



Land Use Application Summary Report

Application Number:	SU 21-0141 AB	Adjacent Zoning and Land Uses:	
Request:	Distance Separation Waiver (Wet-Zoning) for 2-COP-R AB with waivers	North:	AS-1/Church
		East:	PD/ Wetlands then Residential
Comp Plan:	RES-9	South:	PD / Linebaugh Avenue, then Shopping Center
Service Area:	Urban Service Area	West:	PD/ Sheldon Road, then Retail



Project Location Map
SU-AB 21-0141

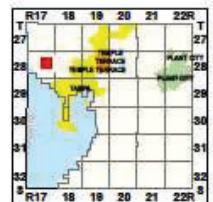
Folio: 4018.0102

Application Site
 Parcels



0 150 300 Feet

STR: 14-28-17



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.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either express or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the use of the property owner and is not intended to be used for any other purpose. It is not a legal document and should not be used for any legal purpose.

Users of this map are hereby notified that the information and public policy information herein should be provided for verification of the information contained on this map.

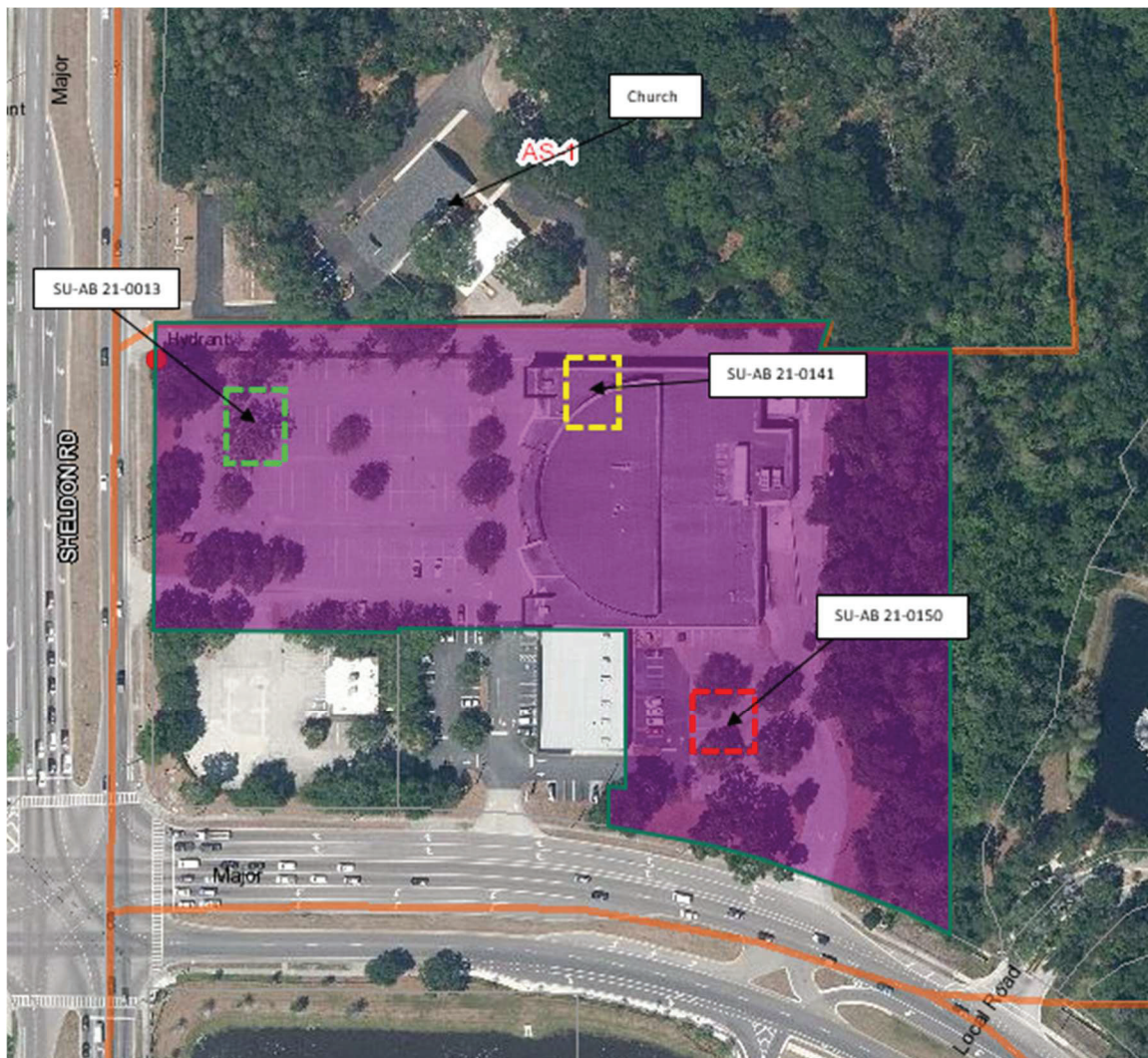
Date: 10/26/2021 File: G:\2021\0102\0102.apr

Request Details:

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-COP-R Alcoholic Beverage Development Permit (AB) for the sale and consumption of beer and wine on and off the permitted premises (package sales) in connection with a restaurant. At least 51 percent of the restaurant's total biannual sales shall be derived from the sale of food and non-alcoholic beverages.

