REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2023-0858 (E-23-68)

FEBRUARY 6, 2024

Location: 1705 Main Street North (SR 5)

Between 7th Street East and 8th Street East

Real Estate Number: 071644-0000

Zoning Exception Sought: An establishment or facility which includes the

retail sale and service of beer and wine for on-

premises consumption.

Current Zoning District: Commercial Community/General-S (CCG-S)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Urban Core (1)

Council District: District 7

Applicant/Agent: The4Horsemen LLC

798 3rd Street South

Jacksonville Beach, Florida 32250

Owner: 1703-1705 N Main Street, LLC

2021 Tyler Street, Suite 100 Hollywood Florida, 33020

Staff Recommendation: APPROVE with CONDITION

GENERAL INFORMATION

Application for Exception 2023-0858 (E-23-68) seeks approval for the retail sale and service of beer and wine for on-premises consumption. The site is located in the Commercial Community/General-Springfield (CCG-S) zoning district and is in the Community General Commercial (CGC) functional land use category. The property will operate as a restaurant with full-service bar (4COP License)

A companion Waiver of Liquor Distance (WLD-23-24) has also been filed related to this property requesting a reduction of the required minimum distance between liquor license location and church or school from 500 feet to 200 feet. The Planning Department is also recommending approval on the waiver application with a condition that the approval is contingent upon the

approval of this exception application.

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 site is located in the Community/ General Commercial (CGC) land use category of the Urban Priority Development Area. The subject site is located within Council District 7 and Planning District 1. It is located on the north side of 7th Street East, a local roadway. Principal uses within the CGC land use category include but are not limited to commercial retail sales and service establishments, including auto sales, funeral homes, and broadcasting offices and studios, restaurants, hotel, motel, offices, microbreweries, financial institutions and multi-family dwellings.

The proposed exception is consistent with the CGC land use category.

Future Land Use Element (FLUE):

Objective 1.1

Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

GOAL 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.2

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.

Historic District

The project site is located within the boundaries of the Springfield Historic District. Vertical construction and changes to existing structures on site must be reviewed by the Planning and Development Department, and potentially the Jacksonville Historic Preservation Commission.

Policy 1.1.3

The City shall continue to implement the Certificate of Appropriateness review process for plans that will physically alter the appearance of a designated site, property or historic district through either the administrative process or submission to the Historic Preservation Commission.

(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 proposed restaurant use is located along a commercial corridor containing a mixture of uses and is in an area that features a mix of commercial uses that supports the existing commercial corridors. The requested Exception will not adversely affect the nearby residential uses because the Exception is consistent with similar uses within the vicinity. The area consists of a mixture of uses which include restaurants, churches, offices, and residential. The surrounding Zoning Districts and Land Use Categories are:

| Adjacent | Land Use | Zoning | Current Use |
|----------|----------|----------|------------------------------|
| Property | Category | District | |
| North | CGC | CCG-S | Retail Store |
| South | CGC | CCG-S | Vacant Commercial |
| East | CGC | PUD | Vacant Supermarket/ Approved |
| | | | Multi-Family |
| West | CGC | CCG-S | Bank |

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

No. The proposed use will not have an environmental impact inconsistent with the health, safety, and welfare of the community. The site is currently developed and was previously a pawn shop. Approval of this exception will not create a use out of character for the immediate area.

(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. No parking requirements exist in the Springfield Zoning Overlay currently. All parking would be street parking and it is expected that a lot of pedestrian traffic from the nearby residences would be generated as part of the business.

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

No. The proposed exception will not have a detrimental effect on the future development of contiguous properties or the general area since the area is comprised of developed properties that feature a variety of uses.

(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 will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities than that already exist for the immediate area. All activity will operate within the unit and hours of operation will be appropriate for the area.

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

No. It is not anticipated that the proposed use will overburden existing public services or facilities. City water and sewer services are provided to the site.

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

Yes. The subject property is accessible from Main Street North and 7th Street East which will permit entry onto the property for fire, police, rescue, and other service vehicles.

