR certifies, warrants and covenants to Grantee that neither Grantor, nor any of his family, reside on the above property or any property adjacent thereto; the above-described property does not constitute any part of Grantor's homestead under the laws of the State of Florida.

together with all appurtenances, privileges, rights, interests, dower, reversions, remainders and easements thereunto appertaining. Grantor warrants against only the lawful claims of all persons claiming by, through or under Grantor. As used herein, the terms "Grantor" and "Grantee" shall include their respective heirs, devisees, personal representatives, successors and assigns; any gender shall include all genders, the plural number the singular and the singular, the plural.

In Witness Whereof, Grantor has signed and sealed this deed the date above written.

WITNESSES:

Penelope J. Sindall
Signature of Witness

William E. Getzen (SEAL)
WILLIAM E. GETZEN

PENELOPE J. SINDALL
Print Name of Witness

Theresa L. Rathfelder
Signature of Witness

Theresa L. Rathfelder
Print Name of Witness

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 31 day of December, 1996 by WILLIAM E. GETZEN, who is personally known to me or who has produced _____ a s identification. If no type of identification is indicated, the above-named person is personally known to me.



(Notary Seal)

OFFICIAL NOTARY SEAL
THERESA L. RATHFELDER
MY COMM. EXPIRES 8/2/98
No. CC 397119

Theresa L. Rathfelder
Signature of Notary Public

Theresa L. Rathfelder
Print Name of Notary Public

I am a Notary Public of the State of Florida,
and my commission expires on 8/2/98

EXHIBIT "A"**LEGAL DESCRIPTION**

A tract of land in the Southwest 1/4 of the Southwest 1/4 of Section 7, Township 28 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows: From the Southeast corner of the said Southwest 1/4 of the Southwest 1/4 of Section 7; run thence N.00°08'08"W, along the East boundary line thereof, 50.00 feet, to a point marking the point of intersection of the West right-of-way line of 12th Street with the North right-of-way line of Fowler Avenue (State Road 582) for a Point of Beginning; thence N.89°59'41"W., along the said North right-of-way line of Fowler Avenue, 331.68 feet, to a point on the East right-of-way line of the Seaboard Coast Line Railroad; thence N.03°47'51"W., along said East right-of-way line, 550.07 feet; thence N.89°52'09"E., 366.81 feet, to a point on the aforementioned west right-of-way line of 12th Street; thence S.00°08'08"E., along the West right-of-way line, 549.73 feet, to the Point of Beginning.

LESS

That part of the Southwest 1/4 of Section 7, Township 28 South, Range 19 East, Hillsborough County, Florida, lying within the following metes and bounds description:

Commence at a found railroad spike marking the Northwest corner of the Southwest 1/4 of Section 7, Township 28 South, Range 19 East, Hillsborough County, Florida; thence S.00°19'15"W., along the West boundary of the Southwest 1/4 of said Section 7, a distance of 2660.67 feet to the Southwest corner of said Southwest 1/4 of Section 7; thence S.89°31'53"E., departing said West boundary of the Southwest 1/4 of Section 7 and along the South boundary of said Southwest 1/4 of Section 7, a distance of 1341.29 feet; thence N.00°20'27"E., departing said South boundary of the Southwest 1/4 of Section 7, a distance of 50.00 feet to a point of intersection of the existing West right-of-way line of 12th Street and the existing North right-of-way line of Fowler Avenue (State Road 582) and the POINT OF BEGINNING; thence N.89°31'53"W., along said North right-of-way line of Fowler Avenue (State Road 582), a distance of 9.43 feet; thence N.13°56'19"E., departing said North right-of-way line of Fowler Avenue (State Road 582), a distance of 40.10 feet to a point on said West right-of-way line of 12th Street, thence South 0°20'27" West, along said West right of way line of 12th Street, a distance of 39.00 feet to the POINT OF BEGINNING.



