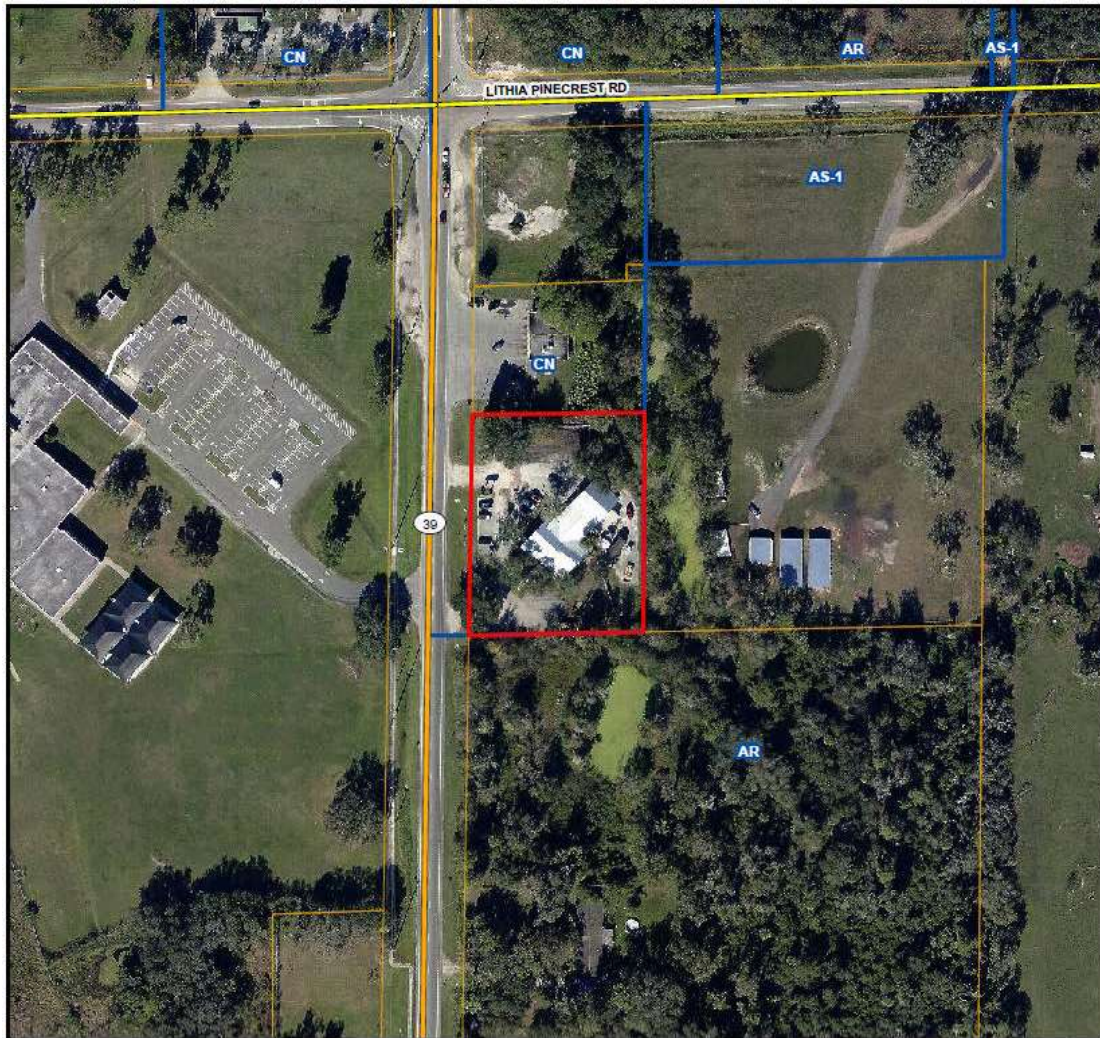




Land Use Application Summary Report

Application Number:	SU-AB 21-1374	Adjacent Zoning and Land Uses:	
Request:	2-COP AB Permit with Distance Separation Waiver	North:	CN (Commercial Neighborhood)
		South:	AR (Agricultural Rural)
Comp Plan Designation:	Residential-1 (R-1)	East:	AR (Agricultural Rural)
Service Area:	Rural	West:	AR (Agricultural Rural)