(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. 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. The proposed use will be consistent with the definition of a Zoning Exception and with the zoning classification standards found in the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **January 11, 2024**, the Planning and Development Department staff did notice that the required Notice of Public Hearing sign <u>was</u> posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception 2023-0858 (E-23-68) be APPROVED with one CONDITION:

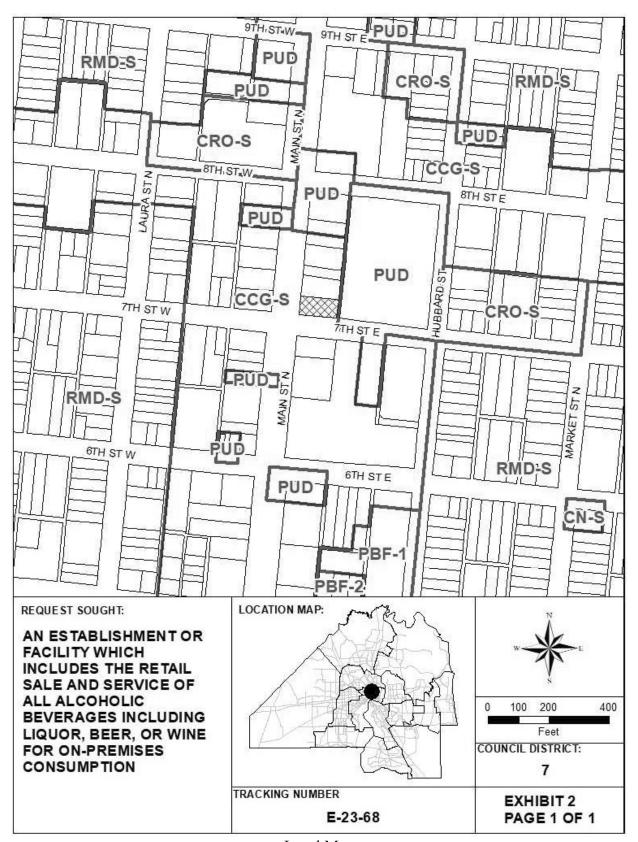
1.) Granting of the Exception is contingent upon the approval of the Companion Waiver of Liquor Distance Application WLD-23-24 by the Planning Commission.



Aerial View



View of the Subject Site



Legal Map

| Date Submitted: 9/27/23 WPANION /E- | Application Number: |
|-------------------------------------|---------------------|
| Date Filed: AP PLICATION WLD. | Public Hearing: |

Application for Zoning Exception

City of Jacksonville, Florida Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

| For Officia | al Use Only | | |
|---|--|--|--|
| Current Zoning District: QQQ - S | Current Land Use Category: CGC | | |
| Exception Sought: Refail Sale and Service of all alesholic beverages for on or off-premises consumps | | | |
| Council District: 7 | Planning District: | | |
| Previous Zoning Applications Filed (provide applicati E-87-229, V-87-1 Notice of Violation(s): none-found | ion numbers): | | |
| Notice of Violation(s): none found | | | |
| Number of Signs to Post: 2 Amount of Fee | # 1329. Zoning Asst. Initials: CIR | | |
| Neighborhood Associations: please See | attached. | | |
| Overlay: Springfield Histo. | | | |
| PROPERTY INFORMATION | | | |
| 1. Complete Property Address: | 2. Real Estate Number: | | |
| 1705 Main St, Jacksonville FL 32206 | 071644-0000 | | |
| 3. Land Area (Acres): .18 | 4. Date Lot was Recorded: | | |
| 5. Property Located Between Streets: | 6. Utility Services Provider: | | |
| 7th St W and 8th St W | City Water / City Sewer | | |
| | Well / Septic | | |
| 7. Current Property Use: Mixed use | | | |
| 8. Exception Sought: -0 | in establishment or facility which includes th | | |
| 4COP restaurant license 🖟 | in establishment or facility which includes the tail sale and service of all alcoholic beverage luding liquor, beer or wine for an-premises consumption. | | |
| 9. In whose name will the Exception be granted: The4Horsemen LLC | | | |
| Page | 1 of 5 | | |