According to the applicant, the proposed wet zoned area will consist of 4,800 square feet for a proposed restaurant. The proposed AB is located within PD zoning on the northeast corner of Sheldon Road and Linebaugh Avenue. The PD zoning permits commercial development and does not prohibit alcoholic beverage sales. If approved, the proposed AB will replace the existing 2-APS permit located within the proposed wet zone area.

Two additional proposed alcoholic beverage permits are proposed on the subject property under SU-AB 21-0013 and SU-AB 21-0150. The approximate locations of the proposed wet zone envelopes are shown below.

**Distance Separation Requirements for 2-COP-R 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.
- The distance from the proposed structure to residentially zoned property shall be **150 feet**.
- 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 notice 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.

Required Separation from Certain Community Uses

Bay Hope Church is located on the adjacent parcel to the north within 500 feet of the proposed AB location. The proposed wet-zoning is located 35.3 feet from the church property line. The applicant requests a 464.7-foot distance separation waiver from the 500-foot separation requirement from certain community uses.

1. Special or unique circumstances that make the specified distance requirements unnecessary.

- **Applicant Response:** The subject site is a part of a larger mixed-use development (PD 98-1529) consisting of Parcel A, a commercial component approved for 65,000 square feet of commercial general uses, Parcel B, a residential component approved for single family dwelling units, and Parcel C, approved for office use. The subject site is located within Parcel A which was recently redeveloped with a Sprouts Farmers Market grocery store. In 2019, the subject site was approved for a 2-APS (SU 19-0677) over the entire area for beer and wine to be sold in sealed containers only for consumption off the licensed premises (package sales). The goal is to redevelop the remainder of the site and revitalize the area. Redevelopment of the site includes the addition of new structures for restaurant and retail uses. As part of the revitalization effort, the property owner wishes to apply for a 2-COP-R permit to accommodate beer and wine for sale and consumption on and off the permitted premises (package sales) in connection with a restaurant in one of the new buildings being constructed. The wet zone area includes the sidewalk shown on the survey for potential outdoor seating without blocking the sidewalk. The distance separation reduction request for the 2-COP-R permit is for a 35.3-foot distance separation from Bay Hope Church, which is currently approved at a 0-foot distance separation under the existing 2-APS permit.

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.”

- Bay Hope Church is located on the adjacent parcel to the north of the proposed wet zone area. SU-AB 99-0534 and 99-0535 were approved for a 2-APS and 3-PS alcoholic beverage permit on the subject property in 1999. Both permits were approved with a distance separation waiver to the existing church. SU-AB 19-0677 was approved for a 2-APS alcoholic beverage permit over the entire subject property to allow for flexibility as the parcel was redeveloped, which rescinded the two prior alcoholic beverage permits, and approved a distance separation waiver of 0 feet to the existing church. The location of the Sprouts grocery store has now been approved and specifically located on the site. Additionally, three additional buildings are being constructed on the site for proposed restaurants and retail area. The proposed wet zone area is for a proposed restaurant in one of the new buildings being constructed on site, located 35.3 feet from the church property line, further from the property line than the existing approved 2-APS alcoholic beverage permit.
- Furthermore, the PD conditions require a 30-foot building setback from the north property line and installation of wrought iron fence in combination with the existing wall and a row of evergreen shade trees along that property line. Staff finds these development requirements will provide an adequate buffer between the existing church and proposed wet zone area.
- Due to the buffering/screening and design of the parking lot, straight-line access between the proposed wet zoning and the church is not possible. Staff estimates the shortest route of pedestrian travel to the front to the church buildings is approximately 600 feet, while the shortest route of vehicular travel is more than 650 feet.
- Staff received no objections from the church regarding the proposed separation waiver.

View of wall and screening along northern property boundary



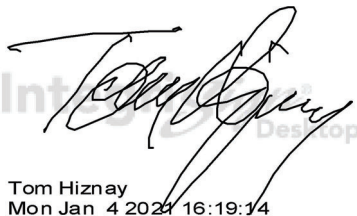
2.0 Recommendation:

For these reasons, 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, subject to the condition below**. Approval is based upon the wet-zone survey indicating a total of 4,800 square feet of floor space for the proposed use that was received November 30, 2020.

- Upon approval of Alcoholic Beverage Permit SU-AB 21-0141, the portion of the existing 2-APS Alcoholic Beverage Permit on the parcel, SU-AB 19-0677, that is within the footprint of SU-AB 21-0141 shall be rescinded.

