

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-550-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING  
6 EXCEPTION E-23-54 FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 5 AT 9735 OLD ST. AUGUSTINE  
8 ROAD, BETWEEN PRITMORE ROAD AND OLD ST.  
9 AUGUSTINE ROAD (R.E. NO. 148952-0000), AS  
10 DESCRIBED HEREIN, OWNED BY KDP1 VENTURES LLC,  
11 REQUESTING: (1) AN ESTABLISHMENT OR FACILITY  
12 WHICH INCLUDES THE RETAIL SALE AND SERVICE OF  
13 ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER  
14 OR WINE FOR ON-PREMISES CONSUMPTION, (2)  
15 PERMANENT OUTSIDE SALE AND SERVICE OF ALL  
16 ALCOHOLIC BEVERAGES MEETING THE PERFORMANCE  
17 STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN  
18 PART 4, AND (3) OUTSIDE SALE AND SERVICE OF FOOD  
19 MEETING THE PERFORMANCE STANDARDS AND  
20 DEVELOPMENT CRITERIA SET FORTH IN PART 4, FOR  
21 LAYALINA RESTAURANT INC., IN ZONING DISTRICT  
22 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS  
23 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
24 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF  
25 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR  
26 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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28 **WHEREAS**, an application for a zoning exception, **On File** with the  
29 City Council Legislative Services Division, was filed by Lawrence  
30 Yancy for Layalina Restaurant Inc., on behalf of the owner of property  
31 located in Council District 5 at 9735 Old St. Augustine Road, between

1 Pritmore Road and Old St. Augustine Road (R.E. No. 148952-0000) (the  
2 "Subject Property"), requesting: (1) An establishment or facility  
3 which includes the retail sale and service of all alcoholic beverages  
4 including liquor, beer or wine for on-premises consumption, (2)  
5 Permanent outside sale and service of all alcoholic beverages meeting  
6 the performance standards and development criteria set forth in Part  
7 4, and (3) Outside sale and service of food meeting the performance  
8 standards and development criteria set forth in Part 4, for Layalina  
9 Restaurant Inc., in Zoning District Commercial Community/General-1  
10 (CCG-1); and

11 **WHEREAS**, the Planning and Development Department has considered  
12 the application and all attachments thereto and has rendered an  
13 advisory recommendation; and

14 **WHEREAS**, the Land Use and Zoning Committee, after due notice,  
15 held a public hearing and having duly considered both the testimonial  
16 and documentary evidence presented at the public hearing, has made  
17 its recommendation to the Council; now, therefore

18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Adoption of Findings and Conclusions.** The  
20 Council has considered the recommendation of the Land Use and Zoning  
21 Committee and reviewed the Staff Report of the Planning and  
22 Development Department concerning application for zoning exception  
23 E-23-54. Based upon the competent, substantial evidence contained  
24 in the record, the Council hereby determines that the requested zoning  
25 exception meets each of the following criteria required to grant the  
26 request pursuant to Section 656.131(c), *Ordinance Code*, as  
27 specifically identified in the Staff Report of the Planning and  
28 Development Department:

29 (1) Will be consistent with the Comprehensive Plan, including  
30 any subsequent plan adopted by the Council pursuant thereto;

31 (2) Will be compatible with the existing contiguous uses or

1 zoning and compatible with the general character of the area,  
2 considering population density, design, scale and orientation of  
3 structures to the area, property values, and existing similar uses  
4 or zoning;

5 (3) Will not have an environmental impact inconsistent with the  
6 health, safety and welfare of the community;

7 (4) Will not have a detrimental effect on vehicular or pedestrian  
8 traffic, or parking conditions, and will not result in the generation  
9 or creation of traffic inconsistent with the health, safety and  
10 welfare of the community;

11 (5) Will not have a detrimental effect on the future development  
12 of contiguous properties or the general area, according to the  
13 Comprehensive Plan, including any subsequent amendment to the plan  
14 adopted by the Council;

15 (6) Will not result in the creation of objectionable or  
16 excessive noise, lights, vibrations, fumes, odors, dust or physical  
17 activities, taking into account existing uses or zoning in the  
18 vicinity;

19 (7) Will not overburden existing public services and facilities;

20 (8) Will be sufficiently accessible to permit entry onto the  
21 property by fire, police, rescue and other services; and

22 (9) Will be consistent with the definition of a zoning  
23 exception, and will meet the standards and criteria of the zoning  
24 classification in which such use is proposed to be located, and all  
25 other requirements for such particular use set forth elsewhere in the  
26 Zoning Code, or otherwise adopted by the Planning Commission or  
27 Council.

28 Therefore, zoning exception application E-23-54 is hereby  
29 approved.

30 **Section 2. Owner and Description.** The Subject Property is  
31 owned by KDP1 Ventures LLC and is described in **Exhibit 1**, dated March

1 28, 2023, and graphically depicted in **Exhibit 2**, both attached hereto.  
2 The applicant is Lawrence Yancy, 1309 St. Johns Bluff Road North,  
3 Building A, Suite 2, Jacksonville, Florida 32225; (904) 568-4317.

4 **Section 3. Distribution by Legislative Services.**

5 Legislative Services is hereby directed to mail a copy of this  
6 legislation, as enacted, to the applicant and any other parties to  
7 this matter who testified before the Land Use and Zoning Committee  
8 or otherwise filed a qualifying written statement as defined in  
9 Section 656.140(c), *Ordinance Code*.

10 **Section 4. Effective Date.** The enactment of this Ordinance

11 shall be deemed to constitute a quasi-judicial action of the City  
12 Council and shall become effective upon signature by the Council  
13 President and Council Secretary. Failure to exercise the zoning  
14 exception, if herein granted, by the commencement of the use or action  
15 herein approved within one (1) year of the effective date of this  
16 legislation shall render this zoning exception invalid and all rights  
17 arising therefrom shall terminate.

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19 Form Approved:

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21           /s/ Mary E. Staffopoulos          

22 Office of General Counsel

23 Legislation Prepared By: Caroline Fulton

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