

Special Use-Alcoholic Beverage Permit with Waivers Application: SU AB 24-0270
LUHO Hearing Date: FEBRUARY 26, 2024
Requested Classification: 4-COP-RX



1.0 APPLICATION SUMMARY

Applicant: Canopy Road Café #7, LLC
Zoning: PD
FLU Category: RES-6
Service Area: Urban
Community Plan Area: Riverview
Overlay: None
Special District: None
Use: Winthrop Retail Building
Total Wet Zone Area Requested: 3,921 SF
Inside Area Requested: 3,377 SF
Outside Area Requested: 544 SF
Location: 11220 Sullivan St. Riverview FL 33578



Folio: 74147.0030

Introduction Summary:

The wet zoning is sought by a proposed breakfast/lunch restaurant with outdoor seating located in the Winthrop Town Centre, a large mixed-use development located near the intersection of Bloomingdale Avenue and Providence Road. The property is zoned Planned Development PD 97-0113, most recently modified by Major Modification; MM 22-1112, which allows the consideration of the proposed wet zoning.

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 only in connection with a restaurant. The restaurant shall have a patron seating capacity of at least 100 seats and a gross floor capacity (gross floor area plus covered patio area) of at least 2,500 square feet. Additionally, at least 51 percent of the restaurant's total biannual sales shall be derived from the sale of food and non-alcoholic beverages. These requirements shall not be waived or varied. Notwithstanding, an eating establishment which has 2,500 square feet of service area, is equipped to serve meals to 150 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and non-alcoholic beverages may sell or deliver alcoholic beverages in a sealed container for off-premises consumption in accordance with the requirements of F.S. Sections 561.20 and 564.09 and if authorized under its state alcoholic beverage license.

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			
Existing Alcoholic Beverage Permit Being Rescinded:	No	Existing Alcoholic Beverage Permit Number:	N/A

2.0 REQUESTED DISTANCE SEPARATION WAIVER DETAILS

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to certain community uses	500 feet	175 Feet	325 Feet
Community Use:	A Children’s Castle Early Learning Center Child Care Center		

Applicant’s Justification:

The surrounding zoning and development pattern provides for mixed uses in close proximity to each other, which necessarily requires waivers to the large separation requirements in the Code. Without waivers, an important segment of uses serving the surrounding residents (restaurants, bars, and other alcoholic beverage establishments) would not be able to operate on the property, defeating the purpose and intent of the property's approved zoning, and provisions of the Code and Comprehensive Plan promoting mixed-use development. Further, the owners of both the affected child daycare and the residentially zoned property (a residential component of the PD) have provided letters in support of this application.