Staff's Recommendation: **Approvable With Conditions**

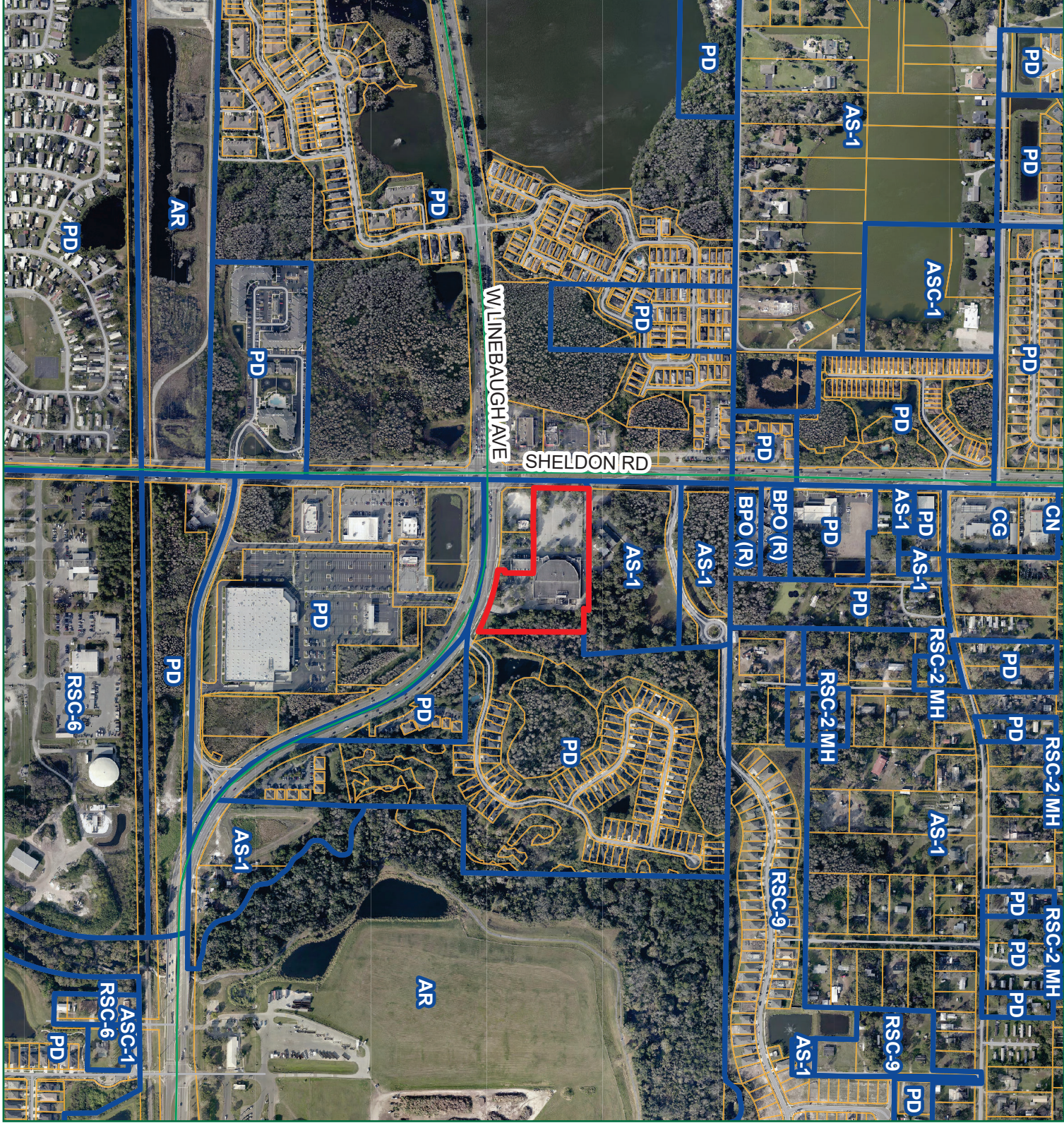
Zoning
Administrator
Sign-off:


Tom Hiznay
Mon Jan 4 2021 16:19:14

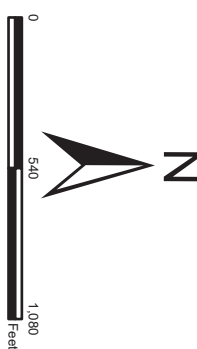
General Aerial Zoning Map

SU-AB 21-0141

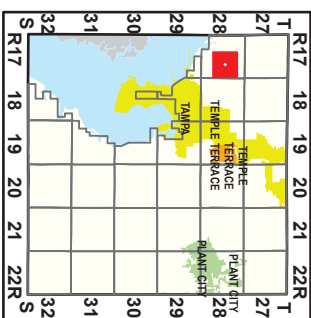
Folio: 4016.0102



-  Application Site
-  Zoning Boundary
-  Parcels



STR: 14-28-17



NOTE: 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.

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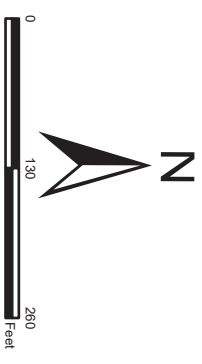
Date: 12/07/2020 Path: G:\ZONING\GISData\Zoning_Area.aprx

