

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING EXCEPTION 2023-0482 (E-23-46)**

**SEPTEMBER 19, 2023**

***Location:*** 5045 Soutel Drive #25  
Between Archery Avenue and Leander J Shaw Jr Drive

***Real Estate Number:*** 038260-0010

***Zoning Exception Sought:*** Retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption with a restaurant (4 COP)

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

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

***Planning District*** 5-Northwest

***Applicant/Agent:*** Benfarah LLC  
7400 103<sup>rd</sup> Street  
Jacksonville, Florida. 32210

***Owner:*** Lawrence Yancy  
1309 St. Johns Bluff Road North, Building A. Suite 2  
Jacksonville, Florida. 32225

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

**GENERAL INFORMATION**

Application for Exception **2023-0482 (E-23-46)** seeks approval for an establishment or facility which includes the retail sale of all alcoholic beverages including liquor, beer or wine for on-premises consumption with a restaurant. The subject property is a commercial shopping center that is approximately 10.43± acres at the corner of Soutel Drive and Archery Street. The subject site currently has multiple tenants, including multiple restaurants in operation in addition to the existing restaurant that is seeking to expand to include the alcohol sales.

**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 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 Planning 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 request is for an exception to allow retail sale and service of all alcoholic beverages in the Commercial Community General 1 (CCG-1) zone. The site is located in the Community/ General Commercial (CGC) land use category of the Urban Development Area. The subject site is located within Council District 10 and Planning District 5. It is located along the west side of Soutel Drive, a collector roadway, between Leander J. Shaw Jr. Street and Archery Avenue, both unclassified roads.

Principal uses within the CGC land use category include but are not limited to commercial retail sales and service establishments, including auto sales, funeral homes, and broadcasting offices and studios, restaurants, hotel, motel, offices, microbreweries, financial institutions and multi-family dwellings. CGC in the Urban Area is intended to provide compact development in a nodal and corridor development pattern.

The proposed exception is consistent with the CGC land use category.

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

**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 surrounding area. 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's neighborhoods or residential areas.*

**Objective 3.2**

Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order 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 subject property will continue to promote the existing commercial uses within the general surrounding area. The proposed use will continue to sustain the viability of the existing commercial uses and be beneficial to the surrounding area. Due to these reasons, the subject property will be in compliance with Objective 3.2.*

- (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 surrounding area contains a variety of uses typically found in the CCG-1 zoning district and the shopping center along Soutel Drive serves the surrounding residential neighborhood. Therefore, the proposed exception would be compatible with the surrounding uses.. The surrounding Zoning Districts and Land Use Categories are:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
<b>North</b>	LDR	RLD-60	Single Family Homes
<b>South</b>	CGC	CCG-1	Restaurant
<b>East</b>	MDR	RMD-A	Bob Hayes Sports Complex/ Legends Center
<b>West</b>	PBF	PBF-1	Charles Boobie Clark Park and Pool

- (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 the proposed use will not have an environmental impact inconsistent with the health safety, and welfare of the community greater than that of other uses existing or permitted in the CCG-1 zoning district or surrounding area.

- (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. The property was originally developed in 1960 and has not had a detrimental effect on vehicular or pedestrian traffic in the surrounding area. The property will utilize the existing off street parking spaces available to the commercial shopping center.

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

No. The proposed exception would not have a detrimental effect on the future development of contiguous properties or the general area. The property is located in an older, established area of Jacksonville containing a range of commercial uses allowed in the CCG-1 Zoning District as well as established neighborhoods and parks. The requested use will serve to occupy a space in a commercial shopping center that has had multiple restaurants throughout its history.

- (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 exception will not create objectionable or excessive noise, lights, vibrations, fumes, odors, dust, or physical activities inconsistent with the existing surrounding development. Therefore, the department does not feel the use will create objectionable or excessive noise out of character with the existing uses for the area.

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

No. The proposed restaurant would not require additional services nor adversely affect those public services and facilities that are currently provided to the subject property.

- (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 via Soutel Drive, Leander J Shaw Jr Street, and Archery Avenue and has 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 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 Planning Commission?*

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 use will be consistent with the definition of a Zoning Exception and with the zoning classification standards found in the Zoning Code.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 31, 2023 by the Planning and Development Department, the Notice of Public Hearing sign was posted.



### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **2023-0482 (E-23-46)** be **APPROVED**.



