

Special Use-Alcoholic Beverage Permit with Waivers Application: SU-AB 24-0374
LUHO Hearing Date: April 22, 2024
Requested Classification: 2-COP

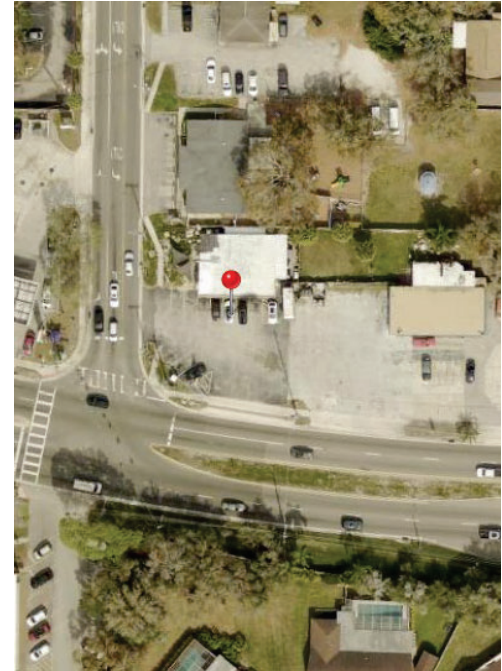


Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Tacos las Californias O.G LLC
Zoning: CN
FLU Category: RES-6
Service Area: Urban
Community Plan Area: Town N' Country
Overlay: None
Special District: None
Use: Restaurant
Total Wet Zone Area Requested: 2,125.38 square feet
Inside Area Requested: 2,125.38 square feet
Outside Area Requested: None
Location: 5635 Memorial Hwy., Tampa; Folio 10175.0000



Introduction Summary:

The applicant is requesting a 2-COP alcoholic beverage permit with distance separation waivers to allow for a restaurant at 5635 Memorial Hwy.

Distance Separation Requirements	Complies with Requirement
Distance to Certain Community Uses Shall Be 500 feet	No
Distance to Residentially Zoned Property Shall be 250 Feet	No
No More than 3 Approved Alcoholic Beverage uses within 1,000 feet	Yes

Development Services Recommendation:

Approvable, Subject to Conditions

Existing Alcoholic Beverage Permit Being Rescinded:	Yes	Existing Alcoholic Beverage Permit Number:	03-0612
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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	494 feet	6 feet

Community Uses: Sunshine Children’s Learning Center (6’), Ministerio Unidas Por Cristo Church (192’), Alphabet Learning Center (492’)

Applicant’s Justification:

The community uses are located to the rear (north side of our building), where none of our business is conducted. All patrons come and go on the south side of our property.
 All of our peak business operations take place at different times of the day, creating very little conflict with each other. We are a RESTAURANT not a BAR (minimizing the sale of alcohol).
 We are ALL destination locations - meaning that our operations all act independently and have little or no negative impact on each other.
 The location of the community services are all located behind our facility.
 All of our locations are located on busy roads. Defining that each location has its own entries and exits from the street to accommodate their own clientele.
 Different hours of operation.
 Each operation has its own unique clientele.

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to residentially zoned property	250 feet	131 feet	119 feet

Applicant’s Justification:

All of these residential properties in question are separated from the proposed site by major highways and buffers of fences, foliage, sidewalks and trees.
 We are a RESTAURANT not a bar. (minimal alcohol sales).
 Keep in mind that all measurements are as the crow flies and that actual distance to the residential zone areas. Will be greater if traveling to them either on foot or in a vehicle.
 Are limited hours of operation will create minimal if any negative impact in the community.
 Please keep in mind that the proposed location already has zoning for 2-APS package sales. We are requesting a 2-COP zoning allowing for sales of beer & wine for consumption in a restaurant.

