

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR ZONING EXCEPTION E-25-02****MARCH 6th, 2025**

Location: 12911 Atlantic Blvd
Between Girvin Rd and Naugatuck Dr

Real Estate Number: 167129-0020

Zoning Exception Sought: The retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises and off-premises consumption

Current Zoning District: Planned Unit Development (PUD 2002-0272)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Arlington/Greater Beaches - 2

Council District: District 3

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Owner: Glenn Rocca
JFCF Investments One, LLC
20 Harrison Ave
Waldwick, NJ 07463

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **2025-0134 (E-25-02)** seeks to permit the retail sale and service of all alcoholic beverages for on-premises and off-premises consumption for a property zoned Planned Unit Development (PUD 2002-0272). The subject property is approximately 0.81± acres and is developed within a shopping corridor. Within the general area, there are multiple establishments which provide the full sale of alcohol for on and off-premises consumption. Notable examples include:

- Classic Wine and Spirits, a liquor store offering sale of alcohol for off premises consumption located at 13245 Atlantic Blvd.
- Liquor Store II, a liquor store offering sale of alcohol for off-premises consumption, is

- located at 13710 Atlantic Blvd, Unit 2.
- MVP's Sports Grille, a sports bar offering full liquor sales for on-premises consumption located at 12777 Atlantic Blvd, Unit 5.

If approved, the exception will be granted in the name of Shores FWS#22, INC.

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 Committee 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 Committee 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?***

The subject site is 0.81 acres, located at 12911 Atlantic Boulevard, a principal arterial roadway, between Girvin Road, a collector roadway, and Naugatuck Drive, a local road. The application site is also located within Planning District 2 (Greater Arlington and Beaches), Council District 3, and within the Urban Development Area.

The site currently has a land use designation of Neighborhood Commercial (NC). NC is a category primarily intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicles Miles Traveled. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. The proposed zoning exception for the retail sale and service of alcoholic beverages for on- or off-site consumption is consistent with the NC land use category.

Future Land Use Element (FLUE):

Policy 1.1.22

Future development orders, development permits, and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

The proposed requests for the retail sale and service of all alcoholic beverages for on-premises consumption and off-premises consumption would not result in the intensification of a uses. Staff does not anticipate this intensification of uses to impact the land use.

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.

Objective 3.2

Promote and sustain the viability of existing and emerging commercial and industrial areas 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 proposed use is consistent with the types of uses, intensities of uses and location of uses within the NC land use category identified in the 2045 Comprehensive Plan. Allowing the subject establishment to serve all alcoholic beverages via the subject exception will have a positive impact on the commercial viability of the immediate area.

- (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	NC	PUD (2002-0272)	Commercial Retail Stores
South	LDR	PUD (1972-1077)	Single Family Dwellings

East	NC	PUD (2002- 0272)	Bank
West	CGC	PUD (1996- 1048)	Auto Shop

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

No. The requests for alcohol sales and service will take place within a developed structure that was built in 2003 and is in the vicinity of other restaurants selling alcohol. These requests are common, and the applicant will be required to meet all applicable environmental regulations.

(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 shopping center allows for the safe movement of traffic for the proposed commercial uses on the property. The site is accessible to vehicle and pedestrian traffic from Atlantic Blvd. There is ample off-street parking for the use already provided by the 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 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 for on-premises and off-premises consumption will have a negative impact on the surrounding property as there are many other restaurants that have allowed alcoholic beverage sales for on-premises consumption along Atlantic Blvd.

(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 of retail sale and service of all alcoholic beverages for on-premises and off-premises consumption will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities out of character for the surrounding area as it will be within a commercial shopping center.

(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 Atlantic Blvd 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 **February 21st**, 2025 the Planning and Development Department staff observed that the required Notice of Public Hearing sign **was** posted.



