

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-664**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-23-60 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 14 AT 6178 TOWNSEND ROAD,
8 BETWEEN BLANDING BOULEVARD AND JAMMES ROAD (R.E.
9 NO. 098923-0000), AS DESCRIBED HEREIN, OWNED BY
10 NADER KHAZAAL, REQUESTING AN ESTABLISHMENT OR
11 FACILITY WHICH INCLUDES THE RETAIL SALE OF BEER
12 OR WINE FOR ON-PREMISES CONSUMPTION, FOR
13 IMPERIAL MARKET INC., IN ZONING DISTRICT PLANNED
14 UNIT DEVELOPMENT (PUD) DISTRICT (1999-807-E), AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
16 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
17 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
18 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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20 **WHEREAS**, an application for a zoning exception, **On File** with the
21 City Council Legislative Services Division, was filed by Brett Isaac
22 for Imperial Market Inc. on behalf of the owner of property located
23 in Council District 14 at 6178 Townsend Road, between Blanding
24 Boulevard and Jammes Road (R.E. No. 098923-0000) (the "Subject
25 Property"), requesting an establishment or facility which includes
26 the retail sale of beer or wine for on-premises consumption, in Zoning
27 District Planned Unit Development (PUD) District (1999-807-E); and

28 **WHEREAS**, the Planning and Development Department has considered
29 the application and all attachments thereto and has rendered an
30 advisory recommendation; and

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice,

1 held a public hearing and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; now, therefore

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

5 **Section 1. Adoption of Findings and Conclusions.** The
6 Council has considered the recommendation of the Land Use and Zoning
7 Committee and reviewed the Staff Report of the Planning and
8 Development Department concerning application for zoning exception
9 E-23-60. Based upon the competent, substantial evidence contained
10 in the record, the Council hereby determines that the requested zoning
11 exception meets each of the following criteria required to grant the
12 request pursuant to Section 656.131(c), *Ordinance Code*, as
13 specifically identified in the Staff Report of the Planning and
14 Development Department:

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

17 (2) Will be compatible with the existing contiguous uses or
18 zoning and compatible with the general character of the area,
19 considering population density, design, scale and orientation of
20 structures to the area, property values, and existing similar uses
21 or zoning;

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

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

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

1 (6) Will not result in the creation of objectionable or
2 excessive noise, lights, vibrations, fumes, odors, dust or physical
3 activities, taking into account existing uses or zoning in the
4 vicinity;

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

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

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

14 Therefore, zoning exception application E-23-60 is hereby
15 approved.

16 **Section 2. Owner and Description.** The Subject Property is
17 owned by Nader Khazaal and is described in **Exhibit 1**, dated June 30,
18 2021, and graphically depicted in **Exhibit 2**, both attached hereto.
19 The applicant is Brett Isaac, 2151 University Boulevard South,
20 Jacksonville, Florida 32216; (904) 730-9264.

21 **Section 3. Distribution by Legislative Services.**
22 Legislative Services is hereby directed to mail a copy of this
23 legislation, as enacted, to the applicant and any other parties to
24 this matter who testified before the Land Use and Zoning Committee
25 or otherwise filed a qualifying written statement as defined in
26 Section 656.140(c), *Ordinance Code*.

27 **Section 4. Effective Date.** The enactment of this Ordinance
28 shall be deemed to constitute a quasi-judicial action of the City
29 Council and shall become effective upon signature by the Council
30 President and Council Secretary. Failure to exercise the zoning
31 exception, if herein granted, by the commencement of the use or action

1 herein approved within one (1) year of the effective date of this
2 legislation shall render this zoning exception invalid and all rights
3 arising therefrom shall terminate.

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5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Caroline Fulton

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