

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING EXCEPTION E-24-25 (2024-0313)**

**June 4, 2024**

***Location:*** 1980 San Marco Boulevard  
Between Naldo Avenue and Balis Place

***Real Estate Number:*** 081336-0000

***Zoning Exception Sought:*** (1) The retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both; and (2) the outside sale and service of food and beverages.

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

***Current Land Use Category:*** Community General Commercial (CGC)

***Planning District:*** Southeast-District 3

***Council District:*** District 5

***Agent:*** Cyndy Trimmer, Esq.  
Driver, McAfee, Hawthorne, and Diebenow, PLLC  
1 Independent Drive  
Suite 1200  
Jacksonville, Florida 32202

***Owner:*** Marco Square Land LLC  
1 Sleiman Parkway, Suite 270  
Jacksonville, Florida 32216

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Exception **E-24-25** seeks to permit the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both; and the outside sale and service of food and beverages in conjunction with a restaurant for a property zoned Commercial Community/General-1 (CCG-1). The subject property is approximately 0.32± acre parcel apart of a bigger commercial shopping center in San Marco Square. The structure on the parcel was built in 1925. The submitted survey shows that the brewery (Voodoo's Brewery) will be within one of the parcels in the historic shopping center.

There are 2 companion applications. The first companion application is an Administrative Deviation application (**AD-24-29**) which seeks to reduce the minimum number of off-street parking from 58 to 0. The second companion application was a Wavier of Liquor Distance (**WLD-24-08**) which seeks to reduce the required minimum distance between the proposed liquor license location at 1980 San Marco Boulevard and Aspire Church San Marco (Southside Baptist Church) at 1435 Atlantic Boulevard from 1,500 feet to 400 feet. Both applications went before the Planning Commission on May 9<sup>th</sup>, 2024 and were recommended for approval.

### **DEFINITION OF ZONING EXCEPTION**

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 Commission 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 Commission 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 subject site is 0.32 acres and located at an address of 1980 San Marco Boulevard on the south side of San Marco Blvd, a collector roadway, in the San Marco Square shopping area. The application site is also located within Planning District 3 (Southeast), Council District 5 and within the Urban Development Area.

CGC in the Urban Development Area is intended to provide development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Principal uses include commercial retail sales and service establishments including restaurants, hotels and motels, and commercial recreational and entertainment facilities. The proposed exception for retail sales and service of alcoholic beverages and outside sale and service of food and beverages is allowed in the CGC land use category.

**Future Land Use Element (FLUE):**

**Policy 1.1.7**

Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

*Staff does not anticipate this intensification of uses to impact the land use as the proposed restaurant use is similar to other dining and entertainment offerings in the square, including Seafood Island Bar and Grille, Taverna, Oceana, Town Hall, Four Score, and Grape and Grain Exchange.*

**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's neighborhoods or residential areas but would rather serve the surrounding residential neighborhood with additional commercial uses.*

**Airport Environment Zone**

The site is located within the 300-foot Height and Hazard Zone for the Jacksonville Naval Air Station. Zoning will limit development to a maximum height of 300', unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

**Adaptation Action Area**

The amendment side includes small portions that are within the AAA. The AAA boundary is a designation in the City's 2045 Comprehensive Plan which identifies areas that experience coastal flooding due to extreme high tides and storm surge, and that is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. The AAA is defined as those areas within the projected limit of the Category 3 storm surge zone, those connected areas of the 100-year and 500-year Flood Zone, and additional areas determined through detailed flood analysis.

While this application does not include any changes to the building on site, any development in the AAA is encouraged to consider site design measures, such as clustering development away from the AAA, to protect development from the impacts of flooding.

### Coastal High Hazard Zone

Small portions of the site along the northern and southern property lines are located within a Coastal High Hazard Area (CHHA), as defined by Sections 163.3178(2)(h) and 163.3164(1), Florida Statutes. The Coastal High Hazard Area (CHHA) is the area below the elevation of the Category 1 storm surge line as established by the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model as established by the most current Northeast Florida Hurricane Evacuation Study. It is shown on The Coastal High Hazard Areas (CHHA) and Hurricane Evacuation Zones Map.

