



Hillsborough County Florida

Land Use Application Summary Report

Application Number:	SU-AB 21-0463	Adjacent Zoning and Land Uses:	
Request:	Distance Separation Waiver for a 2-COP R Permit	North:	AS-1/Church
		South:	PD/Linebaugh Avenue ROW & Shopping Center
Comp Plan Designation:	RES-9	East:	PD/Wetlands and Residential
Service Area:	Urban Service Area	West:	PD/Sheldon Rd. ROW & Retail

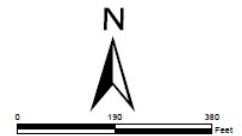


Immediate Aerial Zoning Map

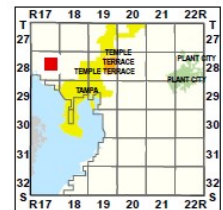
SU-AB 21-0463

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. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed 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 inventory of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other public records. It has been based on 2021 AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.

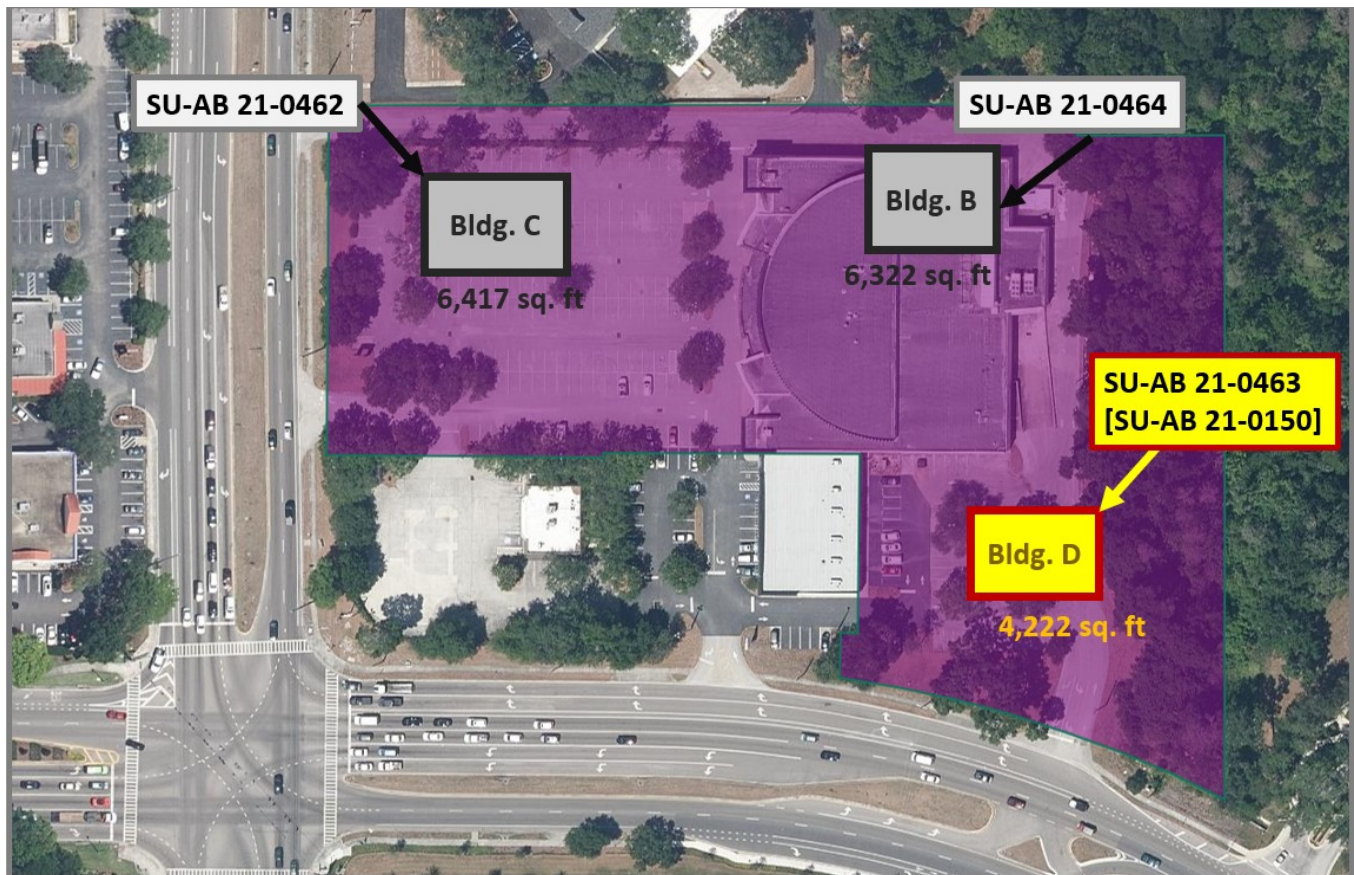
Date: 03/09/2021 Path: G:\2021\GIS\GISData\Zoning-Site.aprx

Request Details and Background:

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.