ZONING MAP

SU-AB 21-1374

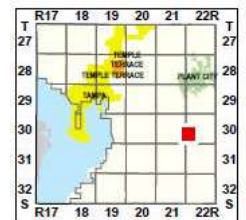
Folio: 93937.0200

- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- A SCHOOLS
- P PARKS



0 130 250 Feet

STR: 30-30-22



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 the map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to the highest available. ANY AND ALL WARRANTIES ARE HEREBY DISCLAIMED.

SOURCE: This map has been prepared for the benefit of the applicant based upon Hillsborough County and a jurisdiction's recorded deeds, plats, and other public records. It has been based on 2021 Aerial/ASIS data.

Users of this map are hereby notified that the aforementioned public utility information does not constitute the verification of the information contained on the map.

Date: 09/27/2021 File: 0:\2021\91019\DetZoning_Map.aprx
Produced By: Development Services Department

Request Summary

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-COP Alcoholic Beverage Development Permit (AB) for the sale and consumption of beer and wine on and off the permitted premises.

The wet zoning is sought for the White Oak Cottage home décor store located at 10522 S. County Road 39. The wet zoned area will comprise a footprint of 5,377 square feet of indoor area and 675 square feet of outdoor area for a total area of 6,052 square feet, as shown on the revised wet zone survey stamped received October 13, 2021.

The property is zoned CN (Commercial, Neighborhood) which permits the proposed use and consideration of the requested AB permit.

Distance Separation Requirements for a 2-COP AB Permit:

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

- The distance from the proposed structure to residentially zoned property shall be 250 feet. According to the survey submitted by the applicant, the request **does** comply with this requirement.
- There shall be no more than three approved 3-PS, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 4-COP-SX, 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 **does** comply with this requirement.
- 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 proposed wet zoning is 160 feet from property occupied by a school (Pinecrest Elementary School).

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 Waiver

The applicant requests a 340-foot waiver to the required 500-foot separation from Pinecrest Elementary School to allow a separation of 160 feet from the school property line. The applicant's justification for the waiver includes the following:

- 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.
- The proposed use to allow the sale of beer and wine for consumption on and off the premises in connection with a home décor store with relatively limited hours of operation of 10:00 a.m. to 7:00 p.m. daily, will not negatively affect the surrounding area or the adjacent school property.

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 Pinecrest Elementary School property line is approximately 160 feet the proposed wet zone structure. However, as the crow flies, 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.