| OWNER'S INFORMATION (please attach separate sheet if more than one owner) | | | |
|---|-----------------------------|--|--|
| 10. Name: | 11. E-mail: | | |
| 1703-1705 N Main Street LLC | brian@kinkadecommercial.com | | |
| 12. Address (including city, state, zip): | 13. Preferred Telephone: | | |
| 2021 Tyler St, Ste 100 Hollywood FL 33020 | (904) 376-5981 | | |
| | | | |

| APPLICANT'S INFORMATION (if different from owner) | | |
|---|---------------------------|--|
| 14. Name: | 15. E-mail: | |
| The4Horsemen LLC | brandon@brandonstanko.com | |
| 16. Address (including city, state, zip): | 17. Preferred Telephone: | |
| 798 3rd St S | (904) 357-0493 | |
| Jacksonville Beach FL 32250 | | |
| | | |

CRITERIA

Section 656.101(i), Ordinance Code, defines an exception as "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, convenience, appearance, prosperity or general welfare."

Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:

- (i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;
- (ii) Will 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 the structures to the area, property values and existing similar uses;
- (iii) Will not have an environmental impact inconsistent with the health, safety and welfare of the community;
- (iv) Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community;
- (v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;
- (vi) Will not 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;
- (vii) Will not overburden existing public services and facilities;
- (viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and

Page 2 of 5

other services; and
Will be consistent with the definition of an exception, the standards and criteria of the
zoning classification in which such use is proposed to be located and all other requirements
for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code)

or as otherwise adopted by the Planning Commission.

18. Given the above definition of an "exception" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the request is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth may result in a denial.

See attached.

(ix)

1. Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

The property is located in the heart of the Springfield commercial district which is generally a mixed-use commercial area. While the area is generally developed on an individual basis, its establishments tend to function as a cohesive commercial center, similar in nature to the San Marco Town Center. No actions taken or requested fall under the definition of "Development" as defined by <u>Jacksonville</u>, <u>Florida Code of Ordinances Sec. 650.105</u>.

2. Will 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 the structures to the area, property values and existing similar uses.

The use is not designed as an integral part of a mixed planned unit development. However, the property is located in the heart of the Springfield commercial district which is generally a mixed-use commercial area. While the area is generally developed on an individual basis, its establishments tend to function as a cohesive commercial center, similar in nature to the San Marco Town Center.

3. Will not have an environmental impact inconsistent with the health, safety, and welfare of the community.

The restaurant is located in the heart of the Springfield commercial district which consists of other restaurants, breweries, bars, and shopping. Allowing the exemption required will not have an impact that is inconsistent with the area around it.

4. Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety, and welfare of the community.

The restaurant is located in the heart of the Springfield commercial district which consists of other restaurants, breweries, bars, and shopping. Additionally, the property is already zoned for mixed use, the property is served by numerous on street and off street parking spaces.

5. Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

The property is already developed and none of the actions sought fall within the definition of "Development" as defined by <u>Jacksonville</u>, <u>Florida Code of Ordinances Sec. 650.105</u>. Additionally, there is little to no undeveloped property around the property in question.

6. Will not 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.

The restaurant is located in the heart of the Springfield commercial district which consists of other restaurants, breweries, bars, and shopping. Allowing this exception will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust.

7. Will not overburden existing public services and facilities.

The restaurant is located in the heart of the Springfield commercial district which consists of other restaurants, breweries, bars, and shopping. Allowing the exception will not overburden the existing public services and facilities.

8. Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services.

The property is already developed and the exception will not affect the accessibility to the property by fire, police, rescue and other services.

9. Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set forth elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

Allowing the requested exception is consistent with the definition of an exception because, while it may not be appropriate to allow 4COP licenses without restriction throughout the zoning district, restaurants with full service bars can have a beneficial effect on the community as a whole.

