

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2024-0542 (E-24-37)

SEPTEMBER 4, 2024

Location: 7077 Bonneval Road;
Between Bonneval Road and I-95

Real Estate Number: 152836-0000

Zoning Exception Sought: 4COP/SFS: Retail Sales and Service of All Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant Including Outside Sales and Service

Current Zoning District: Commercial/Community General- 1 (CCG-1)

Current Land Use Category: Community General Commercial

Planning District: Southeast, District 3

Council District: District 5

Applicant/Agent: Jay L. Patel
Jai Ganesh 11, Inc
216 Guyett Avenue
Hinesville, GA 31313

Owner: Benjamin Hakimian
H H Center LLC
P.O. Box 56678
Jacksonville, Florida 32241

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **2024-0542 (E-24-37)** requests the sales and service of all alcoholic beverages (4COP/SFS) for on-premises consumption in conjunction with a restaurant (World of Beer), including outside sales and service where it is a permissible use by exception in its Zoning District CCG-1. The subject restaurant is located inside an office park on the corner of Bonneval Road and James Turner Butler Boulevard (SR 202) on a 6.93 acre parcel.

Previous owners of the subject site were granted an exception for sale and service of all alcohol in conjunction with a restaurant, including outdoor sales and service (E-22-06). Other restaurants in the area have also been granted similar exceptions, including an Applebee's (E-97-78), which allowed for the sales and service of all alcoholic beverages in conjunction with a restaurant. The same Applebee's was later granted another exception (E-14-45) allowing for the sales and service of all alcoholic beverages in conjunction with a restaurant, including outside sales and service. Additionally, Fresh Mex & Co. (E-17-35) was also granted an exception which allowed for the sale and service of all alcoholic beverages in conjunction with a restaurant, including outside sales and service.

A liquor distance survey submitted with the application does not indicate the presence of any schools or churches within a 500-foot radius of the proposed liquor license establishment which does qualify as a bona fide restaurant.

DEFINITION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Committee to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Land Use and Zoning Committee shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

(i) *Will the proposed use be consistent with the Comprehensive Plan?*

Yes. The request is to allow for the sale and service of all alcoholic beverages in conjunction with a restaurant, including outside sales and service, which is permissible by exception in the CCG-1 Zoning District and the Community/General Commercial (CGC) land use category within the Urban Priority Development Area according the FLUMs (Future Land Use Map series) within the Future Land Use Element (FLUE) of the 2045 Comprehensive Plan.

Objective 1.1

Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

The proposed use will be compatible with the surrounding uses already available in the neighboring properties and will not contribute to urban sprawl by allowing a use not compatible with the surrounding area, thus the proposed use will be in compliance with Objective 1.1

Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City’s neighborhoods and enhancing the viability of non-residential areas.

The subject property is located in the center of an area designated for commercial uses and is surrounded by complementary zoning districts. The approval of this exception will not create a use out of character for the area and will not hinder the character of the City of Jacksonville’s neighborhoods or residential areas.

Objective 3.2

Promote and sustain the viability of existing and emerging commercial and industrial areas to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The proposed use is consistent with the types of uses, intensities of uses and location of uses within the CGC land use category identified in the 2045 Comprehensive Plan. The site is located within an office center for professional and business use and as such is adjacent to a series of other commercial uses.

Allowing the subject restaurant to serve all alcoholic beverages both inside and outdoors via the subject exception, will have a positive impact on the commercial viability of the immediate area.

(ii) Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?

Yes. The proposed use will be compatible with the existing contiguous uses considering the sale of alcohol is currently operating in the general area of the subject site. Permitting the retail sale and service of on-premises consumption all alcoholic beverages with the outdoor sale and service by exception would also contribute to the wide range of uses outlined in the CGC Category that the CCG-1 Zone allows for.

Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Property Use
North	MDR	RMD-D	Brownfield Site
North	BP	IBP	Business Offices and Warehouses

North	BP	PUD	Business Offices and Interstate
North	HDR	RHD-B	Business Offices
North	BP	IBP	Business Offices
East	CGC	CCG-1	Business Offices
East	CGC	PUD	Hotel
South	RC	PUD	Car Dealership and Hotel
South	RC	PUD	Commercial Retail Sales and Services
West	CGC	PBF-2	Commercial Retail Sales and Services
West	CGC	IBP	Business and Medical Offices
West	CGC	CCG-1	Childcare Facility and Medical Office
West	CGC	CCG-2	Commercial Retail Sales and Services

(iii) *Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?*

No, it is the opinion of the Planning and Development Department that the proposed use will have a minimal environmental impact, if any, on the surrounding area since the subject site was previously granted an exception for Outside Sales and Service in Conjunction with a Restaurant including the sale and consumption of all alcoholic beverages under different ownership (E-22-06), and operated as such for approximately one year. Additionally, there are other restaurants operating under similar exceptions in a close vicinity.

(iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?*

No. In relation to surrounding properties, the proposed use is unlikely to generate additional traffic than what is currently in the area, as the retail sale of alcoholic beverages is currently in operation in the surrounding area. It will not be inconsistent with the traffic generated by the other tenants in the surrounding area or by nearby commercial properties.

(v) *Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?*

No. The proposed use will not have a detrimental effect on the future development of contiguous properties or the general area as majority of the surrounding properties have already been developed for general commercial use.

(vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

No. Given the surrounding commercial uses, Staff finds the proposed use of a restaurant

with full alcohol sales and outdoor service is unlikely to cause objections for neighboring commercial properties.

(vii) *Will the proposed use overburden existing public services and facilities?*

No. The proposed use will not require additional services nor adversely affect existing public services and facilities. The necessary infrastructure and improvements are already in place to handle the impacts of the proposed exception.

(viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes. The site will be sufficiently accessible for emergency services via entrances on Bonneval Road and James Turner Butler (JTB) Boulevard (SR 202).

(ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Land Use and Zoning Committee?*

Yes. *Exception* means a use “that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.” The location is appropriate given the commercial character of the area, and the proposed use is consistent with the definition of a zoning exception and meets the standards and criteria of the CCG-1 Zoning District.

Sec. 656.401(ee)(2) of the Zoning Code orders that permanent outside sale and service of alcoholic beverages be subject to the following criteria:

i. The area for the outside sale and service shall be limited to an area which is contiguous to an existing licensed facility or establishment.

A site plan submitted with the survey and visual inspection by Staff indicates that the patio where outside sales and service will be conducted is connected to the established restaurant and is therefore in compliance with Part 4 of the Zoning Code.

ii. The outside area shall be no greater than the inside area for sale and service.

A site plan submitted with the application indicates that the outdoor patio where outside sales and service will take place is smaller than the indoor seating area and is therefore in compliance with Part 4 of the Zoning Code.

iii. The outside area shall be surrounded by a permanent railing or other barrier at least three and a half feet high; provided that the barrier may be broken by up to two entranceways no more than four feet wide each.

A site plan submitted with the application and visual inspection by Staff indicates

that there is a barrier at least three and a half feet high surrounding the patio where outside sales and service will be conducted and is therefore in compliance with Part 4 of the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **July 25, 2024** by the Planning and Development Department, the Notice of Public Hearing signs were posted.