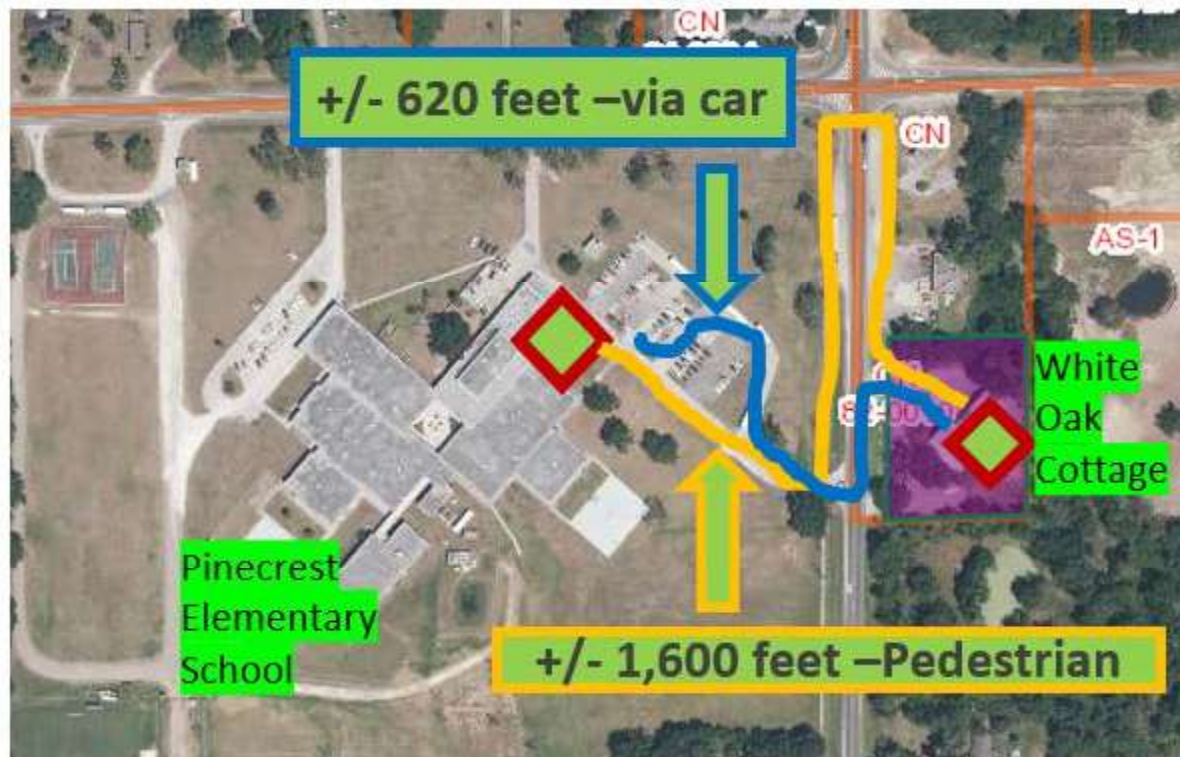


Figure 1: Distance Measurements

- The proposed wet zoning is separated from the school by a drainage ditch on both sides of 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 1,600 feet 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.



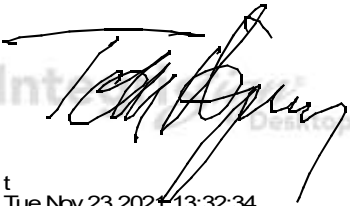
Figure 2: Existing home décor business located on S. County Road 39

- The proposed wet zoning is requested by an established home décor business seeking to expand their business model to provide their clientele alcoholic beverages. The applicant has agreed to a condition limiting use of the wet zoning to a home décor store and to limit the sale and consumption of alcoholic beverages to between the hours of 11:00 a.m. and 7:00 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 the school and surrounding land uses and the necessity for the specified distance requirements is negated.

Recommendation:

Staff finds the proposed 2-COP Alcoholic Beverage Permit to be **APPROVABLE, subject to the recommended condition 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 October 13, 2021.

