

**Special Use-Alcoholic Beverage Permit with Waivers Application:** SU-AB 24-1123  
**LUHO Hearing Date:** October 21, 2024  
**Requested Classification:** 2-COP-RX



**Hillsborough County Florida**

Development Services Department

**1.0 APPLICATION SUMMARY**

**Applicant:** Daniel Lopez  
**Zoning:** CG  
**FLU Category:** OC-20  
**Service Area:** Urban  
**Community Plan Area:** Brandon  
**Overlay:** None  
**Special District:** None  
**Use:** Eating Establishment  
**Total Wet Zone Area Requested:** 3,290.02 square feet  
**Inside Area Requested:** 3,290.02 square feet  
**Outside Area Requested:** 0 square feet  
**Location:** 140 N Parsons Ave., Folio 68818.0000



**Introduction Summary:**

The applicant is requesting a 2-COP-RX alcoholic beverage permit with distance separation waivers to allow for a restaurant at 140 North Parsons Avenue. The property is zoned CG (Commercial General), which allows the host use and consideration of the requested AB permit.

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

**Development Services Recommendation:**

Approvable, Subject to Conditions

Existing Alcoholic Beverage Permit Being Rescinded:	Yes	Existing Alcoholic Beverage Permit Number:	SU-AB 92-0426
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**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	92 feet	58 feet

**Applicant’s Justification:**

The residential parcel is not occupied by a home and is used for overflow parking and garage for the church. The parking is not active every day. There is not a direct connection between the parking lot garage of the church and the restaurant entrance. Walking distance is around 450 feet. Both parcels are separated by a solid fence and alley behind the shopping center. The restaurant bakery has a current AB permit that is expanding. Other AB permits exist in the area with similar AB licenses and businesses.

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to certain community uses	500 feet	193 feet	307 feet