The subject wet zoning is requested for a parcel on the northeast corner of Sheldon Road and Linebaugh Avenue that is under redevelopment. On February 15, 2021 the Land Use Hearing Officer approved three 2-COP-R AB Permits on the subject property under SU-AB 21-0013, SU-AB 21-0141 and SU-AB 21-0150 for three proposed restaurants in the project. However, after construction of the restaurants, the as-built plat revealed slight discrepancies between each restaurant's building footprint and the corresponding wet zoning footprint. The LDC does not provide for modifications to approved wet zonings, therefore, new wet zonings are required for each restaurant and three applications have been filed: SU-AB 21-0462, SU-AB 21-0463 and SU-AB 41-0464. For illustrative purposes only, the approximate location of the proposed wet zone envelopes are shown below.

SU-AB 21-0150 was approved for a 341.4-foot distance separation waiver from the 500-foot separation required from certain community uses, specifically, a church on the adjacent property to the north, to allow a separation of 158.6 feet. However, the as-built survey for the host restaurant for that wet zoning shows the building is 11 feet closer (330.4 ft.) to the church property line than planned. The building envelope which includes the sidewalk/patio area, also increased from 2,500 square feet to 4,222 square feet and is now located less than 150 feet from residentially zoned property to the east. The subject wet zoning, SU-AB 21-0463, will replace the approved wet zoning.



Distance Separation Requirements for a 2-COP-R AB Permit:

Per LDC Section 6.11.11.D.2, the following distance separation requirements apply to the proposed wet zoning:

1. 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.
2. 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 not** comply with this requirement.

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.

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 169.6 feet from the church property line. The applicant requests a 330.4-foot distance separation waiver from the 500-foot separation requirement from certain community uses. The applicant also requests a 141.2 distance separation waiver from the 150 foot requirement from residentially zoned property.

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

Applicant Response: The 2-COP-R permit for this site was approved on February 15, 2021, however a correction has been made to the survey and legal description for the site and we are re-applying for a 2-COP-R permit for this reason. The distance reduction request for the 2-COP-R permit is for a 330.4-foot distance separation from certain community uses (Bay Hope Church), currently approved at 341.4-feet in the existing 2-COP-R permit. This is a difference of 11-feet due to the building shifting to the north. The building square footage for Building D has also been increased from 2,500 SF to 4,222 SF and includes sidewalks for potential outdoor seating.

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. The wet zone area includes the sidewalk shown on the survey for potential outdoor seating without blocking the sidewalk.

The second distance reduction request is for a 141.2-foot distance separation from residentially zoned property. Although, the closest resident to the eastern boundary is 340 feet due to the presence of wetlands. The original 2-APS permit in 2019 was approved with a 0-foot distance separation.

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 330.4-foot distance separation from certain community uses (Bay Hope Church), currently approved at 341.4-feet in the existing 2-COP-R permit. Discussions with the church's pastor regarding the request for the 2-APS distance waiver in 2019 were favorable.

The second distance reduction request is for a 141.2-foot distance separation from residentially zoned property. Although, the closest resident to the eastern boundary is 340 feet due to the presence of wetlands.

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 21-0150 was approved for a 2-COP-R alcoholic beverage permit on the subject property on January 25, 2021. The permit was approved with a distance separation waiver 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 330.4 feet from the church property line, which is only 11 feet closer to the property line than the existing approved 2-COP-R alcoholic beverage permit.
- The applicant also requests an 8.8-foot waiver to the required separation from residentially zoned property to the east to allow a separation of 141.2 feet. This measurement is to the residential zoning property line; however, due to the presence of wetlands the nearest dwelling unit is approximately 340 feet away from the proposed wet zoning.
- 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 should provide an adequate buffer between the existing church and proposed wet zone area.



