

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-549-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 DISTANCE REQUIREMENTS FOR LIQUOR LICENSE
7 LOCATION WLD-23-13, FOR PROPERTY LOCATED IN
8 COUNCIL DISTRICT 7 AT 2695 POST STREET, BETWEEN
9 KING STREET AND ACOSTA STREET (R.E. NO. 064199-
10 0010), AS DESCRIBED HEREIN, OWNED BY BREWZSTEAD
11 LLC, REQUESTING TO REDUCE THE MINIMUM DISTANCE
12 FOR A LIQUOR LICENSE LOCATION FROM A CHURCH OR
13 SCHOOL FROM 1,500 FEET TO 1,215 FEET FOR THE
14 COLAB CAFE LIMITED LIABILITY COMPANY, IN CURRENT
15 ZONING DISTRICT COMMUNITY COMMERCIAL/GENERAL-1
16 (CCG-1), AS DEFINED AND CLASSIFIED UNDER THE
17 ZONING CODE; PROVIDING FOR DISTRIBUTION;
18 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
21 EFFECTIVE DATE.
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23 **WHEREAS**, an application for a waiver of minimum distance
24 requirements for a liquor license location, **On File** with the City
25 Council Legislative Services Division, was filed by Raymond De Padua
26 of The CoLab Cafe Limited Liability Company on behalf of the owner
27 of property located in Council District 7 at 2695 Post Street, between
28 King Street and Acosta Street (R.E. No. 064199-0010) (the "Subject
29 Property"), requesting to reduce the minimum distance for a liquor
30 license location from a church or school from 1,500 feet to 1,215
31 feet for The CoLab Cafe Limited Liability Company, in current zoning

1 district Community Commercial/General-1 (CCG-1); and

2 **WHEREAS**, the Planning and Development Department has considered
3 the application and all attachments thereto and has rendered an
4 advisory recommendation; and

5 **WHEREAS**, the Land Use and Zoning Committee, after due notice
6 held a public hearing and having duly considered both the testimonial
7 and documentary evidence presented at the public hearing, has made
8 its recommendation to the Council; and

9 **WHEREAS**, taking into consideration the above recommendations and
10 all other evidence entered into the record and testimony taken at the
11 public hearings, the Council finds that the waiver for minimum
12 distance requirements from a church or school for a liquor license
13 location may be granted if there exist one or more circumstances
14 which negate the necessity for compliance with the distance
15 requirements, including, but not limited to the following, and that
16 application WLD-23-13 meets one or more of the following, or as
17 otherwise stated in the record:

18 (1) The commercial activity associated with the alcoholic
19 beverage use is of a lesser intensity than the commercial activity
20 associated with the alcoholic beverage use which previously existed;
21 e.g., there has been a reduction in the number of seats or square
22 footage or the type of license; or

23 (2) The alcoholic beverage use is designed to be an integral
24 part of a mixed planned unit development; or

25 (3) The alcoholic beverage use is located within a shopping
26 center with an aggregate gross leasable area of 50,000 square feet
27 or more, inclusive of all outparcels and meets the definition of a
28 "bona fide restaurant", as defined in Section 656.805(c); or

29 (4) The alcoholic beverage use is not directly visible along the
30 line of measurement defined in Section 656.806 and is physically
31 separated from the church or school, thereby negating the distance

1 requirement as a result of the extra travel time; or

2 (5) There are other existing liquor license locations of a
3 similar nature in the immediate vicinity of the proposed location;
4 provided, however, that no waiver shall be granted pursuant to this
5 criterion if the proposed liquor license location is closer to the
6 church or school than other existing locations; now, therefore

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

8 **Section 1. Adoption of Findings and Conclusions.** The
9 Council has reviewed the record of proceedings and the Staff Report
10 of the Planning and Development Department and held a public hearing
11 concerning application for waiver of minimum distance requirements
12 for liquor license location WLD-23-13. Based upon the competent,
13 substantial evidence contained in the record, the Council hereby
14 determines that the requested waiver meets the criteria for granting
15 a waiver contained in Chapter 656, *Ordinance Code*. Therefore,
16 Application WLD-23-13 is hereby approved.

17 **Section 2. Owner and Description.** The Subject Property is
18 owned by Brewzstead LLC and is legally described in **Exhibit 1**, dated
19 July 14, 2023, and graphically depicted in **Exhibit 2**, both of which
20 are attached hereto. The applicant is Raymond De Padua, The CoLab
21 Cafe Limited Liability Company, 2695 Post Street, Jacksonville,
22 Florida 32204; (904) 327-3616.

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

29 **Section 4. Disclaimer.** The waiver granted herein shall **not**
30 be construed as an exemption from any other applicable local, state,
31 or federal laws, regulations, requirements, permits or approvals.

1 All other applicable local, state or federal permits or approvals
2 shall be obtained before commencement of the development or use and
3 issuance of this waiver of road frontage is based upon
4 acknowledgement, representation and confirmation made by the
5 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
6 or designee(s) that the subject business, development and/or use will
7 be operated in strict compliance with all laws. Issuance of this
8 waiver does **not** approve, promote or condone any practice or act that
9 is prohibited or restricted by any federal, state or local laws.

10 **Section 5. Effective Date.** The enactment of this Ordinance
11 shall be deemed to constitute a quasi-judicial action of the City
12 Council and shall become effective upon signature by the Council
13 President and Council Secretary. Failure to exercise the waiver, if
14 herein granted, by the commencement of the use or action herein
15 approved within one (1) year of the effective date of this legislation
16 shall render this waiver invalid and all rights arising therefrom
17 shall terminate.

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19 Form Approved:

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21 /s/ Mary E. Staffopoulos

22 Office of General Counsel

23 Legislation Prepared By: Connor Corrigan

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