

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-830**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-23-76 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 6 AT 10601 SAN JOSE BOULEVARD,
8 BETWEEN HARTLEY ROAD AND SAN JOSE BOULEVARD
9 (R.E. NO. 155958-0015), AS DESCRIBED HEREIN,
10 OWNED BY REGENCY CENTERS CORPORATION, SUCCESSOR
11 BY MERGER TO EQUITY (LANDING) INC., REQUESTING:
12 (1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES
13 THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
14 BEVERAGES, INCLUDING LIQUOR, BEER OR WINE, FOR
15 ON-PREMISES CONSUMPTION, (2) PERMANENT OUTSIDE
16 SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES
17 MEETING THE PERFORMANCE STANDARDS AND
18 DEVELOPMENT CRITERIA SET FORTH IN PART 4, AND
19 (3) RESTAURANT WITH OUTSIDE SALE AND SERVICE OF
20 FOOD MEETING THE PERFORMANCE STANDARDS AND
21 DEVELOPMENT CRITERIA SET FORTH IN PART 4, IN
22 "OUTDOOR SEATING AREA NO. 1" AS DEPICTED ON THE
23 SITE PLAN, FOR ANOTHER BROKEN EGG OF MANDARIN,
24 LLC, D/B/A ANOTHER BROKEN EGG CAFÉ, IN ZONING
25 DISTRICT COMMERCIAL COMMUNITY/GENERAL-1 (CCG-
26 1), AS DEFINED AND CLASSIFIED UNDER THE ZONING
27 CODE; ADOPTING RECOMMENDED FINDINGS AND
28 CONCLUSIONS OF THE LAND USE AND ZONING
29 COMMITTEE; PROVIDING FOR DISTRIBUTION;
30 PROVIDING AN EFFECTIVE DATE.
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1 **WHEREAS,** an application for a zoning exception, **On File** with
2 the City Council Legislative Services Division, was filed by Ray
3 Spofford, for Another Broken Egg of Mandarin, LLC, d/b/a Another
4 Broken Egg Café, on behalf of the owner of property located in Council
5 District 6 at 10601 San Jose Boulevard, between Hartley Road and San
6 Jose Boulevard (R.E. No. 155958-0015) (the "Subject Property"),
7 requesting: (1) an establishment or facility which includes the retail
8 sale and service of all alcoholic beverages, including liquor, beer
9 or wine, for on-premises consumption, (2) permanent outside sale and
10 service of all alcoholic beverages meeting the performance standards
11 and development criteria set forth in Part 4, and (3) restaurant with
12 outside sale and service of food meeting the performance standards
13 and development criteria set forth in Part 4, in "Outdoor Seating
14 Area No. 1" as depicted on the Site Plan, in Zoning District
15 Commercial Community/General-1 (CCG-1); and

16 **WHEREAS,** the Planning and Development Department has
17 considered the application and all attachments thereto and has
18 rendered an advisory recommendation; and

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

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

24 **Section 1. Adoption of Findings and Conclusions.** The
25 Council has considered the recommendation of the Land Use and Zoning
26 Committee and reviewed the Staff Report of the Planning and
27 Development Department concerning application for zoning exception
28 E-23-76. Based upon the competent, substantial evidence contained
29 in the record, the Council hereby determines that the requested zoning
30 exception meets each of the following criteria required to grant the
31 request pursuant to Section 656.131(c), *Ordinance Code*, as

1 specifically identified in the Staff Report of the Planning and
2 Development Department:

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

5 (2) Will be compatible with the existing contiguous uses or
6 zoning and compatible with the general character of the area,
7 considering population density, design, scale and orientation of
8 structures to the area, property values, and existing similar uses
9 or zoning;

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

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

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

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

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

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

27 (9) Will be consistent with the definition of a zoning
28 exception, and will meet the standards and criteria of the zoning
29 classification in which such use is proposed to be located, and all
30 other requirements for such particular use set forth elsewhere in the
31 Zoning Code, or otherwise adopted by the City Council.

1 Therefore, zoning exception application E-23-76 is hereby
2 approved.

3 **Section 2. Owner and Description.** The Subject Property is
4 owned by Regency Centers Corporation, successor by merger to Equity
5 (Landing) Inc., and is described in **Exhibit 1**, dated July 5, 2023,
6 and graphically depicted in **Exhibit 2**, both attached hereto. The
7 applicant is Ray Spofford, 14775 Old St. Augustine Road, Jacksonville,
8 Florida 32258; (904) 265-3189.

9 **Section 3. Distribution by Legislative Services.**
10 Legislative Services is hereby directed to mail a copy of this
11 legislation, as enacted, to the applicant and any other parties to
12 this matter who testified before the Land Use and Zoning Committee
13 or otherwise filed a qualifying written statement as defined in
14 Section 656.140(c), *Ordinance Code*.

15 **Section 4. Effective Date.** The enactment of this Ordinance
16 shall be deemed to constitute a quasi-judicial action of the City
17 Council and shall become effective upon signature by the Council
18 President and Council Secretary. Failure to exercise the zoning
19 exception, if herein granted, by the commencement of the use or action
20 herein approved within one (1) year of the effective date of this
21 legislation shall render this zoning exception invalid and all rights
22 arising therefrom shall terminate.

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24 Form Approved:

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26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Caroline Fulton

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