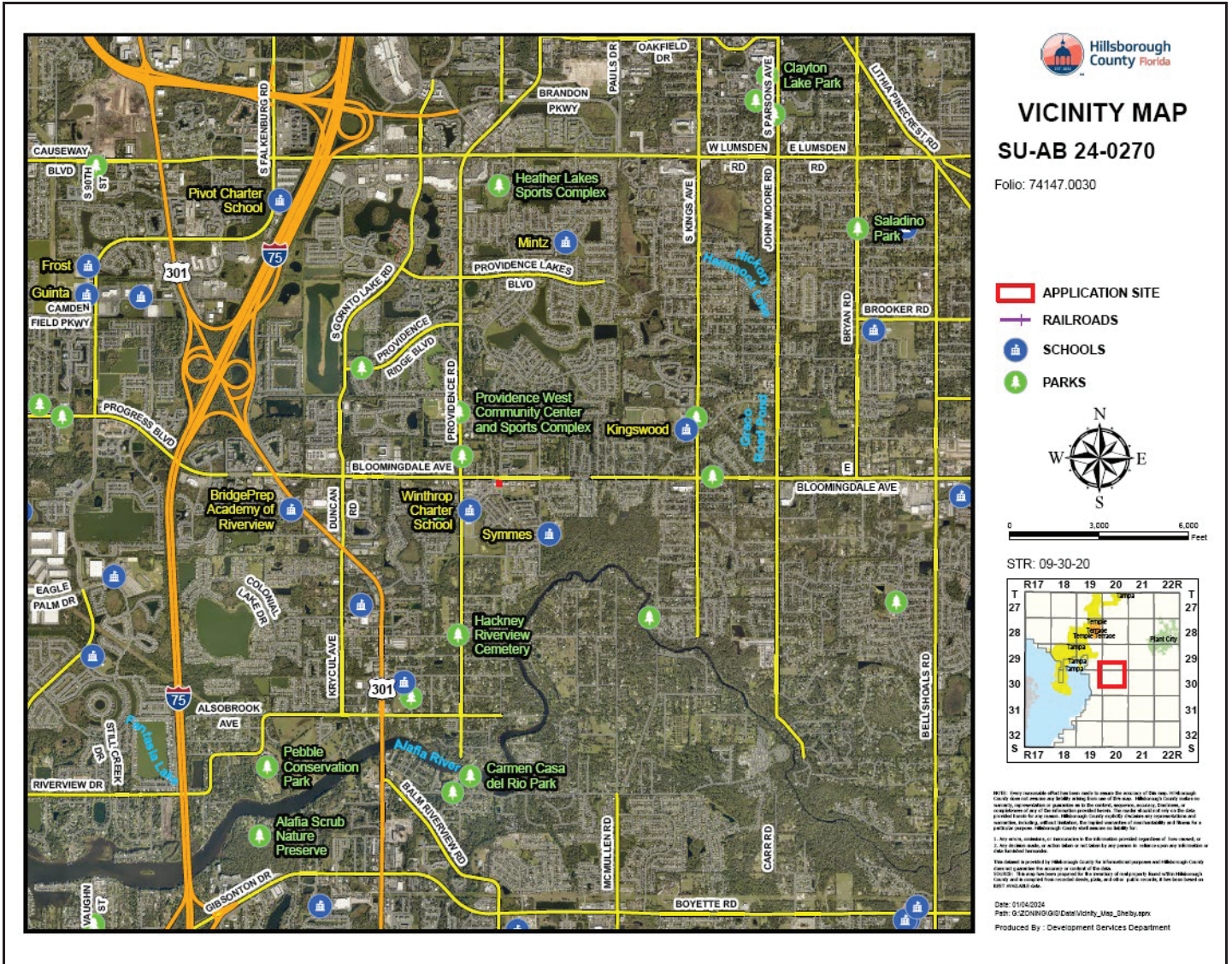
Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to residentially zoned property	150 feet	138 feet	12 feet

Applicant’s Justification:

The property is located within the Winthrop Town Centre, which is a large mixed-use, TND project. The project is approved for and has been developed with commercial uses directly adjacent to residential uses. Such a development pattern is intended to promote walkability and vehicle trip reduction by allowing a range of uses in close proximity to each other.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.1 Vicinity Map

