

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2023-0859 (E-23-79)

FEBRUARY 6, 2024

Location: 12961 Main Street North (SR 5)
Between Airport Center DR E and Katherine RD

Real Estate Number: 107599-0200

Zoning Exception Sought: An establishment or facility which includes the retail sale and service of all alcoholic beverages, not in conjunction with a restaurant, for on-premises consumption.

Current Zoning District: Commercial Community/General-2 (CCG-2)

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

Planning District: North (6)

Council District: District 8

Applicant/Agent: Paul M. Harden, Esq.
Law Office of Paul M. Harden
1431 Riverplace Blvd. Suite 901
Jacksonville Beach, Florida 32250

Owner: Main Street Place at Oceanway, LLC
200 Riverside Avenue, Suite 5
Jacksonville, Florida. 32202

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **2023-0859 (E-23-79)** seeks approval for the retail sale and service of all alcoholic beverages, not in conjunction with a restaurant, for on-premises consumption. The site is located in the Commercial Community/General-2 (CCG-2) zoning district and is in the Community General Commercial (CGC) functional land use category.

The subject site was previously approved for a Waiver of Liquor Distance (**WLD-23-06**). The subject site is operating as a liquor store which does not require an exception in CCG-2 for off premise consumption sales. The subject site is seeking to add on-premise consumption sales through an expansion into Unit 206 for the Oceanway PUB which requires the requested exception

application.

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 Comprehensive Plan?

Yes. The site is located in the Community/ General Commercial (CGC) land use category of the Urban Development Area. The subject site is located within Council District 8 and Planning District 6. It is located on the east side of Main Street North, a principal arterial 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.

The proposed exception is consistent with 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.

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.

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.

- (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 bar use is located within a shopping center that is located along a commercial corridor containing a mixture of uses. Several other facilities within the shopping center and area currently serve alcohol. The requested Exception will not adversely affect the nearby residential uses because the Exception is consistent with similar uses within the vicinity. The area consists of a mixture of uses which include restaurants, a bank, pharmacy, a storage facility, offices, and residential. The surrounding Zoning Districts and Land Use Categories are:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-2	Retail Store
South	CGC	PUD	Open Storage
East	LDR	RLD-60	Single Family Residential
West	LI	CCG-S	Railroad Tracks, Open Storage

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

No. The proposed use will not have an environmental impact inconsistent with the health, safety, and welfare of the community. The site is currently developed as a commercial shopping center. Approval of this exception will not create a use out of character for the immediate area.

- (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 shopping center is developed with a large parking facility which is shared between all uses within the center.

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

No. The proposed exception will not have a detrimental effect on the future development of contiguous properties as the surrounding area is developed with a mixture of 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 exception will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities than that already exist for the immediate area. All activity will operate within the unit and hours of operation will be appropriate for the area. The entrance to the shopping center, and all businesses, faces Main Street North with adequate buffering along the east side with a retention pond and landscaping to protect existing residences.

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

No. It is not anticipated that the proposed use will overburden existing public services or facilities. City water and sewer services are provided to the site.

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

Yes. The subject property is accessible from Main Street North and Elizabeth Lane which will permit entry onto the property for fire, police, rescue, and other service vehicles.

