

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2024-0925 (E-24-54)

JANUARY 22, 2025

Location: 2002 San Marco Boulevard
Between Balis Place and Sorrento Road

Real Estate Number: 081245-0000

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

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: David C. Hagan
The Southern Group
208 Laura Street North, Suite 710
Jacksonville, Florida 32202

Owner: Marcore LLC
2002 San Marco Boulevard, Suite 200
Jacksonville, Florida 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **2024-0925** seeks to permit the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant for a property zoned Commercial Community/General-1 (CCG-1). The subject property is approximately 0.23± acres and is developed within a shopping corridor. There is a companion administrative deviation (AD-24-73) to reduce the minimum number of required parking spaces from 2 to 0. Additionally, there is a companion waiver of liquor distance application (WLD-24-17) which seeks to reduce the required minimum distance between the proposed liquor license location at 2002 San Marco Boulevard and Aspire Church San Marco located at 1435 Atlantic Boulevard from 500 feet to 330 feet. The Waiver of Liquor Distance was approved by the Planning Commission on November 7, 2024.

Several similar exceptions have been made for surrounding properties, including:

- E-12-42 located at 2002 San Marco Boulevard, which allowed for retail sale and service of all alcohol for on and off premises consumption, in addition to a night club.
- E-13-38 located at 1988 San Marco Boulevard, which allowed for the retail sale and service of all alcohol for on and off premises consumption, including outdoor sale and service of food and beverages.
- E-16-24 located at 2103 San Marco Boulevard, which allowed for the retail sale and service of all alcohol for on-premises consumption, including outdoor sale and service of food and beverages.
- E-18-71 located at 1988 San Marco Boulevard, which allowed for the retail sale and service of all alcohol for on-premises consumption, including outdoor sale and service of food and beverages.
- E-18-81 located at 2012 San Marco Boulevard which allowed for the retail sale and service of all alcohol for on-premises consumption.
- E-18-86 located at 1959, 1961, and 1963 San Marco Boulevard, which allowed for the retail sale and service of all alcohol for on-premises consumption.
- E-24-25 located at 1980 San Marco Boulevard, which allowed for the retail sale and service of all alcohol for on and off premises consumption, including outdoor sale and service of food and beverages.

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 0.23-acre subject site is situated in the San Marco Zoning Overlay District 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 for on-site consumption 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.

The proposed requests for the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant 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 CGC land use category identified in the 2045 Comprehensive Plan. Allowing the subject restaurant to serve all alcoholic beverages via the subject exception will have a positive impact on the commercial viability of the immediate area.

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	Commercial Offices and Retail Stores
South	LDR	RLD-60	Single Family Dwellings
East	MDR	RMD-D	Condominiums
West	CGC	CCG-1	Retail Stores and Restaurants

- (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 1941 and is adjacent to 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 vehicular and pedestrian traffic from San Marco Boulevard. There is ample off-street parking for the restaurant 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 consumption will have any negative impact on the surrounding property as there are many other restaurants that have allowed alcoholic beverage sales for on-premises consumption along San Marco Boulevard.

- (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 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 San Marco Boulevard to permit adequate access for fire, police, rescue, and other service vehicles. Additionally, there is a fire station less than 500 feet away from the subject property.

(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 **December 4, 2024**, 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 **2024-0925** be **APPROVED**.