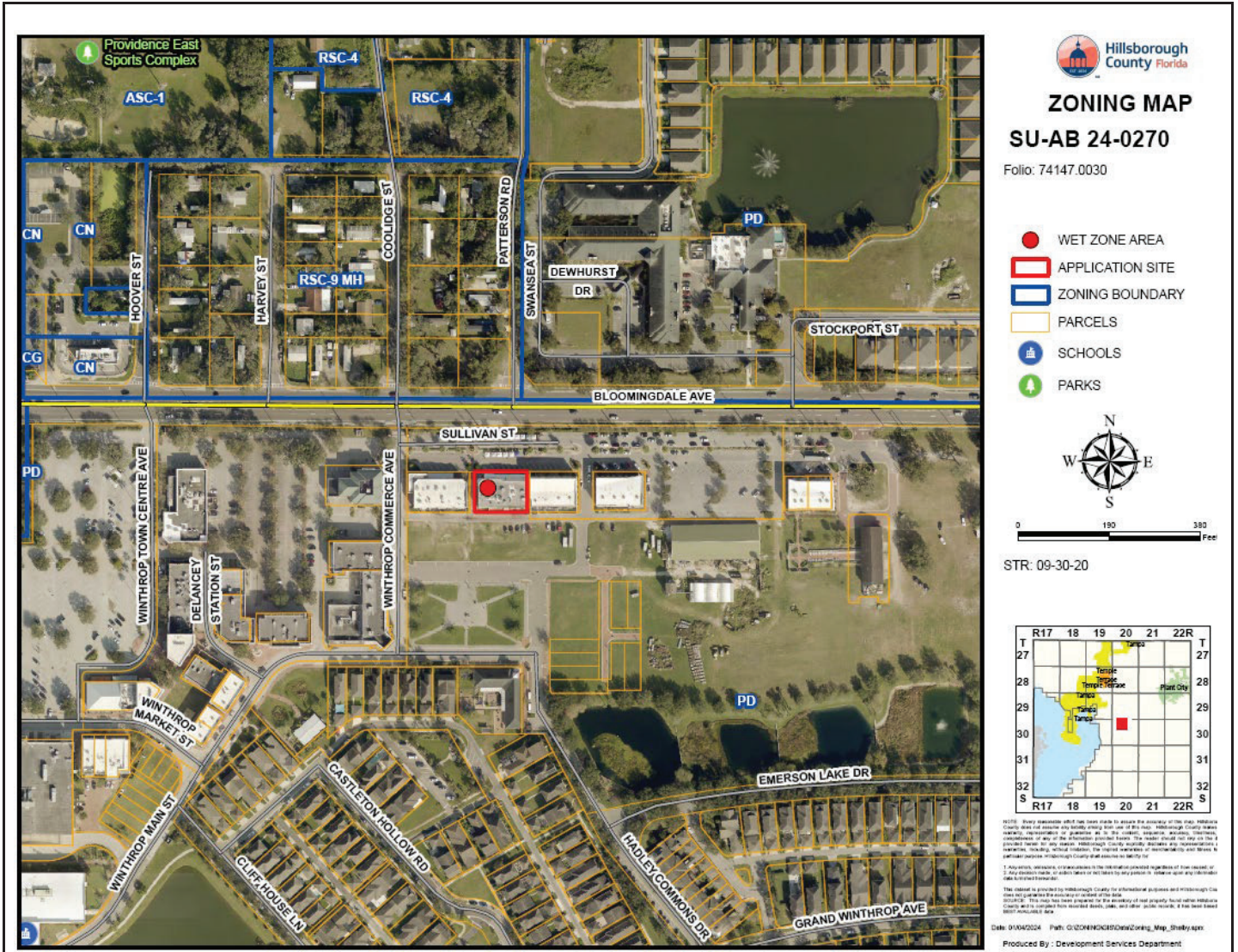


Context of Surrounding Area:

The property is situated in the Riverview Community Planning area, close to the southeast intersection of Bloomingdale Avenue and Providence Road, which are both major arterial roads. The area around the proposed wetzone on Bloomingdale Avenue is mainly commercial, while multifamily residential properties are located to the north and south of the commercial corridor along Bloomingdale Avenue and Providence Road.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.2 Immediate Area Map