- (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?*

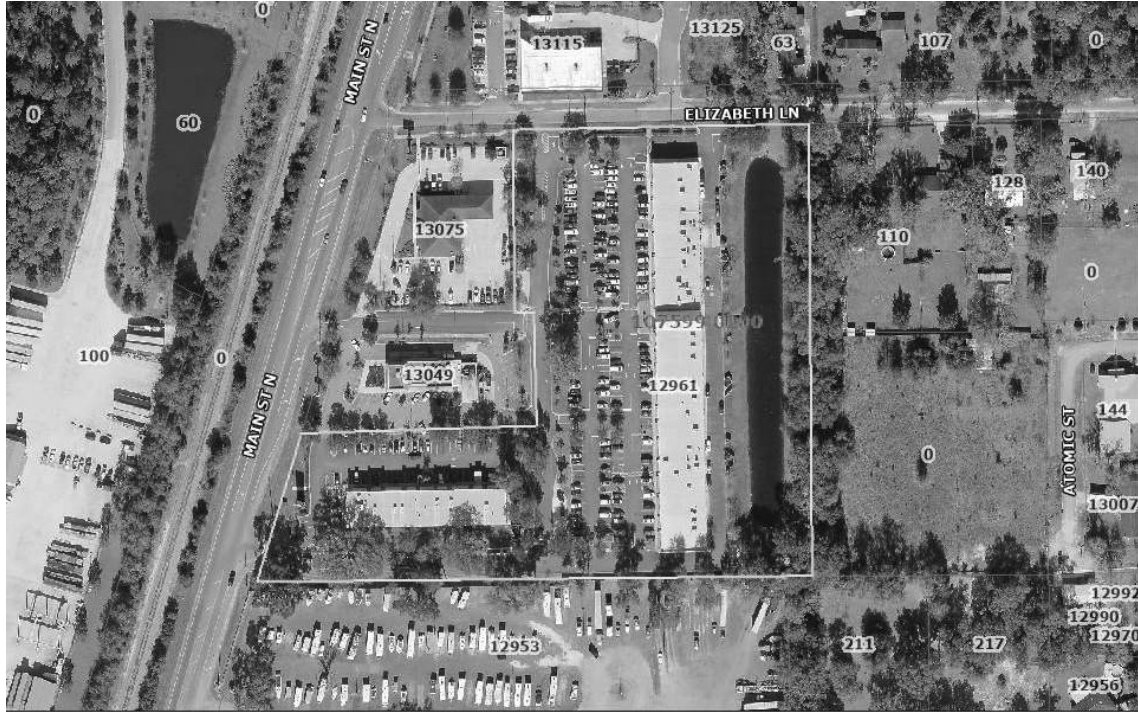
Yes. According to Section 656.1601 of the Zoning Code, exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. The proposed use will be consistent with the definition of a Zoning Exception and with the zoning classification standards found in the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **January 30, 2024**, the Planning and Development Department staff did notice that the required Notice of Public Hearing sign **was not** posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **2023-0859 (E-23-79)** be **APPROVED**