Immediate Aerial Zoning Map

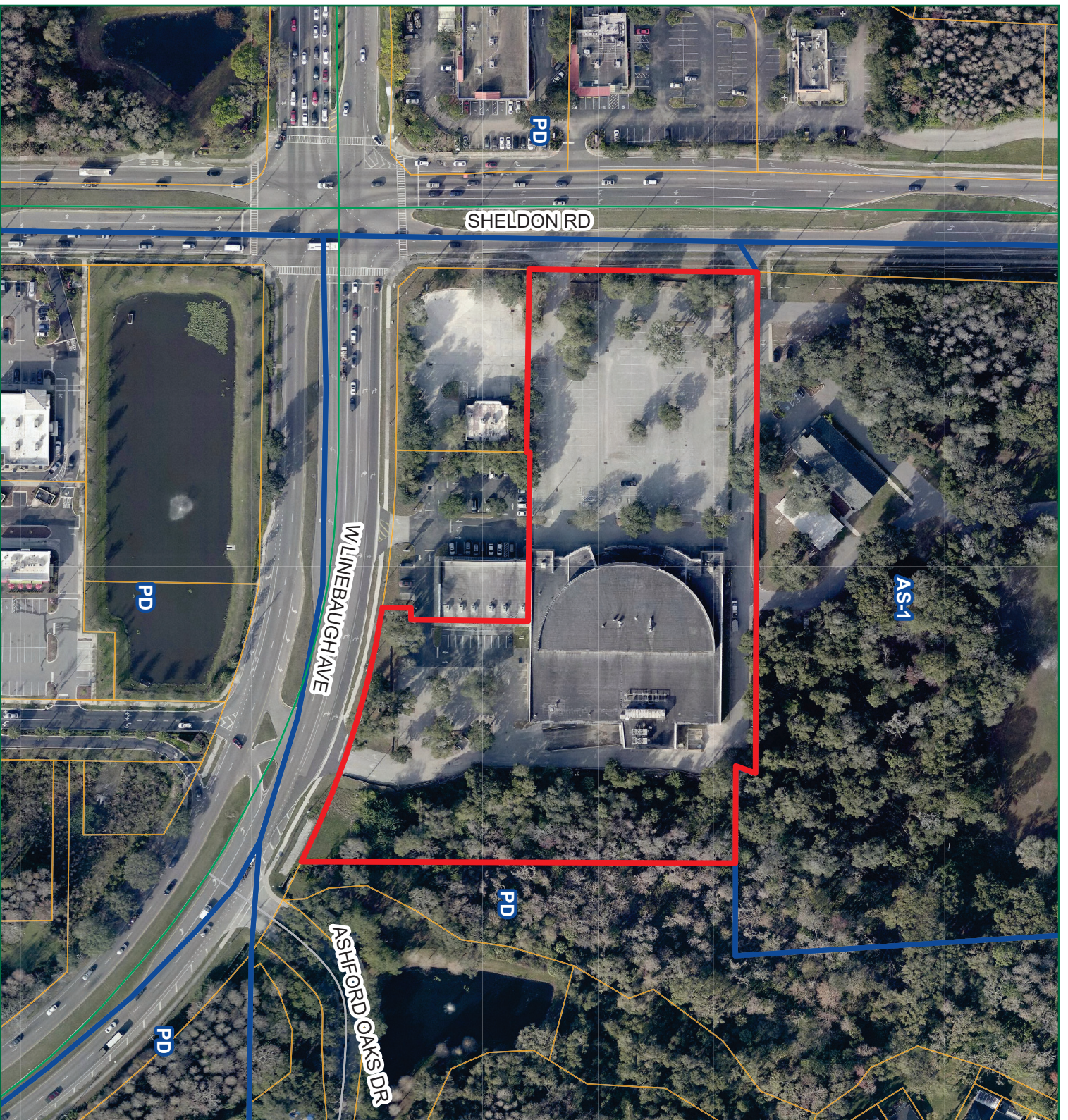
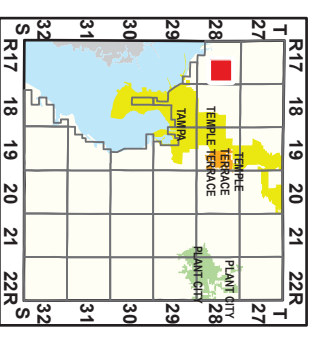
SU-AB 21-0141

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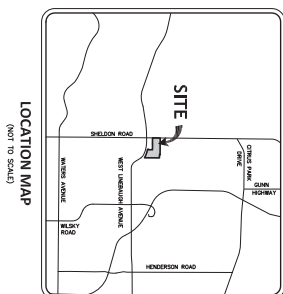
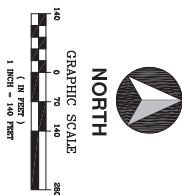


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SECTION 14, TOWNSHIP 28 SOUTH, RANGE 17 EAST
HILLSBOROUGH COUNTY, FLORIDA



Parcel contains .4800 square feet of 0.11 acres, more or less.

Lot 1, less the East 27.06 feet thereof, and all of Lot 4, of SHELBOURN LINEALBACH PARCEL, "PLATTED SUBDIVISION - NO IMPROVEMENTS", according to the Plat thereof as recorded in Plat Book 86, Page(s) 33, of the Public Records of Hillsborough County, Florida.

[illegible]

This is the only field a multi-indicator group has been made of, currently, for the following setting: community users, church/religious, schools, old care homes, public/private, community recreational (clubs), and parks with a 5000-metre straight-line distance from the proposed site. An inspection of the proposed scenario as presented above, reasonably good (proper) has been made and it is indicated it is a straight-line distance as required for the specific. A double line/straight line classification, in this case, with an absolute line/straight line classification, is not that each type of activity should be a straight line, with a 5000-metre straight-line distance from the proposed site, but instead as defined in the Land Development Code, an inspection has been made and the findings indicated on the survey.