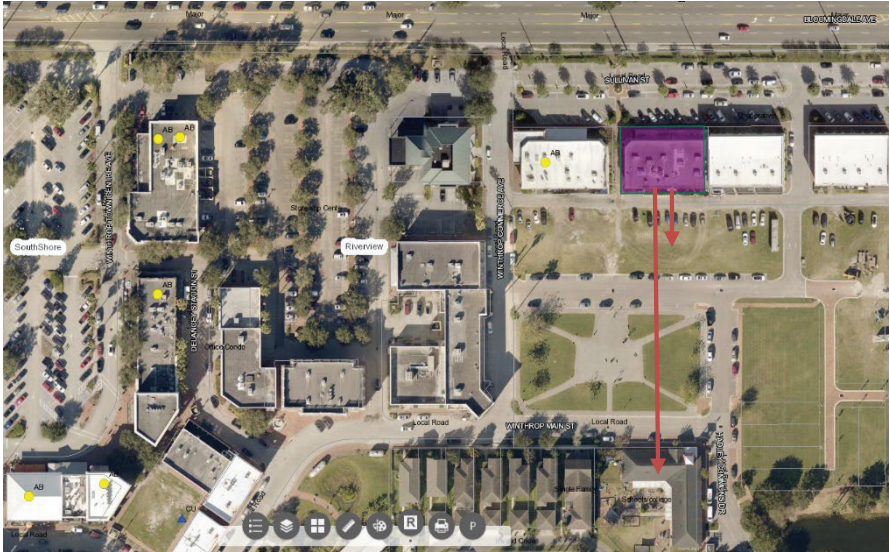


Adjacent Zonings and Uses

Location:	Zoning:	Land Use:
North	RSC-9	Residential, Single-Family Conventional
South	PD 97-0113	Mixed Use Development
East	PD 97-0113	Mixed Use Development
West	PD 97-0113	Mixed Use Development

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 along a two local and one major roadway within an established approved planned development mixed-use development. Numerous commercial uses exist within the retail shopping center including, casual dining, commercial offices, retail, and several wet-zoned establishments.

