

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-23-45

SEPTEMBER 7, 2023

Location: 926 Arlington Road North; on the west side of
Arlington Road between the Arlington Expressway
and Lone Star Road

Real Estate Number(s): 136545 0000

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

Current Zoning District: Commercial Community General-1 (CCG-1)

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

Planning District: Arlington – District 2

Applicant/Agent: Earl Dennis
Atlantis Event Center
926 Arlington Road N.
Jacksonville, Florida 32211

Owner: Alan Cardinale
Arlington Cardinal Plaza
10095 Main Road, Unit 4
Mattituck, NY 11952

Staff Recommendation: **DENY**

GENERAL INFORMATION

The application for Zoning Exception E-23-45 seeks an exception for an establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption. The subject site is located along Arlington Road, between the Arlington Expressway and Lone Star Road. Built in 1955 as a 22,000 square feet commercial building, the subject site is on an overall site exceeding 14 acres in size.

Upon review of the application, Staff has noted that there have been two previous applications for Zoning Exception at the subject property, including E-09-22 approving a blood plasma center and E-12-59 seeking a package store for alcohol sales (3APS) that was denied.

Staff is recommending denial of this application as the applicant did not provide any justification for the request other than to make the venue an on demand event space. Upon inspection, it appears that the space has recently been used as a nightclub without any corresponding permits or approvals. The application also states the application is seeking to allow alcohol to be provided by others license holders within the space. The granting of this Zoning Exception would not allow for this as it is specific to the requested license holder of Atlantis Event Center and Lounge Inc. Therefore, since the applicant has stated this in the application, there is a potential that other license holders would illegally be serving alcohol if the exception were to be granted.

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) *Zoning exception* of the Zoning Code, the 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 be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto?*

No. 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 1 and Planning District 2. It is on the west side of Arlington Road North between Arlington Expressway and Arlington Road. Arlington Road is a collector roadway.

CGC in the Urban Priority Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of the existing infrastructure. 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. While the proposed exception is consistent with the CGC land use category. The subject site is located within the bounds of the Old Arlington NAP. Guidelines for the site are not directly mentioned in the plan; however, the plan recommends reusing the existing commercial parcels in lieu of further expanding commercial zoning. It also recommends that future requests for intensification of zoning (through exceptions, rezonings, or Planned Unit Developments) should not be supported by the Planning and Development Department unless it can be demonstrated that there will be a benefit to the neighborhood, including adjacent or nearby residential uses.

Staff does not find the proposed use as a benefit to the neighborhood and therefore goes against the Old Arlington Neighborhood Action Plan.

- (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 structures to the area, property values, and existing similar uses or zoning?*

No. This portion of Arlington Road between Lone Star Road and the Arlington Expressway is a commercial corridor with a majority of the commercial activities being small to medium scale retail or service oriented (i.e. restaurants, auto services, professional offices, etc.).

| Adjacent Property | Land Use Category | Zoning District | Current Property Use |
|--------------------------|--------------------------|------------------------|--------------------------------|
| North | CGC | CCG-2 | Auto repair/retail sales |
| East | CGC | CCG-2 | Restaurant/retail/gas station |
| South | CGC | CCG-2 | Gas station/retail |
| West | CGC | CN | Funeral home/warehouse/ church |

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

No. The proposed use will occupy an existing facility on a developed site. The applicant has stated that they are seeking to allow other license holder to serve alcohol on site in addition to their own license, which is not allowed under this exception. The proposed use is not common and inconsistent with the existing establishments and residential areas surrounding the site.

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

No. The proposed exception would not have a detrimental effect on vehicular or pedestrian traffic in the surround area as the proposed business will utilized an existing structure with

access to Arlington Road, which is a minor arterial roadway. According to the site plan submitted with the application, the subject property contains the sufficient number of parking spaces, and allows for the safe movement of traffic to this commercial use. The site is accessible to vehicular and pedestrian traffic

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

Most of the surrounding area is already developed, with commercial retail sales and services such as restaurants, offices, and shopping centers, along with both single and multi-family residential being located within 1,000 feet of the subject property.

- (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. Most of the surrounding area is already developed, with commercial retail sales and services such as restaurants, offices, and shopping centers. While there is no evidence that the proposed use results in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust, taking into account existing uses. The physical activities of the proposed use are unclear to Staff and are seen as inconsistent with the surrounding area.

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

The proposed exception will not require additional services nor adversely affect those public services and facilities that are currently provided to the subject property. According to the application submitted, the property is serviced by city water and sewer.

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

The subject property is an existing building accessible from Arlington Road. Therefore, the proposed exception would permit access 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?*

It is the opinion of the Planning and Development Department that the proposed exception is inconsistent with the standards and criteria of the CCG-1 zoning district and all other standards and criteria of the Zoning Code relative thereto. An event space is typically carried out as a for-profit business, with there being multiple such businesses around the City of Jacksonville.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 24, 2023, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the Application for Zoning Exception E-23-45 be **DENIED**.



