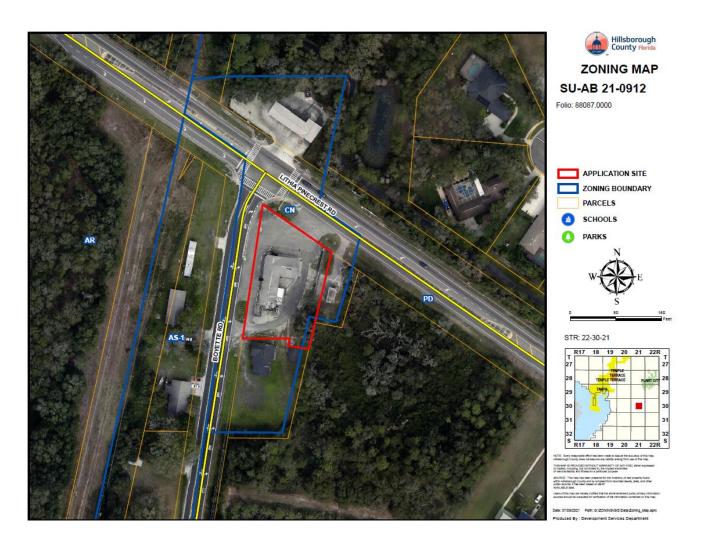


Land Use Application Summary Report

Application Number:	SU-AB 21-0912	Adjacent Zoning and Land Uses:	
Request:	Distance Separation Waiver for a 4-COP Permit	North:	Commercial, Neighborhood / Car Wash and PD / Open Space
		South:	PD / Church
Comp Plan Designation:	R-2 (Residential-2) and RP-2 (Residential Planned -2)	East:	PD / Church
Service Area:	Urban Service Area	West:	AR & AS-1 / Vacant



Request Details and Background:

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 4-COP Alcoholic Beverage Development Permit (AB), Beer, wine, and liquor for sale and consumption on and off the permitted premises (package sales). The wet zoned area will comprise a 2,985-square-feet indoor area with no outdoor seating, as shown on the revised wet zone survey received on June 30, 2021.

The existing and proposed wet zoned area is zoned CN, which permits the proposed use and consideration of the requested AB permit. The property was previously approved for a 3-PS (AB SU 19-0441) on April 22, 2019, to allow for the sale of beer, wine and liquor to be sold in concealed containers for consumption off the permitted premises for Kenny's Liquors. The existing wet zone encompasses 2,985 square feet and the request does not expand the wet zone area.

Distance Separation Requirements for a 4-COP AB Permit:

Per LDC Section 6.11.11.D.5, 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 250 feet.
 - According to the survey submitted by the applicant, the request **does NOT** comply with this requirement.
- 3. There shall be no more than three approved 4-COP 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 wet zoned establishments.
 - According to the survey submitted by the applicant, the request **does 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

Community Use No. 1:

Fishhawk Trails Community Recreational Path

The Fishhawk Trails Community Recreational Path is located north of Lithia Pinecrest Road within 500 feet of the proposed AB location. The proposed wet zoning is located 162 feet from the church property line according to wet zone survey. The applicant requests a 338-foot distance separation waiver from the 500-foot separation requirement from certain community uses.

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

Applicant Response: The trail travels through the community. To access the recreational trails you must walk down Lithia Pinecrest Road, which has no sidewalk on either side of the road. There are multiple fences, a split rail guard with a partial wall and chain link fence. The fitness trail is within the Fishhawk Trails within a gated community. The entrance to the development is located approximately 0.4 miles to the east from the proposed wet zone.

Community Use No. 2:

Church

Grace Community United Methodist Church is located on the adjacent parcel to the south within 500 feet of the proposed AB location. The proposed wet zoning is located 75 feet feet from the church property line according to wet zone survey. The applicant requests a 425-foot distance separation waiver from the 500-foot separation requirement from certain community uses.

