

Introduced and amended by the Land Use and Zoning Committee:

ORDINANCE 2025-133-E

AN ORDINANCE APPROVING APPLICATION FOR ZONING EXCEPTION E-25-1 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 7 AT 1044 PARK STREET, BETWEEN MARGARET STREET AND POST STREET (R.E. NO(S). 090415-0000), AS DESCRIBED HEREIN, OWNED BY WORKS OF 5 POINTS, LLC, REQUESTING 1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION AND OFF-PREMISES CONSUMPTION, AND 2) PERMANENT OUTSIDE SALE AND SERVICE, MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4 OF THE ZONING CODE, FOR BUSY NESTING, LLC D/B/A BIRDIES AND 5 POINTS LIQUOR LOUNGE, IN THE COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE; ZONING EXCEPTION SUBJECT TO CONDITION; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a zoning exception, **On File** with the City Council Legislative Services Division, was filed by Cyndy Trimmer, Esq., on behalf of the owner of property located in Council District 7 at 1044 Park Street, between Margaret Street and Post

1 Street (R.E. No(s). 090415-0000) (the "Subject Property"), requesting
2 1) an establishment or facility which includes the retail sale and
3 service of all alcoholic beverages including liquor, beer or wine for
4 on-premises consumption and off-premises consumption, and 2)
5 permanent outside sale and service, meeting the performance standards
6 and development criteria set forth in Part 4 of the Zoning Code, for
7 Busy Nesting, LLC d/b/a Birdies and 5 Points Liquor Lounge, in the
8 Commercial Community/General-1 (CCG-1) District; and

9 **WHEREAS,** the Planning and Development Department has
10 considered the application and all attachments thereto and has
11 rendered an advisory recommendation; and

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

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

17 **Section 1. Adoption of Findings and Conclusions.** The
18 Council has considered the recommendation of the Land Use and Zoning
19 Committee and reviewed the Staff Report of the Planning and
20 Development Department concerning application for zoning exception
21 E-25-1. Based upon the competent, substantial evidence contained in
22 the record, the Council hereby determines that the requested zoning
23 exception meets each of the following criteria required to grant the
24 request pursuant to Section 656.131(c), *Ordinance Code*, as
25 specifically identified in the Staff Report of the Planning and
26 Development Department:

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

29 (2) Will be compatible with the existing contiguous uses or
30 zoning and compatible with the general character of the area,
31 considering population density, design, scale and orientation of

1 structures to the area, property values, and existing similar uses
2 or zoning;

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

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

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

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

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

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

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

26 Therefore, zoning exception application E-25-1 is hereby
27 approved.

28 **Section 2. Zoning Exception Approved Subject to Condition.**

29 This zoning exception is approved subject to the following condition:

30 (1) The zoning exception granted herein shall not be effective
31 unless or until the required Waiver of Minimum Distance (WLD-25-01)

1 pursuant to Section 656.133, Ordinance Code, is issued for the Subject
2 Property.

3 **Section 3. Owner and Description.** The Subject Property is
4 owned by Works of 5 points, LLC, and is described in **Exhibit 1**, dated
5 January 13, 2025, and graphically depicted in **Revised Exhibit 2**, both
6 attached hereto. The applicant is Cyndy Trimmer, Esq., 1 Independent
7 Drive, Suite 1200, Jacksonville, Florida, 32202; (904) 807-0185.

8 **Section 4. Distribution by Legislative Services.**
9 Legislative Services is hereby directed to mail a copy of this
10 legislation, as enacted, to the applicant and any other parties to
11 this matter who testified before the Land Use and Zoning Committee
12 or otherwise filed a qualifying written statement as defined in
13 Section 656.140(c), *Ordinance Code*.

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

22
23 Form Approved:

24
25 /s/ Dylan Reingold

26 Office of General Counsel

27 Legislation Prepared By: Stephen Nagbe

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