The current building on site will not be expanding the existing footprint and therefore will not affect the CHHA on site.



**Subject Property within the Coastal High Hazard Zone**

*Source: JaxGIS, 5/10/2024*

### North San Marco Neighborhood Action Plan (NAP)

The North San Marco NAP identifies the area of the subject site as The Square District. The Square district is described as the heart of San Marco that has been transformed over the years through various redevelopment and beautification initiatives and establishes the character of the area. In this area of San Marco, the NAP focuses on street and parking design along with promoting business development and facilitating entertainment to improve economic development in the area. The proposed exception does not propose any inconsistencies with the North San Marco NAP.

- (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 is similar to other uses in the vicinity. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Shopping Center
South	LDR	RLD-60	Single-Family Dwellings
East	CGC	CCG-1	Shopping Center
West	CGC	CCG-1	Theater; Shopping Center

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

No. The proposed use will not have an environmental impact inconsistent with the health, safety or welfare of the community. According to the applicant, Voodoo will enhance San Marco Square by filling a long-vacant restaurant space with a novel brew-pub-style concept with dining offerings to complement the office, retail and restaurant uses in the square.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking condition? Will the proposed use result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?*

No. The requested exception will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, or result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community. According to the applicant, Voodoo will provide an additional, unique experience for the patrons of San Marco Square to enjoy. Like the restaurant that preceded it, Voodoo will share the surface parking lot provided by Aspire Church, and other shared parking with the other uses in the San Marco Square.

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

No. The proposed exception will not have a detrimental effect on the future development of contiguous properties or the general area since the area is mostly developed with a mix of commercial uses. It is not expected that the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both; and the outside sale and service of food and beverages in conjunction with a restaurant for a property zoned Commercial Community/General-1 (CCG-1) will have any negative impact on the surrounding property as there are many other restaurants with all alcohol within San Marco Square.

- (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. The proposed uses will not create objectionable or excessive noise, lights, vibrations, fumes, dust, or physical activity. The property is within the San Marco Square, which is characterized by the active street fronts, bars, and restaurants that include alcohol service and outdoor seating. Additionally, according to the applicant, the peak hours for Voodoo will occur during the weeknights and weekends, consistent with other dining and entertainment uses within San Marco Square.

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

No. The proposed use will not overburden existing public services or facilities. This is an existing commercial center. Therefore, there will not be an increased demand for public services.

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

Yes. The subject property is accessible from San Marco Square to permit adequate access for fire, police, rescue, and other service vehicles.

- (ix) ***Will the proposed use be consistent with the definition of a zoning exception and meet the standards and criteria of the zoning classification in which such use is proposed to be located?***

Yes. 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. The proposed exception is appropriate in this location and consistent with the definition of a zoning exception. As more fully set forth in the foregoing findings and conclusions, the requested use at this location is consistent with the definition of a zoning exception.