1. The undersigned professional Surveyor and Mapper do further certify that this Specific Purpose Survey was prepared under my direct supervision, that to the best of my knowledge, information and belief it is true and accurate representation of the land shown and described, and that it meets the Minimum Technical Standards for Land Surveying in the State of Florida Chapter 5A-17, Florida Administrative Code.

11/23/20

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1 (C)	1049.93	18°09'45"	332.61'	331.42'	N70°41'35" W
C2 (C)	1049.93	14°12'1"	30.95'	30.95'	N67°48'05" W
C3 (C)	1049.93	19°51'04"	36.95'	361.95'	N68°50'18" W
C4 (P)	1049.93	19°51'04"	363.76'	361.95'	N68°50'18" W

LINE TABLE		
LINE	LENGTH	BEARING
L1E7	25.91	S20°24'26" W
L1E9	58.91	S20°24'26" W
L1E10	14.45	S00°44'54" E
L2P(0/A)	146.71	S00°44'51" E
L3E7	35.35	S00°44'54" E
L3E9	15.35	S00°44'56" E
L4E7	14.47	S89°14'00" E
L4E9	14.45	S89°15'03" E
L5E6	14.45	N00°44'54" E
L5E7	14.45	N00°44'54" E
L6E3	208.45	N89°21'56" W
L6E9	208.41	N89°24'04" W
L7E7	3.66	S00°45'20" W
L7E9	3.65	S00°45'20" W
L8E7	225.11	N89°17'30" E
L8E9	58.54	N89°48'39" E
L9E6	58.54	N89°48'39" E
L11E6	80.07	S89°24'04" W
L11E9	80.07	S89°24'04" W
L12E6	80.07	N89°25'56" E
L12E9	80.07	N89°25'56" E
L14E6	80.07	S00°45'04" E

P.N. 2019001-B
SCALE: 1" = 140'
DATE: 11/19/20
CREW CHIEF: S.A.W.
DRAWN BY: B.A.B.
CHECKED BY: D.J.B.

PROJECT NAME: NORTHEAST CORNER OF SHELDON ROAD
AND LINEBAUGH AVENUE
HILLSBOROUGH COUNTY, FLORIDA

SHEET TITLE: SPECIFIC PURPOSE SURVEY
(WET ZONE 2-APS)

PREPARED FOR: HALFF ASSOCIATES, INC.
1000 N. ASHLEY DRIVE
SUITE 900
TAMPA, FLORIDA 33602
TEL (813) 620-4500

1	11/23/20	REVISE PER COMMENTS
NO	DATE	REVISION

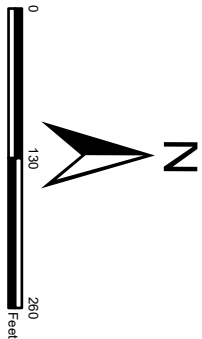
DENNIS J. BENHAM
PROFESSIONAL SURVEYOR & MAPPER
11921 WANDSWORTH DRIVE
TAMPA, FLORIDA 33626
TEL: (813) 403-0220

