

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT****APPLICATION FOR ZONING EXCEPTION 2024-0486 (E-24-33)****AUGUST 20, 2024**

***Location:*** 9825 San Jose Blvd, Unit 33-35  
Between Old St. Augustine Road and Crown Point Road

***Real Estate Number:*** 148970 0000

***Zoning Exception Sought:*** 4COP/SFS: Retail Sales and Service of All Alcoholic Beverages for On-Premises Consumption in Conjunction with a Restaurant

***Present Zoning:*** Commercial Community General-1 (CCG-1)

***Current Land Use Category:*** Community/General Commercial (CGC)

***Planning District:*** Southeast, District 3

***Council District:*** District-5

***Applicant/Agent:*** Juan Lozano  
Sr Ceviche Jax, LLC  
1553 Sheridan Street  
Jacksonville, Florida 32207

***Owner:*** E Holdings, LLC  
P.O. Box 56678  
Jacksonville, FL 32241

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Zoning Exception **2024-0486 (E-24-33)** seeks to allow for the sales and service of all alcoholic beverages (4COP/SFS) in conjunction with a restaurant (Sr Ceviche) where it is a permissible use by exception in its zoning district CCG-1. The subject restaurant is located within a shopping center at the intersection of San Jose Boulevard (SR 13) and Old St. Augustine Road on a 7.28 acre parcel. There are several restaurants within the same shopping center that have been granted an exception for sales and service of all alcohol. These applications include: E-18-40, E-16-17, E-14-36, E-04-19, and E-12-02. A liquor distance survey submitted with the application does not indicate the presence of any schools or churches within a 500 foot radius of the proposed

liquor license establishment which does qualify as a bona fide restaurant.

### **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 Commission 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 Planning Commission 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?***

Yes, the request is to allow for the sale and service of all alcoholic beverages in conjunction with a restaurant, which is permissible by exception in the CCG-1 zoning district and the Community/General Commercial land use category within the Urban Development Area according to the FLUMs (Future Land Use Map series) within the Future Land Use Element (FLUE) of the 2045 Comprehensive plan.

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):**

**Objective 1.1**

Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

The proposed use will be compatible with the surrounding uses already available in the neighboring properties and will not contribute to urban sprawl by allowing a use not compatible with the surrounding area, thus the proposed use will be in compliance with Objective 1.1

**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 of Jacksonville’s neighborhoods or residential areas.

**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. The site is located within a shopping center and as such is adjacent to a series of other commercial uses. Allowing the subject restaurant to increase the amount of beverages it can serve, 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 will be compatible with the existing contiguous uses considering the sale of alcohol is currently operating in the general area of the subject site. Referencing the mixture of surrounding commercial uses, the general character of the shopping strip will be preserved in relation to design, scale and orientation. The site’s location is within an existing mixed-use commercial development that contains several other restaurants that serve alcoholic beverages that cater to those individuals patronizing this area.

The surrounding area has the following attributes:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Property Use</b>
North	CGC	CCG-2	Commercial Retail Sales and Service Establishments
South	CGC	CCG-1	Commercial Retail Sales and Service Establishments
South	RPI	CRO	Professional and Business Offices, Cosmetology Facilities and Medical Offices

South	MDR	RMD-D	Single and Multi-Family Dwellings, Community Recreation Structures
East	RPI	CRO	Medical and Professional Offices, Churches
West	MDR	RMD-D	Undeveloped Commercial
West	CGC	PUD	Undeveloped Road
West	CGC	PUD	Storage Units

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

No. The sale and service of all alcoholic beverages for on premises consumption is unlikely to have an environmental impact inconsistent with the health, safety, and welfare of the community as the location is within an existing commercial development which already has many businesses of a similar character and intensity.

**(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 4COP-SFS license, will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions. Traffic and circulation patterns were established when the restaurant was originally opened.

**(v) Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?**

No. The request will promote the commercial viability of the overall area. The proposed restaurant will complement the other commercial uses in the shopping center. When considering the location of the restaurant and the intensity of the proposed use, the proposed use will not have a detrimental effect on the future development or redevelopment of contiguous properties or on the general area.

**(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 restrictions placed on the establishment by Part 8 of the Zoning Code ensure that the sales and service of alcoholic beverages is secondary to the sales and service of food. When considering the orientation, scale, and the controls on the sales and service of alcohol by Part 8 of the Zoning Code, as well as the adjoining properties, the proposed use is unlikely to result in the creation of objectionable or excessive noise, lights or other physical activities.

**(vii) Will the proposed use overburden existing public services and facilities?**

No. The sale and service of food and beverages, when in conjunction with a restaurant,

does not in and of itself generate a demand for public services and facilities greater than the current operating status of the restaurant.