View of subject property



View of adjacent property



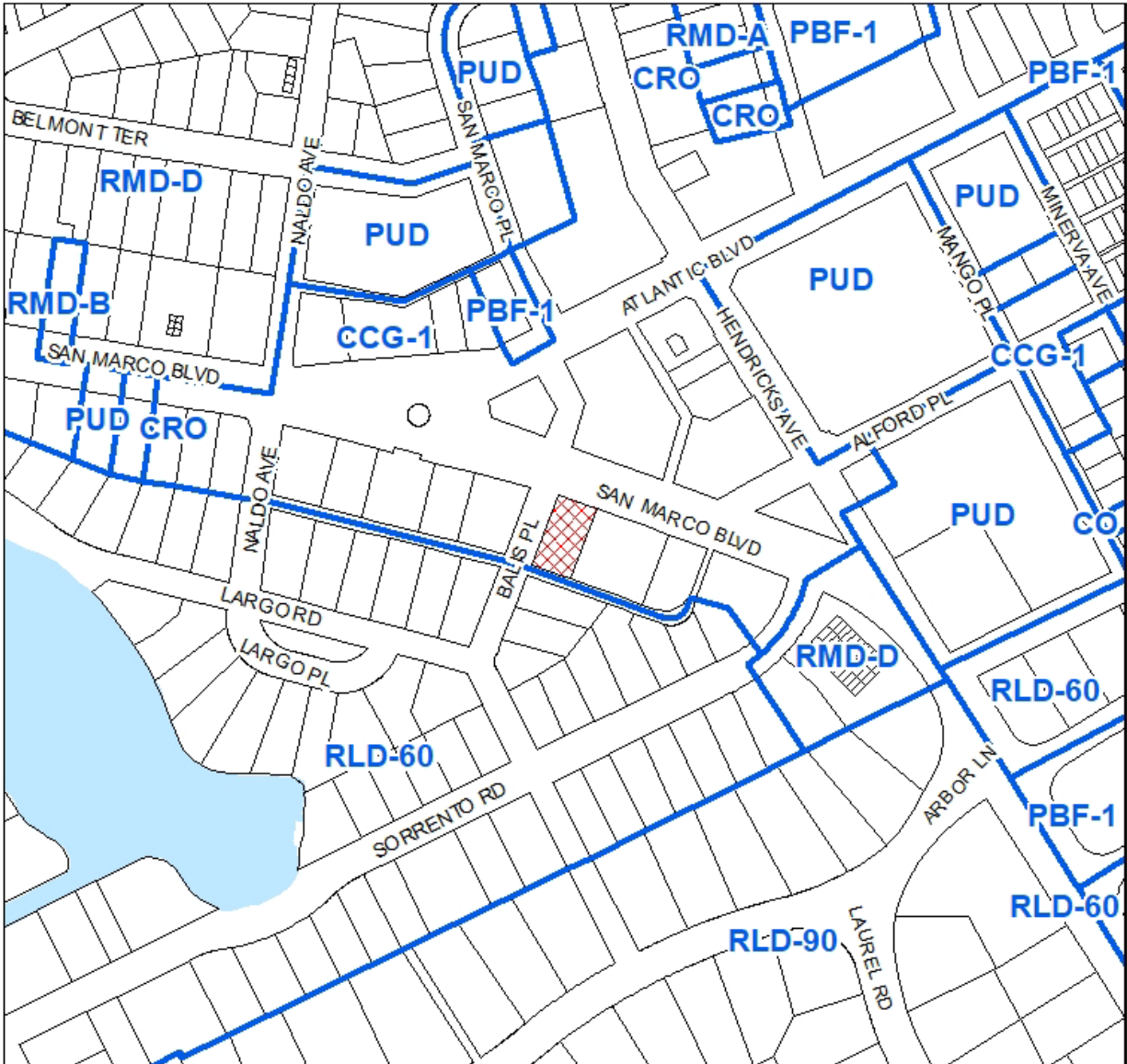
View of adjacent property



View of property opposite of subject site



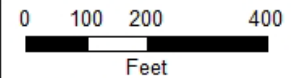
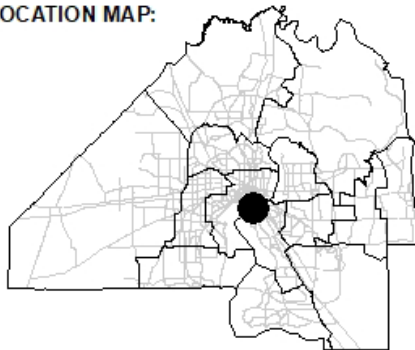
Aerial view of subject property



REQUEST SOUGHT:

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

LOCATION MAP:



COUNCIL DISTRICT:

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TRACKING NUMBER

T-2024-5790

**EXHIBIT 2
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Legal map