RECOMMENDATION

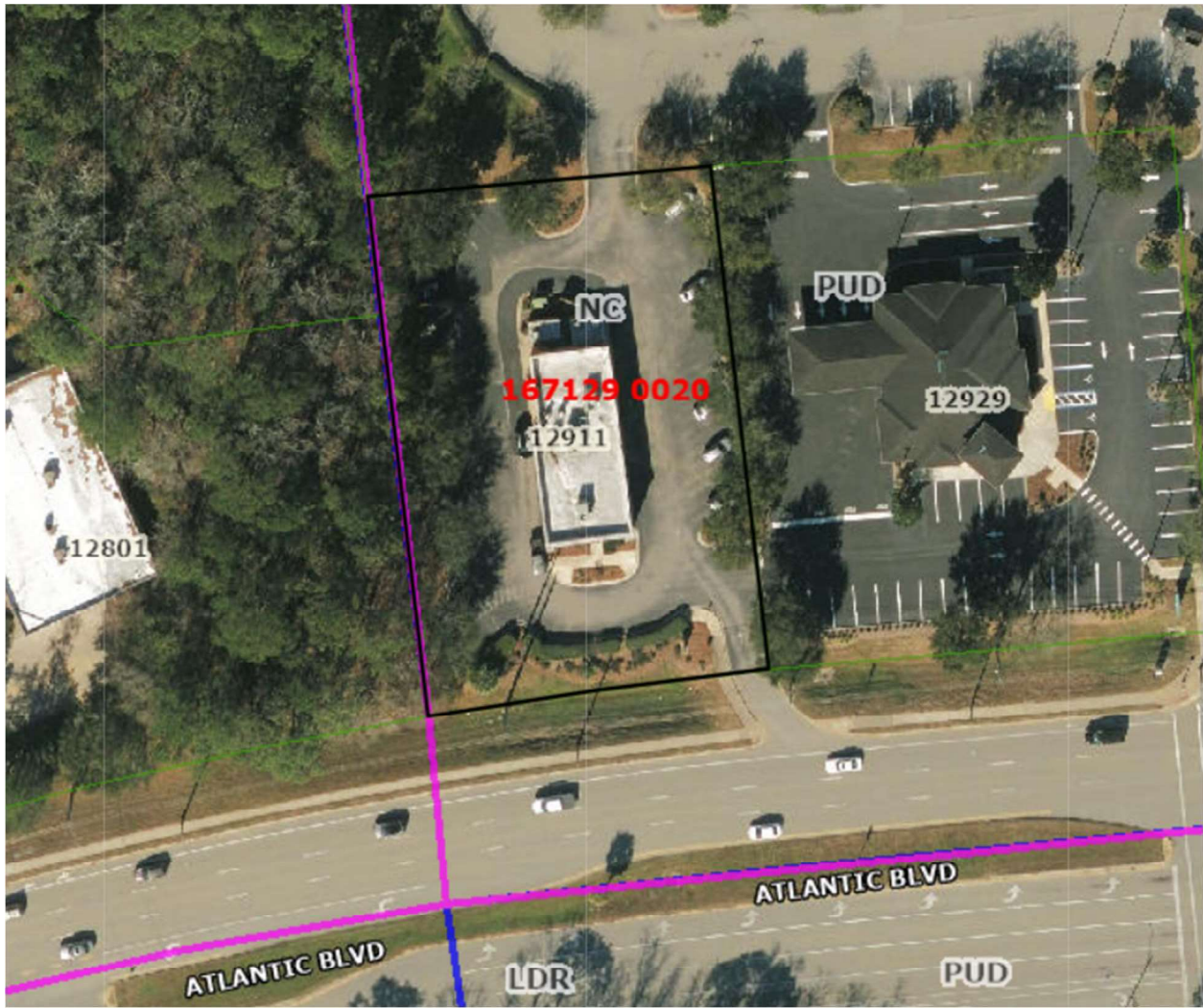
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **2025-0134** be **APPROVED**.



