

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-488**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-35 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 7 AT 4323 HERSCHEL STREET ON
8 THE NORTHEAST CORNER OF HERSCHEL STREET AND SAN
9 JUAN AVENUE (R.E. NO(S). 093588-0000), AS
10 DESCRIBED HEREIN, OWNED BY SAN JUAN CORNER, 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 OR OFF-
15 PREMISES CONSUMPTION OR BOTH, AND (2) PERMANENT
16 OR RESTRICTED OUTSIDE SALE AND SERVICE, MEETING
17 THE PERFORMANCE STANDARDS AND DEVELOPMENT
18 CRITERIA SET FORTH IN PART 4, FOR EAT HAPPY JAX,
19 LLC IN THE COMMERCIAL COMMUNITY/GENERAL-1 (CCG-
20 1) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
21 ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND
22 CONCLUSIONS OF THE LAND USE AND ZONING
23 COMMITTEE; PROVIDING FOR DISTRIBUTION;
24 PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, an application for a zoning exception, **On File** with
27 the City Council Legislative Services Division, was filed by Cyndy
28 Trimmer on behalf of the owner of property located in Council District
29 7 at 4323 Herschel Street on the northeast corner of Herschel Street
30 and San Juan Avenue (R.E. No(s). 093588-0000) (the "Subject
31 Property"), requesting (1) an establishment or facility which

1 includes the retail sale and service of all alcoholic beverages
2 including liquor, beer or wine for on-premises consumption or off-
3 premises consumption or both, and (2) permanent or restricted outside
4 sale and service, meeting the performance standards and development
5 criteria set forth in Part 4, for Eat Happy Jax, LLC in the Commercial
6 Community/General-1 (CCG-1) District; and

7 **WHEREAS**, the Planning and Development Department has
8 considered the application and all attachments thereto and has
9 rendered an advisory recommendation; and

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

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

15 **Section 1. Adoption of Findings and Conclusions.** The
16 Council has considered the recommendation of the Land Use and Zoning
17 Committee and reviewed the Staff Report of the Planning and
18 Development Department concerning application for zoning exception
19 E-24-35. Based upon the competent, substantial evidence contained in
20 the record, the Council hereby determines that the requested zoning
21 exception meets each of the following criteria required to grant the
22 request pursuant to Section 656.131(c), *Ordinance Code*, as
23 specifically identified in the Staff Report of the Planning and
24 Development Department:

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

27 (2) Will be compatible with the existing contiguous uses or
28 zoning and compatible with the general character of the area,
29 considering population density, design, scale and orientation of
30 structures to the area, property values, and existing similar uses
31 or zoning;

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

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

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

11 (6) Will not result in the creation of objectionable or
12 excessive noise, lights, vibrations, fumes, odors, dust or physical
13 activities, taking into account existing uses or zoning in the
14 vicinity;

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

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

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

24 Therefore, zoning exception application E-24-35 is hereby
25 approved.

26 **Section 2. Owner and Description.** The Subject Property is
27 owned by San Juan Corner, LLC, and is described in **Exhibit 1**, dated
28 May 15, 2024, and graphically depicted in **Exhibit 2**, both attached
29 hereto. The applicant is Cyndy Trimmer, 1 Independent Drive, Suite
30 1200, Jacksonville, Florida, 32202 (904) 807-0185.

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

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

6 **Section 4. Effective Date.** The enactment of this Ordinance
7 shall be deemed to constitute a quasi-judicial action of the City
8 Council and shall become effective upon signature by the Council
9 President and Council Secretary. Failure to exercise the zoning
10 exception, if herein granted, by the commencement of the use or action
11 herein approved within one (1) year of the effective date of this
12 legislation shall render this zoning exception invalid and all rights
13 arising therefrom shall terminate.

14 Form Approved:

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16 /s/ Dylan Reingold

17 Office of General Counsel

18 Legislation Prepared By: Jackie Williams

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