Immediate Aerial Zoning Map

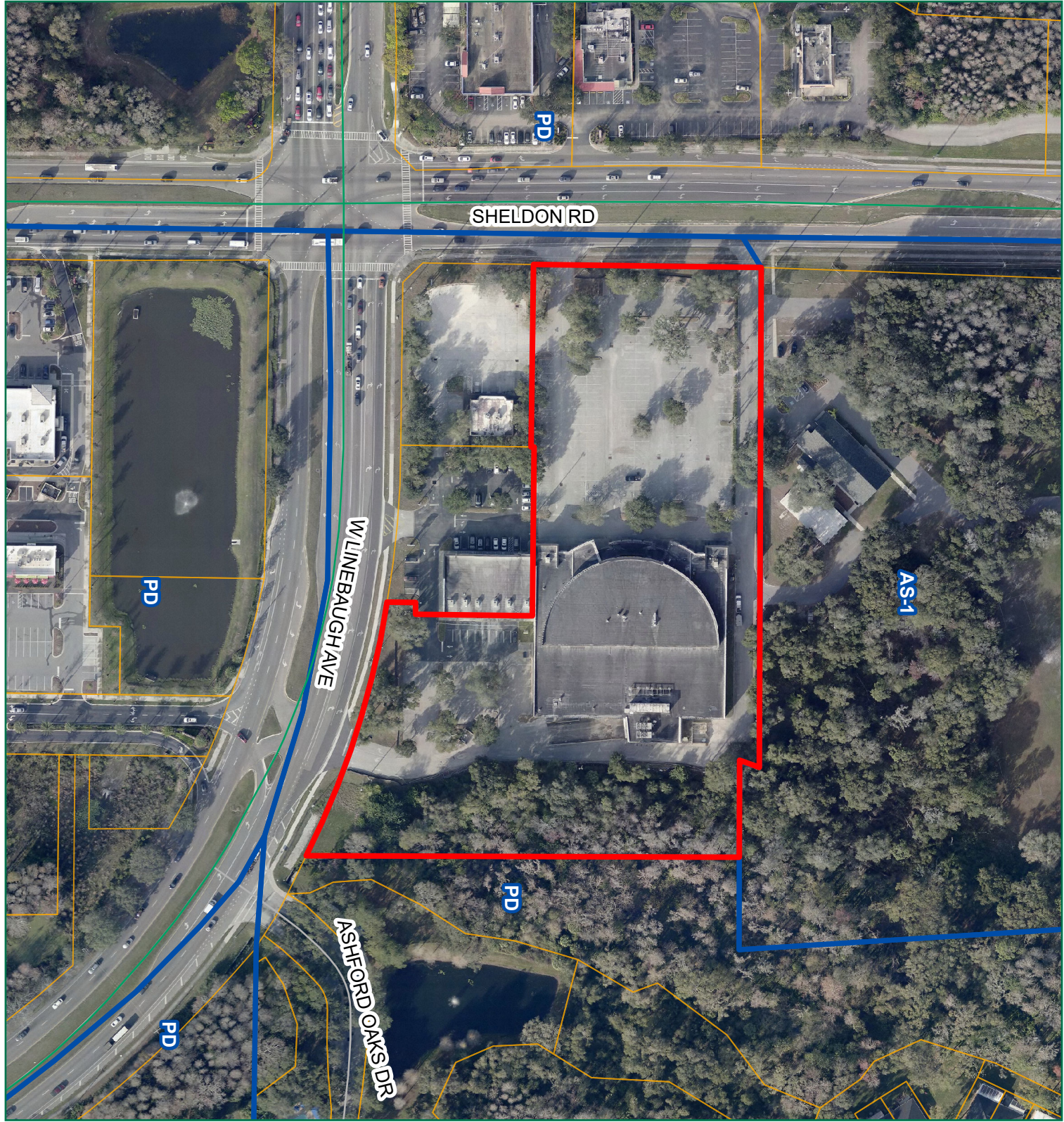
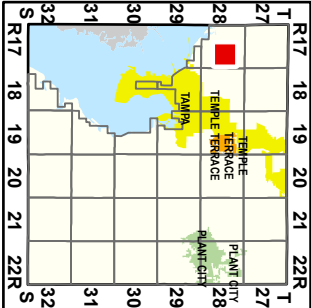
SU-AB 21-0141

Folio: 4016.0102

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DATE: 12/07/2020 Path: G:\ZONING\GIS\MapZoning- Site.aprx

ALCOHOLIC BEVERAGE SPECIAL USE DISTANCE WAIVER REQUEST

This request does not meet the following locational requirements:

The request is for a 2-COP-R alcoholic beverage special use permit on the property with tax folio 4016.0102, labeled as Building B on the site plan.

- 1) The request does not meet distance requirement of 500 feet to a community residential use located to the north (Bay Hope Church).

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

The subject area is part of a larger mixed-use development (PD 98-1539) consisting of Parcel A, a commercial component approved for 65,000 SF of Commercial General uses, Parcel B, a residential component approved for single family dwelling units, and Parcel C, approved for office use.

The subject site is located within Parcel A which was recently redeveloped with a Sprouts Farmers Market grocery store. In 2019, the subject site was approved for a 2-APS (SU 19-0677) over the entire area for beer and wine to be sold in sealed containers only for consumption off the licensed premises (package sales).

The goal is to redevelop the remainder of the site and revitalize the area. Redevelopment of the site includes the addition of new structure(s) for restaurant and retail uses. As part of this revitalization effort, the property owner wishes to apply for a 2-COP-R permit for Building B, which is specifically for beer and wine for sale and consumption on and off the permitted premises (package sales) in connection with a restaurant. The wetzone area includes the sidewalk shown on the survey for potential outdoor seating without blocking the sidewalk.

The circumstances that negate the need for the specified distance requirement are:

The distance reduction request for the 2-COP-R permit is for a 35.3-foot distance separation from certain community uses (Bay Hope Church), currently approved in the existing 2-APS permit. Discussions with the church's pastor regarding the request for the 2-APS distance waiver in 2019 were favorable.



ATTACHMENT B (Page 2 of 2)

ALCOHOLIC BEVERAGE SPECIAL USE DISTANCE WAIVER REQUEST

The Land Use Hearing Officer shall consider a waiver of the distance requirements from certain existing community uses and residentially zoned property, and/or from the maximum number of alcoholic beverage establishments within 1000 feet of the proposed Alcoholic Beverage Special Use. The Land Use Hearing Officer shall consider in connection with each waiver whether special or unique circumstances exist such that the proposed use does not have significant negative impacts on surrounding land uses and whether certain circumstances exist such that the necessity for the specified distance requirement is negated.

This request does not meet the following locational requirements:

Please see attached Distance Waiver Request

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

Please see attached Distance Waiver Request

The circumstances that negate the need for the specified distance requirement are:

Please see attached Distance Waiver Request

If more than one waiver is required the applicant shall provide a separate Attachment B for each waiver

ALCOHOLIC BEVERAGE SPECIAL USE DISTANCE WAIVER REQUEST

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- 1) The request does not meet distance requirement of 500 feet to a community residential use located to the north (Bay Hope Church).