Property/Applicant/Owner Information Form

Official Use Only

Application No: SU-AB 23-1004 Intake Date: 09/11/2023
 Hearing(s) and type: Date: 11/20/2023 Type: IUHO Receipt Number: 302712
 Date: _____ Type: _____ Intake Staff Signature: Alexandra Prado

Property Information

Address: 1104 E FOWLER AVENUE102 City/State/Zip: TAMPA FL 33612
 TWN-RN-SEC: 07-28-19 Folio(s): 035902-0000 Zoning: CG Future Land Use: OC-20-R-20 Property Size: 3.324860

Property Owner Information

Name: SHOPPERS SQUARE ASSOCIATES. LTD Daytime Phone: 941-266-0227
 Address: 1434 LADUE LANE City/State/Zip: SARASOTA FL 34231
 Email: GETZENREALTY@OUTLOOK.COM Fax Number: _____

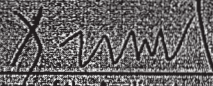
Applicant Information

Name: TEN TEN SEAFOOD & GRILL TAMPA INC Daytime Phone: 813-999-8530
 Address: TEN TEN SEAFOOD & GRILL TAMPA INC City/State/Zip: TAMPA FL 33612
 Email: JINCHENCPPA@GMAIL.COM Fax Number: 813-280-2922


Applicant's Representative (if different than above)

Name: JIN CHEN Daytime Phone: 813-999-8530
 Address: 9270 BAY PLAZA BLVD STE 102 City/State/Zip: TAMPA FL 33612
 Email: JINCHENCPPA@GMAIL.COM Fax Number: 813-280-2922

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
XIN ZHI LI
 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.

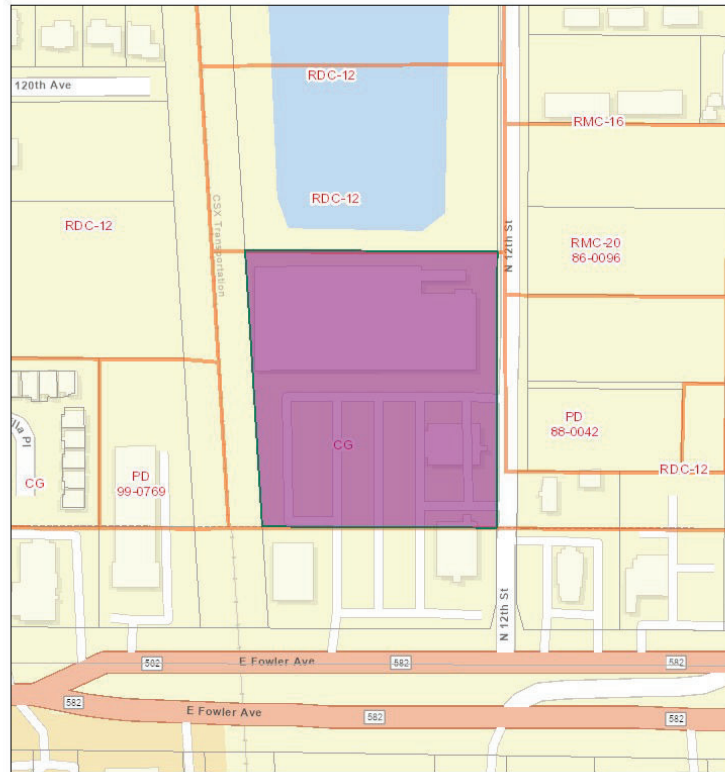

 Signature of the Owner(s) - (All parties on the deed must sign)
JAMES GETZEN, OWNER
 Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

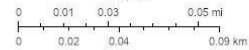
Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:AE	BFE = 34.2 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0212H
FIRM Panel	12057C0212H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120212D
County Wide Planning Area	University Area Community
Community Base Planning Area	University Area Community
Census Data	Tract: 010805 Block: 3006
Future Landuse	OC-20
Future Landuse	R-20
Future Landuse	R-20
Future Landuse	OC-20
Future Landuse	R-20
Future Landuse	OC-20
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	University Redevelopment Area

Folio: 35902.0000



September 11, 2023

1:1,920



RD: Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swire, DeLorme, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA.

Hillsborough County Florida

Folio: 35902.0000
PIN: U-07-28-19-ZZZ-000001-29380.0

Tampa Shoppers Square Inc Et Al

Mailing Address:

1434 Ladue Ln

null

Sarasota, FL 34231-2317

Site Address:

1104 E Fowler Ave 100

Tampa, FL 33612

SEC-TWN-RNG: 07-28-19

Acreage: 3.3248601

Market Value: \$3,215,400.00

Landuse Code: 1630 Store/shp Cente

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Or

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