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

Applicant Response: From the establishment to the church there is a heavily wooded area. Also, there is a six-foot PVC fence providing screening from the proposed 4-COP.

Required Separation from Residentially Zoned Property

The applicant requests an 88-foot reduction to the required separation distance from a residentially zoned property to the west to allow a separation of 162 feet and the **applicant has provided the following justification**:

- There is fencing along Lithia Pinecrest Road.
- To get to residents in the residentially zoned property, visitors are required to go through a gated security guard entrance.

Staff Findings:

LDC Section 6.11.11.E.3. provides for the 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 whether certain circumstances negate the necessity for the specified distance requirements."



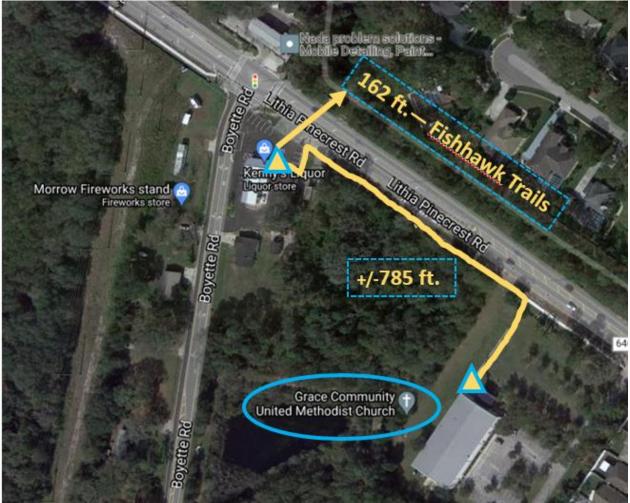
Figure 1: View across Lithia Pinecrest Rd. and nearby community use (trail); Google Maps 7/8/2021

Community Use No. 1: Trails

- The trails are extensively vegetated and located across Lithia Pinecrest Road.
- The trails have a brick fence and guard rail along the portion Lithia Pinecrest Road, directly northeast across from the subject property and are not directly accessed from the proposed wet zoning site.

Community Use No. 2: Church

- The orientation of the entrance is towards Lithia Pinecrest Road away from the church.
- Due to the existing vegetative buffering and screening, straight-line access between the proposed wet zoning and the church is not possible. Staff estimates the shortest route of pedestrian and vehicular travel from the front to the church buildings is approximately 785 feet.
- There is a 6-foot-high PVC fence along the eastern property line.



View of wet zone property and nearby community uses (church & trail); Google Maps 7/8/2021

Residentially Zoned Property

- Residentially zoned properties that are within 250 feet of the proposed wet zoning are located in the PD (20-1013) north of the subject property. The residential development that is 162 feet away is the location of the Fishhawk Trails and part of the HOA landscape area.
- The residential development is screened by a brick fence and guard rail along the portion Lithia Pinecrest Road across from the proposed wet zoning and cannot be directly accessed from the proposed wet zoning site (see figure 1).

• According to GIS measurement by staff, the entrance road to the residential homes on the north side of Lithia-Pinecrest Road is located approximately 2,100 feet to the east of the proposed wet zoning.