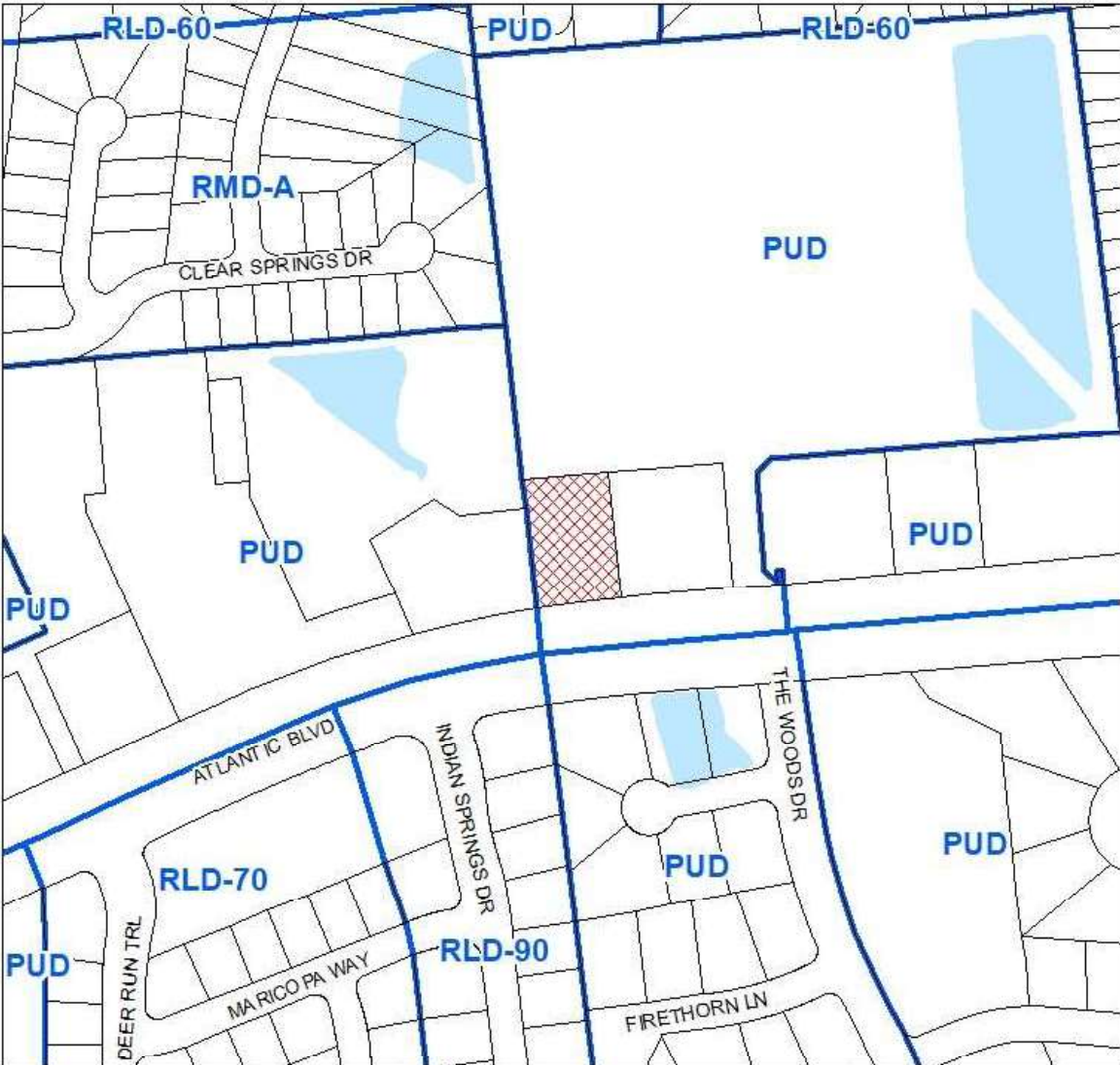
View of subject property



View of adjacent property



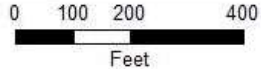
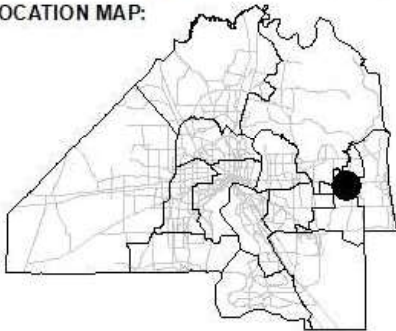
Aerial view of subject property



REQUEST SOUGHT:

AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION OR OFF-PREMISES CONSUMPTION OR BOTH

LOCATION MAP:



COUNCIL DISTRICT:

3

TRACKING NUMBER

T-2024-6020

**EXHIBIT 2
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Legal map