Aerial View



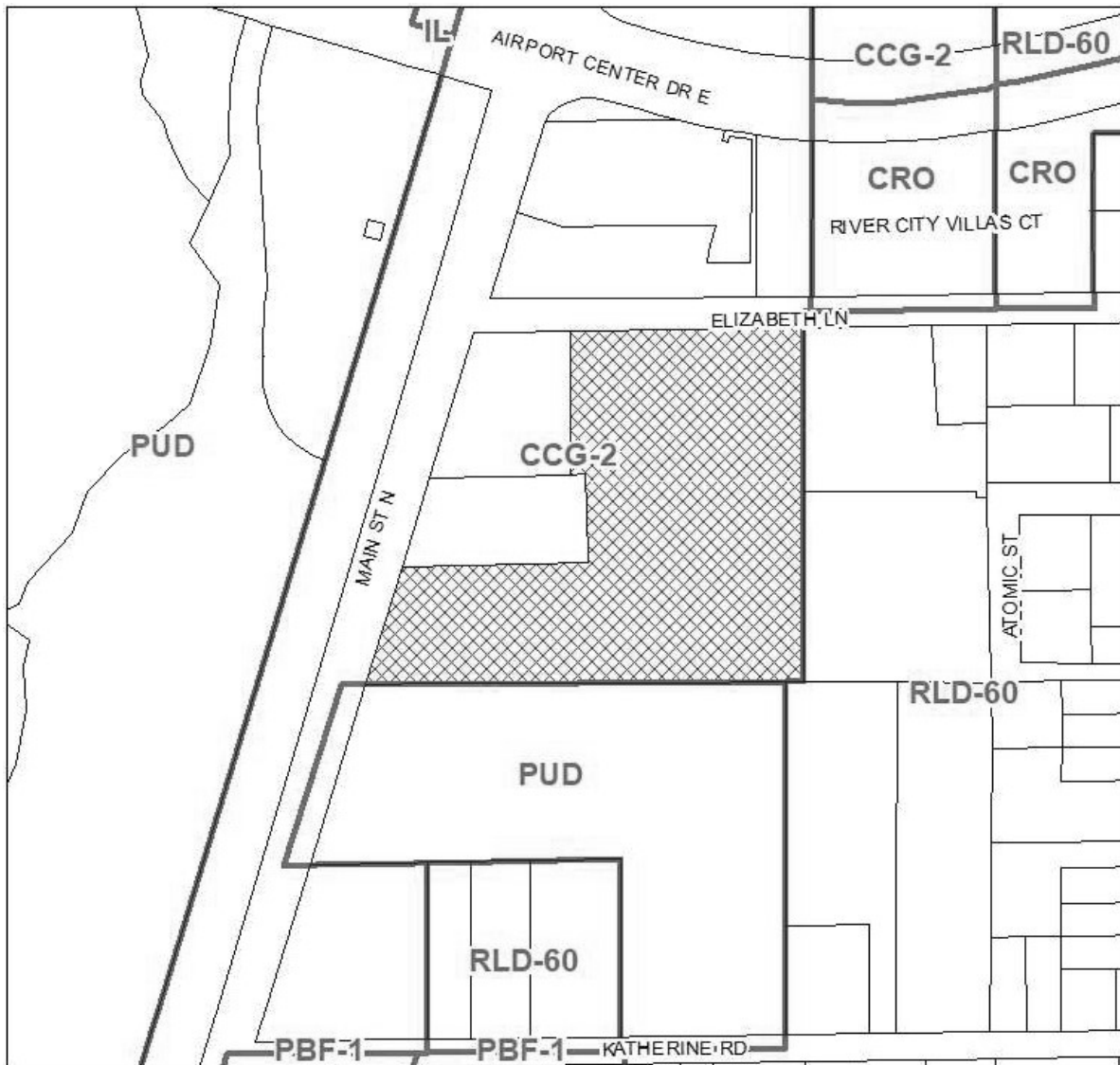
View of the Subject Site



View of the Shopping Center



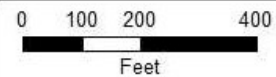
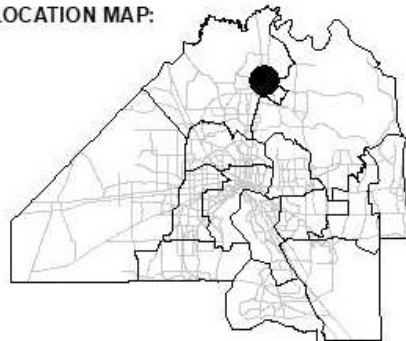
View of the Restaurant and Bank in the outparcels of the Shopping Center



REQUEST SOUGHT:

AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES, NOT IN CONJUNCTION WITH A RESTAURANT, INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION (§656.313 A.V.(C)(13))

LOCATION MAP:



COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2023-5169

EXHIBIT 2
PAGE 1 OF 1

Application For Zoning Exception

Planning and Development Department Info

Application # 2023-0859 (E-23-79) **Staff Sign-Off/Date** CMC / 11/15/2023
Filing Date 11/15/2023 **Number of Signs to Post** 4
Current Land Use Category CGC
Exception Sought AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES, NOT IN CONJUNCTION WITH A RESTAURANT, INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION (§656.313 A.V.(C)(13))
Applicable Section of Ordinance Code 656.313 A.V.(C)(13)
Notice of Violation(s) N/A
Hearing Date 02/21/2024
Neighborhood Association MAIN STREET FARMS CIVIC ASSOCIATION; M & M DAIRY INC; GILLESPIE GARDENS HOA; THE EDEN GROUP INC.
Overlay DUNN & MAIN

Application Info

Tracking # 5169 **Application Status** FILED COMPLETE
Date Started 08/23/2023 **Date Submitted** 08/23/2023

General Information On Applicant

Last Name HARDEN **First Name** PAUL **Middle Name** M.
Company Name LAW OFFICE OF PAUL M. HARDEN
Mailing Address 1431 RIVERPLACE BLVD, SUITE 901
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043965731 **Fax** **Email** PAUL@HARDENLAWOFFICE.COM

General Information On Owner(s)

Last Name PATEL **First Name** REEKEE **Middle Name** R
Company/Trust Name MAIN STREET PLACE AT OCEANWAY, LLC
Mailing Address 200 RIVERSIDE AVE, SUITE 5
City JACKSONVILLE **State** FL **Zip Code** 32202
Phone **Fax** **Email**

Property Information

Previous Zoning Application Filed?
If Yes, State Application No(s) WLD-23-06

Map RE#	Council District	Planning District	Current Zoning District(s)
Map 107599 0200	8	6	CCG-2

Ensure that RE# is a 10 digit number with a space (##### #)

Total Land Area (Nearest 1/100th of an Acre) 7.86

Current Property Use
COMMERCIAL SHOPPING CENTER

Exception Sought

AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES, NOT IN CONJUNCTION WITH A RESTAURANT, INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION (§656.313 A.V.(C)(13))

In Whose Name Will The Exception Be Granted

OCEANWAY LIQUOR, INC.