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

The subject area is part of a larger mixed-use development (PD 98-1539) consisting of Parcel A, a commercial component approved for 65,000 SF of Commercial General uses, Parcel B, a residential component approved for single family dwelling units, and Parcel C, approved for office use.

The subject site is located within Parcel A which was recently redeveloped with a Sprouts Farmers Market grocery store. In 2019, the subject site was approved for a 2-APS (SU 19-0677) over the entire area for beer and wine to be sold in sealed containers only for consumption off the licensed premises (package sales).

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Distance Waiver Notification List

Folio: 0038870100
VAN DYKE UNITED METHODIST CHURCH INC
DBA BAY HOPE CHURCH
17030 LAKESHORE RD
LUTZ, FL 33558-4808

Prepared By/Return To
Robert G. Cochran, Esq.
Macfarlane Ferguson & McMullen
P O Box 1531
Tampa, FL 33601-1531

✓ w/c

INSTR # 2000319174
OR BK 10453 PG 1027
RECORDED 11/03/2000 04:52 PM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD(F.S. 201.02) 43,400.00
DEPUTY CLERK B King

Reserved for Clerk

WARRANTY DEED

THIS INDENTURE, made this 31st day of October, 2000, between **TAMPA-SHELDON, LLC, a Maryland limited liability corporation**, whose Tax I D. Number is 52-2173332, and whose mailing address is 147 Old Solomons Island Road, Suite 210, Annapolis, MD 21401, herein "**Grantor**", and **WAVERLY REALTY, LLC, a limited liability company**, whose Tax I D Number is 58-2572274, and whose mailing address is 2055 Caminito San Nicholas, La Jolla, CA 92037, herein "**Grantee**",

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10 00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and transferred, and by these presents does, bargain, sell and transfer unto Grantee and its designees, successors and assigns forever, all that certain real property bearing Parcel I D. Number 3887.0100 and 3887.000, lying and being in the County of **Hillsborough** and State of **Florida**, including all appurtenances thereto (the "**Property**"), more particularly described as follows:

Lot 1, LESS the East 27.06 feet thereof, and all of Lot 4, of SHELDON/ LINEBAUGH PARCEL PLATTED SUBDIVISION-NO IMPROVEMENTS, according to map or plat thereof as same is recorded in Plat Book 86, Page 33, of the Public Records of Hillsborough County, Florida.

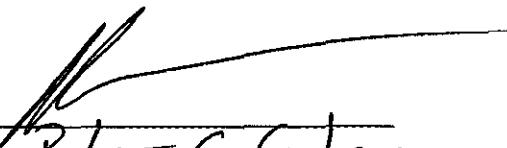
TOGETHER WITH all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining, including without limitation, right in and to various easements for the use of various utilities, and facilities, as set forth in Official Record Book 9840, Page 451, Official Record Book 10152, Page 489, Official Record Book 10164, Page 1757, and Official Record Book 10139, Page 7689, all of the Public Records of Hillsborough County, Florida TO HAVE AND TO HOLD the same in fee simple forever

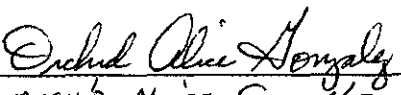
And Grantor covenants with Grantee that Grantor is lawfully seized of the Property, that the Property is free from all encumbrances except the following. (i) the lien of all taxes for the year 2000, and subsequent years, (ii) Easement in Official Record Book 7178, Page 1989, (iii) Easement

in favor of Tampa Electric Company recorded in Official Record Book 9423, Page 1651, (iv) Approval and Mitigation Agreement recorded in Official Record Book 9796, Page 1295, (v) Easement and Site Development Agreement recorded in Official Record Book 9840, Page 451, as amended in Official Record Book 10152, Page 489, and Joinder and Consent recorded in Official Record Book 10164, Page 1757, (vi) Declaration of Easements, Covenants and Maintenance Agreement recorded in Official Record Book 10139, Page 1689, (vii) Restrictions and covenants recorded in Official Record Book 10146, Page 912, (viii) Wetland conservation area, setback line, and other matters shown on the Plat of Sheldon/Linebaugh Parcel Platted Subdivision, recorded in Plat Book 86, Page 33, (ix) Terms and conditions of unrecorded lease in favor of Kash N' Karry Food Stores, Inc. as evidenced by Declaration of Protective Covenants recorded in Official Record Book 10146, Page 912, all of the Public Records of Hillsborough County, Florida, that Grantor has good right and lawful authority to sell the Property, and that Grantor does hereby fully warrant the title to the Property, and will defend the same, against the lawful claims of all persons whomsoever

WITNESS the execution hereof as of the date first written above

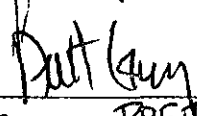
Witnesses


Robert G. Cochran
 (print name beneath signature)


ORCHID ALICE GONZALEZ
 (print name beneath signature)

TAMPA-SHELDON, LLC
 a Maryland limited liability corporation

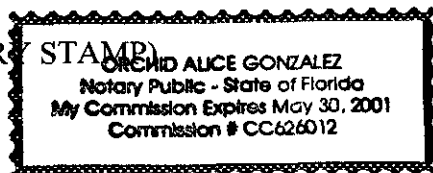
By: Osprey Property Group LLC

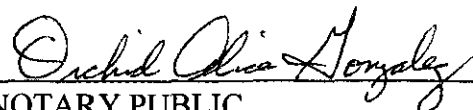
By 
 Print Name BRETT GUY
 Print Title EVP