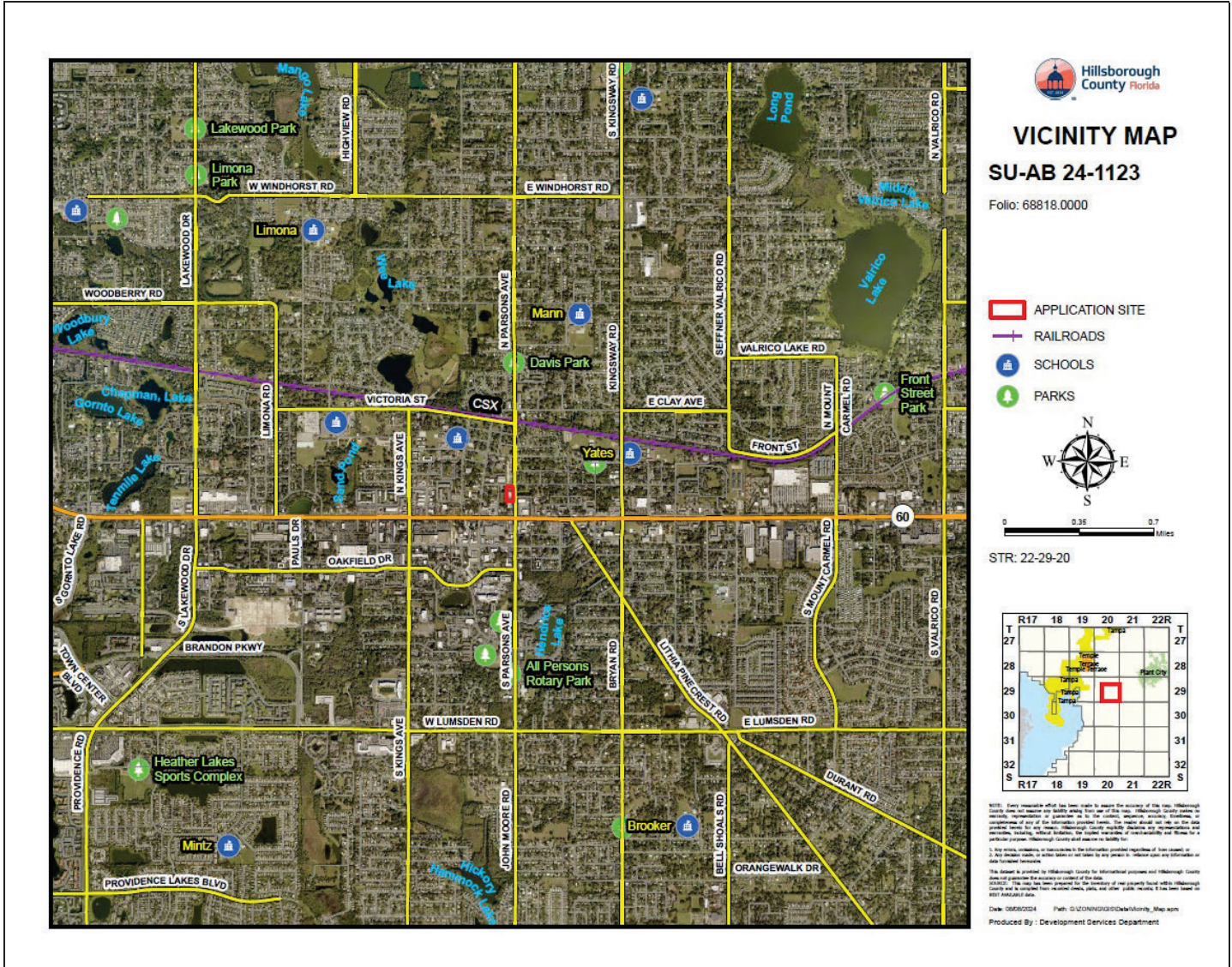
Community Use: First Baptist Church

**Applicant’s Justification:**

The Church buildings are located at the northwest and southwest corner Morgan St and Moon Ave. Morgan St. is located 200 feet North of the permit structure. Then the corner of Moon Ave. is a block further to the west. There is no way to move in a straight line from the permit structure to the community use. The walking distance of the permitted structure which is on the southwest corner of the bakery furthest from the community use to the church building entrance is over 1,000 feet. The permit structure is separated from the church building by one street and parking areas. Additionally, the entrances of the church face the opposite side to the entrance of the bakery. Also, the bakery already has an AB permit. This is expanding the premises as the business grows in size.

### 3.0 LAND USE MAP SET AND SUMMARY DATA

#### 3.1 Vicinity Map



#### Context of Surrounding Area:

The surrounding area is a mixture of commercial, office and residential uses. Commercial uses are located primarily along E Brandon Boulevard and near E Brandon Boulevard on S Parsons Avenue.





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 zone area is located within a retail commercial strip center located on N Parsons Avenue, a major arterial roadway, with approximately 85 feet of right of way width. The proposed wet zone area is located on the south side of the shopping center, furthest from the church property. The proposed wet zone area is also separated from the church property by W Morgan Street, a local roadway, with approximately 55 feet of right of way width.


The bakery that is the subject of the proposed wet zoning has a current existing wet zoning approval under SU-AB 92-0426, however, is expanding to a second unit within the shopping center. The closest residentially zoned properties to the proposed wet zoning location are located to the northwest of the subject wet zone area and are owned and used by the church across Morgan Street as an overflow parking lot. No residential use exists on the residentially zoned property within 150 feet of the proposed wet zone area.

For the reasons discussed above, staff finds the proposed wet zoning does not pose new 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 2-COP-RX Alcoholic Beverage Permit to be **APPROVABLE, Subject to conditions.** Approval is based upon the wet zone survey reflecting a total wet zone footprint of 3,290.02 square feet, as shown on the wet zone survey received July 30, 2024.

1. Upon approval of SU-AB 24-1123, the existing 2-COP-RX wet zoning of a portion of the premises, SU-AB 92-0426 shall be rescinded.