Location Of Property**General Location**

ON THE EAST SIDE OF MAIN ST N, SOUTH OF AIRPORT CENTER DR E

House #

12961

Street Name, Type and Direction

MAIN ST N

Zip Code

32218

Between Streets

AIRPORT CENTER DR E

and

KATHERINE RD

Utility Services Provider

City Water/City Sewer Well/Septic City Water/Septic City Sewer/Well

Required Attachments

The following items must be attached to the application.

- Survey
- Site Plan
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description - may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof Of Property Ownership - may be print-out of property appraiser record card if individual owner, <https://paopropertysearch.coj.net/Basic/Search.aspx>, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <https://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Supplemental Information

- Letter From DCFS, Department of Children and Family Services - day care uses only
- Advisory Opinion Letter From EQD, Environmental Quality Division

Criteria

Section 656.101(i), Ordinance Code, defines an exception as "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare."

Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:

(i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

THE USE IS CONSISTENT WITH THE COMPREHENSIVE PLAN, IN THAT THE COMPREHENSIVE PLAN ALLOWS IN THE CGC LAND USE CATEGORY RETAIL SALES AND SERVICE OF ALCOHOL FOR ON-PREMISES CONSUMPTION

(ii) Will 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 the structures to the area, property values and existing similar uses.

THE USE IS COMPATIBLE WITH THE EXISTING CONTIGUOUS ZONING, AS IT IS DEVELOPED IN AN EXISTING COMMERCIAL STRIP MALL AND THE GENERAL AREA IS DEVELOPED FOR COMMERCIAL USES. THE SITE IS CURRENTLY A PACKAGE STORE FOR OFF-PREMISES CONSUMPTION WHICH IS EXPANDING FOR ON-PREMISES CONSUMPTION

(iii) Will not have an environmental impact inconsistent with the health, safety and welfare of the community.

THE USE WILL HAVE NO ENVIRONMENTAL IMPACT WHATSOEVER

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

THE USE WILL NOT CAUSE ANY VEHICULAR OR PEDESTRIAN PARKING CONDITION ACTIVITY AND WILL NOT RESULT IN THE GENERATION OF TRAFFIC, AS THE SITE IS ALREADY BUILT OUT AND OPERATING AS DEVELOPED COMMERCIAL

(v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

THE USE WILL NOT HAVE A DETRIMENTAL EFFECT ON THE FUTURE DEVELOPMENT OF CONTIGUOUS PROPERTIES, AS THEY ARE DEVELOPED CONSISTENT WITH THE COMPREHENSIVE PLAN

(vi) Will not 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.

THE USE WILL CREATE NO NOISE, LIGHTS, VIBRATIONS, FUMES, ODORS OR DUST

(vii) Will not overburden existing public services and facilities.

THERE ARE ADEQUATE PUBLIC SERVICES AND FACILITIES FOR USE ON THE SITE

(viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services.

AS SHOWN BY THE SITE PLAN, THERE IS ADEQUATE ACCESS FOR ENTRY ONTO THE PROPERTY BY FIRE, POLICE, RESCUE, ET AL.

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

THE USE IS CONSISTENT WITH THE DEFINITION OF AN EXCEPTION, AS THE PROPOSED EXCEPTION IS OUTLINED AS A PERMITTED USE BY EXCEPTION IN THE CCG-2 ZONING CATEGORY

Public Hearings

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

Application Certification

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Agreed to and submitted

Filing Fee Information

1) Non-residential District Base Fee	\$1,173.00
2) Plus Notification Costs Per Addressee	
23 Notifications @ \$7.00/each:	\$161.00
3) Total Application Cost:	\$1,334.00

* Applications filed to correct existing zoning violations are subject to a double fee.

** The fee for the advertisement is in addition to the above fees. The newspaper will send the invoice directly to the applicant.