The entrance to the proposed wet zone is situated off Bloomingdale Avenue. It will not have any negative impact on the nearby undeveloped residentially zoned property or child care center, which are subject to the separation waiver. Additionally, the owners of both the affected child daycare

and the residentially zoned property (a residential component of the PD) have provided letters in support of this application.

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

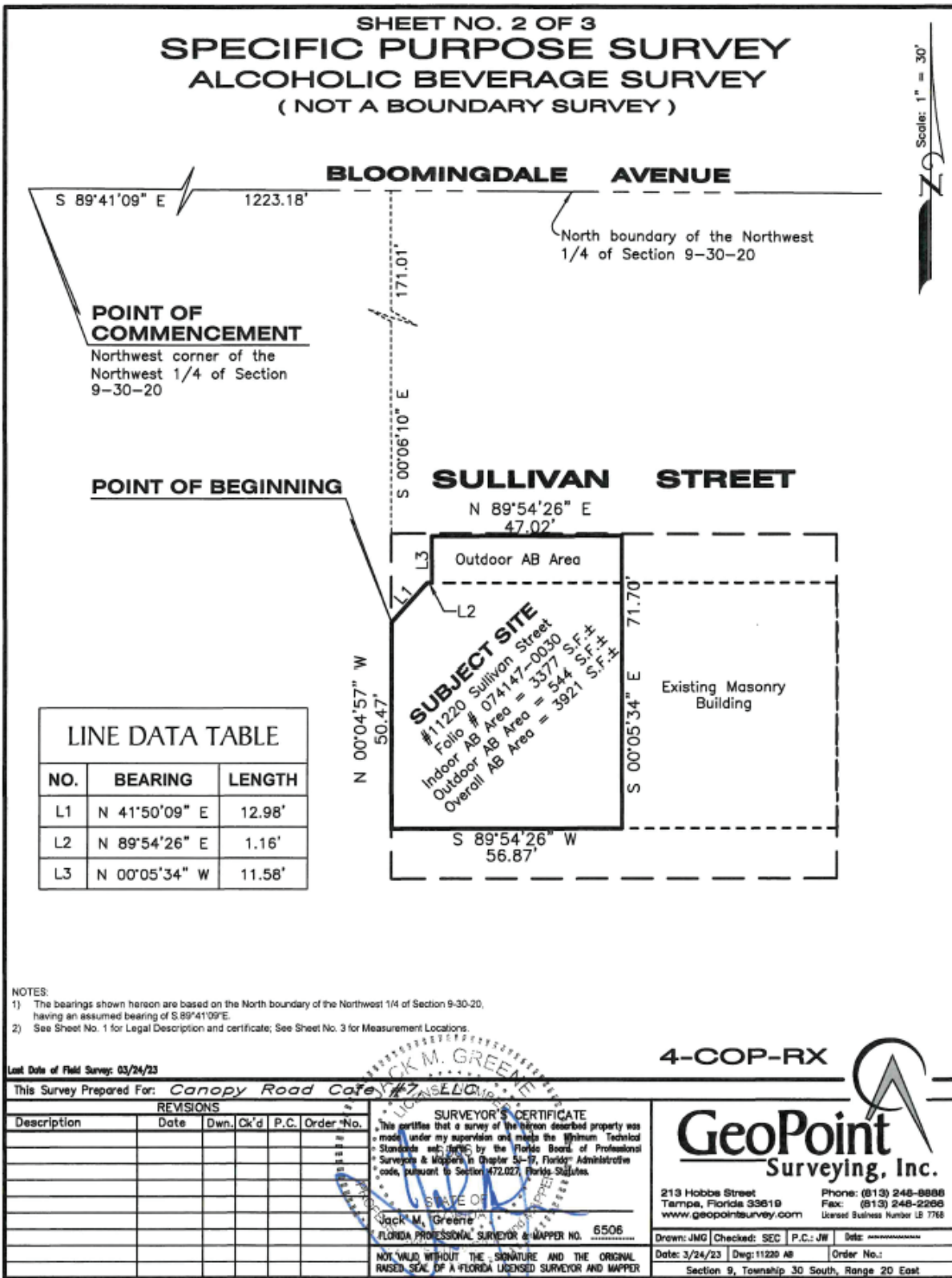
5.0 RECOMMENDATION AND PROPOSED CONDITIONS (If Applicable)