Generally

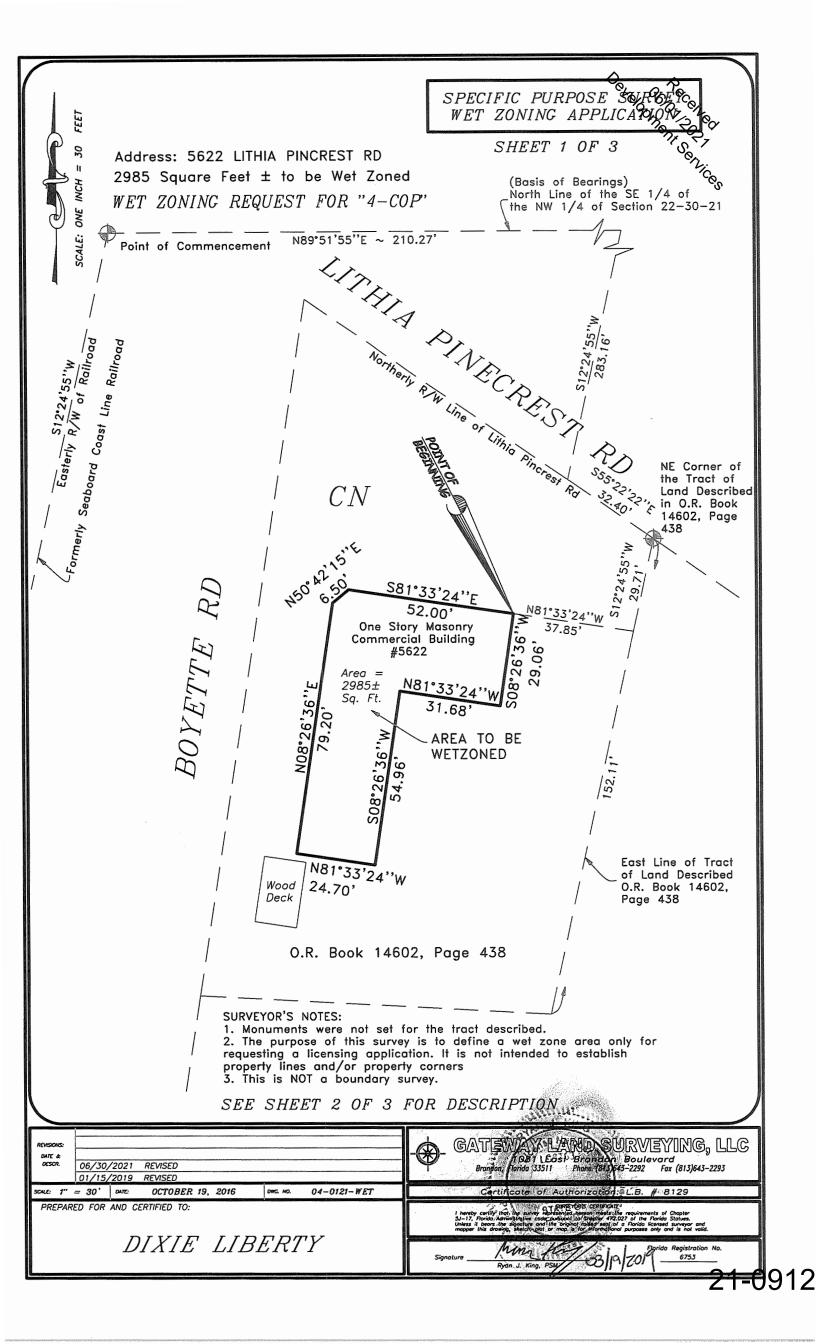
• The proposed 4-COP wet zoning will replace an existing 3-PS wet zoning. Both wet zonings are in the same AB intensity classification under the LDC and therefore have the same separation requirements.

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 recommended condition below.** Approval is based upon the wet-zone survey indicating a total of 2,985 square feet square feet of floor space for the proposed use that was received June 1, 2021.

1. Upon approval of Alcoholic Beverage Permit SU AB 21-0912, the existing 3-PS Alcoholic Beverage Permit on the premises, SU AB 19-0441, shall be rescinded.

