

REPORT OF THE PLANNING DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2025-0632 (E-25-36)

SEPTEMBER 16, 2025

Location: 9382 Arlington Expressway
Between Arlington Expressway and Southside
Boulevard

Real Estate Number: 123031-0000

Zoning Exception Sought: Establishment or Facility Which Includes the Retail
Sale & 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: Regional Commercial (RC)

Planning District: 2-Arlington/Beaches

Council District: District-1

Applicant/Agent: Carter Angel & Christopher Stafford
Thirteenth Floor Entertainment
1550 Larimer Street
Denver, CO 80202

Owner: Matthew Moyal
Blue Reef Group, Inc
9455 Collins Ave suite 307
Surfside FL 33154

Staff Recommendation: **APPROVE with CONDITIONS**

GENERAL INFORMATION

Application for Zoning Exception **2025-0632 (E-25-36)** seeks an exception to allow for establishment or facility which includes the retail sale & service of all alcoholic beverages including liquor, beer or wine for on-premises consumption granted to Christopher Stafford from Thirteenth Floor Entertainment for a 4COP License. The proposed use involves a haunted house and bar, known as *13th Floor Haunted House*, that will serve all alcoholic beverages alongside the

haunted house experience. The *13th Floor Haunted House* runs a haunted house annually and they are seeking to expand their house to include a bar.

The subject site involves a 17.37±-acre regency court shopping center located along Arlington Expressway, at the southeast corner of Southside Connector Boulevard (SR-113 an FDOT Expressway) and Arlington Expressway (SR-10A- an FDOT Principal Arterial roadway). The application site is located within Planning District 2 (Arlington/beaches), Council District 1, and the Regional Commercial (RC) land use category within the Urban Priority Development Area. The site is in a well-established commercial center. The site is located south, across Arlington Expressway, from the Regency Square Mall. The property is zoned Commercial Community/General - 1 (CCG-1) which allows commercial indoor recreational or entertainment facilities such as haunted houses by right, but alcohol sales require a Zoning Exception. The business will include both a haunted house, *13th Floor Haunted House*, along with a bar outside the maze seeking to allow on-premises consumption of all alcohol.

There is a companion Application for a Waiver of Minimum Distance for Liquor License Location 2025-0632 (**WLD-25-08**) requesting to reduce the required minimum distance from the following churches and schools from 1,500 feet to 350 feet:

1. North Florida school for Special Education-420 feet±
 - a. 223 Mill Creek Road
2. St. Gregorios Orthodox Church-865 feet±
 - a. 220 Mill Creek Road
3. Spearfront Apologetics (Christian Church)-1157 feet ±
 - a. 9411 Atlantic Boulevard

This application was heard by the Planning Commission on September 4, 2025, and was approved on the condition that its companion, this application, is also approved.

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 proposed exception for retail sales and service of all alcoholic beverages for on premises consumption is consistent with the Regional Commercial (RC) described in the 2045 Comprehensive Plan. The subject site is located at 9382 Arlington Expressway and zoned CCG-1 with the Regional Commercial (RC) land use category. RC in the Urban Priority Development Area is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment.

Current Criteria for RC Land Use Category:

Under the 2045 Comprehensive Plan, Regional Commercial (RC) uses are intended to accommodate development and redevelopment of areas pursuant to a master plan that is implemented through a Planned Unit Development (PUD) or a Transit Oriented Development (TOD) Zoning Overlay. The RC designation shall be implemented to facilitate innovative site planning, adaptive reuse, infill development and smart growth techniques and to allow for flexible and creative integration of uses that would not otherwise be accommodated under other land use categories. New development within the RC category shall be for sites under 250 acres in size, shall generally include a mix of both residential and non-residential uses, and are discouraged in the Rural Development Area. Plan amendment requests for new RC designations shall be accompanied by a site-specific policy. The policy shall provide for a list of the permitted uses and density and intensity of uses along with any additional information deemed necessary. Gross acreage shall be used in calculating residential densities. The RC category shall be limited to projects that exhibit innovative and creative development concepts and shall not be used as a mechanism to circumvent application other land use categories. Additionally, development in the RC category will be implemented through a PUD Zoning District or TOD Zoning Overlay.

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 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.

The proposed exception for sale and service of alcoholic beverages is consistent with the RC land use category under the criteria in existence prior to the passage of Ordinance 2020-044-E.

- (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 compatible with adjacent commercial uses and consistent with the general character of the area. Approval of the proposed use will support the development of walkable communities by providing appropriate dining, retail, and other amenities for the surrounding neighborhood.

Moreover, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	RC	CCG-1	Retail Store
South	RC	CCG-1	Multi-tenant shopping center
East	RC	CCG-1	Department Store
West	CGC	CCG-2	School

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

No. Staff find that the proposed use will not have a negative environmental impact on the surrounding area. The area is already developed with a mix of uses and currently operates as 13th Floor Haunted House. They are seeking to add a bar in addition to the haunted house which will add to the experience. The location of the haunted house helps complement nearby residential neighborhoods by reducing the need for residents to travel long distances for leisure thereby reinforcing an integrated and self-sustaining urban fabric.