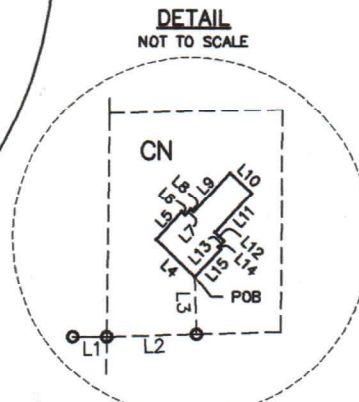
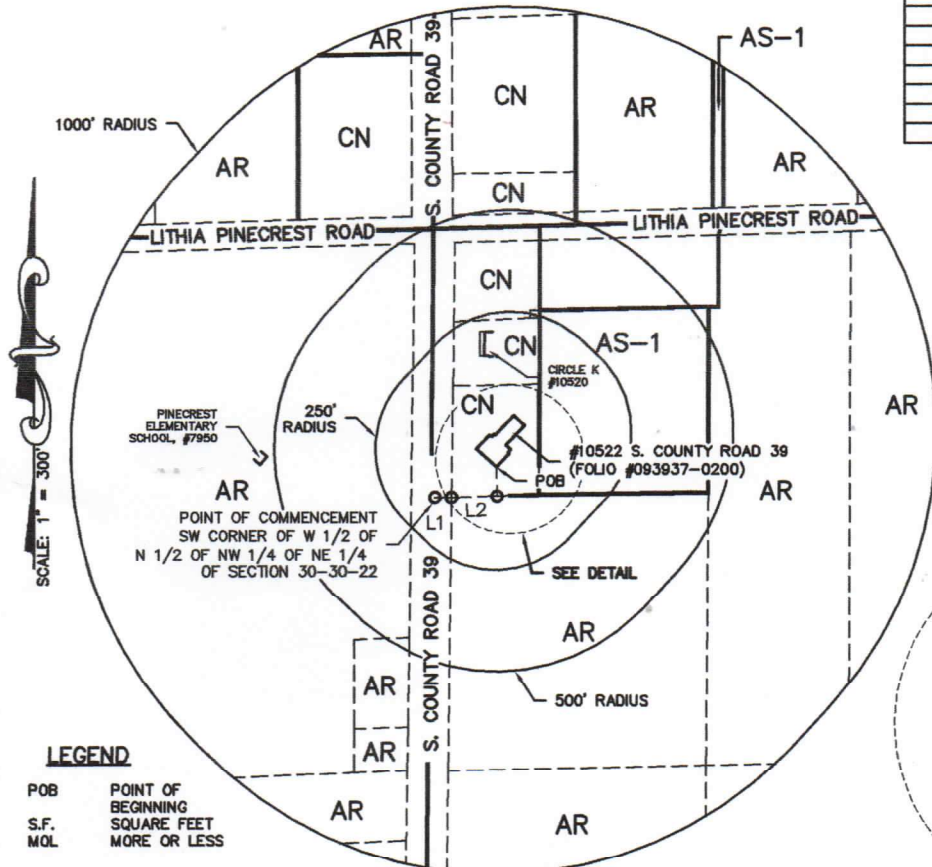
1. The permitted alcoholic beverage use shall be accessory to a home décor store. The sale and on-premises consumption of alcoholic beverages shall be limited to the hours between 11:00 a.m. and 7:00 p.m. daily.

Staff's Recommendation	Approvable
Zoning Administrator's Sign-Off	 <small>t Tue Nov 23 2021 13:32:34</small>

MAP OF SURVEY

"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 WITHIN A 500-FOOT STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE. A VISUAL INSPECTION OF THE APPARENT PROPOSED SPECIAL USE PERMITTED SITE FROM RESIDENTIALLY ZONED 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, A VISUAL INSPECTION HAS BEEN MADE AND THE FINDINGS ARE INDICATED ON THE SURVEY."

LINE	LENGTH	BEARING
L1	41.31'	N90°00'00"E
L2	111.59'	N88°24'02"E
L3	70.96'	N01°35'58"W
L4	66.33'	N46°47'44"W
L5	46.50'	N43°12'16"E
L6	6.00'	S46°47'44"E
L7	10.00'	N43°12'16"E
L8	4.67'	S46°47'44"E
L9	66.17'	N43°12'16"E
L10	36.33'	S46°47'44"E
L11	66.17'	S43°12'16"W
L12	15.33'	S46°47'44"E
L13	10.00'	S43°12'16"W
L14	4.00'	S46°47'44"E
L15	46.50'	S43°12'16"W



LEGEND
 POB POINT OF BEGINNING
 S.F. SQUARE FEET
 MOL MORE OR LESS

WETZONE AREA TABLE

BUILDING	BUILDING AREA(S.F./MOL)	PORCH AREA(S.F./MOL)	TOTAL (S.F./MOL)
#10522	5,377	675	6,052

- ALL DISTANCES SHOWN HEREON ARE STRAIGHT LINE DISTANCES.
- THERE ARE NO COMMUNITY USES WITHIN 500 FEET OF THE PROPOSED WET ZONE ENVELOPE SHOWN HEREON.
 - PINECREST ELEMENTARY SCHOOL, 7950 LITHIA PINECREST ROAD, 517.4 FEET FROM PROPOSED WET ZONE ENVELOPE AND 160' TO THE SCHOOL PROPERTY LINE.
- EXISTING WET-ZONINGS:
 - CIRCLE K, LICENSE #2-APS, 10520 S. COUNTY ROAD 39, 165.3 FEET FROM PROPOSED WET ZONE ENVELOPE.
- THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 250 FEET OF THE PROPOSED WET ZONE ENVELOPE SHOWN HEREON.