- (viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes. The parcel is located at the intersection of San Jose Boulevard (SR 13) and Old St. Augustine Road, which provide sufficient ingress/egress points to accommodate emergency service vehicles and personnel.

- (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. *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.” Due to its close proximity to other similar restaurant and retail uses, the proposed use is consistent with the definition of a zoning exception and meets the standards and criteria of the CCG-1 Zoning District.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **July 26, 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 **E-24-33** be **APPROVED**.



**View of Subject Property**



**View of Neighboring Property that Serves Beer, Wine, and Liquor for On Premise Consumption**



**View of Adjacent Properties in Same Shopping Center**



**View of Shopping Center from San Jose Boulevard**



**View of Properties Across from Subject Property**

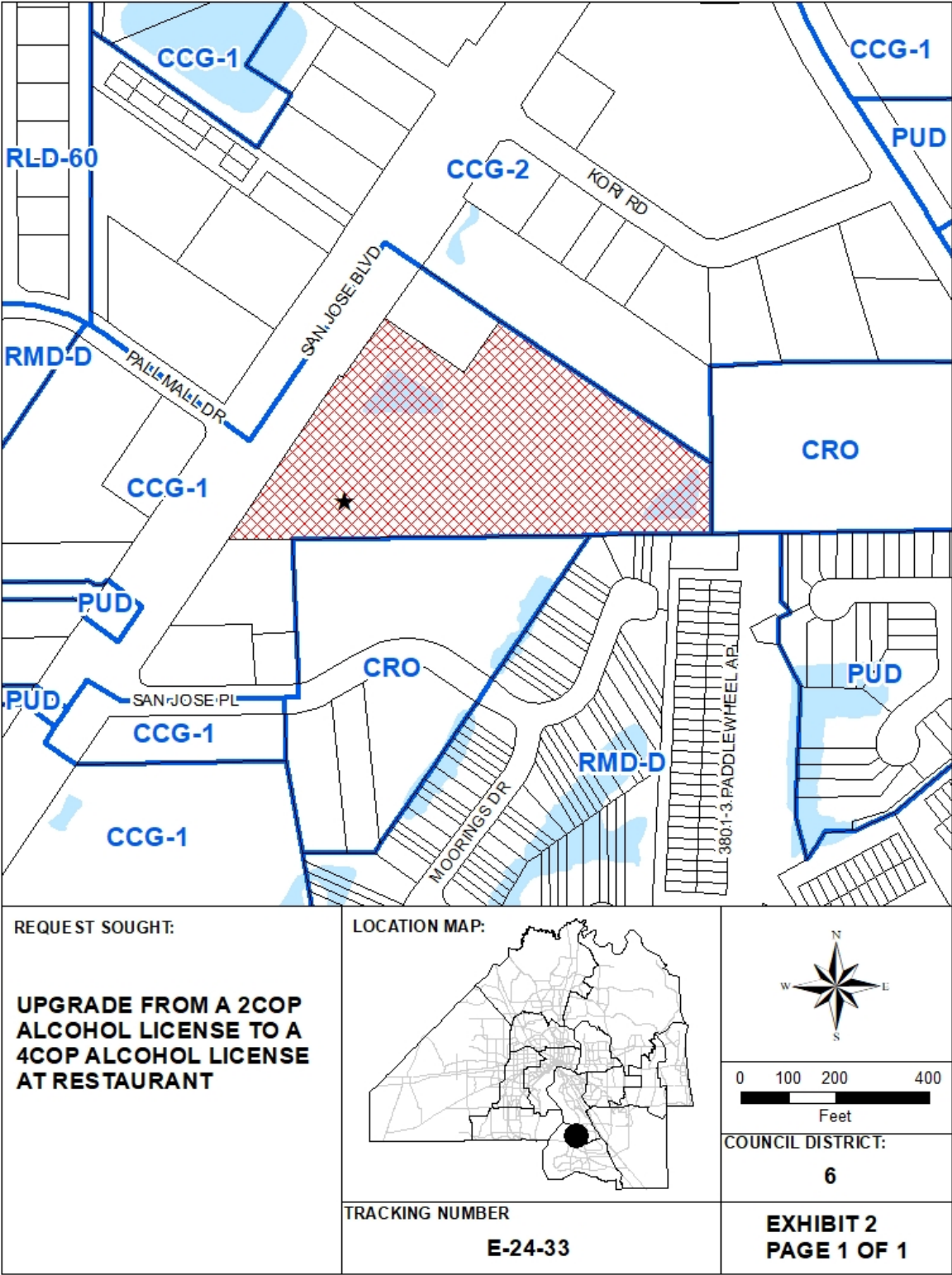


**View of Adjacent Properties in Same Shopping Center**



**Aerial View of Subject Property**





Legal Map