### **SUPPLEMENTARY INFORMATION**

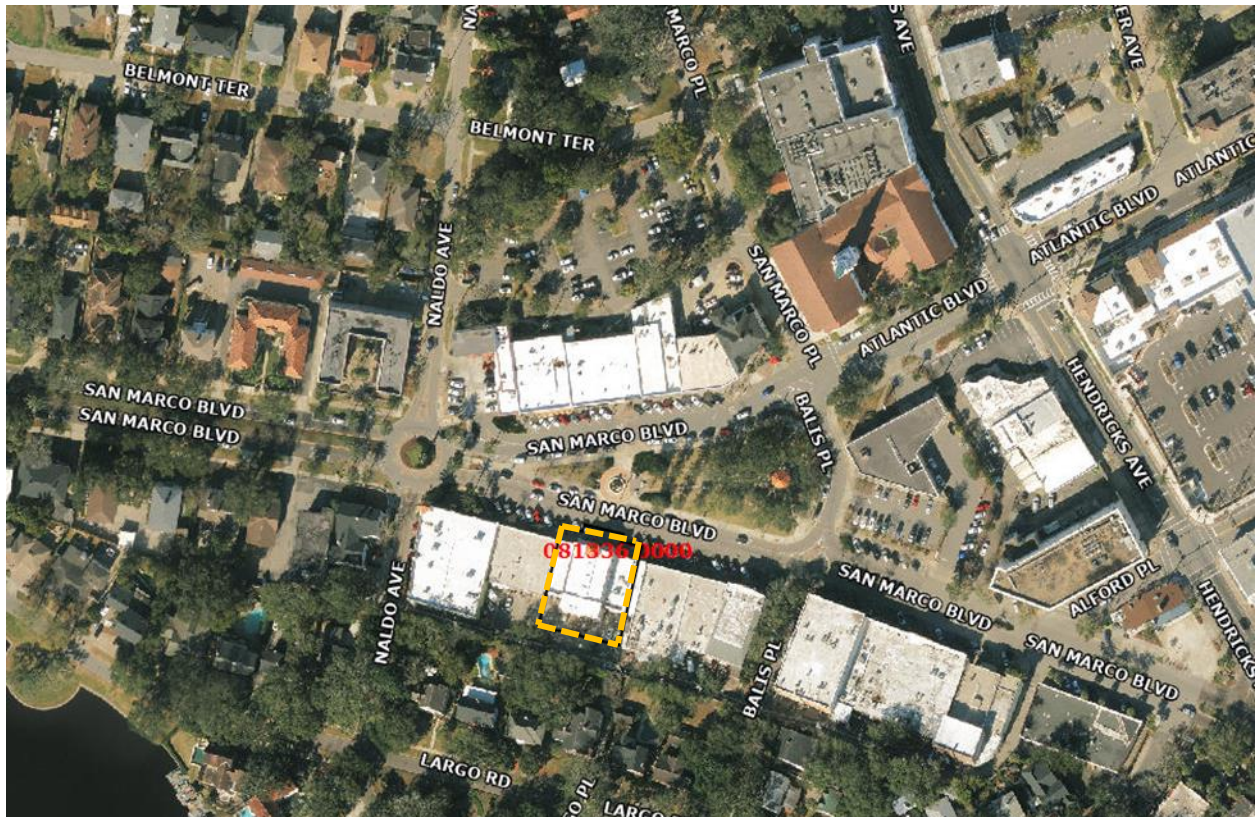
Upon visual inspection of the subject property on **April 23th, 2024**, the Planning and Development Department staff observed that the required Notice of Public Hearing signs **were** posted.



### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **E-24-25** be **APPROVED WITH CONDITION**.

1. The zoning exception granted herein shall not be effective unless or until the required Waiver of Minimum Distance Requirements for Liquor License Location (WLD-24-04) pursuant to Section 656.133, 26 Ordinance Code, is issued for the Subject Property.