LEGAL DESCRIPTION - WET ZONE ENVELOPE:

A TRACT OF LAND BEING A PORTION OF THE WEST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 30 SOUTH, RANGE 22 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE OF WEST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 90°00'00" EAST, 41.31 FEET; THENCE NORTH 88°24'02" EAST, 111.59 FEET; THENCE NORTH 01°35'58" WEST, 70.96 FEET TO THE POINT OF BEGINNING; THENCE NORTH 46°47'44" WEST, 66.33 FEET; THENCE NORTH 43°12'16" EAST, 46.50 FEET; THENCE SOUTH 46°47'44" EAST, 6.00 FEET; THENCE NORTH 43°12'16" EAST, 10.00 FEET; THENCE SOUTH 46°47'44" EAST, 4.67 FEET; THENCE NORTH 43°12'16" EAST, 66.17 FEET; THENCE SOUTH 46°47'44" EAST, 36.33 FEET; THENCE SOUTH 43°12'16" WEST, 66.17 FEET; THENCE SOUTH 46°47'44" EAST, 15.33 FEET; THENCE SOUTH 43°12'16" WEST, 10.00 FEET; THENCE SOUTH 46°47'44" EAST, 4.00 FEET; AND THENCE SOUTH 43°12'16" WEST, 46.50 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 6,052 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

SPECIFIC PURPOSE WET ZONE SURVEY "2-COP"

Date	Description of Work	Party Chief	Drawn by	Checked by
10-12-21	ADDED ZONING NOTE	---	CAB	JHK
9-20-21	ADDED SCHOOL PROPERTY LINE DISTANCE	---	ACJ	JHK
9-9-21	SPECIFIC PURPOSE WET ZONE SURVEY	JP	ACJ	JHK

Certified to:
THE WHITE OAK COTTAGE

THIS SURVEY NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL

SURVEYOR'S CERTIFICATE: This certifies that a survey of the property described hereon was made under my supervision and that the drawing hereon is a true and accurate representation thereof and meets the standards of practice for surveys set forth in Chapter 5J-17 by the Florida Board of Land Surveyors pursuant to Section 472.027 Florida State Statutes. The seal appearing on this document was authorized by:

James Kirk
 Digitally signed by James Kirk
 Date: 2021.10.13 09:20:05 -0400

DATE: 10/13/21
 JAMES H. KIRK, JR., P.S.M. No. 6103

W.C. SHERRILL AND COMPANY, LLC
 SURVEYING • MAPPING • CONSULTING
 P.O. BOX 203 • ODESSA, FLORIDA 33556
 P: 813-345-4270 • WEBSITE: WWW.WCSHERRILL.COM
 State of Florida, Certificate of Authorization LB #7863

Project No.: 21-08-333 Date: 9-9-21
 Section 30 Township 30 S Range 22 E



PATH: S:\S21-08-333.Dwg Survey S21-08-333-Srvy-Wetzone.dwg, PLOT DATE: 10-13-21

Written Statement Case # _____

The "White Oak Cottage" (WOC) is a hidden gem located in the Lithia area of Eastern Hillsborough County. In The past 5 years or so the WOC has earned its reputation of one of the most pristine Home Decors Centers of its kind. Daily it has become a growing Destination for many one-of-a-kind treasure seekers.

Weather it is an afternoon of adventure or the mission of utilizing one of our in-house interior decorators to transform your entire home or office, The "White Oak Cottage" is your **DESTINATION!**

Now that the "WOC" is often referred to as a **DESTINATION** we are wanting to create the complete shopping experience for the home décor enthusiast. Because of our unique and remote location, we are wanting to offer a small selective eatery.

Our menu will offer some simple selections of Specialty Sandwiches, Salads, Hand crafted Charcuterie Boards and Homemade soups. Along with this select menu we would like to offer a fitting variety of Palate pleasing Wines and Craft Beers.