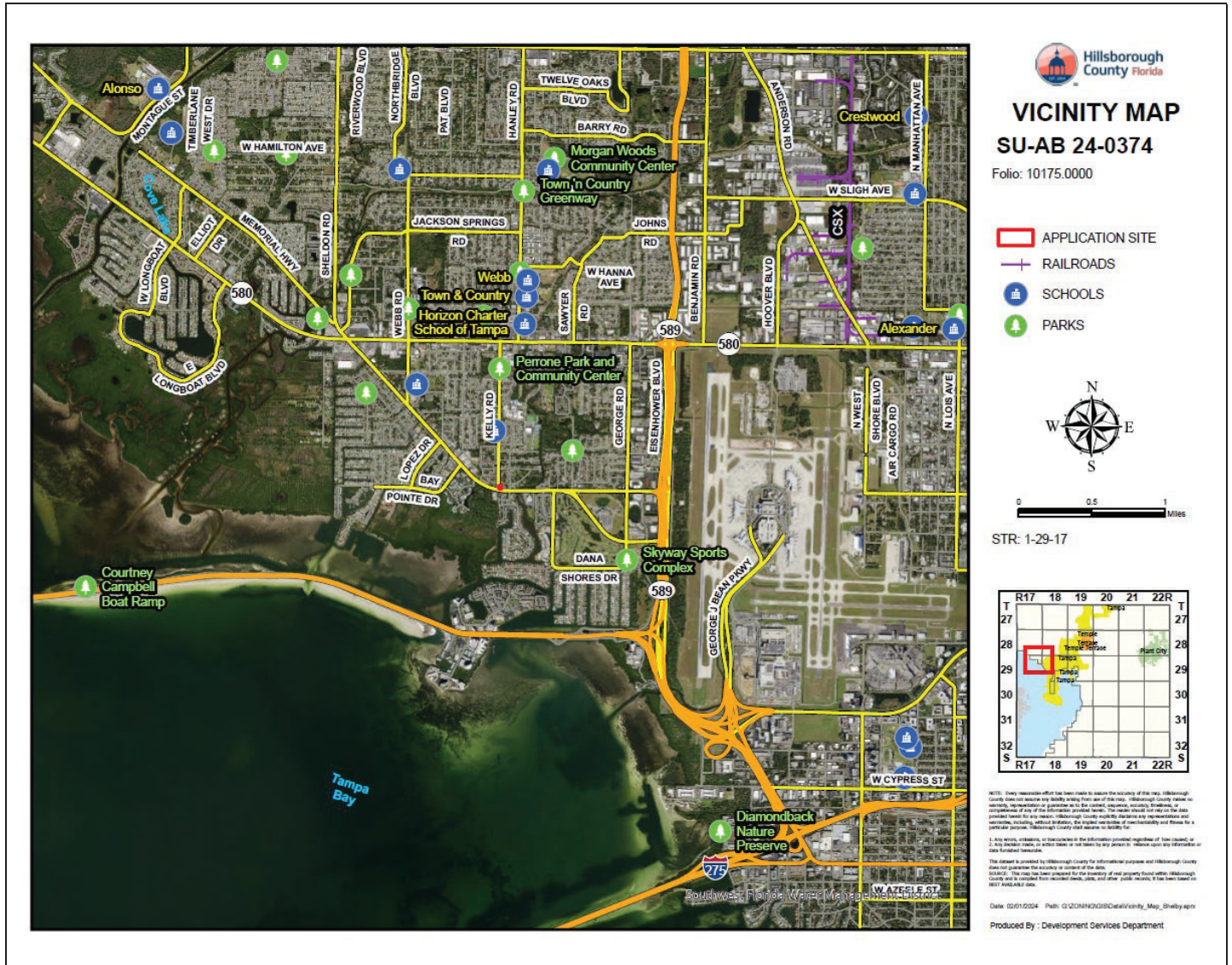
Requested Waiver	# Approved Permits
Not Applicable	

Applicant’s Justification:

N/A

3.0 LAND USE MAP SET AND SUMMARY DATA

3.1 Vicinity Map

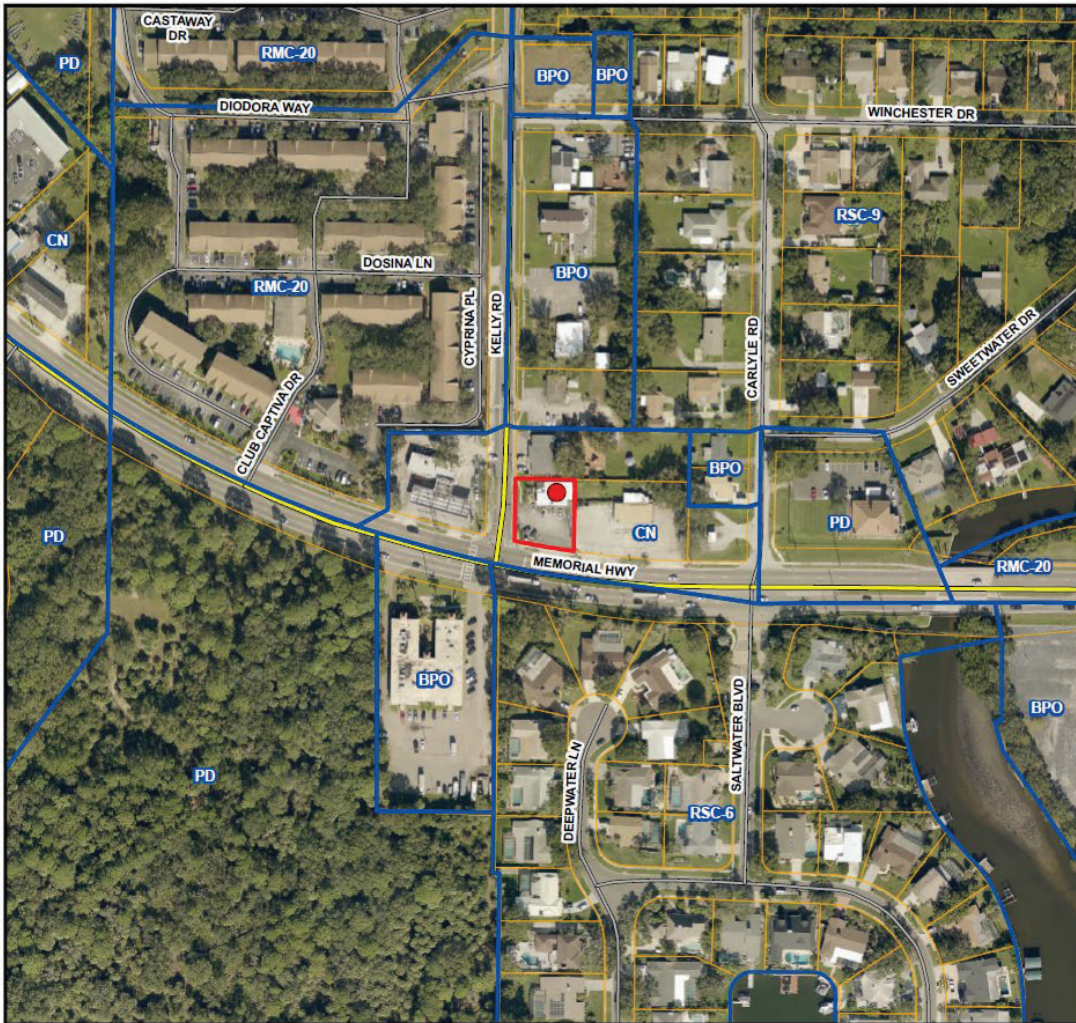


Context of Surrounding Area:

The surrounding area is a mixture of commercial and multifamily uses along Hillsborough Avenue, as well as single family residential development further to the north and south of Memorial Hwy. accessed by local roads.

3.0 LAND USE MAP SET AND SUMMARY DATA

3.2 Immediate Area Map



Hillsborough County Florida

ZONING MAP
SU-AB 24-0374
 Folio: 10175.0000

- WET ZONE AREA
- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- SCHOOLS
- PARKS

Scale: 0 170 340 Feet
 STR: 1-29-17

NOTES: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County makes no warranty, representation or guarantee as to the content, accuracy, timeliness or completeness of any of the information contained herein. The user should verify all data presented herein for use. Hillsborough County makes no warranty as to the data, including, without limitation, the digital boundaries of municipalities and those of a particular business. Hillsborough County will not be liable for:

1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or 2. Any decision made in reliance upon or based on the present or future upon any information or data furnished hereunder.

This document is provided by Hillsborough County for informational purposes and Hillsborough County does not guarantee the accuracy or content of the data.

WACAC-21 This map has been prepared for the members of our property based within Hillsborough County, and is prepared from recorded deeds, plats, and other public records. It has been based on best available data.

