

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR ZONING EXCEPTION 2024-0487 (E-24-34)****AUGUST 20, 2024**

Location: 2467 Faye Road
Between Alta Drive and I-295

Real Estate Number: 108655-0000

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

Current Zoning District: Commercial Neighborhood (CN)

Current Land Use Category: Low Density Residential (LDR)

Planning District: North (6)

Council District: District 2

Applicant/Agent: Lawrence Yancy
1309 St. Johns Bluff Road North, Bld. A, Suite 2
Jacksonville, Florida 32225

Owner: 2467 Faye Road, LLC
3948 3rd Street, Unit 111
Jacksonville Beach, Florida. 32250

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **2024-0487 (E-24-34)** seeks approval for the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant, including the outdoor sales and service. The site is in the Commercial Neighborhood (CN) zoning district and is in the Low Density Residential (LDR) functional land use category.

The subject site is a commercial shopping center which has previously approved for multiple exceptions for alcohol including E-19-77, E-19-63, E-18-34, E-07-15, and E-07-14. The Applicant proposes a new restaurant facility with an outdoor patio space.

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 subject site is 1.45 acres and located at an address of 2467 Faye Road, Suites 1-2, at the northwest corner of Alta Drive, a collector roadway, and Faye Road, a local roadway. The application site is also located within Planning District 6 (North), Council District 2 and within the Suburban Development Area. The site is also within the following Neighborhood Associations: Marshwinds HOA, M & M Dairy, Inc., and The Eden Group, Inc.

The site is in the Low Density Residential (LDR) land use category within the Suburban Area. LDR is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Mixed-use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted. New residential subdivisions in LDR should be connected to reduce the number of Vehicles Miles Traveled. Neighborhood Commercial (CN) zoning districts are allowed within the LDR land use category. The proposed exception for retail sales and service of alcoholic beverages for on-site consumption is allowed in the LDR 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.

- (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 within a shopping center located at the corner of Faye Road and Alta Drive which are two collector roadways. Several other facilities within the shopping center have are currently serving alcohol. The requested Exception will not adversely affect the nearby residential uses because the Exception is consistent with similar uses within the vicinity. The surrounding Zoning Districts and Land Use Categories are:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	PUD	Single Family Dwelling
South	CGC	PUD	Rail Road/ Vacant
East	HI	PUD	Shopping Center
West	LDR	RLD-100A	Single Family Dwelling

- (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 as a commercial shopping center. 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. The shopping center is developed with a large parking facility which is shared between all uses within the 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 as the surrounding area is developed with a mixture 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 on site. 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 Faye Road and Alta Drive 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 **July 29, 2024**, the Planning and Development Department staff did notice that the required Notice of Public Hearing sign **was** posted.



RECOMMENDATION

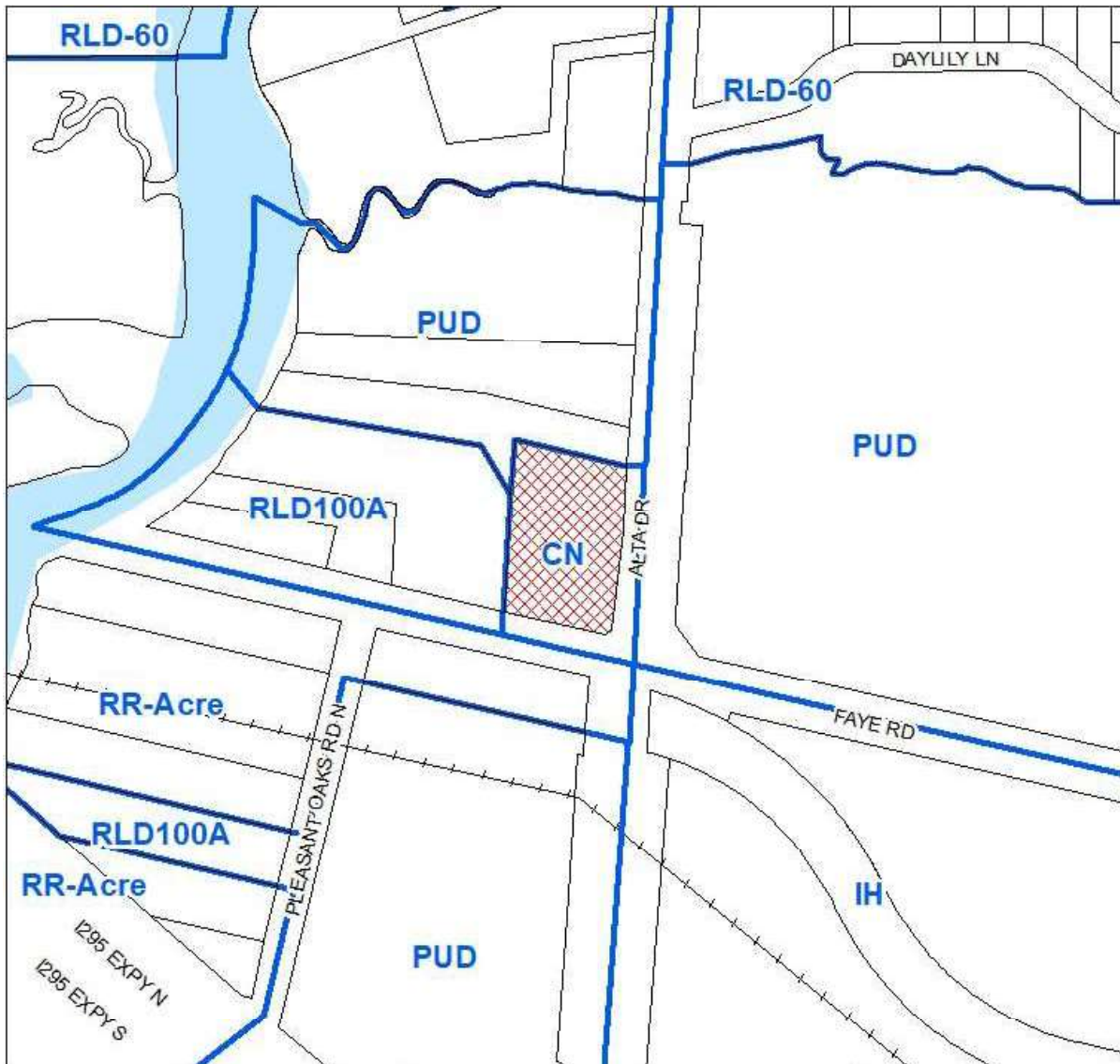
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **2024-0487 (E-24-34)** be **APPROVED**



Aerial View



View of the Subject Property



<p>REQUEST SOUGHT:</p> <p>(1) RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION</p> <p>(2) OUTSIDE SALE AND SERVICE OF FOOD AND BEVERAGES</p>	<p>LOCATION MAP:</p> <p>A small map showing the location of the site (indicated by a black dot) within a larger geographic area, likely a city or county.</p>	<p>A north arrow pointing upwards and a scale bar showing 0, 100, 200, and 400 feet.</p> <p>COUNCIL DISTRICT: 2</p>
<p>ORDINANCE NUMBER ORD-2024-0487</p>	<p>TRACKING NUMBER E-24-34</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map