

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-356-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING  
6 EXCEPTION E-24-04 FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 7 AT 1555 NORTH PEARL STREET,  
8 BETWEEN 5<sup>TH</sup> STREET WEST AND 6<sup>TH</sup> STREET WEST (R.E.  
9 NO. 071185-0000), AS DESCRIBED HEREIN, OWNED BY  
10 JUSTIN TICHY, REQUESTING A RESTAURANT, INCLUDING  
11 FACILITIES FOR THE SALE AND SERVICE OF ALCOHOLIC  
12 BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY,  
13 SUBJECT TO THE CONDITIONS OUTLINED IN SECTION  
14 656.368 II.(D)(14), *ORDINANCE CODE*, FOR VANESA  
15 EWAIS, IN ZONING DISTRICT COMMERCIAL,  
16 RESIDENTIAL AND OFFICE-SPRINGFIELD (CRO-S), AS  
17 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
18 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF  
19 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR  
20 REFUND OF INITIAL APPLICATION FEE; PROVIDING FOR  
21 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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23 **WHEREAS**, an application for a zoning exception, **On File** with  
24 the City Council Legislative Services Division, was filed by Vanesa  
25 Ewais on behalf of the owner of property located in Council District  
26 7 at 1555 North Pearl Street, between 5<sup>th</sup> Street West and 6<sup>th</sup> Street  
27 West (R.E. No. 071185-0000) (the "Subject Property"), requesting a  
28 restaurant, including facilities for the sale and service of alcoholic  
29 beverages for on-premises consumption only, subject to the conditions  
30 outlined in Section 656.368 II.(d)(14), *Ordinance Code*, for Vanesa  
31 Ewais, in Zoning District Commercial, Residential and

1 Office-Springfield (CRO-S); and

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

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

10 **Section 1. Adoption of Findings and Conclusions.** The

11 Council has considered the recommendation of the Land Use and Zoning  
12 Committee and reviewed the Staff Report of the Planning and  
13 Development Department concerning application for zoning exception  
14 E-24-04. Based upon the competent, substantial evidence contained in  
15 the record, the Council hereby determines that the requested zoning  
16 exception meets each of the following criteria required to grant the  
17 request pursuant to Section 656.131(c), *Ordinance Code*, as  
18 specifically identified in the Staff Report of the Planning and  
19 Development Department:

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

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

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

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

1 welfare of the community;

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

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

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

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

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

19 Therefore, zoning exception application E-24-04 is hereby  
20 approved.

21 **Section 2. Owner and Description.** The Subject Property is  
22 owned by Justin Tichy, and is described in **Exhibit 1**, dated January  
23 24, 2024, and graphically depicted in **Exhibit 2**, both attached hereto.  
24 The applicant is Vanesa Ewais, 421 East 7<sup>th</sup> Street, Jacksonville,  
25 Florida 32206; (904) 705-6942.

26 **Section 3. Refund of Initial Application Fee.** The Planning  
27 and Development Department is hereby directed to refund the initial  
28 application fee of \$1,600.00 to the applicant.

29 **Section 4. Distribution by Legislative Services.**  
30 Legislative Services is hereby directed to mail a copy of this  
31 legislation, as enacted, to the applicant and any other parties to

1 this matter who testified before the Land Use and Zoning Committee  
2 or otherwise filed a qualifying written statement as defined in  
3 Section 656.140(c), *Ordinance Code*.

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

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13 Form Approved:

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15           /s/ Mary E. Staffopoulos          

16 Office of General Counsel

17 Legislation Prepared By: Erin Abney

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