| ATTACHMENTS | | | | | |
|---|--|--------------------------------|--|--|--|
| The following attachments must accompany each copy of the application. | | | | | |
| Survey | | | | | |
| Site Plan – two (2) copies on 8 ½ x | Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger | | | | |
| Property Ownership Affidavit (Exhibit A) | | | | | |
| Agent Authorization if application is made by any person other than the property owner (Exhibit B) | | | | | |
| Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1) | | | | | |
| Proof of property ownership – may be print-out of property appraiser record card if individual owner, http://apps.coi.net/pao_propertySearch/Basic/Search.aspx , or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, http://search.sunbiz.org/Inquiry/CorporationSearch/ByName . | | | | | |
| Letter from the Department of Children and Family Services (DCFS) – day care uses only DIA | | | | | |
| Advisory opinion letter from the Environmental Quality Division (EQD) – if required DIA | | | | | |
| | | | | | |
| *Applications filed to correct existing zoning violations are subject to a double fee. | | | | | |
| | | | | | |
| Base Fee | Public Notices | <u>Advertisement</u> | | | |
| Residential Districts: \$1,161.00 | \$7.00 per Addressee | Billed directly to owner/agent | | | |
| Non-residential Districts: \$1,173.00 | | | | | |

last update: 1/12/2017

AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

<u>I hereby certify that I have read and understand</u> the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

| Owner(s) | Applicant or Agent (if different than owner) | |
|-------------|--|--|
| Owner(3) | | |
| Print name: | Print name: Brandon A. Stanko | |
| Signature: | Signature: Brandon A. Stanko Digitally signed by Brandon A. Stanko | |
| | *An agent authorization letter is required if the | |
| | application is made by any person other than the | |
| Owner(s) | property owner. | |
| Print name: | | |
| Signature: | | |
| | | |
| | | |

SUBMITTAL

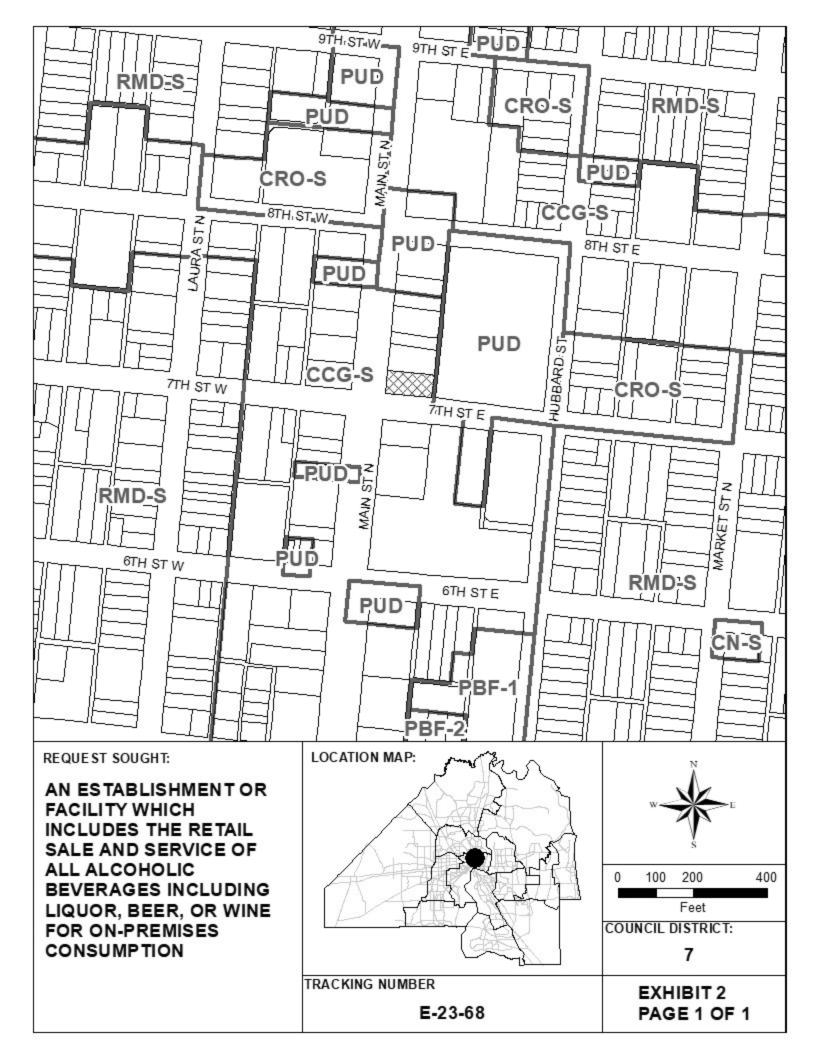
This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:

Planning and Development Department, Zoning Section 214 North Hogan Street, 2nd Floor Jacksonville, Florida 32202 (904) 255-8300

Page 5 of 5

last update: 1/12/2017



LEGAL DESCRIPTION 10/2/23

LOT 1, BLOCK 44, EAST SPRINGFIELD AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE CURRENT PUBLIC REOCRDS OF DUVAL COUNTY.