August 23, 2023

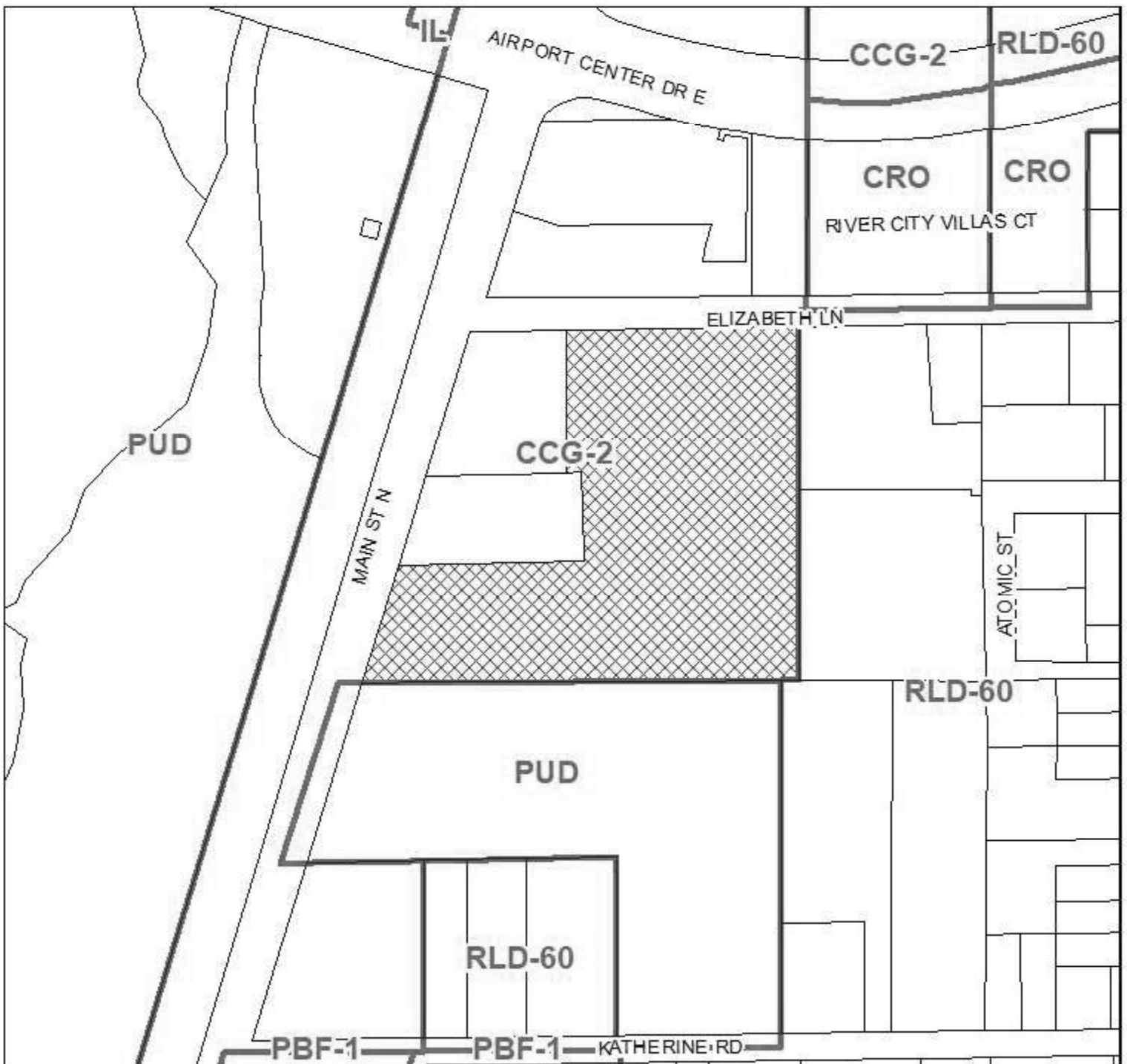
Legal Description

Part of Farms 19 and 20, MAIN STREET FARMS, according to the plat thereof recorded in Plat Book 9, Page 15 of the Current Public Records of Duval County-, Florida, more particularly described as follows: BEGIN at the Northwest corner of BELVEDERE HEIGHTS, as recorded in Plat Book 12, Page 22 of the Current Public Records of said County; thence North 15°-56'-35" East, 219.24 feet, along the East line of North Main Street-U.S. Highway No. 17 (an 80.0 foot right-of-way), to a point in the South line of the lands described in Official Records Book 12221, Page 2063; thence North 88°-26'-01" East, 335.12 feet, along the last mentioned line, to its Southeast corner; thence North 01 °-33'-59" West, 425.53 feet, along the East line of said lands and its production Northerly, to the South line of Elizabeth Road (a 50.0 foot right-of-way); thence North 88°-22'-20" East, 422.61 feet, along the South line of said Elizabeth Road, to the Northeast corner of said Farm 20; thence South 00°-52'-17" East, 635.22 feet, along the East line of said Farms 20 and 19, to the Southeast corner of said Farm 19; thence South 88°-27'-49" West, 815.82 feet, along the South line of said Farm 19, to the POINT OF BEGINNING.