Date: 03/01/2024 Path: G:\ZONING\GISData\Zoning_Map_Shelby.aprx
 Produced By: Development Services Department

Adjacent Zonings and Uses

Location:	Zoning:	Land Use:
North	CN	Daycare
South	RSC-6	Memorial Hwy., then Single Family Residential
East	CN	Restaurant
West	CN	Convenience Store and Gas Station

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 faces south towards Memorial Highway, and the entrance is along the south side of the building, away from the existing childcare centers and church located to the north. The proposed restaurant has no outdoor seating, decreasing the potential for any noise impacts. The closest community use, the Sunshine Children’s Learning Center is separated from the proposed wet zone area by a 6-foot-high PVC fence. To travel between the proposed restaurant and the childcare center, pedestrian and vehicular traffic must exit onto the Kelly Road sidewalk and right of way. No pedestrian or vehicular traffic is permitted directly between the two properties. LDC Section 6.11.11.I permits hours of operation for alcoholic beverage sales within Hillsborough County from Monday through Saturday of each week between 7am and 3am of the following day, and on Sundays between 11am and 3am of the following day. The applicant has agreed to limit the hours of operation for the proposed restaurant and alcoholic beverage sales to 11am to 10pm daily to reduce any potential for impacts on surrounding properties and the adjacent community use. The pedestrian and vehicular route of travel from the proposed restaurant to the Ministerio Unidas Por Cristo Church and Alphabet Learning Center exceeds 650 feet.

The proposed wet zone area is located along Memorial Highway, a 4-lane arterial highway, with approximately 100 feet of right-of-way width, and Kelly Road, a collector roadway, approximately 50 feet in width. The closest residentially zoned property is located to the west, across Kelly Road and is developed with a large apartment complex with over 300 units. The apartment complex is fenced with 6-foot-high wrought-iron fencing around the perimeter of the complex and is a gated community. The pedestrian/vehicular route of travel from the proposed restaurant to the entrance of the apartment complex is approximately 580 feet. The residentially zoned properties to the south of the proposed wet zone area, located within 250 feet, are zoned RSC-6 and developed with single family residential homes. The single-family residential homes face south, away from the proposed restaurant and are separated from the proposed wet zone area by Memorial Highway, a major arterial roadway, as well as a 6-foot-high wall and many mature trees along the residential property boundary. The pedestrian/vehicular route of travel from the proposed restaurant to the residentially zoned properties to the south is over 1,500 feet.

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 2-COP Alcoholic Beverage Permit to be **APPROVABLE subject to conditions**. Approval is based upon the wet zone survey reflecting a total wet zone footprint of 2,125.38 square feet, as shown on the wet zone survey received March 19, 2024.

1. Upon approval of SU-AB 24-0374, the existing 2-APS wet zoning of the premises, SU-AB 03-0612 shall be rescinded.
2. Hours of operation shall be restricted to 11am to 10pm Monday through Sunday.

APPLICATION NUMBER: SU-AB 24-0374

LUHO HEARING DATE: APRIL 22, 2024

REQUESTED CLASSIFICATION: 2-COP

Case Reviewer: Tania C. Chapela

Zoning Administrator Sign Off:



Colleen Marshall
Mon Apr 8 2024 13:39:13

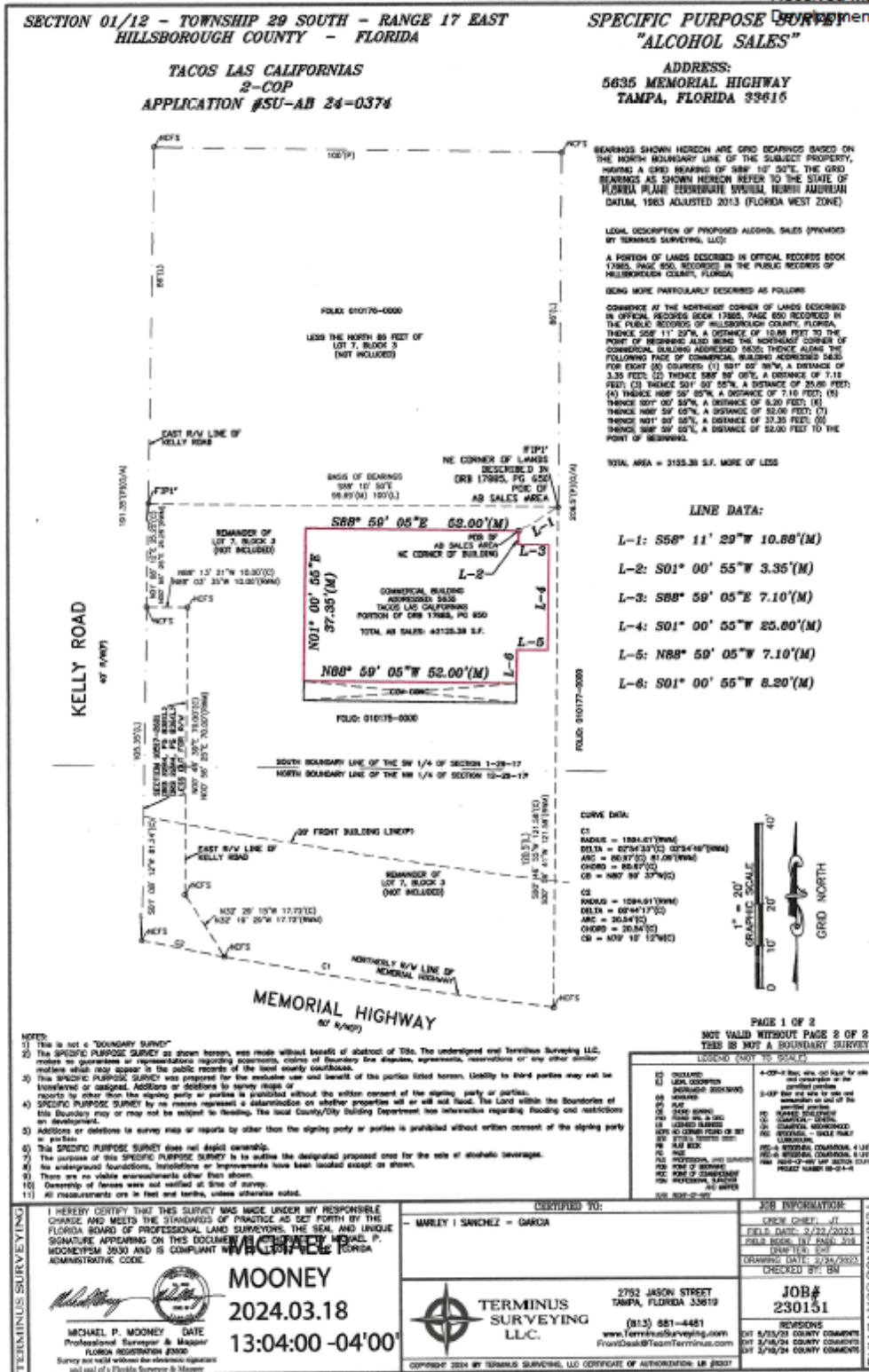
SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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. 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.

