

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM DISTANCE REQUIREMENTS

FOR LIQUOR LICENSE LOCATION 2023-0663 (WLD-23-16)

NOVEMBER 7, 2023

Location: 1518-1520 Hendricks Avenue
Between Cedar Street and LaSalle Street.

Real Estate #: 080523-0000

Waiver Sought: Reduce the distance from the liquor license location
to a church from 500 feet to 320 feet

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast, District 3

Applicant / Agent: Lawrence Yancy
1309 Saint Johns Bluff Road North
Bldg. A, Suite 2
Jacksonville Florida 32225

Owner: Good Guys Property LLC
8720 Beach Blvd.
Jacksonville Florida 32216

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

The Application for Waiver of Minimum Distance Requirements for Liquor License Location **2023-0663 (WLD-23-16)** seeks to reduce the required minimum distance from North East District United Methodist Church from 500 feet to 320 feet to allow for the expanded use of all alcoholic beverages with an existing restaurant, including outdoor sale and service. The site is located in the San Marco area on Hendricks Avenue across from the San Marco Library and Tennis Courts. Although not in the historic San Marco Square area, this section of Hendricks Avenue includes a variety of retail stores, institutions and dining establishments. A similar waiver was approved for a neighboring property to the south (1538 Hendricks Avenue), which is closer to the church, via WLD-22-11.

There is a companion Application for Zoning Exception **2023-0662 (E-23-56)** which seeks to allow for the retail sale and service of all alcoholic beverages for on and off-premises consumption in conjunction with a restaurant, including outdoor sale and service.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *waiver* means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers are authorized to be granted by the Planning Commission pursuant to the criteria set forth in Section 656.183 of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver of minimum distance requirements for liquor license location may be granted if the Planning Commission makes a positive finding based on substantial, competent evidence that the application meets one or more of the following criteria:

(i) *Is the commercial activity associated with the alcoholic beverage use of a lesser intensity than the commercial activity associated with the alcoholic beverage use which previously existed; e.g., there has been a reduction in the number of seats or square footage or type of license?*

No. The former restaurant at this location (Green Erth Bistro) did not sell full alcohol, therefore the use is more intense than the previous use.

(ii) *Is the alcoholic beverage use designed to be an integral part of a mixed planned unit development?*

No. The subject property is within a CCG-1 Zoning District in a commercial corridor.

(iii) *Is the alcoholic beverage use to be located within a shopping center with an aggregate gross leasable area of 50,000 square feet or more, inclusive of all outparcels, and meets the definition of a bona fide restaurant as defined in Section 656.805?*

No. The restaurant is not located in a shopping center that is 50,000+ square feet in size. However, it is located along Hendricks Avenue, a major commercial corridor that includes a mixture of retail shopping opportunities and establishments that serve alcoholic beverages.

- (iv) *Is the alcoholic beverage use directly visible along the line of measurement defined in s.656.806 and physically separated from a church or school, thereby negating the distance requirement as a result of the extra travel time?*

No. The use is not directly visible along the line of measurement defined in 656.806 as the square is located between the subject property and the North East District United Methodist Church. The church building is located on LaSalle Street and is approximately 506 feet walking distance from the proposed restaurant around a corner. There are many structures blocking the line of sight between the two subject properties.

- (v) *Are there other existing liquor license locations of a similar nature in the immediate vicinity of the proposed location; provided, however, that no waiver shall be granted pursuant to this criterion if the proposed liquor license location is closer to the church or school than other existing locations?*

Yes. However, there are several establishments in the immediate area that sell beer and wine, and liquor including Hurricanes Grill & Wings, Jack Rabbits, High Tide Burrito Company. The addition of the proposed use will have a minimal impact as there are other facilities that are in close proximity to the church, including Hightide Burrito Company and Bar Molino which is closer. The location of High Tide Burrito Co, and Bar Molino were approved for a similar waiver by WLD-22-11.

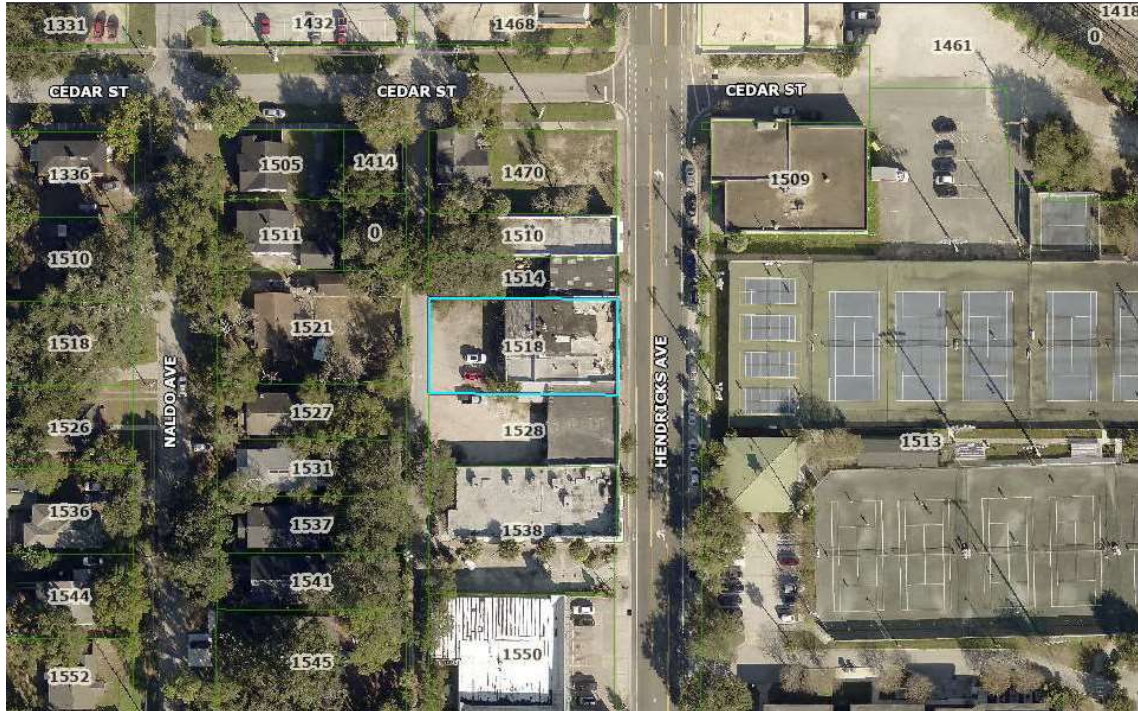
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 9, 2023, the Planning and Development Department staff observed that the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the Application for Waiver of Minimum Distance Requirements for Liquor License Location 2023-0663 (WLD-23-16) be **APPROVED**.



Aerial View



View of the Subject Site



View of the Church looking towards the Subject Site