Aerial view of the subject property facing north.



View of the subject property from Arlington Road.



View of the subject property from Arlington Road.



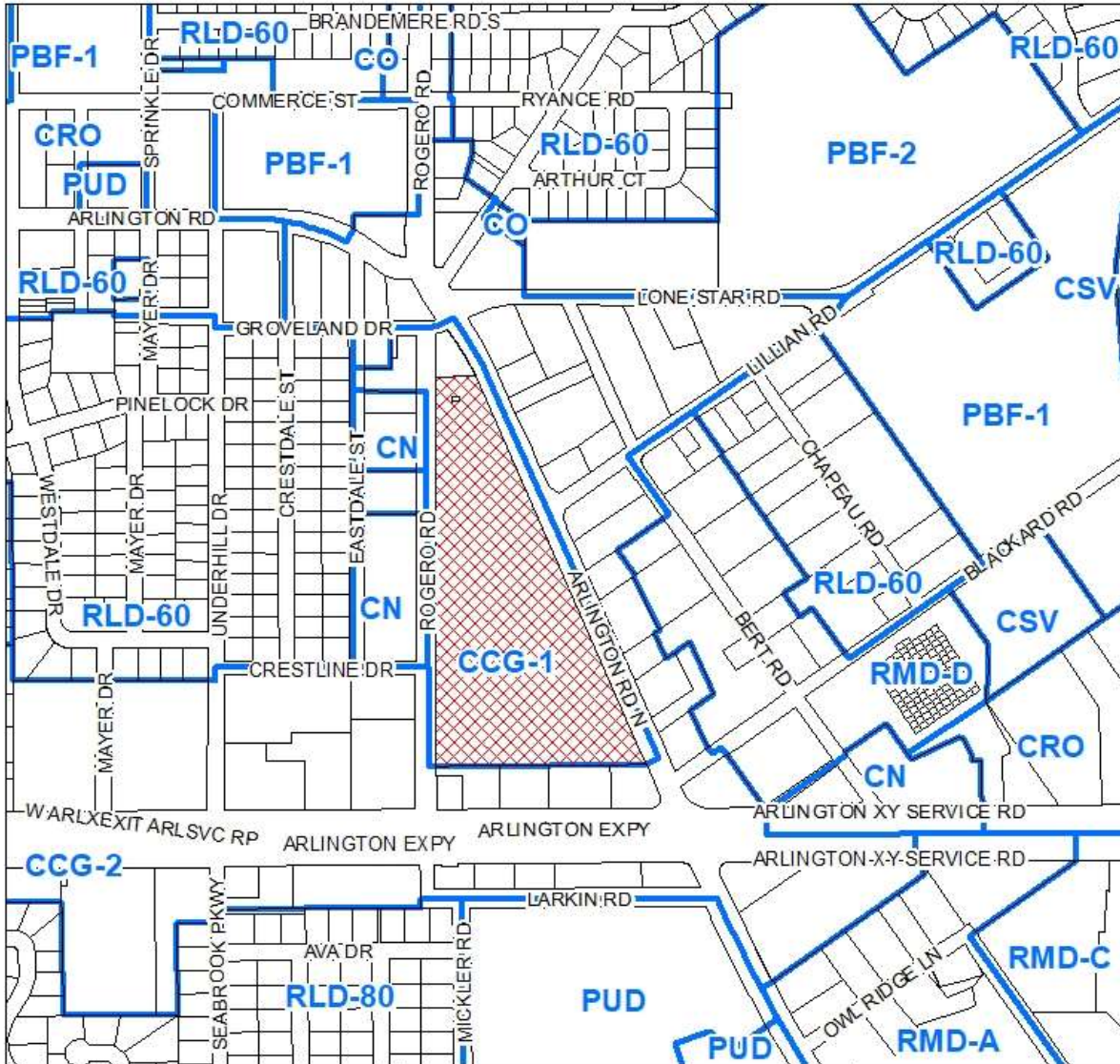
Facing south along Arlington Road from the subject site.



The subject site and shopping center on the left facing north along Arlington Road.



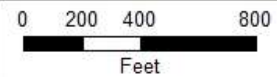
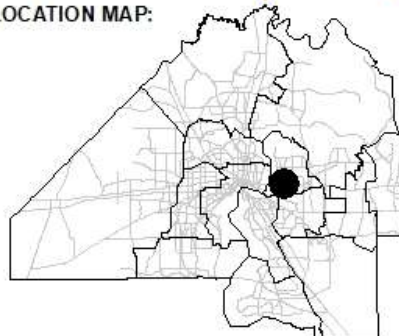
View of the subject site on the right facing south along Arlington Road.



REQUEST SOUGHT:

**ALCOHOL CONSUMPTION
 SALES AT EVENT CENTER**

LOCATION MAP:



COUNCIL DISTRICT:

1

TRACKING NUMBER

E-23-45

**EXHIBIT 2
 PAGE 1 OF 1**