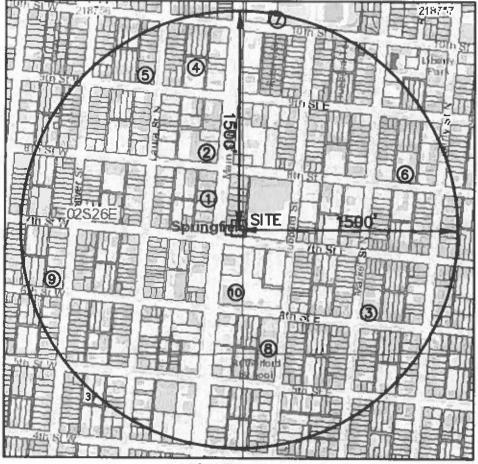
EXHIBIT 1

PAGE 1 OF 1

MAP SHOWING SURVEY OF

LOT 1, BLOCK 44, SPRINGFIELD, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 145, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.





VICINITY MAP

SCALE: 1" = 500'

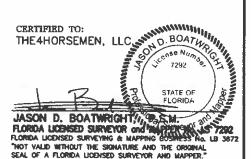
NOTES:

- 1. THIS IS A MAP ONLY.
- 2. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF ANY CHURCHES, SCHOOLS OR ADULT ENTERTAINMENT FACILITIES WITHIN 1500 FEET OF THE SUBJECT SITE, OF WHICH THERE ARE TEN (10).

SUBJECT SITE: 1705 MAIN STREET NORTH JACKSONVILLE, FL 32206

- C.B. HELPING HANDS MINISTRIES 1728 MAIN STREET JACKSONVILLE, FL 32206 200'± ①
- WESTSIDE CHURCH OF CHRIST 23 WEST BTH STREET JACKSONVILLE, FL 32208 480'±
- GLORIOUS CHURCH OF THE LORD 213 EAST 6TH STREET (3) JACKSONVILLE, FL 32206 - 1,050'±
- SPRINGFIELD CHRISTIAN CHURCH DISCIPLES OF CHRIST 25 WEST 9TH STREET JACKSONVILLE, FL 32206 970' \pm (4)
- EPISCOPAL CHURCH IN THE DIOCESE OF FLORIDA, INC. 1912 NORTH LAURA STREET JACKSONVILLE, FL 32206 1,100' \pm ⑤

- EMBASSY FELLOWSHIP 221 EAST 6TH STREET 221 EAST BTH STREET
 JACKSONVILLE, FL 32208 - 1,180'±
- SPRINGFIELD MIDDLE SCHOOL 2034 HUBBARD STREET JACKSONVILLE, FL 32206 - 1,450'±
- RUTHERFORD SCHOOL 1514 HUBBARD STREET JACKSONVILLE, FL 32206 610'±
- GREATER NEW JERUSALEM BAPTIST CHURCH 207 WEST 6TH STREET JACKSONVILLE, FL 32206 - 1,140'±
- TRUE CHILDREN OF SILENCE HOMESCHOOL & TUTORING CENTER, INC. 1501 NORTH MAIN STREET JACKSONVILLE, FL 32206 315'± **(10)**