<p><b>Zoning Administrator Sign Off:</b></p>	 <p>Colleen Marshall Mon Oct 14 2024 14:08:14</p>
<p><b>SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN &amp; BUILDING REVIEW AND APPROVAL.</b></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>	

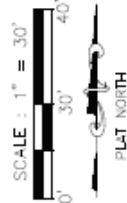
6.0 PROPOSED WET ZONE SURVEY

SECTION 22 - TOWNSHIP 29 SOUTH - RANGE 20 EAST
HILLSBOROUGH COUNTY - FLORIDA

SPECIFIC PURPOSE SURVEY
"ALCOHOL SALES"

LA CREACION BAKERY
2-COP-RX

ADDRESS:
140 NORTH PARSONS
BRANDON, FLORIDA 33510



PARENT DEED DESCRIPTION (DBR 17518, PG 347)

LOTS 2 THRU 10 INCLUSIVE LESS THE NORTH 20 FEET OF THE EAST 20 FEET OF LOT 2 OF SEC. 22, T. 29 S., R. 20 E., UNLESS AS SHOWN ON THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 10, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, LESS AND EXCEPT THE PORTION THEREOF LINED HEREIN. THE FOLLOWING NOTES AND BOUNDS DESCRIPTION:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF LOT 10 OF SAID SEC. 22, UNLESS AS SHOWN TO BE DIFFERENT, THENCE NORTH 00 DEGREES 10 MINUTES 30 SECONDS WEST 200.00 FEET ALONG THE EAST LINE OF SAID LOT 10 THROUGH TO THE NORTHEAST CORNER OF SAID LOT 2, THENCE NORTH 89 DEGREES 59 MINUTES 44 SECONDS WEST 200.00 FEET THENCE SOUTH 89 DEGREES 59 MINUTES 44 SECONDS EAST 20.14 FEET TO THE BEGINNING OF A CURVE BEING A QUARTER MILE OF 100.00 FEET, BEING 100.00 FEET AND BEING BEARING OF SOUTH 01 DEGREE 38 MINUTES 56 SECONDS EAST TO A POINT OF BEGINNING OF A CURVE BEING A QUARTER MILE OF 100.00 FEET, BEING 100.00 FEET AND BEING BEARING OF SOUTH 01 DEGREE 38 MINUTES 56 SECONDS EAST TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION OF PROPOSED ALCOHOL SALE (PROVIDED BY TERMINUS SURVEYING, LLC)

A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 17518 PG 347 RECORDED IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF COMMERCIAL BUILDING ADJACENT 135 NORTH PARSONS AVENUE THENCE ALONG THE WEST FACE OF SAID BUILDING SOUTH 00 DEGREE 04' 29" WEST 206.67 FEET TO THE POINT OF BEGINNING, ALSO BEING THE SOUTHWEST CORNER OF COMMERCIAL BUILDING ADJACENT 135 NORTH PARSONS AVENUE THENCE ALONG THE SOUTH FACE OF SAID BUILDING SOUTH 00 DEGREE 04' 29" WEST 206.67 FEET TO THE POINT OF BEGINNING. ALSO BEING THE SOUTHWEST CORNER OF COMMERCIAL BUILDING ADJACENT 135 NORTH PARSONS AVENUE THENCE ALONG THE SOUTH FACE OF SAID BUILDING SOUTH 00 DEGREE 04' 29" WEST 206.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 3290.02 S.F. MORE OR LESS



LINE DATA:
L-1: N00° 04' 29" W 206.67'(M)
L-2: N07° 40' 53" W 19.71'(M)
L-3: S00° 05' 12" E 40.20'(M)

NOTES:

- 1) This is not a "boundary survey"
2) The "SPECIFIC PURPOSE SURVEY" is shown herein, was made without benefit of abstract or title. The undersigned and Terminus Surveying, LLC, make no guarantee or representation regarding ownership, claims of boundary line disputes, agreements, reservations or any other similar matters which may appear in the public records of the local county courthouses.
3) This "SPECIFIC PURPOSE SURVEY" was prepared for the exclusive use and benefit of the parties listed herein. Liability to third parties may not be transferred or assigned. Address of delineation to survey party of parties to whom this specific party of parties is provided without the written consent of the surveying party or parties.
4) "SPECIFIC PURPOSE SURVEY" by no means represents a determination of whether property will or will not pass. The Land within the boundaries of this boundary may or may not be subject to financing. The local County/City Building Department has jurisdiction regarding building and maintenance of buildings.
5) Address of delineation to survey map or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
6) The "SPECIFIC PURPOSE SURVEY" does not depict easements.
7) The purpose of this "SPECIFIC PURPOSE SURVEY" is to define the described parcel area for the sale of alcoholic beverages.
8) No individual boundaries, boundaries or representations have been found except as shown.
9) There are no visible encroachments other than shown.
10) Ownership of survey.
11) All measurements are in feet and inches, unless otherwise noted.
12) Bearings are based on the EAST SUNDARY LINE OF PLAT. Said line bears S00° 12' 10" W.

PAGE 1 OF 2
NOT TAKEN THROUGH PAGE 2 OF 2
THIS IS NOT A BOUNDARY SURVEY

Table with columns for 'JOB INFORMATION' and 'TERMINUS SURVEYING'. Includes fields for 'JOB# 21000155', 'REVISIONS', and 'DATE'.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT THE REQUIREMENTS OF STATUTE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS DOCUMENT IS AUTHORIZED BY MICHAEL P. MOONEY, RLS 15000, AND IS COMPLIANT WITH 54-17.002 OF THE FLORIDA ADMINISTRATIVE CODE.

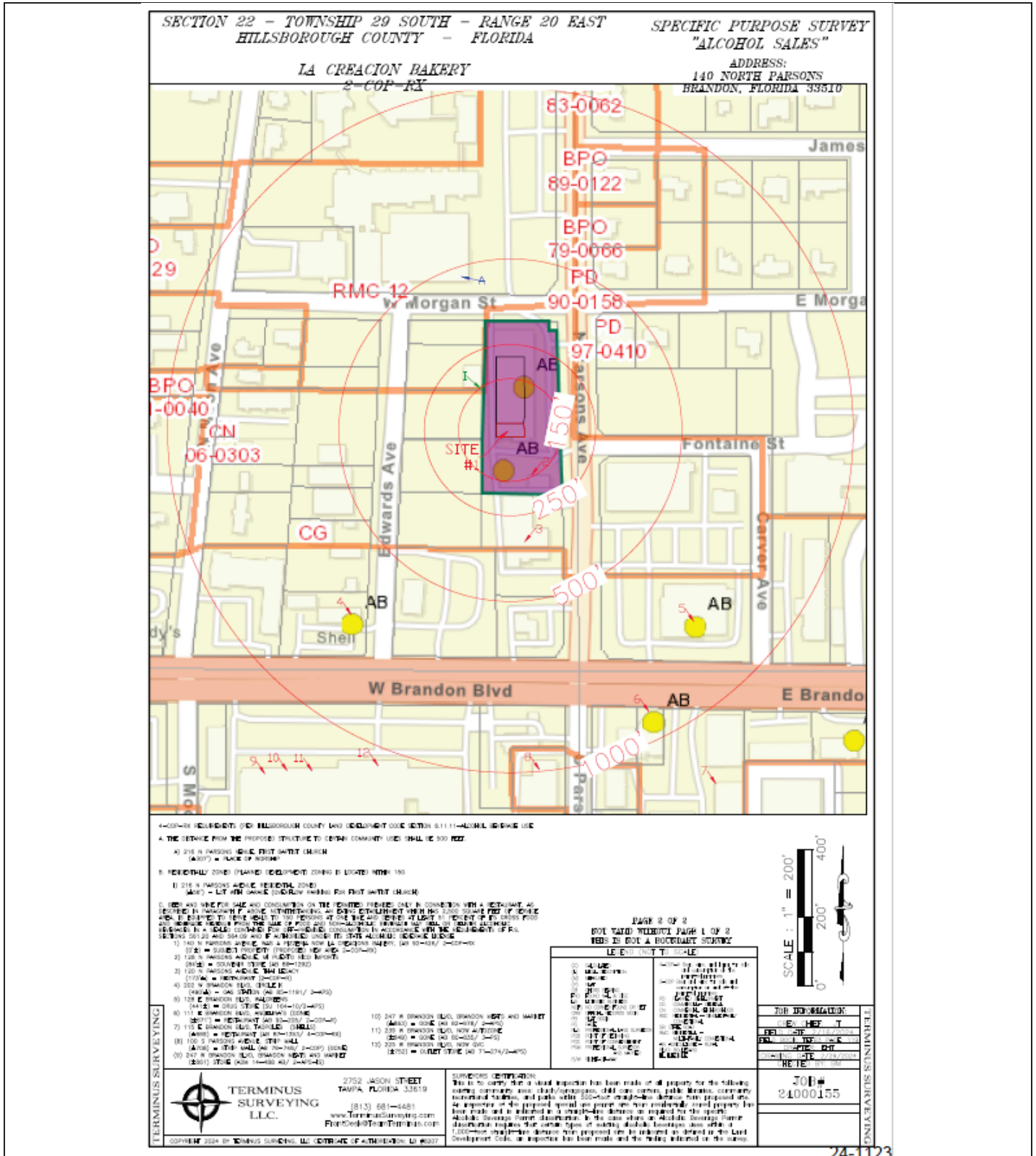
MEHAEL P. MOONEY DATE
Professional Surveyor & Mapper
Ruled Signature: [Signature]
Survey was made without the electronic signature and seal of a Florida Surveyor & Mapper