Staff's Recommendation:	Approvable
Zoning Administrator Sign-off:	tom hiznay VVed Jul 14 2021 16:36:37



SPECIFIC PURPOSE SURVEY WET ZONING APPLICATION

SHEET 2 OF 3

Address: 5622 LITHIA PINCREST RD WET ZONING REQUEST FOR "4-COP"

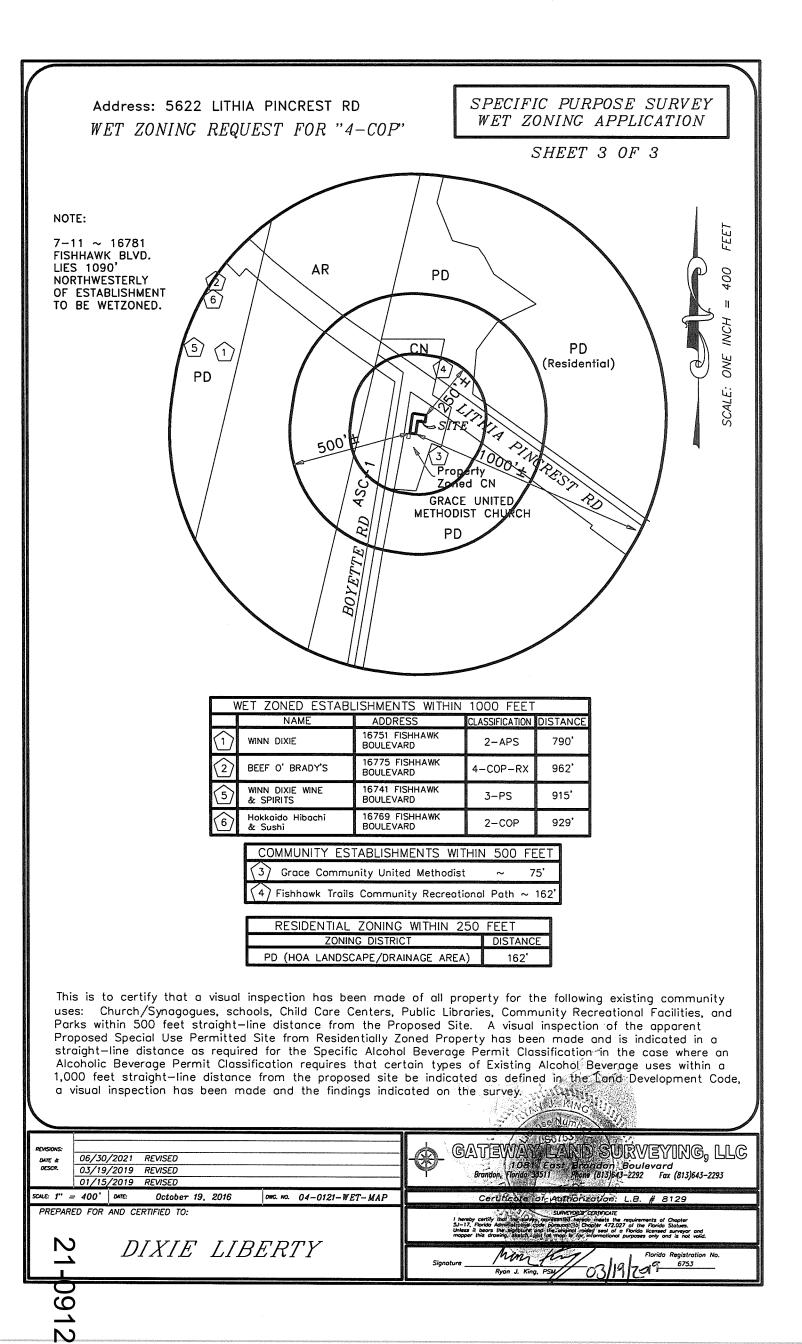
DESCRIPTION OF THE AREA TO BE WETZONED:

That part of the Southeast quarter of the Northeast quarter of Section 22, Township 30 South, Range 21 East in Hillsborough County, Florida described as follows and bearings used herein are for description purposes only:

Commencing at the intersection of the North line of said Southeast quarter of the Northwest quarter with the Easterly right of way line of the former Seaboard Coast Line Railroad; thence N89°51'55"E, 210.27 feet along said North line; thence S12°24'55"W parallel with the aforesaid Easterly railroad right of way, 283.16 feet to the Southerly right of way line of Lithia Pinecrest Road (S.R. 640); thence S55°22'22"E, 32.40 feet along said Southerly right of way line to the Northeast corner of the parcel of land described in Corporate Warranty Deed recorded in Official Records Book 14602, Page 438 of Hillsborough County; thence S12°24'55"W, 29.71 feet along the East line of the parcel of land described in said Warranty Deed; thence N81°33'24"W, 37.85 feet to a building corner and the Point of Beginning of the tract of land to be described: thence S08°26'36"W, 29.06 feet; thence N81°33'24"W, 31.68 feet; thence S08°26'36"W, 54.96 feet to a building corner; thence N81°33'24"W, 24.70 feet to a building corner; thence N81°33'24"E, 52.00 feet to the Point of Beginning.

Containing 2985 square feet, more or less.

							J KINO
REVISIONS: DATE & DESCR.	06/30/		REVISED REVISED				GATEWAY LAND SURVEYING, LLC 1081 Epsil Brandon, Boulevard Brandon, Ratio, 5531 Proje (813)643-2292 Fax (813)643-2293
SCALE:		DATE:	OCTOBER 19,	2016	DING. NO.	04-0121-WET	Genilloofe of Autobrization: L.B. # 8129
PREPARED FOR AND CERTIFIED TO: DIXIE LIBERTY		γ	I hereby cellify Indi dhy survey ingregentiation for the requirements of Orapler 51-17, Provide Administration Rook physical II. Chapter 472.027 of the Parido Stalues. Unless it bers: The Spiloture and the organic role et seed of a Paride Kensed surveyor and mapper this drawing. Skatch and the organic role informational purposes any and is not valid.				
		۲. المراجع المراجع	Signature				



Auxe 1, 2021

Kennep Legues 5622 Litkia Porecrest-Rd Lethia RC 33547

Requesting a 400P Beer, Wixe, Leguos off & on premises

The building contains inside 2985

No outside Seating This property is located 75 feet from a Commented use (Church) therefore a request for (+25) feet distance separation Daiver from the 500 feet. Also this property is recated (162) feet from residental therefore a request from the 250 feet a The walking 24-0912 is 2070 more than 250 as required

Wawer

3/

This piece of property is a recreational trail in Fishhaut Trails across the Street (North side) (HOA Land Scape / Drainage area) (162) away asking for (338) The extrance to the durelopment is located approx 0,4 miles to the last away from establish mest.

Thak you Designities

21-0912

INSTRUMENT#: 2019294185, BK: 26774 PG: 1321 PGS: 1321 - 1322 07/10/2019 at 02:41:32 PM, DOC TAX PD(F.S.201.02) \$4900.00 DEDUTY CLERK:SBANDERS Pat Frank,Clerk of the Circuit Court Hillaborough County

Name:	ent prepared by: C. Leiman an employee of		
	Executive Title of Florida, Inc.		
Address:	170 E. Bloomingdale Ave. Brandon, FL 33511	 a porte a	
Return to:	Executive Title of Florida, Inc. FILE NO. 190125		
Address:	170 E. Bloomingdale Ave. Brandon, FL 33511		
Property App 088089-0000	raisers Parcel Identification Number(s):		
088087-0000			
088081-0075			

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS CORPORATE WARRANTY DEED Made and executed the 28th day of june, 2019 by BOYETTE INVESTMENTS, INC., a Florida Corporation, and having its principal place of business at 6009 PALOMAGLADE DRIVE, UTHIA, FL3S67-4819 hereinafter called the granter, to KINMAN HOLDING, LLC, a Florida Limited Liability Company where pres office address is 11679 BOYETTE ROAD, RIVERVIEW, FL3369-5531 hereinafter called the granter.