6.0 PROPOSED WET ZONE SURVEY

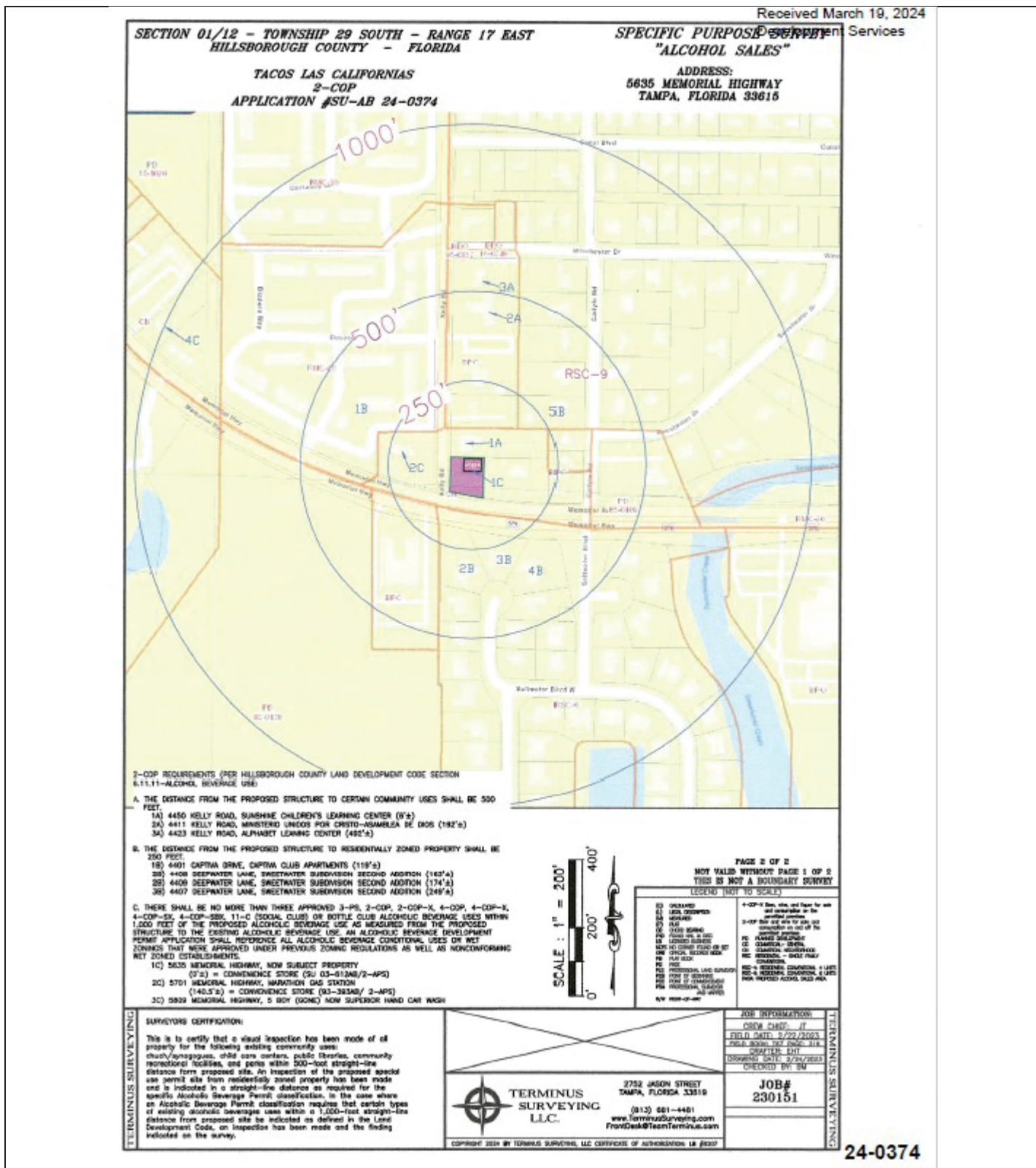
Received March 19, 2024

Department Services



24-0374

6.0 PROPOSED WET ZONE SURVEY (Page 2 if Applicable)



SECTION 01/12 - TOWNSHIP 29 SOUTH - RANGE 17 EAST
HILLSBOROUGH COUNTY - FLORIDA

Received March 19, 2024
SPECIFIC PURPOSE SURVEY SERVICES

TACOS LAS CALIFORNIAS
2-COP
APPLICATION #SU-AB 24-0374

ADDRESS:
5635 MEMORIAL HIGHWAY
TAMPA, FLORIDA 33615

2-COP REQUIREMENTS (PER HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE SECTION 6.11.11-ALCOHOL BEVERAGE USE)

- A. THE DISTANCE FROM THE PROPOSED STRUCTURE TO CERTAIN COMMUNITY USES SHALL BE 500 FEET.
 - 1A) 4450 KELLY ROAD, SUNSHINE CHILDREN'S LEARNING CENTER (9'x2)
 - 2A) 4411 KELLY ROAD, MINISTERIO UNIDOS POR CRISTO-AMARILLA DE DIOS (182'x)
 - 3A) 4423 KELLY ROAD, ALPHABET LEARNING CENTER (482'x)
- B. THE DISTANCE FROM THE PROPOSED STRUCTURE TO RESIDENTIALLY ZONED PROPERTY SHALL BE 250 FEET.
 - 1B) 4401 CAPITRA DRIVE, CAPITRA CLUB APARTMENTS (119'x)
 - 2B) 4408 DEEPWATER LANE, SWEETWATER SUBDIVISION SECOND ADDITION (142'x)
 - 3B) 4409 DEEPWATER LANE, SWEETWATER SUBDIVISION SECOND ADDITION (174'x)
 - 3B) 4407 DEEPWATER LANE, SWEETWATER SUBDIVISION SECOND ADDITION (249'x)
- C. 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-SBK, 11-C (SOCIAL CLUBS) 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. AN ALCOHOLIC BEVERAGE DEVELOPMENT PERMIT APPLICATION SHALL REFERENCE ALL ALCOHOLIC BEVERAGE CONDITIONAL USES OR WET ZONINGS THAT WERE APPROVED UNDER PREVIOUS ZONING REGULATIONS AS WELL AS NONCONFORMING RET ZONED ESTABLISHMENTS.
 - 1C) 5635 MEMORIAL HIGHWAY, NOW SUBJECT PROPERTY (0'x)
 - 2C) 5701 MEMORIAL HIGHWAY, MARATHON GAS STATION (140.5'x)
 - 3C) 5829 MEMORIAL HIGHWAY, 5 BAY (5000) NOW SUPERIOR HANOI CAR WASH



