

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-24-53 (2024-0833)

NOVEMBER 19, 2024

Location: 1996 San Marco Boulevard
Between Naldo Avenue and Balis Place

Real Estate Number: 081338-0000

Zoning Exception Sought: (1) The retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both; and (2) the outside sale and service of food and beverages.

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast-District 3

Council District: District 5

Agent: Cyndy Trimmer, Esq.
Driver, McAfee, Hawthorne, and Diebenow, PLLC
1 Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: Normandy Stratton LLC
8650-12 Old Kings Road South
Jacksonville, Florida 32217

Staff Recommendation: **APPROVE with CONDITION**

GENERAL INFORMATION

Application for Exception **2024-0833 (E-24-53)** seeks to allow the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both; and the outside sale and service of food and beverages with a restaurant. The subject property is approximately .28± acres and is the former San Marco Movie Theater. A similar Exception was approved for the same property but a different suite for the Red Crab Seafood & Bar via E-20-38 for the on-premises consumption of all alcoholic beverages in conjunction with a restaurant.

There is a companion waiver of liquor distance application (**WLD-24-16**) which seeks to reduce the required minimum distance between the proposed liquor license location at 1996 San Marco Boulevard and Aspire Church San Marco at 1435 Atlantic Boulevard from 500 feet to 350 feet. The Department is also recommending approval on the companion Waiver application. The companion waiver of liquor distance will be heard by the Planning Commission on November 7, 2024.

DEFINITION OF ZONING EXCEPTION

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 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 subject site is 0.28 acres and located at an address of 1996 San Marco Boulevard, on the southwest corner of San Marco Boulevard, a collector roadway, and Balis Place, an unclassified local roadway. The application site is also located within Planning District 3 (Southeast), Council District 5 in the Urban Development Area.

CGC in the Urban Development Area is intended to provide development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Principal uses include commercial retail sales and service establishments including restaurants, hotels and motels, and commercial recreational and entertainment facilities. The proposed exception for retail sales and service of alcoholic beverages for on-site consumption is allowed in the CGC land use category.

Policy 1.1.7

Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

Policy 1.2.8

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

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 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.

Policy 3.2.2

The City shall encourage, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

- (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 use is similar to other uses in the vicinity. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Shopping Center; Park
South	LDR	RLD-60	Single Family Dwellings
East	CGC	CCG-1	Shopping Center
West	CGC	CCG-1	Shopping Center

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

No. It is not anticipated that the proposed use will have negative impacts on the surrounding environment. Nevertheless, the requests for alcohol sales and service and the outdoor sales and service will be required to meet all applicable environmental regulations.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or*

parking condition? Will the proposed use result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?

No. The proposed use is less intense in scale compared to the previous Movie Theater use. The entire San Marco Shopping center relies on on-street parking and a shared parking agreement with the Aspire Church. The proposed use will not have an impact inconsistent with in the existing parking and vehicular conditions within the historic shopping center.

(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 mostly developed with a mix of commercial uses. It is not expected that the retail sale and service of all alcoholic beverages for on-premises consumption will have any negative impact on the surrounding property as there are many other restaurants that have allowed alcoholic beverage sales for on-premises.

(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 use of retail sale and service of all alcoholic beverages for on-premises consumption will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities out of character for the surrounding area as it will be within a commercial shopping area.

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

No. The proposed use will not overburden existing public services or facilities. This is an existing commercial center. Therefore, there will not be an increased demand for public services.

(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 San Marco Boulevard and Balis Place to permit adequate access for fire, police, rescue, and other service vehicles.

(ix) *Will the proposed use be consistent with the definition of a zoning exception and meet the standards and criteria of the zoning classification in which such use is proposed to be located?*

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 exception is appropriate in this location and consistent with the definition of a zoning exception. As more fully set forth in the foregoing findings and conclusions, the requested use at this location is consistent with the definition of a zoning exception.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **October 23, 2024**, the Planning and Development Department staff observed that the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **E-24-53** be **APPROVED WITH CONDITION**.

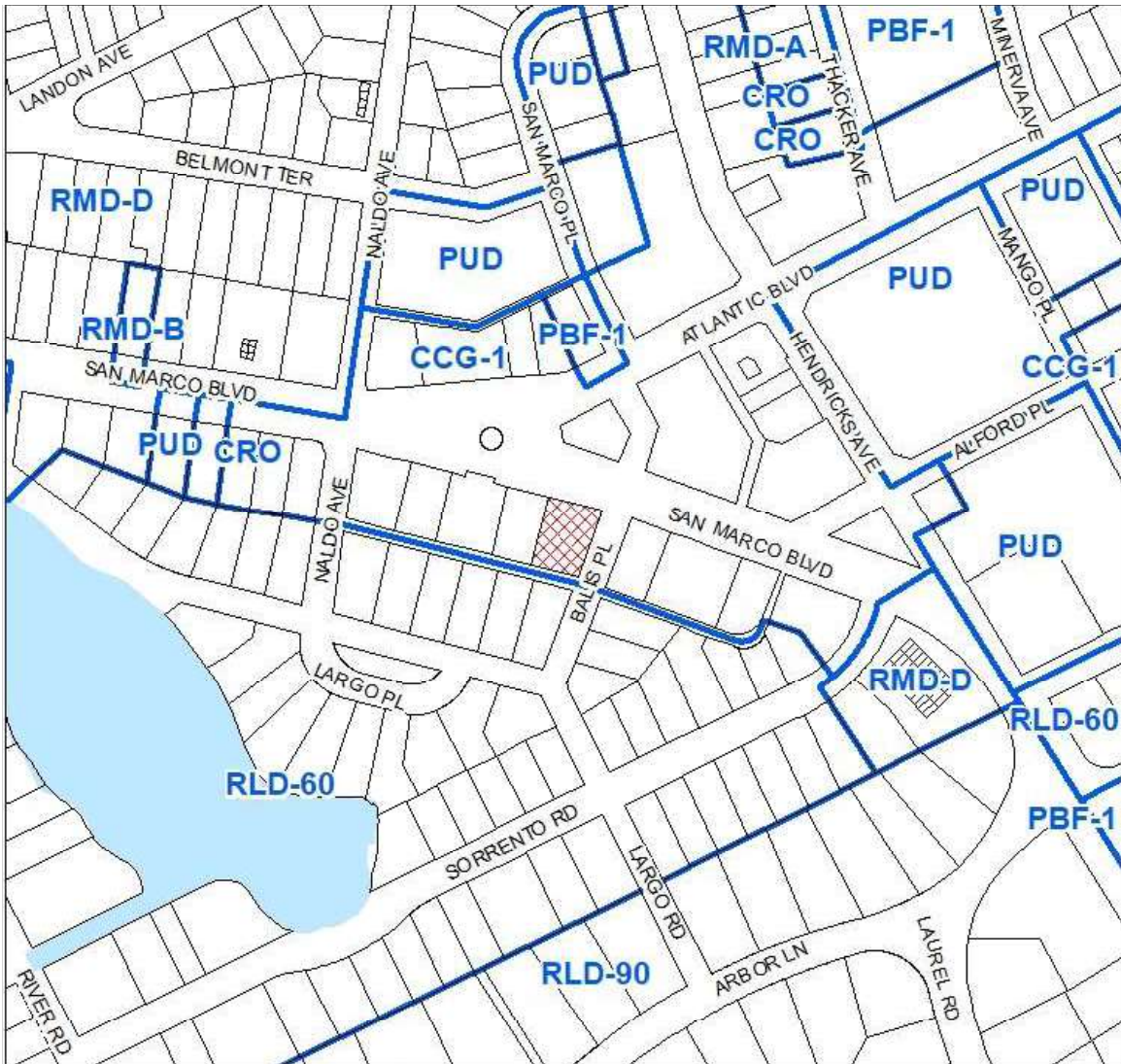
1. **The zoning exception granted herein shall not be effective unless or until the required Waiver of Minimum Distance Requirements for Liquor License Location (WLD-24-16) pursuant to Section 656.133 of the Ordinance Code, is issued for the Subject Property.**



Aerial View



View of Subject Property



<p>REQUEST SOUGHT:</p> <p>RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION OR OFF-PREMISES CONSUMPTION OR BOTH</p> <p>OUTSIDE SALE AND SERVICE FOR RESTAURANT</p>	<p>LOCATION MAP:</p>	<p>COUNCIL DISTRICT: 5</p>
<p>TRACKING NUMBER E-24-53</p>		<p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map