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 3,921, as shown on the wet zone survey received December 27, 2023.

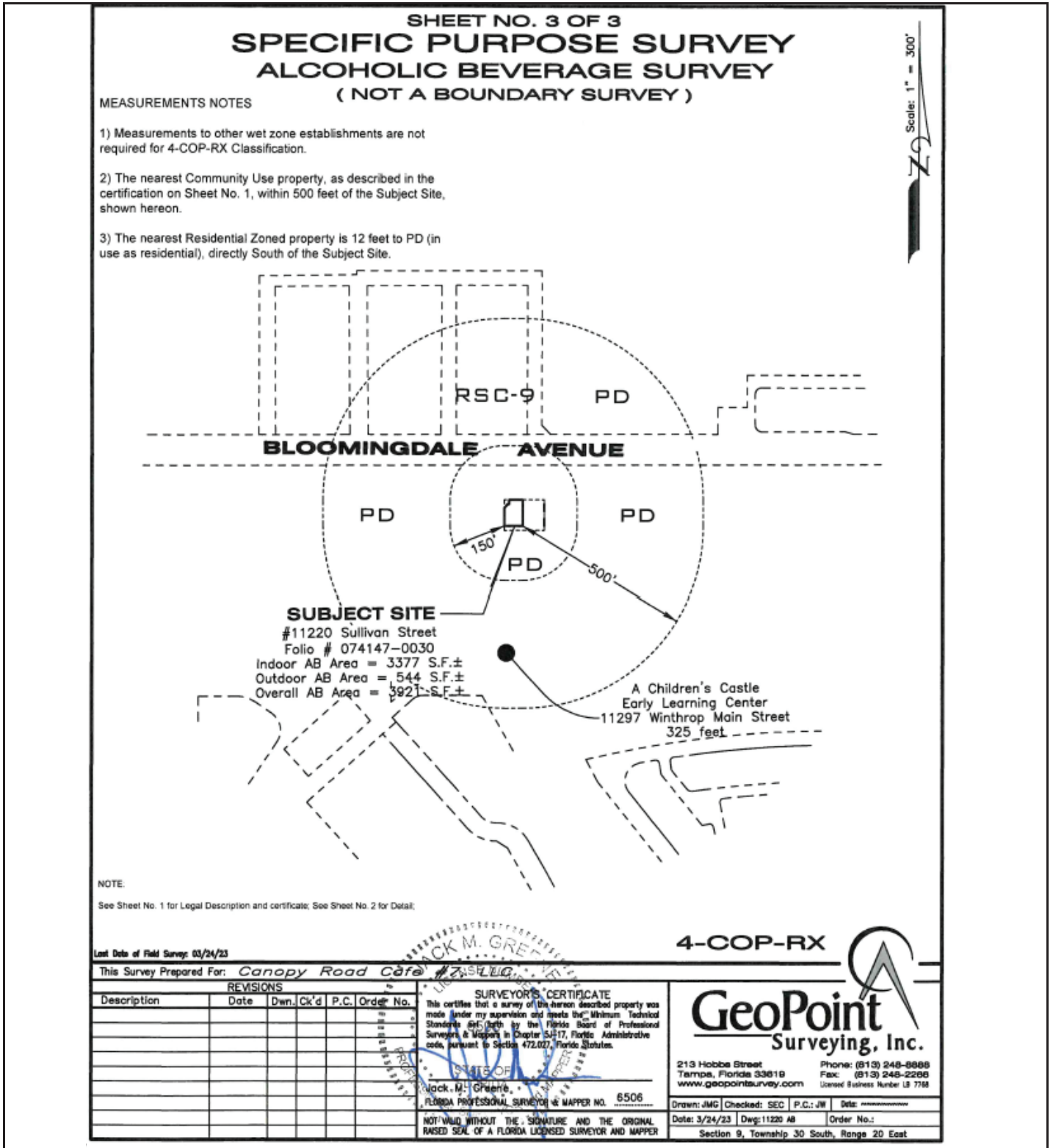
Zoning Administrator Sign-Off: Colleen Marshall
Tue Feb 13 2024 14:32:38

SITE, SUBDIVISION, AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL
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.

6.0 PROPOSED WET ZONE SURVEY (Page 2)



6.0 PROPOSED WET ZONE SURVEY (Page 3)



PROJECT DESCRIPTION/WRITTEN STATEMENT

Applicant is requesting a Special Use Alcoholic Beverage Permit, with waivers, for a breakfast/lunch restaurant with outdoor seating, with a 4-COP-RX alcoholic beverage classification.

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PREPARED BY AND RETURN TO:
JOHN E SULLIVAN
JOHN E SULLIVAN, PA
PO BOX 2638
BRANDON, FL 33509

[SPACE ABOVE LINE RESERVED FOR RECORDING]

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 13th day of June, 2013, by Landside Investment LLC, a Florida limited liability company, whose address is 1206 Millennium Parkway, Suite 2000, Brandon, Florida 33511 (herein called "First Party"), to Winthrop Retail Building VII, LLC, a Florida limited liability company, whose address is 1206 Millennium Parkway, Suite 2000, Brandon, Florida 33511 (herein called the "Second Party").

(Whenever used herein the terms "First Party" and "Second Party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

W I T N E S S E T H:

That the First Party, for love and in consideration of the sum of \$10.00, in hand paid by the Second Party, the receipt whereof is hereby acknowledged, and other good and valuable considerations, does hereby remise, release and quitclaim unto the Second Party forever, all the right, title, interest, claim and demand which the First Party has in and to a certain parcel of land situate, lying and being in the County of Hillsborough, State of Florida, more particularly described as follows:

See attached Exhibit "A"

THIS INSTRUMENT WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH, AND IS BASED UPON LEGAL DESCRIPTIONS PROVIDED TO THE PREPARER; ACCORDINGLY, THE PREPARER ASSUMES NO LIABILITY FOR THE ACCURACY THEREOF, AND NO INSURANCE OR OPINION OF TITLE HAS BEEN PROVIDED BY THE PREPARER.