(Wherever used herris the terms "granter" and "granter" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH: That the said grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grante all that certain land situate in HILLSBOROUGH County, State of Fordia, viz:

SEE ATTACHED EXHIBIT "A"

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003. FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

In Witness Whereof the said grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

livered in the presence of: Chervi Leiman Witness Signature

Printed Name

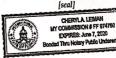
Witness Signature Tara Fowke

Printed Name

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 28th day of June, 2019 by DONNA CARUSO, Vice President of BOYETTE INVESTMENTS, INC) a Florida Corporation on behalf of the corporation. He/She is personally known to me or who produced DRIVERSLICENSE of identification and who did/did not take an oath.

Notary Public My Commission Expires:



21-0912

BOYETTEIN ESTMENTS, MC., a Florida Corporation tonue

DONNA CARUSO Vice President

EXHIBIT "A"

PARCEL:1

THE SOUTH 181 FEET OF THAT PART OF THE FOLLOWING DESCRIBED PROPERTY THAT LIES SOUTH OF LITHIA ROAD AND EAST OF BOYETTE ROAD, TO WIT, BEGIN AT THE INTERSECTION OF THE NORTH BOLINDARY OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 30 SOUTH, RANGE 21 LAST, WITH THE EAST BOLINDARY LINE OF THE RIGHT OF WAY OF SEABOARD AIR LINE RALROAD, RUN THENCE EAST 210 FEET, THENCE SOUTHWESTERLY PARALLEL WITH THE RIGHT OF WAY LINE OF SAID RALROAD 630 FEET, THENCE WEST 210 FEET, THENCE NORTHEALY ALONG THE RIGHT OF WAY LINE OF SAID RALROAD 630 FEET TO THE POINT OF BEGINNING LESS RIGHT OF WAY EXISTING ROADS, LING AND BEING IN HILLSBOROUGH COUNTY, LORDIA.

AND

A PARCEL OF LAND THIRTY FEET WIDE LOCATED IN THE SE 1/4 OF NW 1/4 OF SECTION 22, TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH BOUNDARY OF SAID SE 14 OF NW 1/4 WITH THE EAST RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD COMPANY (RORMERLY WEST SHORE RAILROAD COMPANY) AND RUN EAST ALONG THE NORTH BOUNDARY OF SAID SE 1/4 OF NW 1/4 A DISTANCE OF 210 FEET; THENCE SOUTHWESTERLY PARALLEL TO SAID RAILROAD RIGHT OF WAY LINE A DISTANCE OF 2316 FEET TO THE SOUTH RIGHT OF WAY LINE OF LITHIA ROAD (STATE ROAD 640); THENCE CONTINUE SOUTHWESTERLY PARALLEL TO SAID RAILROAD RIGHT OF WAY LINE A DISTANCE OF 169.33FEET FOR THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING CONTINUE SOUTHWESTERLY PARALLEL TO SAID RAILROAD RIGHT OF WAY LINE A DISTANCE OF 177.51 FEET, THENCE NORTH 89 DEGREES 51 MINUTES 58 SECONDS EAST A DISTANCE OF 30.74 FEET, THENCE NORTHEASTERLY PARALLEL TO SAID RAILROAD RIGHT OF WAY LINE A DISTANCE OF 175.79 FEET TO A POINT UNIG 152.11 FEET (MEASURED ALONG A LINE PARALLEL TO SAID RAILROAD RIGHT OF WAY LINE SOUTHWESTERLY OF THE SOUTH RIGHT OF WAY LINE OF LITHIA ROAD (STATE ROAD 640); THENCE NORTH 89 DEGREES 59 MINUTES 10 SECONDS WEST A DISTANCE OF 30.41 FEET TO THE POINT OF BEGINNING.