TERMINUS SURVEYING L.L.C. logo and contact information: 2792 JASON STREET TAMPA, FLORIDA 33519, (813) 881-4481, www.TerminusSurveying.com, Email: info@TerminusSurveying.com

Table with columns for 'JOB INFORMATION' and 'TERMINUS SURVEYING'. Includes fields for 'JOB# 21000155', 'REVISIONS', and 'DATE'.



6.0 PROPOSED WET ZONE SURVEY (Page 2 if Applicable)



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July 22nd, 2024

To whom it may concern:

By this letter, I David Lopez Owner of: La Creacion Bakery 2 located in Brandon Fl 33510 want to notify the following below:

Actually our business has been operating for around three years. We are requesting this license project with great expectations of expanding our menu and offer more employment opportunities to families while maintaining the business competitive in the food industry and growing in the area of Brandon.

I hand sign this letter confirming that the above-mentioned information is correct.

Sincerely,



David Lopez Cosme



Address: 140 N Parsons Ave Brandon Fl 33510

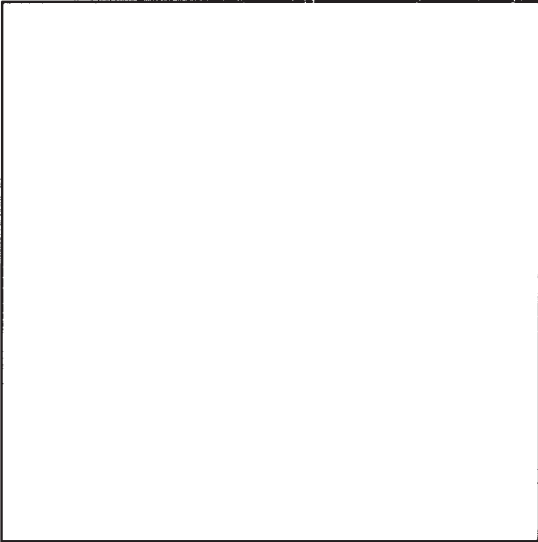
Business Phone: 813-381-3824

Cel Phone: 787-638-2265

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Prepared By and  
When Recorded Return to:  
**A. Edward McGinty, Esquire**  
**SHUMAKER**  
**LOOP &**  
**KENDRICK, LLP**  
*Attorneys At Law*  
101 East Kennedy Boulevard  
Suite 2800  
Tampa, Florida 33602  
Phone: (813) 229-7600