Together with those easements which are beneficial and appurtenant to the land as set forth under Article II of the Reciprocal Easement, Operating and Development Agreement for Shoppes at North Main Street Concourse recorded in Book 12221, page 2017.

LESS AND EXCEPT any portion thereof lying within North Main Street, as presently established.

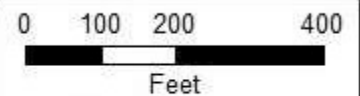
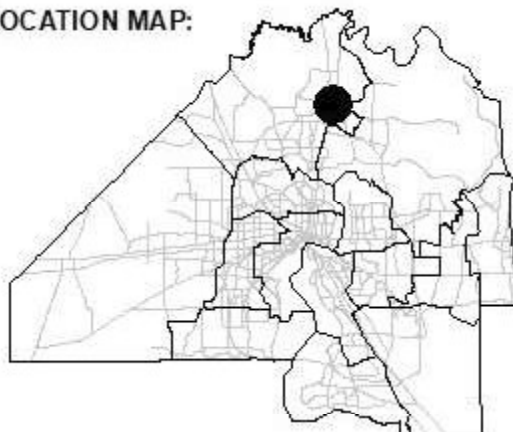
Contains 7.868 acres



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LOCATION MAP:



COUNCIL DISTRICT:

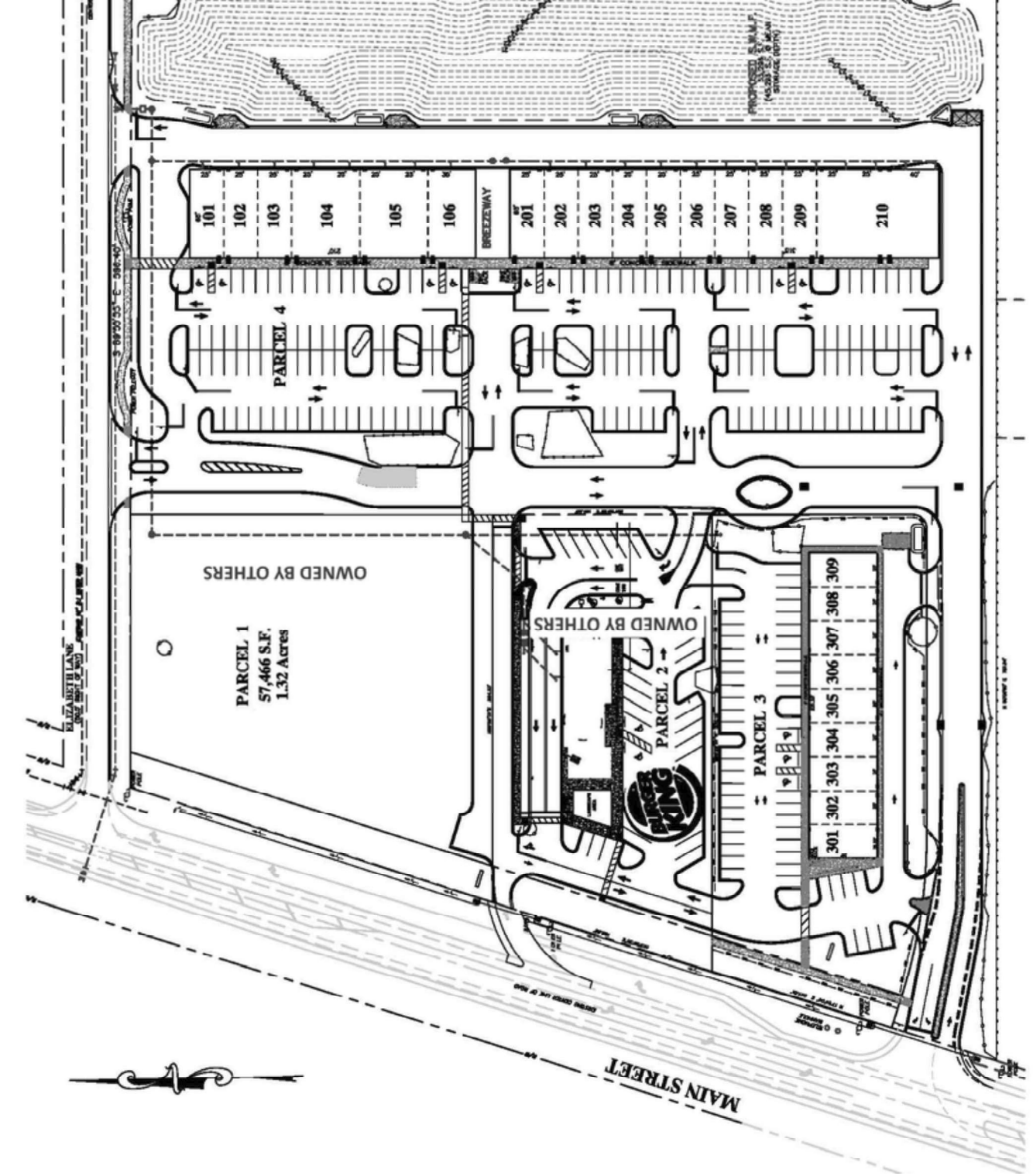
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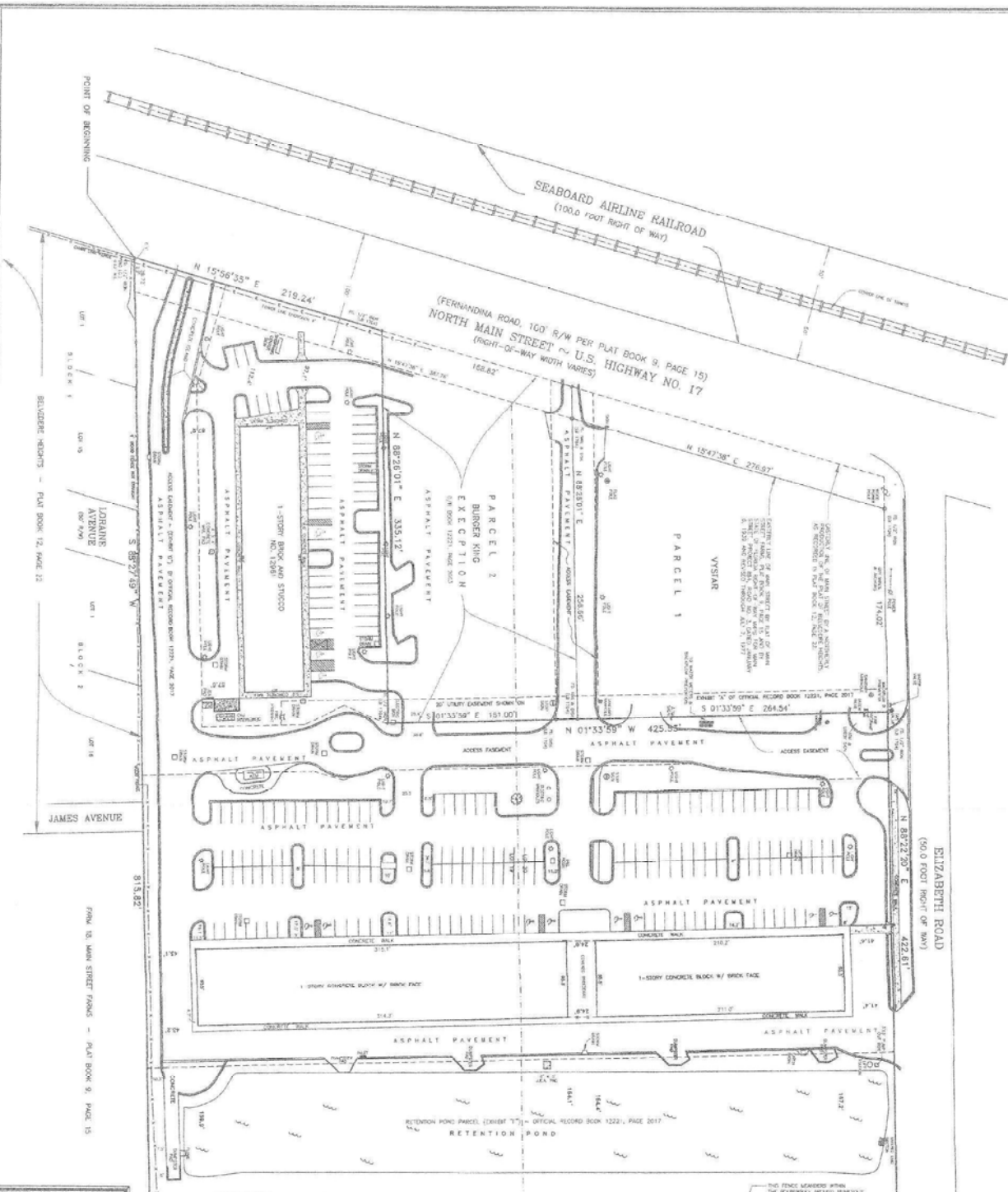
**EXHIBIT 2
PAGE 1 OF 1**