STATE OF Florida
 COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 31st day of October, 2000,
 by Brett Guy, as E.V.P. of **TAMPA-SHELDON, LLC, a Maryland limited liability corporation**, ☒ who is personally known to me,
 or ☐ who produced the following identification: _____

(NOTARY STAMP)




 NOTARY PUBLIC
ORCHID ALICE GONZALEZ
 Notary Print/Type Name



Received
11/30/2020
Development Services

SPECIAL USE (ALCOHOLIC BEVERAGE PERMIT) (WAIVER REQUIRED)

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application. To request an appointment please call 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 10619 Sheldon Road B City/State/Zip: Tampa, FL 33626 TWN-RN-SEC: 14-28-17

Folio(s): 4016.0102 Zoning: PD Future Land Use: R-4 Property Size: 6.17 ac

Property Owner Information

Name: Waverly Realty LLC Daytime Phone: _____

Address: 1309 Saxony Road City/State/Zip: Encinitas, CA 92024

Email: _____ FAX Number: _____

Applicant Information

Name: Same as owner Daytime Phone: _____

Address: _____ City/State/Zip: _____

Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

Name: Isabelle Albert, Halff Associates Daytime Phone: 813-620-4500 x5118

Address: 1000 N Ashley Drive, Suite 900 City / State/Zip: Tampa, FL 33602

Email: ialbert@halff.com FAX Number: _____

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Isabelle Albert

Signature of Applicant

Isabelle Albert

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

Type or Print Name

Office Use Only

Intake Staff Signature: Joseph Reinbold Intake Date: 11/30/2020

Case Number: 21-0141 Public Hearing Date: 01/25/2021 Receipt Number: 21-0141

Type of Application: Special Use - Alcoholic Beverage Permit Waiver Required

Development Services, 601 E Kennedy Blvd. 19th Floor

Revised 07/02/2014

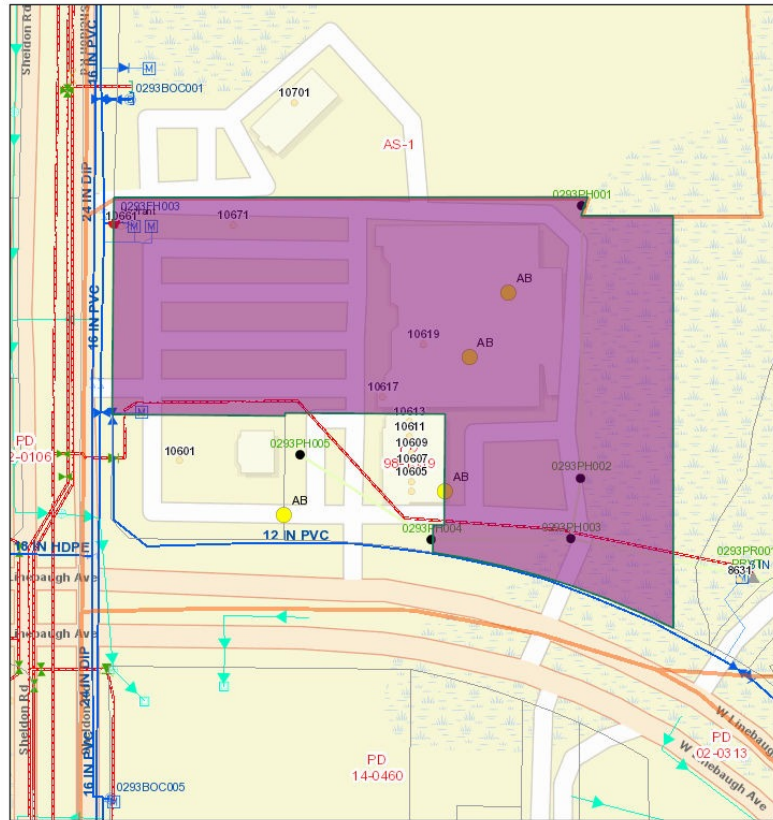
21-0141



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	98-1539
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0187H
FIRM Panel	12057C0187H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Northwest Hillsborough
Planned Development	PD
Re-zoning	null
Note	
Personal Appearances	07-1994,03-0929,00-1045, 99-1288, 16-1271, 19-0646
Census Data	Tract: 011412 Block: 2008
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
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: 4016.0102



November 24, 2020

1:1,595
0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km
RD, Hillsborough County - Public Works - Geomatics - Streets & Addresses, EID
Hillsborough County Florida

Folio: 4016.0102
PIN: U-14-28-17-5GU-000000-00001.0
WAVERLY REALTY LLC
Mailing Address:
1870 N CORPORATE LAKES BLVD # 266228
FORT LAUDERDALE, FL 33326-8807
Site Address:
10619 SHELTON RD
TAMPA, FL 33626
SEC-TWN-RNG: 14-28-17
Acreage: 6.17103004
Market Value: \$1,495,914.00
Landuse Code: 1400 STORE/SHP CENTE

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21-0141