PAGE 2 OF 2
NOT VALID WITHOUT PAGE 1 OF 2
THIS IS NOT A BOUNDARY SURVEY
(LEGEND NOT TO SCALE)

SD	UNIMPAVED	4-COP-X	See, site, and figure for use and applicable or for permitted uses.
SL	LAND OCCUPIED	5-COP	See site plan for use and applicable or for permitted uses.
SA	ADDRESS	6-COP	See site plan for use and applicable or for permitted uses.
SI	STATE HIGHWAY	7-COP	See site plan for use and applicable or for permitted uses.
SP	PLANNED SUBDIVISION	8-COP	See site plan for use and applicable or for permitted uses.
ST	STATE HIGHWAY	9-COP	See site plan for use and applicable or for permitted uses.
SW	WETLANDS	10-COP	See site plan for use and applicable or for permitted uses.
WS	WATERWAY	11-COP	See site plan for use and applicable or for permitted uses.
WV	WATERWAY	12-COP	See site plan for use and applicable or for permitted uses.
WY	WATERWAY	13-COP	See site plan for use and applicable or for permitted uses.
WZ	WATERWAY	14-COP	See site plan for use and applicable or for permitted uses.
W1	WATERWAY	15-COP	See site plan for use and applicable or for permitted uses.
W2	WATERWAY	16-COP	See site plan for use and applicable or for permitted uses.
W3	WATERWAY	17-COP	See site plan for use and applicable or for permitted uses.
W4	WATERWAY	18-COP	See site plan for use and applicable or for permitted uses.
W5	WATERWAY	19-COP	See site plan for use and applicable or for permitted uses.
W6	WATERWAY	20-COP	See site plan for use and applicable or for permitted uses.
W7	WATERWAY	21-COP	See site plan for use and applicable or for permitted uses.
W8	WATERWAY	22-COP	See site plan for use and applicable or for permitted uses.
W9	WATERWAY	23-COP	See site plan for use and applicable or for permitted uses.
W10	WATERWAY	24-COP	See site plan for use and applicable or for permitted uses.

SURVEYORS CERTIFICATION:

This is to certify that a visual inspection has been made of all property for the following existing community uses: church/synagogue, child care centers, public libraries, community recreational facilities, and parks within 500-foot straight-line distance from proposed site. An inspection of the proposed special use permit 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 proposed site be indicated as defined in the Land Development Code, an inspection has been made and the finding indicated on the survey.



2752 JASON STREET
TAMPA, FLORIDA 33619
(813) 681-4461
www.terminusurveying.com
FrontDesk@TeamTerminus.com

JOB INFORMATION:	
ORDER NUMBER:	JL
FIELD DATE:	2/22/2024
FIELD BOOK:	187 DMC-316
CREATED BY:	JHT
ISSUED DATE:	2/29/2024
CHECKED BY:	BM
JOB#	230151

24-0374

Written Statement:

FOLIO: # 010175-0000

Case # _____

**Taco Las Californias
5635 Memorial Hwy OG LLC
Tampa, FL 33615**

**REQUEST FOR A 2-COP
ALCOHOLIC BEVERAGE LICENSE**

BOCC,

I am writing to formally request distance waivers for on-site alcohol consumption under the 2- COP license for my business. Taco Los Californias Located at 5635 Memorial Highway in Tampa.

Our primary intention for this application is to clarify that our establishment's primary focus is food service. With a minimal emphasis on alcohol sales, we anticipate that less than 20% of our revenue will come from alcohol sales, given our unique business schedule and operational constraints.

Our business will only serve alcohol between the hours of 11:00 AM and 8:00 PM except for Sundays. All of this will be in accordance with existing alcohol sales regulations. We understand the importance of responsible alcohol service along with our commitment to adhering to these hours it also underscores our dedication to maintaining a safe and community friendly environment.

We take the responsibility of serving alcohol seriously and have implemented stringent policies and training procedures to ensure the responsible consumption of alcohol by our patrons. Our team is well trained in identifying signs of intoxication and will follow strict guidelines to prevent overconsumption.

