

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR WAIVER OF MINIMUM DISTANCE REQUIREMENTS****FOR LIQUOR LICENSE LOCATION 2023-0549 (WLD-23-13)****NOVEMBER 21, 2023**

<i>Location:</i>	2695 Post Street; between King Street and Acosta Street
<i>Real Estate Number:</i>	064199 0010
<i>Waiver Sought:</i>	Reduce required minimum distance between a liquor license location from a church and/or school from 1,500 feet to 900 feet
<i>Current Zoning District:</i>	Commercial Community/General -1 (CCG-1)
<i>Current Land Use Category:</i>	Community General Commercial (CGC)
<i>Planning District:</i>	Northwest, District 5
<i>Agent:</i>	Colab Café LLC 2695 Post Street Jacksonville, Florida 32204
<i>Owner:</i>	Brewzstead LLC 465 W 71 st Street Jacksonville, Florida 32208
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application or Waiver of Minimum Distance Requirements for Liquor License Location **WLD-23-13** seeks to reduce the required minimum distance between the proposed use and Champions at St. Pauls Catholic School (2609 Park Street) from 1,500 feet to 900 feet to allow for the service of all alcoholic beverages for on-premises consumption without a restaurant. The bar will occupy the former space of Dahlia's Pour House, and Brewz. The property is in the CCG-1 Zoning District and is within the CGC functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2045 Comprehensive Plan.

The site is located within the Riverside / Avondale Historic District and in a Commercial Character Area Corridor of the Zoning Overlay Boundary. This area is intended for commercial development which includes restaurants, hotels, sales and service establishments, art galleries, and indoor recreational or entertainment facilities. The site is also located within the King Street Town Center Initiative Program.

In June of 2008 the Riverside/Avondale Zoning Overlay (Ordinance 2008-192-E) was adopted. The intent of the overlay is to encourage revitalization and promote uses that are tailored to the established pattern of development in the respective character areas. More specifically, the commercial character area promotes mixed-use commercial development and entertainment oriented uses such as hotels, restaurants, and retail sales and service establishments, which include the retail sale and service of all alcoholic beverages for either on-premises or off-premises consumption or both, subject to the provisions of Part 8 of Chapter 656.

The proposed waiver of liquor distance will promote economic viability by occupying a vacant unit in an existing commercial structure in the Riverside Historic District. Per the attached liquor survey the nearest school is Champions at St. Pauls Catholic School at 2609 Park Street.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *waiver* means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers are authorized to be granted by the Planning Commission pursuant to the criteria set forth in Section 656.133 of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver of minimum distance requirements for liquor license location may be granted if the Planning Commission makes a positive finding based on substantial, competent evidence that the application meets one or more of the following criteria:

1) Is the commercial activity associated with the alcoholic beverage use of a lesser intensity than the commercial activity associated with the alcoholic beverage use which previously existed; e.g., there has been a reduction in the number of seats or square footage or type of license?

The prior use was a bar (Brewz Craft Beer) serving beer and wine. The size of the bar will remain the same, however the license type will be more intense as all alcohol will be served.

2) Is the alcoholic beverage use designed to be an integral part of a mixed planned unit development?

No. The subject property is located within the CCG-1 zoning district and is not part of a Planned Unit Development (PUD) district. However, the site is located in the Riverside Zoning Overlay “Commercial Character Area”, which is intended for mixed-use commercial development and supporting retail and entertainment uses. The property is also within the King Street Town Center Initiative Program.

3) Is the alcoholic beverage use to be located within a shopping center with an aggregate gross leasable area of 50,000 square feet or more, inclusive of all out parcels, and meets the definition of a bona fide restaurant as defined in Section 656.805?

Yes. Although the site is not within a shopping center, it is located in the Riverside Zoning Overlay “Commercial Character Area”, which is intended for mixed-use commercial development and supporting retail and entertainment uses and the King Street Town Center Initiative Program. As such, the staff is of the opinion that this is a positive finding to support the request for the waiver.

Restaurants and other entertainment establishments are identified in the overlay as integral parts of the Commercial Character Area and are to be promoted to redevelop and revitalize the area in correlation with the King Street Town Center initiative program.

4) Is the alcoholic beverage use directly visible along the line of measurement defined in s.656.806 and physically separated from a church or school, thereby negating the distance requirement as a result of the extra travel time?

No. The proposed establishment is not directly visible along the line of measurement defined in Section. 656.806 and is physically separated from the church. The actual walking distance is .22 of a mile and there is a block of homes separating the two uses.

5) Are there are other existing liquor license locations of a similar nature in the immediate vicinity of the proposed location; provided, however, that no waiver shall be granted pursuant to this criterion if the proposed liquor license location is closer to the church or school than other existing locations?

Yes. The Garage Bar (2692 Post Street), which is located across Post Street from the subject site, is located closer to the school's location.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 25, 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 Waiver of Minimum Distance Requirements for Liquor License Location WLD-23-13 be **APPROVED**.



Aerial



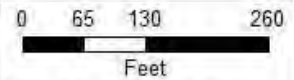
View of the Subject Site



REQUEST SOUGHT:

RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

E-23-51

EXHIBIT 2
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