MAIN STREET PLACE



Tenant	Unit Number	Square Footage
Main Cut Barber	101	1,024
Salon Lush	102	1,013
Remedy Staffing	103	1,515
Casa Maria	104	3,378
Seafood Express	105	2,755
Masala Mantra Indian Bistro	106	3,552
Jax Orthopedics	201/202	3,990
River City Vision	203	1,690
Oceanway Smokeshop	204	1,266
Advance America	205	1,260
Oceanway Pub	206	1,583
Oceanway Liquor	207	1,583
Sushi Wok	208	1,900
H&R Block	209	1,260
Duval Tax Collector	210	5,035
Pizza Hut	301	1,400
American Nails	302	1,000
All Washed Up	303	1,000
Brightway Insurance	304	818
Fresenius Medical	305-309	6,684

NORTH MAIN STREET PLACE



GENERAL NOTES

1. THE PLAT IS BASED UPON THE SURVEY OF THE NORTH MAIN STREET PLACE, PLAT BOOK 9, PAGE 15, AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA, ON FEBRUARY 11, 1971.
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ADDITIONAL GENERAL NOTES

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CERTIFIED TO FIRST COAST LAND DEVELOPMENT, INC.
 OLD SERVICE CENTER BUILDING
 4000 WASHINGTON AVENUE, N.W.
 WASHINGTON, D.C. 20007

GRAPHIC SCALE
 1 INCH = 50 FEET

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ECK LAND SURVEYORS, INC.
 1000 WASHINGTON AVENUE, N.W.
 WASHINGTON, D.C. 20007
 TEL: 202-331-1111
 FAX: 202-331-1112

GENERAL NOTES

1. THE PLAT IS BASED UPON THE SURVEY OF THE NORTH MAIN STREET PLACE, PLAT BOOK 9, PAGE 15, AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA, ON FEBRUARY 11, 1971.
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MAP SHOWING RADIAL SEARCH SURVEY SPECIFIC PURPOSE SURVEY

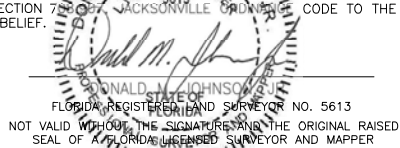
WITHIN SECTION 29 & 30 , TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA.

	FROM	TO	DISTANCE
0.) 12961 NORTH MAIN STREET – UNIT 207 (OCEANWAY LIQUORS)	0	0	0'±
1.) OCEANWAY CONGREGATIONAL CHURCH	0	1	642'±
2.) CHOPPERS BAR AND GRILL	0	2	1032±
3.) THE LEARNING EXPERIENCE	0	3	1700'±
4.) SEAFOOD EXPRESS AND MORE	0	4	430'±
5.) CASA MARIA AUTHENTIC MEXICAN	0	5	343'±



SURVEYING & MAPPING, LLC.
10250 NORMANDY BLVD. SUITE 604
JACKSONVILLE FLORIDA 32221
LICENSED BUSINESS No. 7908
PHONE (904) 619-6630
FAX (904) 619-6786

CERTIFICATION
THE UNDERSIGNED HEREBY CERTIFIES THAT HE IS A LICENSED SURVEYOR REGISTERED BY THE STATE OF FLORIDA, AND THAT THIS DRAWING WAS PREPARED BY ME PURSUANT TO SECTION 708.904, JACKSONVILLE ORDINANCE CODE, THAT ALL LOCATIONS OF LIQUOR LICENSES, ADULT ENTERTAINMENT CENTERS, SCHOOLS AND CHURCHES WITHIN A RADIUS OF 1500 FEET ARE SHOWN, AND THAT THE DISTANCE SHOWN ARE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 708.904, JACKSONVILLE ORDINANCE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF.



CHECKED BY: DMJ	SURVEY DATE: 3/1/2023	DRAFTED BY: L. JOHNSON
W.O. NO.: 2023-030	CAD FILE: 1023077278.DWG	FB N/A PG N/A