Our establishment is firmly committed to contributing positively to the local community and aligning with all county regulations and policies. We kindly request your consideration for approval of our 2- COP Zoning application.

Should you require any additional information, or have further questions, please do not hesitate to contact us at (813) 405-9747. We appreciate your time and attention to this matter and look forward to receiving your approval.

Sincerely,

Marly Sanchez (owner)

24-0374

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INSTRUMENT#: 2007285141, BK: 17885 PG: 650 PGS: 650 - 652 06/26/2007 at
09:00:55 AM, DEPUTY CLERK: TJORDAN Pat Frank, Clerk of the Circuit Court
Hillsborough County

Return acknowledgment to:

★
Capitol Services, Inc.
P.O. Box 6300 Albany, NY 12206

PREPARED BY .
Wendy D. Forrest, Esq.
Farrell Fritz, P.C.
1320 RexCorp Plaza
Uniondale, New York 11556

SPECIAL WARRANTY DEED

The name of each person who executed, witnessed or notarized this document must be legibly printed, typewritten or stamped immediately beneath the signature of each person.

THIS INDENTURE, made this 6th day of June, 2007, by and between

UNITED CAPITAL CORP.

a corporation existing under the laws of the State of Delaware, whose mailing address is:
9 Park Place, Great Neck, New York 11021
hereinafter referred to as the **GRANTOR**, to

AFP FIFTY FOUR CORP.

A corporation existing under the laws of the State of Nevada, whose mailing address is:
9 Park Place, Great Neck, New York 11021
hereinafter referred to as the **GRANTEE**

WITNESSETH, that the said GRANTOR, for and in consideration of the sum of \$10.00 dollars and other good and valuable consideration, to it in hand paid by GRANTEE, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE forever, the following described land situate, lying and being in the County of Hillsborough, State of Florida, to wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Tax Parcel Identification Number: 010175-0000

TOGETHER WITH all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

356306FA

Special Warranty Deed
Page 2

And Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby fully warrant the title to the Property and will defend the same against lawful claims of all persons claiming by, through or under Grantor, but against none other

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed in its name by its Vice President and its corporate seal to be affixed, attested by its Vice President the day and year above written.

Signed, Sealed and Delivered in Our Presence:

Mary Q. Garland
WITNESS SIGNATURE

MARY Q. GARLAN
TYPE OR PRINT WITNESS' NAME

Robert J. Beck, se.
WITNESS SIGNATURE

ROBERT J. BECK, se.
TYPE OR PRINT WITNESS' NAME

Attest: M. J. Weinbaum
Name: MICHAEL J. WEINBAUM
Title: VICE PRESIDENT

UNITED CAPITAL CORP.

By: Anthony J. Miceli
Name: Anthony J. Miceli
Title: Vice President

STATE OF NEW YORK

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 5 day of June, 2007, by Anthony J. Miceli, Vice President, of UNITED CAPITAL CORP. as a duly authorized act for and on behalf of said Delaware corporation. He is personally known to me or has produced his driver's license as identification and did not take an oath.

Jillian Webb
Notary Public, State of NEW YORK
Jillian Webb
TYPE OR PRINT NAME OF OFFICER TAKING
ACKNOWLEDGMENT

Notary expiration date:

Notary Seal

JILLIAN WEBB
Notary Public, State of New York
No. 01WE6139099
Qualified in Queens County
My Comm. Expires: Dec. 19, 2009



Hillsborough
County Florida
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: SU-AB 24-0374 Intake Date: 01/29/2024
Hearing(s) and type: Date: 03/25/2024 Type: LUHO Receipt Number: 337880
Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Property Information

Address: 5635 Memorial Hwy City/State/Zip: Tampa, FL 33615
TWN-RN-SEC: 1-29-17 Folio(s): 010175-0000 Zoning: CN Future Land Use: R-6 Property Size: .26 acres

Property Owner Information

Name: AFP FIFTY FOUR CORP Daytime Phone (516) 946-0659
Address: 9 park place City/State/Zip: Great Neck NY
Email: Jwinebaum@unitedcaptialcorp.net Fax Number 516-4666464

Applicant Information

Name: Tacos las Californias O.G LLC Daytime Phone 8134059747
Address: 5635 Memorial Hwy City/State/Zip: Tampa fl 33615
Email: Tacoslascifornias@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 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

Marly Sanchez Garcia
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)

Michael Lamoretti
Type or print name