THE FOREGOING DESCRIPTION IS BASED ONTHE ASSUMPTION THAT THE BEARING OF SAID RAILROAD RIGHT OF WAY LINE IS SOUTH 12 DEGREES 25 MINUTES 20 SECONDS WEST. FOLIO NUMBER: 088089-0000

PARCEL: 2

THAT PART OF THE FOLLOWING DESCRIBED PROPERTY THAT LIES SOUTH OF LITHIA PINECREST ROAD AND EAST OF BOYETTE ROAD, TO WIT;

ENGINE AND ALL OF A CONTRESS O

FOLIO NUMBER: 088087-0000

PARCEL: 3

A PARCEL OF LAND THIRTY FEET WIDE LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH BOUNDARY OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4 WITH THE EAST RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD COMPANY AND RUN EAST ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 210 FEET; THENCE SOUTHWESTERLY PARALLEL TO SAID RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 283.16 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF LITHIA PINECREST ROAD (STATE ROAD 640) FOR THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING CONTINUE SOUTHWESTERLY PARALLEL TO SAID RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 169.33 FEET; THENCE SOUTH 86 DEGREES 59' 10" EAST, A DISTANCE OF 30.41 FEET; THENCE NORTHEASTERLY PARALLEL TO SAID RAILROAD DIGTT-OF WAY LINE, A DISTANCE OF 152.11 FEET TO SAID STATE ROAD RIGHT-OF-WAY LINE, A DISTANCE NORTH 55 DEGREES 22' 10" WEST ALONG SAID STATE ROAD RIGHT-OF-WAY LINE, A DISTANCE OF 32.40 FEET TO THE POINT OF BEGINNING. FOLIO NUMBER: 088081-0075

Developere 06107400 P Croit PERMIT) SPECIAL USE (ALCOHOLIC BEV (WAIVER REQUIRED) IMPORTANT INSTRUCTIONS TO ALL APPLICANTS You must schedule an appointment to submit this application. To request an appointment perse call 813-272-5600. All requirements listed on the submittal checklist must be met. Incomplete applications without be accepted. Address: 5622 Liftie Parer City/State/Zip: Liftig fr. 33547 TWN-RN-SEC: 20/30/21 Folio(s): DSSOF7. 0000 Zoning: CN Future Land Use: R-2 Property Size: -43 Name: Kinman Holding LLC Address: 16618 Kingletsie Ct. City/State/Zip: Littin, F-2. 33547 Email: Name: Kennys Liques Daytime Phone: 3/255-3113 Address: 51022 Lithia Penecsent City/State/Zip: Lithia Fc. 33547 FAX Number: Address: Email: ____FAX Number: Applicant's Representative (if different than above) Applicant's Representative (if different than above) Daytime Phone: 13 Name: Ashbark (f City / State/Zip: BIX (1 V 152) FC 3357 Address: 1,3359 Email: FAX Number: I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS. MY BEHALF FOR THIS APPLICATION. Signature of Applicant ignature of Property Owner Manisha Patel Type or Print Name avin Patel Ana Lizardo Office Use Only Intake Date: 06/01/21 Intake Staff Signature: Case Number: 21-0912 Public Hearing Date: 07/26/21 Receipt Number: 21-0912 SU-AB Type of Application: Development Services, 601 E Kennedy Blvd. 19th Floor 21-09 Revised 07/02/2014



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	89-0098
Zoning Category	Commercial/Office/Industr
Zoning	CN
Description	Commercial - Neighborhood
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0530H
FIRM Panel	12057C0530H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120530C
County Wide Planning Area	Boyette
Community Base Planning Area	SouthShore
Planned Development	PD
Re-zoning	null
Personal Appearances	11-0404,05-0023,03-1586, 07-1995,00-1330 WD,03- 0397,99-0900,97-0066,98- 0472A,98-0472B,02-1129, 01-0417,99-0062,92-0216, 91-0045,16-0179, 19-1117, 20-1013
Census Data	Tract: 013920 Block: 2000
Census Data	Tract: 013920 Block: 2001
Future Landuse	R-2
Future Landuse	RP-2
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
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
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