View of Subject Property



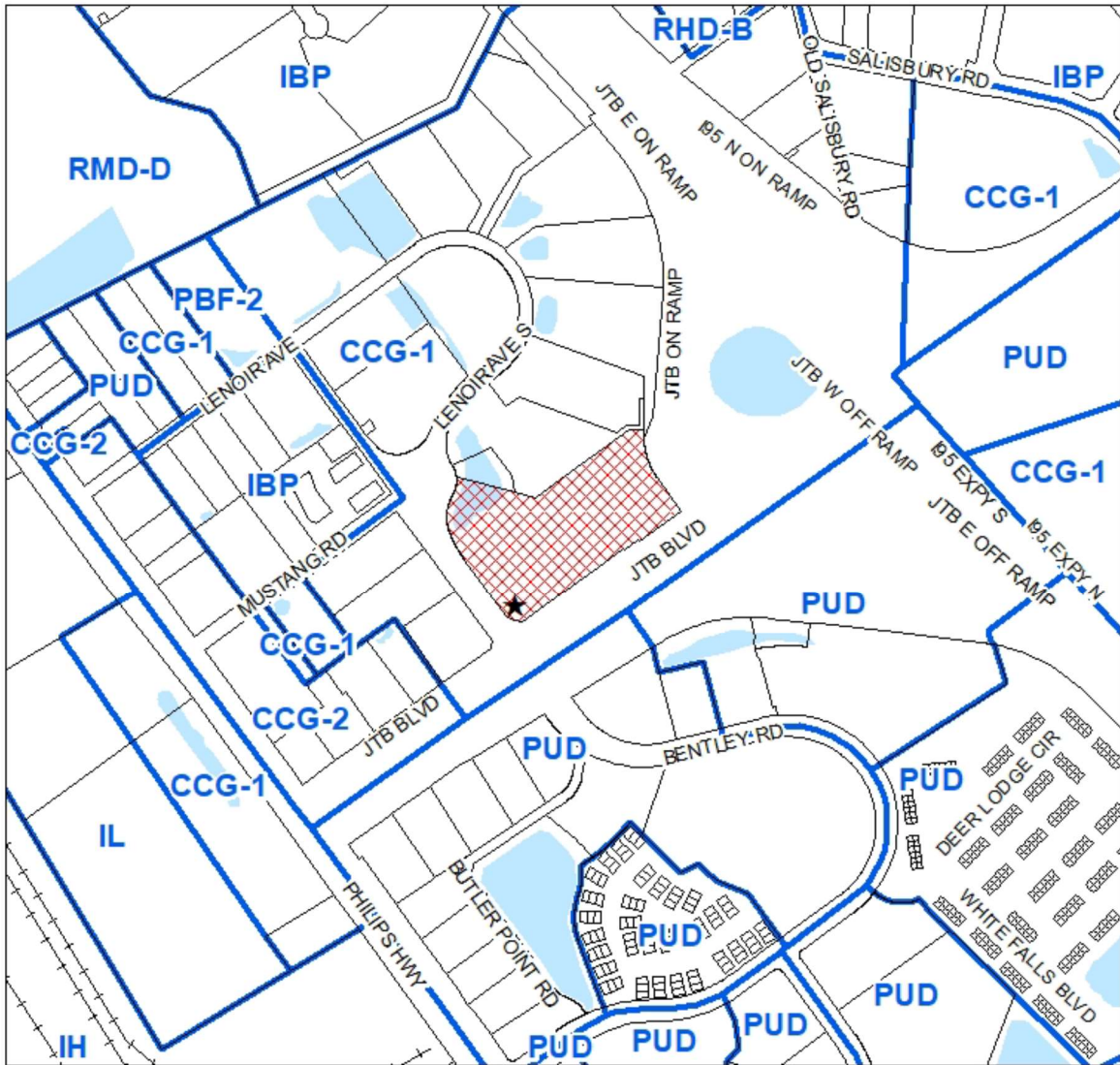
View of Subject Property with Outdoor Seating



View of Adjacent Property

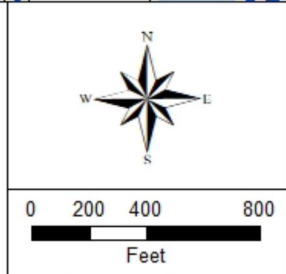
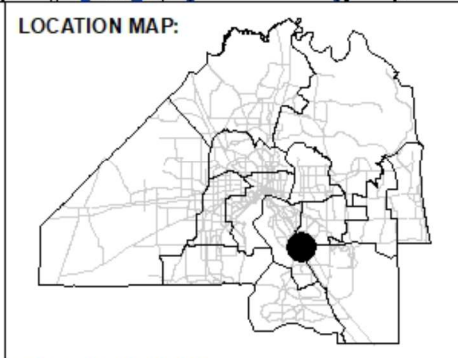


Aerial View of Subject Property



REQUEST SOUGHT:

OUTSIDE SALES AND SERVICE IN CONJUNCTION WITH RESTAURANT WITH 4COP SFS BEER/WINE/LIQUOR



COUNCIL DISTRICT:
5

TRACKING NUMBER
T-2024-5638

**EXHIBIT 2
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Legal Map