TO HAVE AND TO HOLD the same together with all and singular and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the First Party, either in law or in equity, to the proper use, benefit and

behoof of the Second Party forever. The subject property is not presently encumbered by mortgage or other lien.

IN WITNESS WHEREOF, the First Party has signed and sealed these presents the day and year first written.

SIGNED AND SEALED IN THE PRESENCE OF:

Landside Investment LLC
a Florida limited liability company, By:

[Signature]
Signature of Witness

By: [Signature]
Printed Name: John E Sullivan
Title: President

JOHN FITZGERALD
Printed Name of Witness

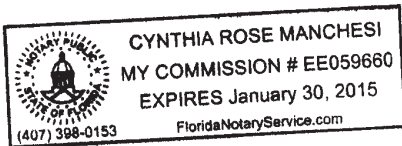
Nancy Beveridge
Signature of Witness

NANCY BEVERIDGE
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 13th day of June, 2013, by John E Sullivan, as President of Landside Investment LLC, a Florida limited liability company. Who is personally known to me or has produced n/a as identification.

(NOTARY SEAL)



[Signature]
Notary Public Signature
Cynthia R. Manchesi
(Name typed, printed or stamped)
Notary Public, State of Florida
Serial No.: EE059660
My Commission Expires: 1/30/15

Received

12-22-23

Development Services

Hillsborough County Florida Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: SU-AB 24-0270

Intake Date: 12/22/2023

Hearing(s) and type: Date: 02/26/2024

Type: LUHO

Receipt Number: 329853

Date:

Type:

Intake Staff Signature: Keshia Rivas

Property Information

Address: 11220 Sullivan St. City/State/Zip: Riverview, FL 33578

TWN-RN-SEC: 30-20-09 Folio(s): 074147-0030 Zoning: PD Future Land Use: R-6 Property Size: 0.21 ac

Property Owner Information

Name: Winthrop Retail Building VII, LLC Daytime Phone: 813-598-6944

Address: PO Box 2638 City/State/Zip: Brandon, FL 33509

Email: cmanchesi@winthropusa.com Fax Number:

Applicant Information

Name: Canopy Road Cafe #7, LLC Daytime Phone: 813-732-4845

Address: 777 N Ashley Drive #2902 City/State/Zip: Tampa, FL 33602

Email: Dave@burtonholdings.com Fax Number:

Applicant's Representative (if different than above)

Name: Mathew Poling, Trenam Law Daytime Phone: 813-227-7439

Address: 101 E. Kennedy Blvd, Suite 2700 City/State/Zip: Tampa, FL 33602

Email: mpoling@trenam.com 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.

Signature of the Applicant: David W. Burton

Signature of the Applicant

David W. Burton

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)

Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

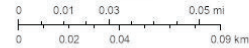
Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	97-0113
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0389H
FIRM Panel	12057C0389H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120389D
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	00-1302, 22-1112
Personal Appearances	08-0076,11-0128,11-0612, 12-0594,12-0329,13-0175, 14-0605
Census Data	Tract: 013411 Block: 1016
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
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 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 74147.0030



December 22, 2023

1:1,903



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

Hillsborough County Florida

Folio: 74147.0030
PIN: U-09-30-20-ZZZ-000002-84090.D
Winthrop Retail Building Vii Llc
Mailing Address:
 Po Box 2638
 null
 Brandon, FL 33509-2638
Site Address:
 11220 Sullivan St
 Riverview, FL 33578
SEC-TWN-RNG: 09-30-20
Acreage: 0.213148
Market Value: \$1,511,800.00
Landuse Code: 2102 Comm./office

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