

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-24-13

NOVEMBER 6, 2024

Location: 9753 Deer Lake Court between Southside Boulevard
and Touchton Road

Real Estate Number: 146036-1790

Zoning Exception Sought: An establishment or facility, which includes the retail
sale and service of all alcoholic beverages including
liquor, beer or wine for on-premises consumption in
conjunction with a restaurant including outside sales
and service.

Current Zoning District: Planned Unit Development (PUD 1994-335-E)

Current Land Use Category: Residential-Professional-Institutional (RPI)

Planning District Southeast, District 3

Council District: District 4

Applicant/Agent: Israel Guadarrama
9753 Deer Lake Court
Jacksonville Florida 32246

Owner: Acadian Enterprises, Inc.
1175 Oak Hammock Trail
Jacksonville Florida 32256

Staff Recommendation: **APPROVE WITH CONDITION**

GENERAL INFORMATION

Application for Exception **E-24-48** seeks approval for the retail sale and service of all alcoholic beverages including liquor, beer, or wine for on-premises consumption in conjunction with a restaurant including outside sales and service. The site is the former Jacksonville Beer Garden restaurant. There have been several similar Exception applications in the Tinseltown area.

DEFINITION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

- (i) *Will the proposed use be consistent with the Comprehensive Plan?*

Yes. The request is for a zoning exception to allow for the sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant in a Planned Unit Development. The site is located in the RPI land use category of the Urban Area. The existing constructed building includes other commercial uses including the proposed restaurant. Residential-Professional-Institutional in the Urban Area is intended to provide compact medium to high density development. Residential and office use is preferred. However, restaurants without drive-thru or drive-in facilities are a principal use. The proposed use is consistent with the RPI land use category.

Future Land Use Element (FLUE) Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The restaurant is located within the boundaries of the Northeast Quadrant DRI in an area designated for office/commercial uses. This is a reuse of an existing restaurant building for a new restaurant. The proposed exception is consistent with the DRI development order. There are other similar restaurants which serve beer, wine and liquor with outside sale and service. This proposed use is consistent with the development in the area.

- (ii) *Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?*

Yes. The subject property is located in a commercial area within the Tinseltown PUD. The commercial area is comprised of restaurants, banks, grocery stores, professional and medical offices, a movie theatre, and a multi-family complex. The proposed use will be compatible with the general character of the area as there have been other restaurants approved for full service in the area before, and will provide a place for the residents in the area to go for food and drinks.

The adjacent uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	RPI	PUD 94-335	Hotels
East	RPI	PUD 94-335	Undeveloped
South	RPI	PUD 94-335	Restaurants
West	RPI	PUD 94-335	Restaurant

- (iii) *Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?*

No. The use will not have a negative impact on the health, safety and welfare of the community.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?*

No. The proposed use will be located within an existing building and will not alter the existing traffic patterns. The sale and service of all alcoholic beverages for on-premises consumption will not generate traffic inconsistent with the character of the surrounding area. It is not anticipated that the proposed use will create a nuisance with limited parking due to the conforming parking lot that surrounds the building.

- (v) *Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?*

No. The proposed exception for the on-premises consumption of all alcoholic beverages will not have a detrimental effect on the future development of the surrounding area. The requested use will serve to occupy a space in an already existing commercial area that is fully developed.

- (vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

No. The proposed exception for the sale and service of all alcoholic beverages for on-premises consumption and with outside sale and service will not create objectionable or excessive noise, lights, vibrations, fumes, odors, dust, or physical activities inconsistent with the existing surrounding development.

(vii) *Will the proposed use overburden existing public services and facilities?*

No. The site will be connected to city water and sewer service provided by JEA. It is not anticipated that the new use will have any negative impact on the existing facilities.

(viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes. The site is sufficiently accessible from Deer Lake Court, which connects both Southside Boulevard and Touchton Road. The already established vehicle use area is large enough for any fire, police, or rescue vehicles to access and park in the case of any possible emergency situations,

(ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

Yes. The location is appropriate given the commercial character of the area, and the proposed exception is consistent with the definition of a zoning exception as set forth in the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 21, 2024, by the Planning and Development Department, the Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Ordinance **2024-792 (E-24-48)** be **APPROVED with the following CONDITION.**

1. The zoning exception Ord. 2024-792 (E-24-48) granted herein shall not be effective unless or until the required Waiver of Minimum Distance Requirements for Liquor License Location (WLD-24-18) pursuant to Section 656.133, Ordinance Code, is issued for the Subject Property.



Aerial View of Subject Property.



View of subject property



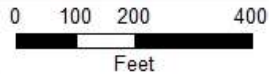
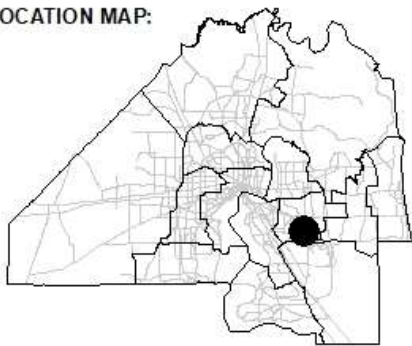
View of subject property



REQUEST SOUGHT:

RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES FOR ON AND/OR OFF PREMISES CONSUMPTION

LOCATION MAP:



COUNCIL DISTRICT:

4

TRACKING NUMBER

E-24-48

**EXHIBIT 2
PAGE 1 OF 1**