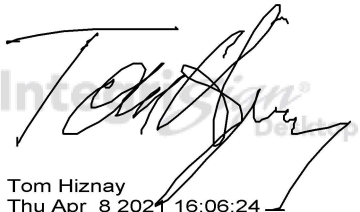
View of wall and screening along northern property boundary; Google Maps 3/19/2020

- 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 1,100 feet, while the shortest route of vehicular travel is more than 1,200 feet.
- Staff received no objections from the church regarding the proposed separation waiver.

2.0 Recommendation:

For these 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 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 4,222 square feet of floor space for the proposed use that was received March 2, 2021.




1. Upon approval of Alcoholic Beverage Permit SU-AB 21-0463, the existing 2-COP-R Alcoholic Beverage Permit on the parcel, SU-AB 21-0150, shall be rescinded.

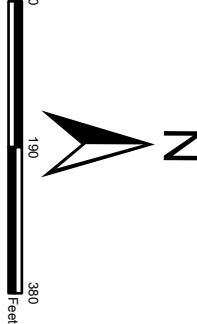
Staff's Recommendation:	Approvable
Zoning Administrator Sign-off:	 Tom Hiznay Thu Apr 8 2021 16:06:24

Immediate Aerial
Zoning Map

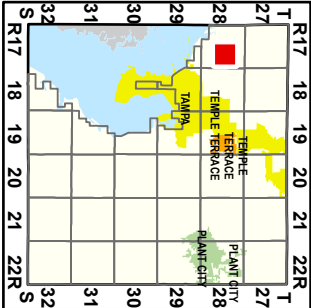
SU-AB 21-0463

Folio: 4016.0102

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 14-28-17



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**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Received Apr 6, 2021
Development Services

Date Stamp Here

Application Number: 21-0463 Applicant's Name: Isabelle Albert, AICP

Reviewing Planner's Name: Timothy Lampkin Date: 04/06/2021

Application Type:

- ☐ Planned Development (PD) ☐ Minor Modification/Personal Appearance (PRS) ☐ Standard Rezoning (RZ)
☐ Variance (VAR) ☐ Development of Regional Impact (DRI) ☐ Major Modification (MM)
☒ Special Use (SU) ☐ Conditional Use (CU) ☐ Other _____

Current Hearing Date (if applicable): 04/26/2021

The following must be attached to this Sheet.

☐ Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.

☒ An updated Project Narrative consistent with the changes or additional information provided, if applicable.
added distance waiver request to residentially zoned property

Submittal Via:

☒ Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcfllgov.net

☐ Mail or delivery. Number of Plans Submitted: Large _____ Small _____

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".
 For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.
 For Minor Change: 6 large copies.
 For Variances or Conditional Use permits: one 8.5"X11" or larger)

Mail to:
 Development Services Department
 Community Development Division
 P.O. Box 1110
 Tampa, FL 33601-1110

Hand Deliver to:
 County Center
 Development Services Department
 19th Floor
 601 E. Kennedy Blvd., Tampa

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Isabelle Albert

Signature

04/06/2021

Date

FOR OFFICE USE ONLY

- ☐ Notification E-Mail Sent ☐ Scanned into OPTIX
☐ Transmittal Completed

In-Take Completed by: _____

ALCOHOLIC BEVERAGE SPECIAL USE DISTANCE WAIVER REQUEST

The 2-COP-R permit for this site was approved on February 15, 2021, however a correction has been made to the **survey and legal description for the site and we are re-applying for a 2-COP-R permit for this reason.** The distance reduction request for the 2-COP-R permit is for a 330.4-foot distance separation from certain community uses (Bay Hope Church), currently approved at 341.4-feet in the existing 2-COP-R permit. This is a difference of 11-feet due to the building shifting to the north. The building square footage for Building D has also been updated from 2,500 SF to 4,222 SF to include the sidewalks for potential outdoor seating.

The second distance reduction request is for a 141.2-foot distance separation from residentially zoned property. Although, the closest resident to the eastern boundary is 340 feet due to the presence of wetlands.

Building D - Distance Separation	
Approved	Revised
341.4-foot distance separation from community uses	330.4-foot distance separation from community uses
	<u>141.2-foot distance separation from residentially zoned property</u>

Building D – Building Square Feet	
Approved	Revised
2,500 SF	4,222 SF



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 D 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).
- 2) The request does not meet distance requirement of 150 feet from the proposed structure to residentially zoned property.



