

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-23-54 (2023-0550)

OCTOBER 3, 2023

Location: 9735 Old St. Augustine Road

Real Estate Number: 148952-0000

Zoning Exception Sought: On premises consumption of all alcohol in conjunction with a restaurant, outside sales and service

Current Zoning District: Commercial Community/General-1 (CCG-1)

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

Planning District: 3 - Southeast

Applicant/Agent: Lawrence Yancy
1909 St. Johns Bluff Road North, Building A Suite 2
Jacksonville, FL 32225

Owner: KDP1 Ventures LLC
59 Creekside Park Drive
Apharetta, GA 30022

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Zoning Exception **E-23-54 (2023-0550)** seeks to allow the sales of all alcoholic beverages, in conjunction with restaurant use, as well as outside sale and service. The subject site, Layalina Restaurant & Hookah Lounge, is located near the intersection of Old St. Augustine Road and Pritmore Road. The property was developed in 1985 with a one-story commercial shopping center. Within the shopping center are other restaurants such as San Jose Deli & Grill, Mad O Caribbean and Seafood, El Castillo Market & Restaurant and Donatos Pizza and some businesses within the shopping center are Once Upon A Child, Haute Headz Jax and Best In Town Cleaners. The property just south of the subject property at 9743 Old St. Augustine Road was rezoned to a Planned Unit Development (2022-0758) to allow for all alcohol sales in conjunction with a restaurant.

DEFINITION

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 2045 Comprehensive Plan?*

Yes. The site is located in the Community/ General Commercial (CGC) land use category of the Suburban Development Area. The subject site is located within Council District 5 and Planning District 3. It is located on the corner of Old St. Augustine Road and Pritmore Road. Old St. Augustine Road is classified as a collector roadway.

Principal uses within the CGC land use category include but are not limited to commercial retail sales and service establishments, including auto sales, funeral homes, and broadcasting offices and studios, restaurants, hotel, motel, offices, microbreweries, financial institutions and multi-family dwellings. CGC in the Suburban Area is intended to provide development in a nodal development pattern.

The proposed exception is consistent with the CGC land use category.

The proposed exception is also consistent with the following goals, objectives, policies and/or text of the 2045 Comprehensive Plan Future Land Use Element:

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 use will be compatible with the neighboring properties and will not contribute to urban sprawl by allowing a use not compatible with the surrounding area. As such, the proposed use will be in compliance with Policy 1.1.22.

Objective 3.2

Promote and sustain the viability of existing and emerging commercial and industrial areas in order 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 will promote the vitality and redevelopment of the commercial space in a designated shopping center that will provide commercial support and leisure opportunities for surrounding residents without infringing on any nearby residential uses.

- (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 surrounding uses and zoning, in that its proposed location is within an existing mixed-use commercial area that contains other restaurants that serve alcoholic beverages. As mentioned above, the property just south was rezoned to a Planned Unit Development that permits the all alcoholic beverage sales in conjunction with a restaurant.

Adjacent Property	Land Use Category	Zoning District	Current Property Use
North	CGC	CCG-2/PUD (1987-0016)	Service Garage/Warehouse
South	CGC	PUD (2022-0758)	Restaurant
East	MDR	CCG-1	Condominiums
West	CGC	CCG-2	Shopping Center

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

No, the proposed use is unlikely to have an environmental impact inconsistent with the health, safety, or welfare of the community in that it will be located entirely within an existing commercial shopping center.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?*

No, the proposed use will not have a detrimental effect on vehicular traffic as it is planned to be located in an existing commercial structure that provides adequate on-site parking. There may be some effect on pedestrian traffic as the proposed outdoor seating will take some room from the existing walkway at the entrance and exit of the restaurant. Nonetheless, there will still be room for pedestrians and will not cause the area to be unsafe. This restaurant is also located at the end/corner of the shopping center, so pedestrian through traffic will only be customers entering and exiting the restaurant. It is also important to note that the property must remain ADA compliant.

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

No, the proposed use will not have a detrimental effect on the future development of contiguous properties or the general area, as nearly all surrounding property has already been developed with a mixture of commercial uses.

(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 is unlikely to result in the creation of any objectionable external effects that would negatively impact the surrounding commercial and residential properties in the area.

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

No, the proposed use is unlikely to overburden existing public services and facilities due to the fact that it will be located within an existing commercial shopping center.

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

Yes. The site will be sufficiently accessible for emergency services via an access from Old St. Augustine Road and another access point from Pritmore Road, just north of the property.

(ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

Yes, the proposed use is consistent with the definition of a Zoning Exception because it will promote the public appearance and prosperity by allowing an existing commercial site to extend their business. The proposed use will also meet all other requirements set forth by the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 5, 2023, by the Planning and Development Department, the Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception E-23-54 (2023-0550) be **APPROVED**.



Aerial View



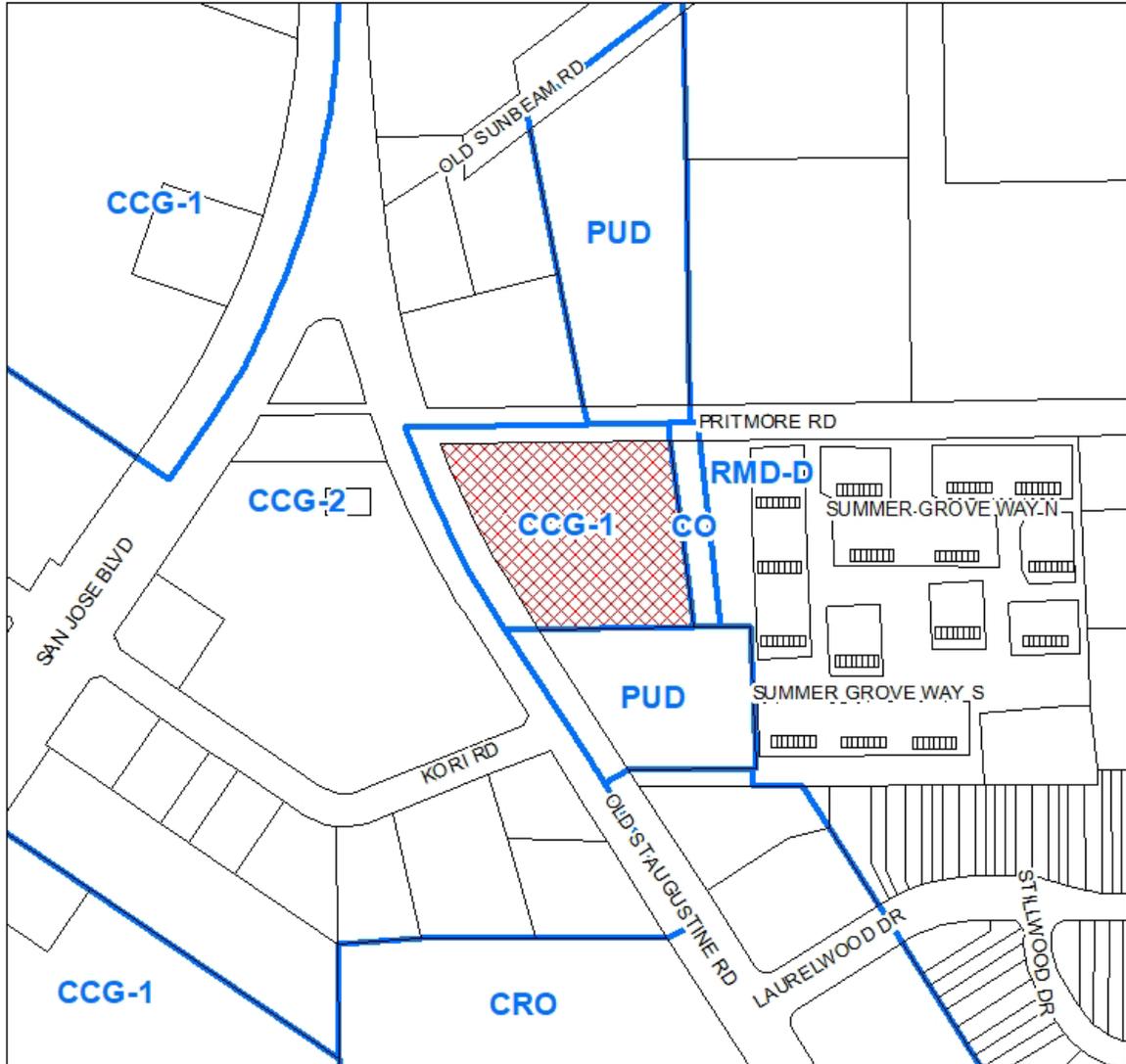
View of the Subject Site



View of the proposed outdoor area



View of the proposed outdoor area



<p>REQUEST SOUGHT:</p> <p>AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION</p> <p>PERMANENT OUTSIDE SALE AND SERVICE, MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4</p> <p>RESTAURANTS WITH THE OUTSIDE SALE AND SERVICE OF FOOD MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4</p>	<p>LOCATION MAP:</p>	
	<p>TRACKING NUMBER</p> <p>E-23-54</p>	<p>COUNCIL DISTRICT:</p> <p>5</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map