

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2024-488-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-35 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 7 AT 4323 HERSCHEL STREET ON
8 THE NORTHEAST CORNER OF HERSCHEL STREET AND SAN
9 JUAN AVENUE (R.E. NO(S). 093588-0000), AS
10 DESCRIBED HEREIN, OWNED BY SAN JUAN CORNER, LLC,
11 REQUESTING (1) AN ESTABLISHMENT OR FACILITY
12 WHICH INCLUDES THE RETAIL SALE AND SERVICE OF
13 ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER
14 OR WINE FOR ON-PREMISES CONSUMPTION OR OFF-
15 PREMISES CONSUMPTION OR BOTH, AND (2) PERMANENT
16 OR RESTRICTED OUTSIDE SALE AND SERVICE, MEETING
17 THE PERFORMANCE STANDARDS AND DEVELOPMENT
18 CRITERIA SET FORTH IN PART 4, FOR EAT HAPPY JAX,
19 LLC IN THE COMMERCIAL COMMUNITY/GENERAL-1 (CCG-
20 1) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
21 ZONING CODE; ZONING EXCEPTION SUBJECT TO
22 CONDITIONS; ADOPTING RECOMMENDED FINDINGS AND
23 CONCLUSIONS OF THE LAND USE AND ZONING
24 COMMITTEE; PROVIDING FOR DISTRIBUTION;
25 PROVIDING AN EFFECTIVE DATE.
26

27 **WHEREAS,** an application for a zoning exception, **On File** with
28 the City Council Legislative Services Division, was filed by Cyndy
29 Trimmer on behalf of the owner of property located in Council District
30 7 at 4323 Herschel Street on the northeast corner of Herschel Street
31 and San Juan Avenue (R.E. No(s). 093588-0000) (the "Subject

1 Property"), requesting (1) an establishment or facility which
2 includes the retail sale and service of all alcoholic beverages
3 including liquor, beer or wine for on-premises consumption or off-
4 premises consumption or both, and (2) permanent or restricted outside
5 sale and service, meeting the performance standards and development
6 criteria set forth in Part 4, for Eat Happy Jax, LLC in the Commercial
7 Community/General-1 (CCG-1) District; and

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

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

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

16 **Section 1. Adoption of Findings and Conclusions.** The
17 Council has considered the recommendation of the Land Use and Zoning
18 Committee and reviewed the Staff Report of the Planning and
19 Development Department concerning application for zoning exception
20 E-24-35. Based upon the competent, substantial evidence contained in
21 the record, the Council hereby determines that the requested zoning
22 exception meets each of the following criteria required to grant the
23 request pursuant to Section 656.131(c), *Ordinance Code*, as
24 specifically identified in the Staff Report of the Planning and
25 Development Department:

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

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

1 or zoning;

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

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

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

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

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

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

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

25 Therefore, zoning exception application E-24-35 is hereby
26 approved.

27 **Section 2. Zoning Exception Approved Subject to Conditions.**

28 This zoning exception is approved subject to the following conditions:

29 (1) The zoning exception Ord. # 2024-0488 (E-24-35) granted
30 herein shall not be effective unless or until the required Waiver of
31 Minimum Distance Requirements for Liquor License Location (WLD-24-

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

3 (2) Alcohol use is permitted pursuant to a special food service
4 license with at least 51% of sales derived from food and nonalcoholic
5 beverages.

6 (3) There shall be no outside amplified live music. The Subject
7 Property and structure shall contain a clearly and prominently
8 displayed address.

9 **Section 3. Owner and Description.** The Subject Property is
10 owned by San Juan Corner, LLC, and is described in **Exhibit 1**, dated
11 May 15, 2024, and graphically depicted in **Exhibit 2**, both attached
12 hereto. The applicant is Cyndy Trimmer, 1 Independent Drive, Suite
13 1200, Jacksonville, Florida, 32202 (904) 807-0185.

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

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

1 Form Approved:

2

3 Dylan Reingold

4 Office of General Counsel

5 Legislation Prepared By: Jackie Williams

6 GC-#1645854-v1-2024-488-E.docx