NOTE: THIS TRANSFER IS BETWEEN RELATED ENTITIES FOR NO CONSIDERATION AND FOR REAL PROPERTY NOT SUBJECT TO A MORTGAGE, AND THUS NO DOCUMENTARY STAMP TAXES ARE DUE.

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 23 day of February, 2007, between **MARK S. ROSENTHAL and DEBORAH TRAINA ROSENTHAL, as tenants by the entireties, as to a 60% undivided interest** (acquired by assignment from SOFEL CORPORATION, a Panamanian corporation, with the consent of all the partners to such acquisition), **DEBRA ROSENTHAL as to a 20% undivided interest, and PENNY JOHNSON ROSENTHAL as to a 20% undivided interest, as tenants in common**, (hereinafter the "Grantor"), the post office address for whom is 8000 N. Armenia Ave, Suite E, Tampa, Florida 33604-2758, and **MORGAN PARSONS CENTER, LLLP**, a Florida limited liability limited partnership (hereinafter the "Grantee"), the post office address for which is 8000 N. Armenia Ave, Suite E, Tampa, Florida 33604-2758.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), to it in hand paid by the Grantee, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, does hereby grant, bargain, sell and convey unto the Grantee the following described land and all improvements thereon and appurtenances thereunto belonging, situated in ~~Sarasota~~ <sup>Hillsborough</sup> County, Florida, to-wit:


Those lands described in Exhibit "A" attached hereto and made a part hereof (the "Property").

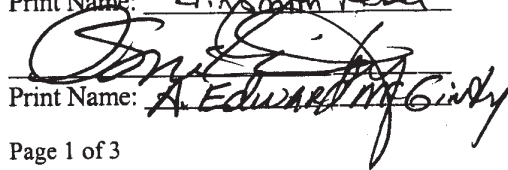
TO HAVE AND TO HOLD unto the Grantee, its successors and assigns forever.

AND the Grantor does hereby specially warrant the title to said Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor but against none other, and except zoning and other governmental resolutions and ordinances; rights-of-way, easements, agreements, covenants, conditions, restrictions, reservations and limitations of record; and real estate taxes and assessments for the year 2007 and thereafter.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed by its duly authorized Manager as of the day and the year first above written.

Signed and acknowledged  
In the presence of:

  
Print Name: Erin Smith Sebel

  
Print Name: A. Edward McGinty

  
**Mark S. Rosenthal and Deborah Traina Rosenthal,**  
as tenants by the entireties



Eric Smith Aebel  
Print Name: Eric Smith Aebel

Debra Rosenthal  
Debra Rosenthal

A. Edward McGinty  
Print Name: A. Edward McGinty

Eric Smith Aebel  
Print Name: Eric Smith Aebel

Penny Johnson Rosenthal  
Penny Johnson Rosenthal

A. Edward McGinty  
Print Name: A. Edward McGinty

Tenants in Common

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 23 day of February, 2007 by MARK S. ROSENTHAL and DEBORAH TRAINA ROSENTHAL, as tenants by the entireties, who [ ] are personally known to me or [] have produced FL DRIVER LICENSE as identification.



Debra R. Davis  
MY COMMISSION # DD233293 EXPIRES  
July 27, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

Debra R. Davis  
Notary Public  
Print Name: DEBRA R. DAVIS

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 23 day of February, 2007 by DEBRA ROSENTHAL, who [ ] is personally known to me or [] has produced FL DRIVER LICENSE as identification.



Debra R. Davis  
MY COMMISSION # DD233293 EXPIRES  
July 27, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

Debra R. Davis  
Notary Public  
Print Name: DEBRA R. DAVIS

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 23 day of February, 2007 by PENNY JOHNSON ROSENTHAL, who [ ] is personally known to me or [] has produced PASSPORT as identification.



Debra R. Davis  
MY COMMISSION # DD233293 EXPIRES  
July 27, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

Debra R. Davis  
Notary Public  
Print Name: DEBRA R. DAVIS

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF REAL PROPERTY**

LOTS 2 THRU 10 INCLUSIVE LESS THE NORTH 20 FEET OF THE EAST 20 FEET OF LOT 2 OF MRS. E. B. LINSLEY'S ADDITION TO BRANDON, AS PER MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 18, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, LESS AND EXCEPT THE PORTION THEREOF LYING WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF LOT 10 OF SAID MRS. E. B. LINSLEY'S ADDITION TO BRANDON; THENCE NORTH 00 DEGREES 15 MINUTES 32 SECONDS WEST, 500.00 FEET ALONG THE EASTERLY BOUNDARY OF SAID LOTS 2 THROUGH 10, TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES 27 MINUTES 44 SECONDS WEST 30.00 FEET; THENCE SOUTH 44 DEGREES 10 MINUTES 31 SECONDS EAST 28.14 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST; THENCE 207.95 FEET ALONG SAID CURVE HAVING A DELTA ANGLE OF 01 DEGREE 33 MINUTES 05 SECONDS, RADIUS OF 7679.94 FEET, CHORD OF 207.95 FEET, AND CHORD BEARING OF SOUTH 01 DEGREE 38 MINUTES 58 SECONDS EAST, TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST; THENCE 272.33 FEET ALONG SAID CURVE HAVING A DELTA ANGLE OF 02 DEGREES 03 MINUTES 12 SECONDS, RADIUS OF 7598.94 FEET, CHORD OF 272.32 FEET, AND CHORD BEARING OF SOUTH 01 DEGREE 23 MINUTES 54 SECONDS EAST, TO THE POINT OF BEGINNING.

The foregoing is a composite legal description intended to encompass three (3) separate parcels with the following PIN and Folio numbers:

**U-22-29-20-2E3-000000-00002.0 / 068818-0000**

**U-22-29-20-2E3-000000-00008.0 / 068819-0000**

**U-22-29-20-2E3-000000-00009.0 / 068820-0000.**

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# Property/Applicant/Owner Information Form

### Official Use Only

Application No: SU-AB 24-1123 Intake Date: 07/30/2024  
Hearing(s) and type: Date: 09/23/2024 Type: LUHO Receipt Number: 393783  
Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Keshia Rivas

### Property Information

Address: 140 N Parson Ave City/State/Zip: Brandon FL, 33510  
TWN-RN SEC: 29-20-22 Folio(s): 688180000 Zoning: CG Future Land Use: DC-20 Property Size: 1.4 ac

### Property Owner Information

Name: Morsan Parsons Center LLC Daytime Phone: 813-935-9364  
Address: 3310 W. Cypress St. #202 City/State/Zip: Tampa Florida 33607  
Email: MorsanMSRadjuster.com Fax Number: 813 4435606

### Applicant Information

Name: David Lopez Daytime Phone: 787-638-2265  
Address: 11776 Mania Ln City/State/Zip: Seminole FL, 33772  
Email: La Creacion Bakery 2@gmail.com Fax Number: \_\_\_\_\_

### Applicant's Representative (if different than above)

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax 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.

David Lopez  
Signature of the Applicant  
David Lopez  
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.

Marle Rosenthal  
Signature of the Owner(s) - (All parties on the deed must sign)  
Marle Rosenthal  
Type or print name



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 012301 Block: 3021
Census Data	Tract: 012301 Block: 3020
Future Landuse	OC-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