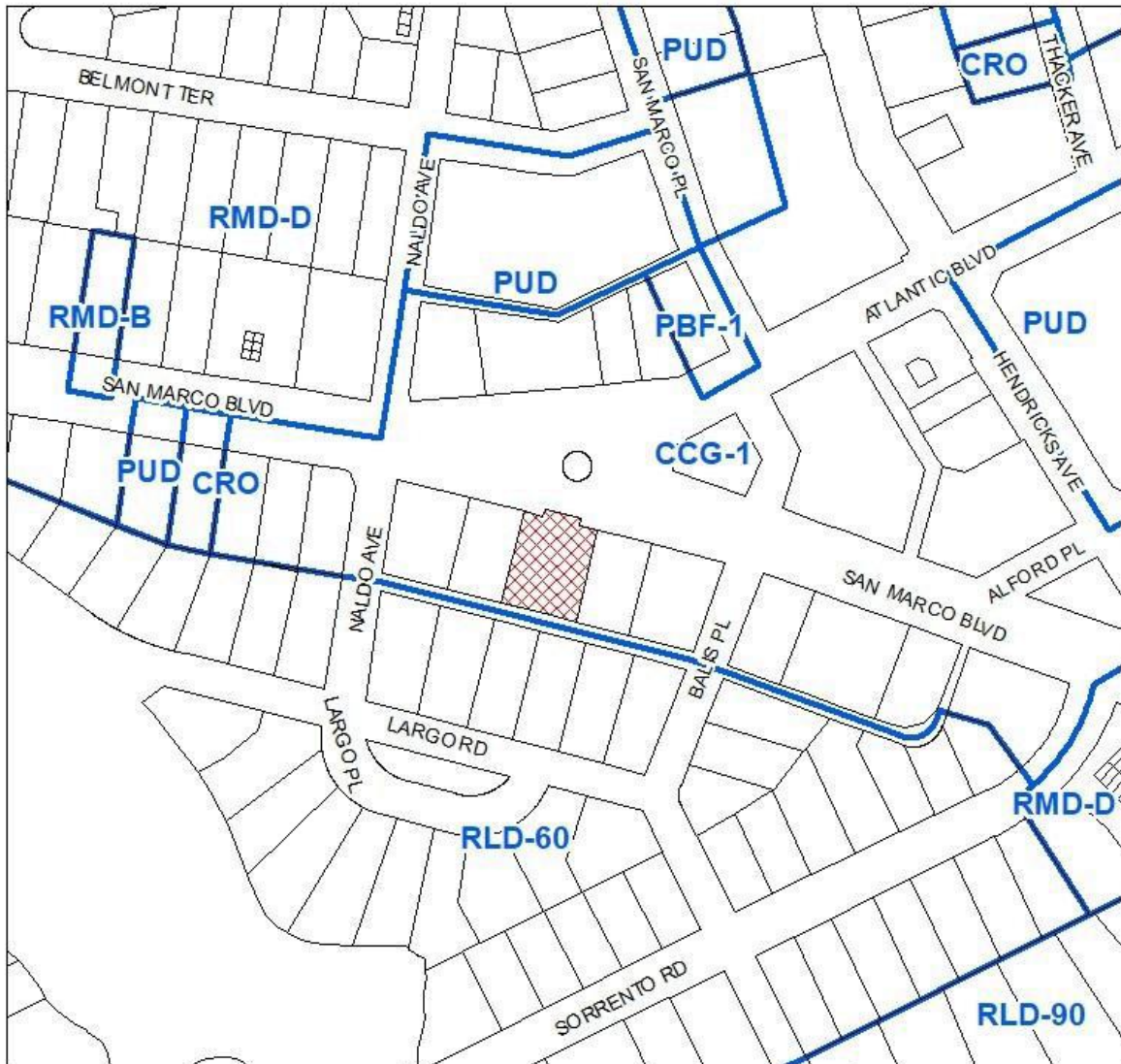
Aerial View  
Source: JaxGIS



**View of Subject Property.**

*Source: Planning & Development Department, 4/23/2024*





<p><b>REQUEST SOUGHT:</b></p> <p>(1) THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION OR OFF-PREMISES CONSUMPTION OR BOTH                  (2) OUTSIDE SALE AND SERVICE OF FOOD AND BEVERAGES.</p>	<p><b>LOCATION MAP:</b></p>	<p>0 75 150 300 Feet</p>
<p><b>TRACKING NUMBER</b></p> <p><b>T-2024-5509</b></p>		<p><b>COUNCIL DISTRICT:</b></p> <p><b>5</b></p> <p><b>EXHIBIT 2</b> <b>PAGE 1 OF 1</b></p>

**Legal Map**