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 D**, 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.

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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

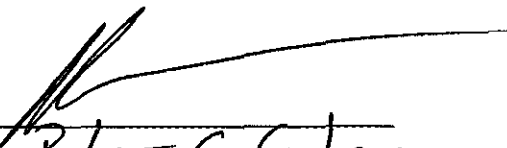
And Grantor covenants with Grantee that Grantor is lawfully seized of the Property, that the Property is free from all encumbrances except the following. (i) the lien of all taxes for the year 2000, and subsequent years, (ii) Easement in Official Record Book 7178, Page 1989, (iii) Easement

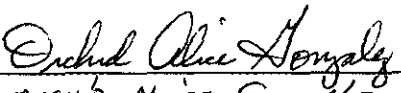
21-0463

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

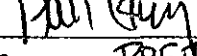
Witnesses


Robert G. Cochran
 (print name beneath signature)


ORCHID ALICE GONZALEZ
 (print name beneath signature)

TAMPA-SHELDON, LLC
 a Maryland limited liability corporation

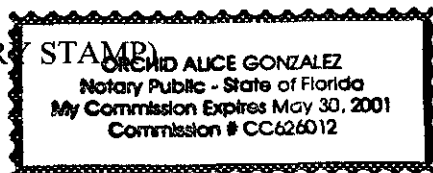
By: Osprey Property Group LLC

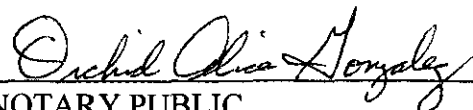
By 
 Print Name BRETT GUY
 Print Title EVP

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
03/02/2021
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: 8751 Sheldon Road 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, AICP, Halff Associates, Inc. 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

Intake Staff Signature: Ana Lizardo Office Use Only Intake Date: 03/02/2021

Case Number: 21-0463 Public Hearing Date: 04/26/2021 Receipt Number: 21-0463

Type of Application: SU-AB

Development Services, 601 E Kennedy Blvd. 19th Floor

Revised 07/02/2014

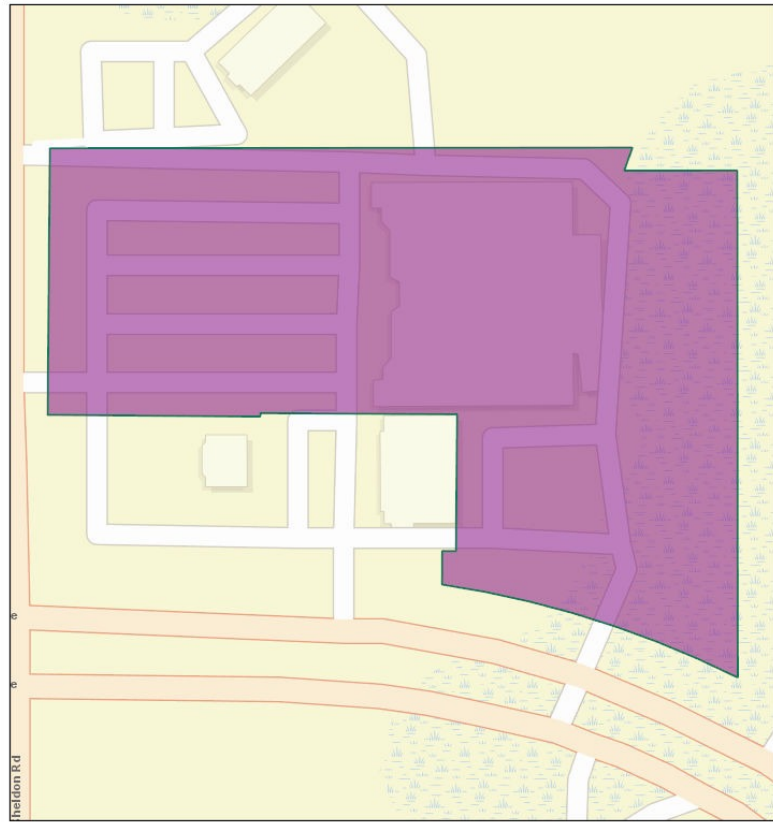
21-0463



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



March 2, 2021

1:1,297
0 0.01 0.02 0.04 mi
0 0.02 0.04 0.07 km

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: \$5,775,180.00
Landuse Code: 1610 STORE/SHP CENTE

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

21-0463