

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-684-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-46 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 11 AT 9551 BAYMEADOWS RD.,
8 UNITS 8, 9, 10 AND 11, BETWEEN PASEO DR. E. AND
9 BAYMEADOWS CIRCLE E. (R.E. NO(S). 148521-0055),
10 AS DESCRIBED HEREIN, OWNED BY ELZBIETA KUZNIAR,
11 AS TRUSTEE OF THE ELZBIETA KUZNIAR TRUST, DATED
12 AUGUST 27, 2009, REQUESTING AN ESTABLISHMENT OR
13 FACILITY WHICH INCLUDES THE RETAIL SALE AND
14 SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING
15 LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION
16 FOR 5TH ELEMENT INDIAN RESTAURANT, IN THE PUD
17 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
18 ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND
19 CONCLUSIONS OF THE LAND USE AND ZONING
20 COMMITTEE; PROVIDING FOR DISTRIBUTION;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** an application for a zoning exception, **On File** with
24 the City Council Legislative Services Division, was filed by Sridhar
25 Sannala on behalf of the owner of property located in Council District
26 11 at 9551 Baymeadows Rd., units 8, 9, 10 and 11, between Paseo Dr.
27 E. and Baymeadows Circle E. (R.E. No(s). 148521-0055) (the "Subject
28 Property"), requesting an establishment or facility which includes
29 the retail sale and service of all alcoholic beverages including
30 liquor, beer or wine for on-premises consumption for 5th Element Indian
31 Restaurant in the PUD District; and

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

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

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

9 **Section 1. Adoption of Findings and Conclusions.** The
10 Council has considered the recommendation of the Land Use and Zoning
11 Committee and reviewed the Staff Report of the Planning and
12 Development Department concerning application for zoning exception
13 E-24-46. Based upon the competent, substantial evidence contained in
14 the record, the Council hereby determines that the requested zoning
15 exception meets each of the following criteria required to grant the
16 request pursuant to Section 656.131(c), *Ordinance Code*, as
17 specifically identified in the Staff Report of the Planning and
18 Development Department:

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

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

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

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

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

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

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

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

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

18 Therefore, zoning exception application E-24-46 is hereby
19 approved.

20 **Section 2. Owner and Description.** The Subject Property is
21 owned by Elzbieta Kuzniar, as trustee of the Elzbieta Kuzniar Trust,
22 dated August 27, 2009, and is described in **Exhibit 1**, dated August
23 12, 2024, and graphically depicted in **Exhibit 2**, both attached hereto.
24 The applicant is Sridhar Sannala, 9551 Baymeadows Road, Units 10 and
25 11, Jacksonville, FL, 32256, (510) 299-5378.

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

1 **Section 4. Effective Date.** The enactment of this Ordinance
2 shall be deemed to constitute a quasi-judicial action of the City
3 Council and shall become effective upon signature by the Council
4 President and Council Secretary. Failure to exercise the zoning
5 exception, if herein granted, by the commencement of the use or action
6 herein approved within one (1) year of the effective date of this
7 legislation shall render this zoning exception invalid and all rights
8 arising therefrom shall terminate.

9 Form Approved:

10
11 /s/ Dylan Reingold

12 Office of General Counsel

13 Legislation Prepared By: Stephen Nagbe

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