

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-237-E**

5 AN ORDINANCE APPROVING, SUBJECT TO CONDITIONS,
6 APPLICATION FOR ZONING EXCEPTION E-24-12 FOR
7 PROPERTY LOCATED IN COUNCIL DISTRICT 7 AT 901
8 KING STREET, BETWEEN KING STREET AND COLLEGE
9 STREET (R.E. NO. 064197-0010), AS DESCRIBED
10 HEREIN, OWNED BY IHOP LKE RMR LLC, REQUESTING AN
11 ESTABLISHMENT OR FACILITY WHICH INCLUDES THE
12 RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
13 BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-
14 PREMISES CONSUMPTION FOR ENTITY OF LOVE LLC, IN
15 ZONING DISTRICTS COMMERCIAL COMMUNITY/GENERAL-1
16 (CCG-1) AND PLANNED UNIT DEVELOPMENT (PUD)
17 (2012-504-E), AS DEFINED AND CLASSIFIED UNDER
18 THE ZONING CODE; ADOPTING RECOMMENDED FINDINGS
19 AND CONCLUSIONS OF THE LAND USE AND ZONING
20 COMMITTEE; PROVIDING FOR DISTRIBUTION;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** an application for a zoning exception, **On File** with
24 the City Council Legislative Services Division, was filed by Jessica
25 Tyree for Entity of Love LLC, on behalf of the owner of property
26 located in Council District 7 at 901 King Street, between King Street
27 and College Street (R.E. No. 064197-0010) (the "Subject Property"),
28 requesting an establishment or facility which includes the retail
29 sale and service of all alcoholic beverages including liquor, beer
30 or wine for on-premises consumption in Zoning Districts Commercial
31 Community/General-1 (CCG-1) and Planned Unit Development (PUD)

1 (2012-504-E); and

2 **WHEREAS**, the Planning and Development Department has
3 considered the application and all attachments thereto and has
4 rendered an advisory recommendation; and

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

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

10 **Section 1. Adoption of Findings and Conclusions.** The

11 Council has considered the recommendation of the Land Use and Zoning
12 Committee and reviewed the Staff Report of the Planning and
13 Development Department concerning application for zoning exception
14 E-24-12. Based upon the competent, substantial evidence contained in
15 the record, the Council hereby determines that the requested zoning
16 exception meets each of the following criteria required to grant the
17 request pursuant to Section 656.131(c), *Ordinance Code*, as
18 specifically identified in the Staff Report of the Planning and
19 Development Department:

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

22 (2) Will be compatible with the existing contiguous uses or
23 zoning and compatible with the general character of the area,
24 considering population density, design, scale and orientation of
25 structures to the area, property values, and existing similar uses
26 or zoning;

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

29 (4) Will not have a detrimental effect on vehicular or pedestrian
30 traffic, or parking conditions, and will not result in the generation
31 or creation of traffic inconsistent with the health, safety and

1 welfare of the community;

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

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

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

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

13 (9) Will be consistent with the definition of a zoning
14 exception, and will meet the standards and criteria of the zoning
15 classification in which such use is proposed to be located, and all
16 other requirements for such particular use set forth elsewhere in the
17 Zoning Code, or otherwise adopted by the Planning Commission or
18 Council.

19 Therefore, zoning exception application E-24-12 is hereby
20 approved subject to the following conditions:

21 (1) The use granted hereby shall be limited to a maximum of
22 151 total seats.

23 (2) The hours of operation shall be limited to between 6:00
24 a.m. and 11:00 p.m. The hours of operation shall be posted on the
25 front of the restaurant.

26 (3) Outdoor music and/or amplified sound is prohibited.

27 **Section 2. Owner and Description.** The Subject Property is
28 owned by IHOP LKE RMR LLC and is described in **Exhibit 1**, dated January
29 10, 2024, and graphically depicted in **Exhibit 2**, both attached hereto.
30 The applicant is Jessica Tyree, 13966 Sound Overlook Drive North,
31 Jacksonville, Florida 32224; (330) 272-1064.

Section 3. Distribution by Legislative Services.

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

Section 4. Effective Date.

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

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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