

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **RESOLUTION 2021-374-A**

5 A RESOLUTION DENYING THE APPEAL FILED BY RABBI
6 JOSEPH KAHANOV, WIDAD ZACHARIA, HOLLY (SARAH)
7 HERMAN, GLORIA EINSTEIN, AUTUMN WYNN AND STEFAN
8 WYNN, OF THE FINAL ORDER ISSUED BY THE PLANNING
9 COMMISSION APPROVING APPLICATION FOR ZONING
10 EXCEPTION E-21-16, WITH CONDITIONS (ALLOWING THE
11 RETAIL SALES AND SERVICE OF ALL ALCOHOLIC
12 BEVERAGES IN CONJUNCTION WITH THE SERVICE OF
13 FOOD WITH OUTSIDE SEATING) AND THE COMPANION
14 FINAL ORDER ISSUED BY THE PLANNING COMMISSION
15 APPROVING APPLICATION FOR WAIVER OF MINIMUM
16 DISTANCE REQUIREMENTS FOR LIQUOR LICENSE
17 LOCATION WLD-21-04 (REDUCING THE REQUIRED
18 MINIMUM DISTANCE FROM A HOUSE OF WORSHIP OR
19 SCHOOL FROM 500 FEET TO 110 FEET) GRANTED TO
20 TIME OUT SPORTS GRILL MANDARIN, LLC, ON PROPERTY
21 LOCATED AT 10140 SAN JOSE BOULEVARD, PURSUANT TO
22 SECTION 656.141, *ORDINANCE CODE*; ADOPTING
23 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND
24 USE AND ZONING COMMITTEE; PROVIDING FOR NOTICE;
25 PROVIDING AN EFFECTIVE DATE.
26

27 **WHEREAS**, Time Out Sports Grill Mandarin, LLC, applied to the
28 Planning Commission for a Zoning Exception to permit the retail sales
29 and service of all alcoholic beverages in conjunction with the service
30 of food with outside seating (E-21-16), and for a companion Waiver
31 of Minimum Distance requirements for a liquor license location to

1 reduce the required minimum distance from a house of worship or school
2 from 500 feet to 110 feet (WLD-21-04), on property located at 10140
3 San Jose Boulevard, in the Commercial Community/General-1 (CCG-1)
4 Zoning District; and

5 **WHEREAS**, the Planning Commission approved Application E-21-16
6 by Final Order dated May 6, 2021; and

7 **WHEREAS**, the Planning Commission approved Application WLD-21-04
8 by Final Order dated May 6, 2021; and

9 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, the above
10 listed appellants filed a notice of appeal; and

11 **WHEREAS**, such appeal was timely filed, and the appellants have
12 standing to appeal; now, therefore

13 **BE IT RESOLVED** by the Council of the City of Jacksonville:

14 **Section 1. Adoption of recommended findings and**
15 **conclusions.** The Council has reviewed the record of proceedings,
16 **On File** in the City Council Legislative Services Division and the
17 Planning and Development Department, and has considered the
18 recommended findings and conclusions of the Land Use and Zoning
19 Committee. The recommended findings and conclusions of the Land Use
20 and Zoning Committee are hereby adopted. This Resolution is the
21 final action of the Council. Based on the competent substantial
22 evidence in the record of proceedings, including the Planning and
23 Development Department Staff Reports, the Appeal is denied. The
24 Planning Commission Final Order Approving Application for Zoning
25 Exception E-21-16 with Conditions is upheld, and Application E-21-16
26 is approved, subject to the conditions provided herein. In addition,
27 the Planning Commission Final Order Approving Application for Waiver
28 of Minimum Distance Requirements for Liquor License Location WLD-21-
29 04 is upheld, and Application WLD-21-04 is approved.

30 Based on the competent substantial evidence in the record of
31 proceedings, Application E-21-16 meets, to the extent applicable, the

standards and criteria set forth in Section 656.131(c), *Ordinance Code*, and is approved, subject to the following conditions:

(1) Development of the property shall be subject to the Revised Site Plan dated April 21, 2021; provided however, the outdoor seating area, which shall be located at the front of the structure facing San Jose Boulevard, is allowed to incorporate the nature and seating capacity (intensity) of the original Site Plan, dated March 17, 2021, submitted with the application. See for illustration purposes the Second Revised Site Plan dated May 6, 2021. The original Site Plan dated March 17, 2021, the Revised Site Plan dated April 21, 2021, and the Second Revised Site Plan dated May 6, 2021 are all on file in the Planning and Development Department.

(2) An additional section of fencing shall be installed along Haley Road at the access locations as shown on the illustration in the Second Revised Site Plan dated May 6, 2021. The fence shall be made of wood or vinyl and be 100% opaque and six feet in height.

(3) Directional signage on Haley Road at the property access point shall be installed subject to the review and approval of the Planning and Development Department.

Furthermore, based on the competent substantial evidence in the record of proceedings, companion Application WLD-21-04 meets the criteria that one or more circumstances exist which negate the necessity for compliance with the distance requirements pursuant to Section 656.133(a), *Ordinance Code*, and is approved.

Section 2. Notice. Legislative Services is hereby directed to mail a copy of this Resolution, as adopted, to each of the appellants, the applicant, the owner of the subject property, and any other parties who testified before the Land Use and Zoning Committee, or who otherwise filed a qualifying written statement as defined in Section 656.140(c), *Ordinance Code*.

Section 3. Effective Date. The adoption of this

1 Resolution shall be deemed to constitute a quasi-judicial action of
2 the City Council and shall become effective upon signature by the
3 Council President and Council Secretary.

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5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared by: Shannon K. Eller

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