- (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 establishment has already been developed in Regency Court Shopping Center, and they are simply seeking to obtain their liquor license as they will expand their business to include a bar in addition to the haunted house. Parking for commercial service

establishments requires a minimum of three spaces per 1,000 square feet of gross floor area. Regency Court Shopping center is a 218,646 square foot development with about 3,800 parking spaces total, giving ample parking to the subject side.

The proposed use is not expected to have a detrimental effect on vehicular traffic or parking conditions. The site is near established residential neighborhoods and other commercial developments, which are within walking distance and provide opportunities for patrons to access the haunted house without the use of a vehicle. This walkability helps reduce overall demand for on-site parking and minimizes local traffic impacts.

(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 the surrounding commercial area which is almost fully built out.

(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 site will not create objectionable or excessive noise, vibrations, fumes, odors, dust, or physical activities inconsistent with the existing surrounding developments. The Haunted House is entirely indoors, with the exception of the line to get inside.

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

No. The proposed exception will not require additional services nor adversely affect those public services and facilities that are currently available to the subject property.

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

Yes. The site plan depicts direct access from both Southside Boulevard (connector ramp) and Arlington Expressway that 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. As more fully set forth in the foregoing findings and conclusions, the proposed exception of retail sales and service of all alcoholic beverages for on premise consumption in conjunction with an entertainment facility will meet the definition of Zoning Exception. On site full alcohol consumption service is an allowable use in the CCG-1 zoning district

by exception. The grant of this exception is consistent with the 2045 Comprehensive Plan, and the proposed use in an existing commercial area is in keeping with the character of the surrounding neighborhood.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property by the Planning Department, the required notice of public hearing signs were posted on **August 26, 2025**.

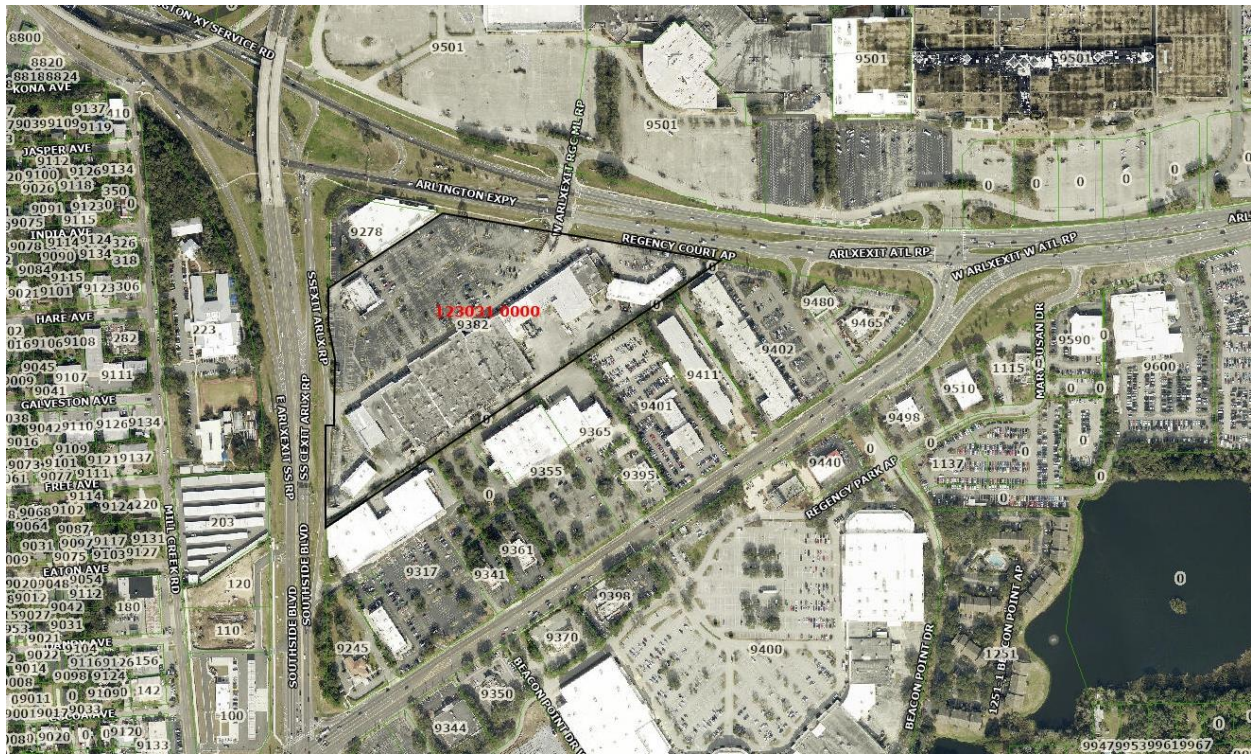


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning Department that Application for **Zoning Exception 2025-0632 (E-25-36)** 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-25-08) pursuant to **Section 656.133** of the zoning Code, is issued for the subject property.

Figure B:



Source: Planning Department, 2024

Aerial View of Subject Property, Facing North

Figure C:



Source: Planning Department, 8/26/25

View of Subject Property, Facing South

Figure D:

