

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2024-358 (E-24-29)

JUNE 18, 2024

Location: 2902 Corinthian Avenue between Baltic Street and Oxford Avenue

Real Estate Number: 101595-0000

Exception Sought: An establishment for the retail sale and service for beer, wine and liquor for on premises consumption in conjunction with a restaurant.

Current Zoning District: Commercial Neighborhood (CN)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southwest, District 4

Council District: District 7

Applicant/Agent: Jerilyn B. Brown
Brown Family Restaurant Ortega, LLC
4545 Iroquois Avenue
Jacksonville, Florida 32210

Owner: William Gardner
3305 Oak Street
Jacksonville, Florida 32205

Staff Recommendation: **APPROVE WITH CONDITION**

GENERAL INFORMATION

Application for Exception **2024-358 (E-24-29)** seeks to permit the on-premises consumption of all alcoholic beverages in conjunction with a restaurant in the Commercial Neighborhood (CN) Zoning District. The subject property contains a single triangular shaped building constructed in 1924. The proposed restaurant will have 125 seats.

The Planning Commission has approved companion applications; Waiver of Liquor Distance (WLD-24-10) and Administrative Deviation (AD-24-32)

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 property is located in the CGC functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2045 Comprehensive Plan. CGC in the Urban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Restaurants are allowed in the CGC Land Use category within the Urban Development Area. The proposed exception is consistent with the CGC land use category.

Future Land Use Element (FLUE):

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.

Policy 1.2.9 Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

The subject property is located in the Urban Development Area, and is currently connected to centralized services.

- (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 subject property contains 5.20± acres and is located within an existing commercial center. The proposed use will be compatible with the existing contiguous uses considering the sale and service of alcohol has previously been approved on the premises. The proposed use for the sale and service of alcohol with food is compatible and consistent with the existing surrounding intensity of development and zoning districts. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Gas station, motel, restaurant
South	CGC	CCG-1	Auto service station, vacant
East	CGC	CCG-1	Vacant
West	CGC	PUD 2007-0224	Gas station, bank, restaurant

- (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 and welfare of the community. The proposed use will not create an environmental impact above and beyond the primary use.

- (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 traffic circulation pattern of the site allows for the safe movement of traffic to this commercial uses on the property. The site is accessible to vehicular and pedestrian traffic from Blanding Boulevard and Youngerman Circle East.

- (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 alcohol sales will have any negative impact on the surrounding property.

- (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 use, the sale of alcohol in conjunction with a restaurant, will add no negative effects above the existing uses allowed in the zoning district.

- (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 and there is no increase in enclosed space. Therefore, there will not be an increased demand of 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 Blanding Boulevard and Youngerman Circle East 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 June 3, 2024, the Planning and Development Department staff observed that the required Notice of Public Hearing signs **was** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **2024-358 (E-24-29)** be **APPROVED**.

- 1. The Waiver of Minimum Distance Requirements for Liquor License Location (WLD-24-10) granted herein shall not be effective unless or until the zoning exception (E-24-29) required pursuant to Section 656.133, 26 Ordinance Code, is issued for the Subject Property.**



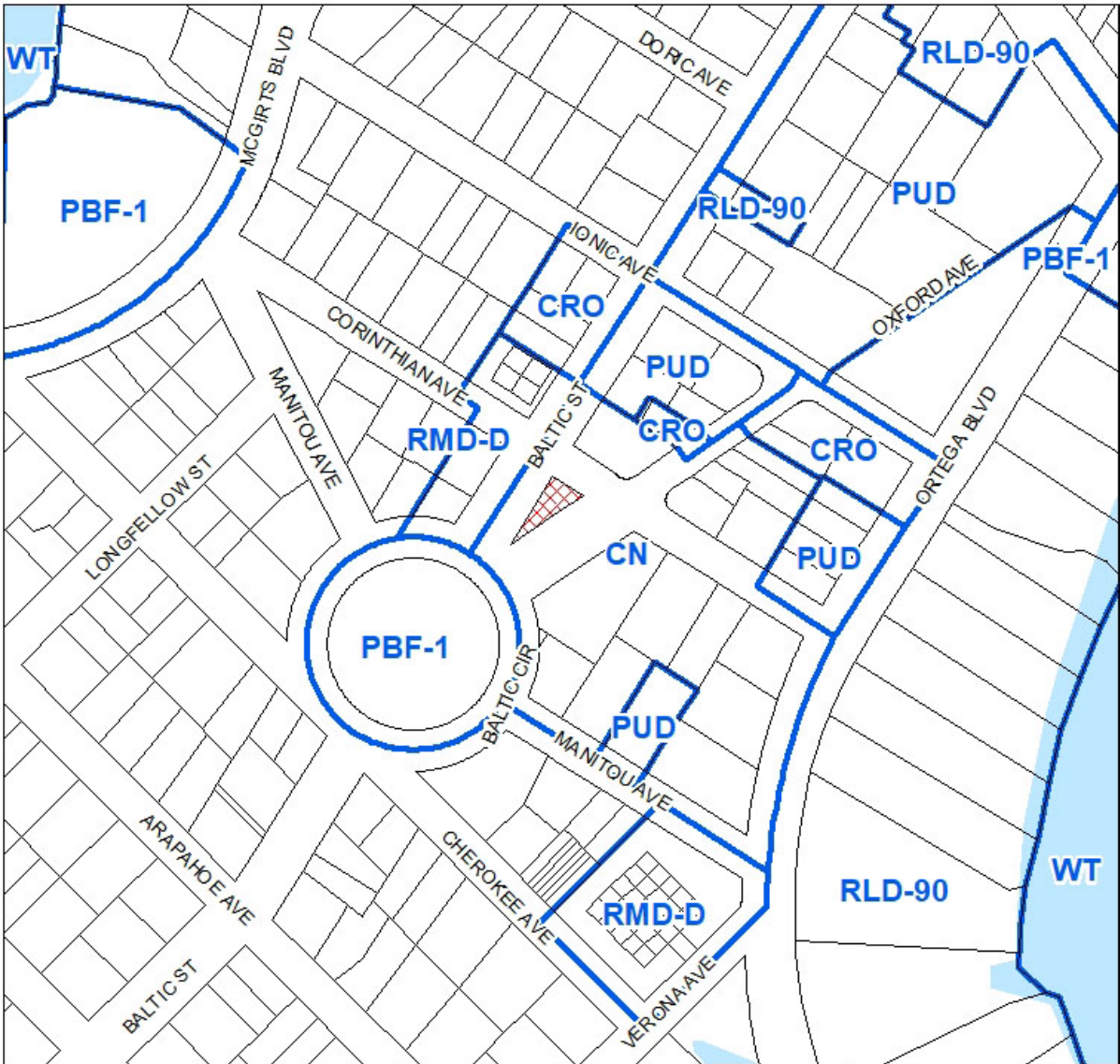
Aerial view of the subject property



View of subject property



View of subject property



<p>REQUEST SOUGHT:</p> <p>AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION</p>	<p>LOCATION MAP:</p>	
<p>ORDINANCE NUMBER</p> <p>ORD-2024-0358</p>	<p>TRACKING NUMBER</p> <p>E-24-29</p>	<p>COUNCIL DISTRICT:</p> <p>7</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>