DATE: MARCH 17, 2023 SHEET 1 OF 1

FILE: <u>2023-0371</u>

DRAWN BY: <u>ADT</u>

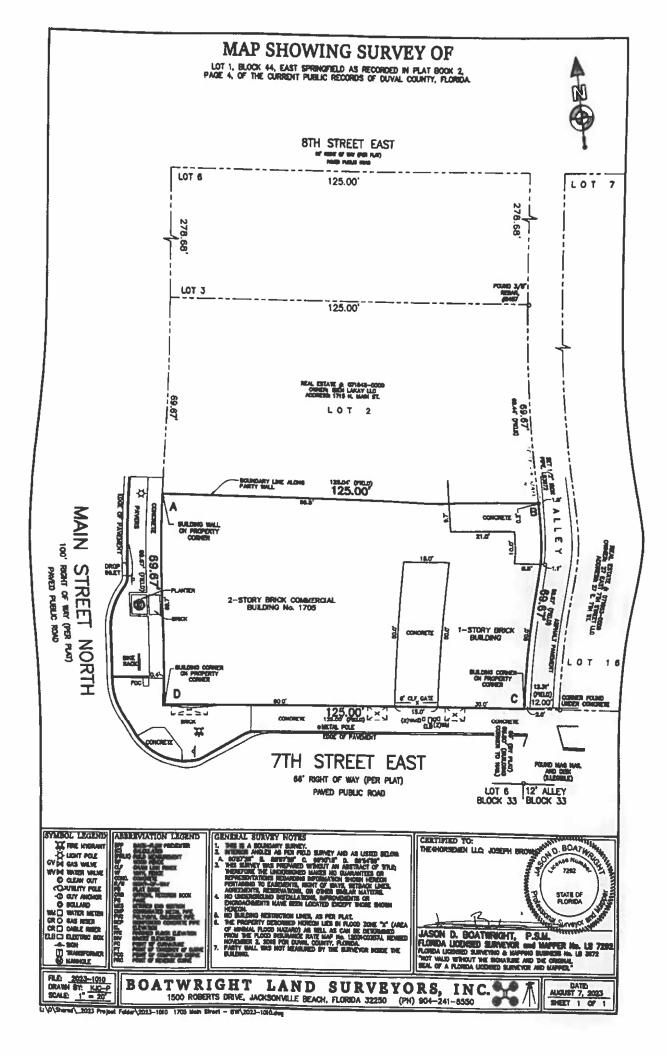
SCALE: <u>1° = 500'</u>

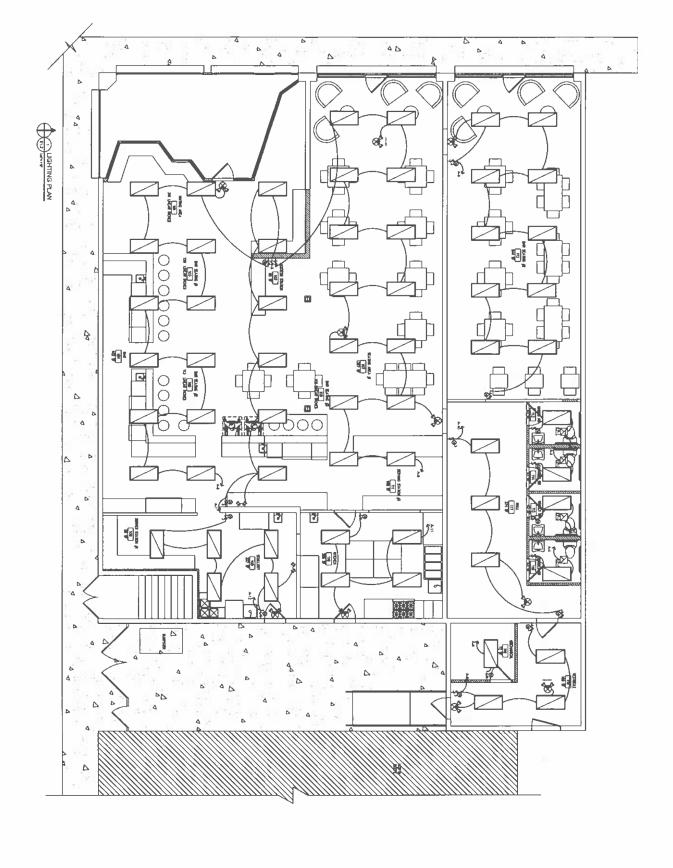
SURVEYORS, BOATWRIGHT LAND INC.

1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PH) 904-241-8550

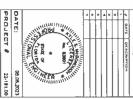








E1.2



CHANGE OF USE TULUA BISTRO 1703 NORTH MAIN STREET JACKSONVILLE, FL 32206

