

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-550**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-23-54 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 5 AT 9735 OLD ST. AUGUSTINE
8 ROAD, BETWEEN PRITMORE ROAD AND OLD ST.
9 AUGUSTINE ROAD (R.E. NO. 148952-0000), AS
10 DESCRIBED HEREIN, OWNED BY KDP1 VENTURES LLC,
11 REQUESTING: (1) AN ESTABLISHMENT OR FACILITY
12 WHICH INCLUDES THE RETAIL SALE AND SERVICE OF
13 ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER
14 OR WINE FOR ON-PREMISES CONSUMPTION, (2)
15 PERMANENT OUTSIDE SALE AND SERVICE OF ALL
16 ALCOHOLIC BEVERAGES MEETING THE PERFORMANCE
17 STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN
18 PART 4, AND (3) OUTSIDE SALE AND SERVICE OF FOOD
19 MEETING THE PERFORMANCE STANDARDS AND
20 DEVELOPMENT CRITERIA SET FORTH IN PART 4, FOR
21 LAYALINA RESTAURANT INC., IN ZONING DISTRICT
22 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS
23 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
24 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
25 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
26 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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28 **WHEREAS**, an application for a zoning exception, **On File** with the
29 City Council Legislative Services Division, was filed by Lawrence
30 Yancy for Layalina Restaurant Inc., on behalf of the owner of property
31 located in Council District 5 at 9735 Old St. Augustine Road, between

1 Pritmore Road and Old St. Augustine Road (R.E. No. 148952-0000) (the
2 "Subject Property"), requesting: (1) An establishment or facility
3 which includes the retail sale and service of all alcoholic beverages
4 including liquor, beer or wine for on-premises consumption, (2)
5 Permanent outside sale and service of all alcoholic beverages meeting
6 the performance standards and development criteria set forth in Part
7 4, and (3) Outside sale and service of food meeting the performance
8 standards and development criteria set forth in Part 4, for Layalina
9 Restaurant Inc., in Zoning District Commercial Community/General-1
10 (CCG-1); and

11 **WHEREAS**, the Planning and Development Department has considered
12 the application and all attachments thereto and has rendered an
13 advisory recommendation; and

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

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

19 **Section 1. Adoption of Findings and Conclusions.** The
20 Council has considered the recommendation of the Land Use and Zoning
21 Committee and reviewed the Staff Report of the Planning and
22 Development Department concerning application for zoning exception
23 E-23-54. Based upon the competent, substantial evidence contained
24 in the record, the Council hereby determines that the requested zoning
25 exception meets each of the following criteria required to grant the
26 request pursuant to Section 656.131(c), *Ordinance Code*, as
27 specifically identified in the Staff Report of the Planning and
28 Development Department:

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

31 (2) Will be compatible with the existing contiguous uses or

1 zoning and compatible with the general character of the area,
2 considering population density, design, scale and orientation of
3 structures to the area, property values, and existing similar uses
4 or zoning;

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

7 (4) Will not have a detrimental effect on vehicular or pedestrian
8 traffic, or parking conditions, and will not result in the generation
9 or creation of traffic inconsistent with the health, safety and
10 welfare of the community;

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

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

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

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

22 (9) Will be consistent with the definition of a zoning
23 exception, and will meet the standards and criteria of the zoning
24 classification in which such use is proposed to be located, and all
25 other requirements for such particular use set forth elsewhere in the
26 Zoning Code, or otherwise adopted by the Planning Commission or
27 Council.

28 Therefore, zoning exception application E-23-54 is hereby
29 approved.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by KDP1 Ventures LLC and is described in **Exhibit 1**, dated March

1 28, 2023, and graphically depicted in **Exhibit 2**, both attached hereto.
2 The applicant is Lawrence Yancy, 1309 St. Johns Bluff Road North,
3 Building A, Suite 2, Jacksonville, Florida 32225; (904) 568-4317.

4 **Section 3. Distribution by Legislative Services.**

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

10 **Section 4. Effective Date.** The enactment of this Ordinance

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

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19 Form Approved:

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21 /s/ Mary E. Staffopoulos

22 Office of General Counsel

23 Legislation Prepared By: Caroline Fulton

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