These amenities to our business will now give our clientele an opportunity to relax and ponder on their thoughts and decisions before making that final purchase.

In order to open this eatery, it is necessary to meet certain criteria so that we can obtain the proper licensing.

As far as food is concerned, we must satisfy the requirements of The Florida Department of Hotels and Restaurants. The state has **approved** our application and floorplan **pending a final opening inspection.**

The remaining piece of the puzzle is the approval for the sale of alcoholic beverages. We are seeking zoning from Hillsborough County for a **2-COP license**. This is **the sale of Beer & Wine for on premise consumption only. (NO package sales!)**

An important part of the zoning process is the site "wet-zone survey". This survey determines distances from the proposed premise to be zoned to: **A) residentially zoned property within 250 ft B) certain community uses within 500ft and C) NO more than 3 wet zonings of certain alcoholic beverage license classifications within 1000ft.**

Our survey has determined....

- A) There are **NO** Properties within 250ft of our location, (permitted property) that are zoned as **"RESIDENTIAL"**. There are 5 properties they are zoned (2) AR, (1) AS-1 and (2) CN.
- B) There is only **1 wet-zoning within 1000ft** of our "permitted structure". This property is located **165.3 ft directly NORTH of us**. They operate as a **Circle K store with a 2-AP zoning** which allows them to **sell package Beer & wine "TO GO" ONLY w/NO consumption on premise.**
- C) There is 1 community use within 500ft of our "permitted structure". This community use is the Pinecrest Elementary School. The property line of the school is located approximately 160 ft away from our "permitted structure". Keep in mind that the actual school bldg. is 517.4 ft away. Due to the distance to the school property line, we are requesting a distance waiver. This would allow for our zoning to be permitted.

Some justifications for this waiver are that our business is separated and buffered from Pinecrest Elementary school by 2 drainage ditches, a fence, most of the school parking lot and County Road 39, (a major county North-South highway passthrough)

Traveling as the crow flies one must leave our location walking through our lot, then they must cross through a drainage ditch, only to then wait for traffic to cross HWY 39. After crossing over Hwy 39 one is faced with another drainage ditch to cross. After coming this far the patron must climb a 4ft fence to enter the school property. Once on school property there is another 330+ft of parking lot to travel through before arriving at the school building.

At this point we remind you that we are a Home Décor Destination offering the amenity of food and beverage for our clientele, **WE ARE NOT a drinking establishment!** Our daily hours of operation are from 10-11am until 6-7 pm with our peak dining time from 11-1.

We, like most others realize that it has been a tough year and a half for everyone, especially small businesses. Your consideration in granting this wavier will be greatly appreciated, once again giving another small independently owned business an opportunity to make its mark in Hillsborough County!

Written statement page 2
White Oak Cottage

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 Keyville 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

Sherrie Luognas
Print Name: Sherrie 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





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: 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: _____ Property Size: 1.32

Property Owner Information

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

Applicant Information

Name: Shaunessy Dobish Daytime Phone: (813) 541-7625
Address: 10530 County Road 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 Clock Tower 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 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.

Signature of Applicant

Shaunessy Dobish

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

Shaunessy Dobish

Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 09/20/2021
Case Number: 21-1374 Public Hearing Date: 11/15/2021 Receipt Number: 87682
Type of Application: Special Use- AB

Development Services, 601 E Kennedy Blvd. 19th Floor

Revised 07/02/2014



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CN
Description	Commercial - Neighborhood
RZ	82-0010
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
Competitive Sites	NO
Redevelopment Area	NO



Folio: 93937.0200
 PIN: U-30-30-22-ZZZ-000005-26440.0
 KYLEE KAT HOLDINGS LLC
Mailing Address:
 10530 S COUNTY ROAD 39
 LITHIA, FL 33547-2857
Site Address:
 10522 39 HWY
 LITHIA, FL 33547
SEC-TWN-RNG: 30-30-22
Acreage: 1.33781004
Market Value: \$594,300.00
Landuse Code: 1620 STORE/SHP CENTE

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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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