Aerial View



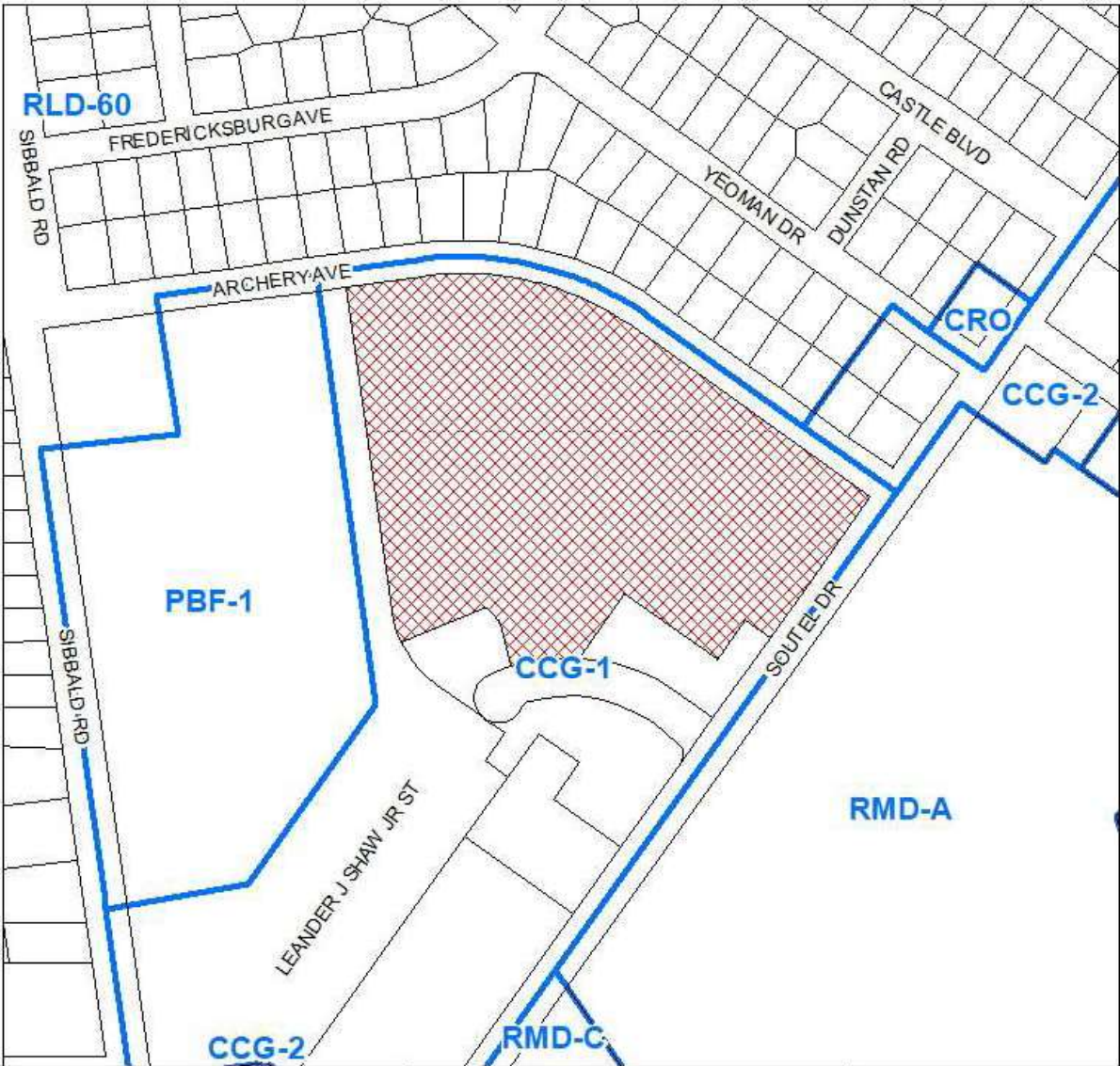
View of the Subject Site



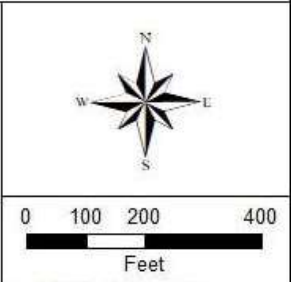
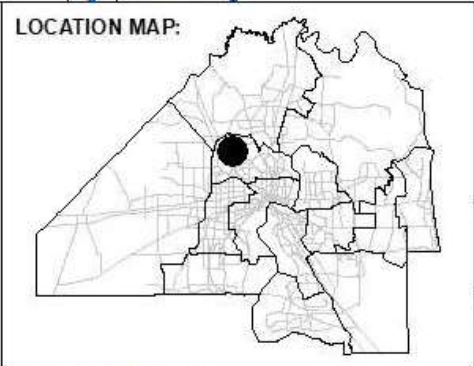
View of the Shopping Center



View of the Subject Site



REQUEST SOUGHT:  
  
**TO OPERATE A FULL SERVICE RESTAURANT (4COP)**



COUNCIL DISTRICT:  
**10**

ORDINANCE NUMBER  
**ORD-2023-0482**

TRACKING NUMBER  
**E-23-46**

**EXHIBIT 2**  
**PAGE 1 OF 1**

Legal Map