

DATE AND TIME STAMP

**NOTICE OF APPEAL FROM A
FINAL ORDER OF THE
JACKSONVILLE PLANNING COMMISSION**

2020 OCT 28 AM 11:35

I. INSTRUCTIONS

As provided in §656.140, Ordinance Code, any person with standing may appeal a Jacksonville Planning Commission final order with respect to an application for zoning exception, variance, or waiver to the City Council. An appeal must be filed **within 21 calendar days** after the order granting, granting with conditions, or denying an application is signed by the Commission Chairman. To appeal a Commission final order, complete and submit this form to the Legislative Services Division, Suite 430, City Hall-St. James, 117 W. Duval Street, Jacksonville, Florida 32202 with the supporting documents (*see* Section III) and appropriate fees (*see* Section IV). A copy of the order and the list of persons who testified before or wrote to the Commission about the application (*see* Sec. III (1) and (4)) may be obtained from the Secretary to the Planning Commission at the Planning and Development Department, 3rd Floor, Edward Ball Building, 2814 North Hogan Street, Suite 300, Jacksonville, Florida 32202. For questions regarding the Appeal process, please contact the Secretary to the Planning Commission at (904) 255-7800.

II. NOTICE OF APPEAL

Jak Gjergji
I, or Patricia Butts
PRINT NAME CLEARLY

hereby file this Notice of Appeal from the final order of the City of Jacksonville Planning Commission concerning Exception/Variance/Waiver Number WLD-20-23

I am (Please circle one):

- (a) The person who filed the application for the zoning exception, variance, or waiver;
- (b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied a zoning exception, variance, or waiver;
- (c) A person, other than a member of the City Council, who provided a qualifying written statement or who testified before the Planning Commission. The statement must have been in writing, expressing a position on the merits of the application for zoning exception, variance, or waiver, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the City's Chief, Current Planning Division, or any member of the Planning Commission (with a copy to the Chief, Comprehensive Planning Division), and which was delivered to and received by the City's Planning and Development Department by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application, or which is read into the record at the public hearing, or distributed to the Commission at the hearing with a copy to the Commission's staff.

III. SUPPORTING DOCUMENTS

To complete your Notice of Appeal, you **must** submit the following documents with this form:

- (1) A copy of the Final Order you are appealing.
- (2) If you circled II(c) above, you must provide a statement of your interest sufficient to show how you are or will be *adversely* affected by the Commission's decision. Please provide this statement in the space below:

If you need additional space, please attach a separate sheet.

(3) A description of the specific error(s) you believe the Commission committed. Please provide this description in the space below:

The commission did not consider the applicable criteria and relied upon only opinions, not factual information related to the use and the proposed name of the business. The nature of the opposition was related to the name of the restaurant, not the use or applicable regulations.

(4) The list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who testified before the Commission about the application, or who provided a qualifying written statement to the Commission about the application. (You must pay a \$7.00 notification fee for each person on the list.)

(5) A list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who own real property within three hundred and fifty feet of the boundaries of the land which is the subject of the appeal, and if the appeal concerns an application for a waiver of the minimum distance requirements from a church or school for a liquor license, the list shall include all churches and schools within one thousand five hundred feet identified pursuant to Section 656.804. (You must pay a \$7.00 notification fee for each person on the list.)

IV. FILING AND NOTIFICATION FEES

Section 656.147, Ordinance Code, requires persons appealing Final Orders to pay filing and notification fees. These fees must be paid at the time you file your Notice of Appeal with the Legislative Services Division or your Appeal will not be accepted. You may include the filing and notification fees in one payment. Make checks payable to TAX COLLECTOR.

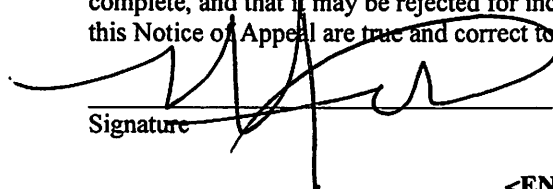
Filing Fee: \$1,161.00
Notification Fee: \$7.00 for each notification.

V. Contact Information

Name (Printed): Michael Herzberg
Address: 12433 Aladdin Rd
Jacksonville, Fl. 32223
Daytime Phone: 904-673-6334
Evening Phone: SAME
E-mail address: mherzberg@sliman.com

VI. CERTIFICATION (Please read, sign and date the following statement)

I have read and understand the information contained in this Notice of Appeal. I hereby certify that I have provided all the information required under §656.141, Ordinance Code, and I understand that if this Notice of Appeal is incomplete, my appeal will not be processed until it is complete, and that it may be rejected for incompleteness. I further certify that all my statements in this Notice of Appeal are true and correct to the best of my knowledge.

Signature: 

Date: 10/21/2020

<END OF FORM>

Duval County, City Of Jacksonville
Jim Overton , Tax Collector
 231 E. Forsyth Street
 Jacksonville, FL 32202

General Collection Receipt

Account No: CR566951
 User: Matthews, Jessica
 Generic CR

Date: 10/28/2020
 Email: JMatthews@coj.net

Name: LEGISLATIVE SERVICES DIVISION
Address: 117 WEST DUVAL ST SUITE 305 JACKSONVILLE FL 32202
Description: RECEIVED \$385.00 IN CHECK FORM (CK # 390) FROM ONE BAR AND LOUNGE INC. JAKE GJERGJI/PATRICIA BUTTS FOR PLANNING COMMISSION APPEAL WLD 20-23 ON THURSDAY OCTOBER 28, 2020.

TranCode	IndexCode	SubObject	GLAcct	SubsidNo	UserCode	Project	ProjectDtl	Grant	GrantDtl	DocNo	Amount
701	CCSS011AD	36907									385.00

Total Due: \$385.00

Jim Overton , Tax Collector
General Collections Receipt
City of Jacksonville, Duval County

Account No: CR566951
 Name: LEGISLATIVE SERVICES DIVISION
 Address: 117 WEST DUVAL ST SUITE 305 JACKSONVILLE FL 32202
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Date: 10/28/2020

Total Due: \$385.00

ONE BAR & LOUNGE INC
2665 PARK ST
JACKSONVILLE FL 32204

390

63-4/630 FL
1496

Date 10.27.2020

PAY to the
Order of

TAX collector

\$ 385.00

THREE HUNDRED EIGHTY FIVE DOLLARS

Dollars



BANK OF AMERICA

ACH RT 083100277

FOR

Gianni Giovanni





ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Planning and Development Department

Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

October 23, 2020

RE: Appeal of WLD-20-23

Please find attached:

- * **Certified 350 ft. property owner list**
- * **Certified speaker / provider of written statement list**
- * **Copy of Final Order**
- * **Copy of Meeting Transcript**

If there are any further questions, please feel free to contact me at (904) 255-7829

WLD-20-23 Heard on October 23, 2020

Patricia Sales

A handwritten signature in cursive script that reads "Patricia Sales".

Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net



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City of Jacksonville, Florida

Planning and Development Department

**Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net**

Notice of Certification

October 23, 2020

RE: Certified Speaker / Provider of Written Statement List

I hereby certify that attached are the complete names and mailing addresses of any and all persons who either provided a written statement to, or testified before, the Commission regarding Application:

WLD-20-23 heard on October 8, 2020

**Patricia Sales
Executive Secretary, I**

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

Written Emailed Statements from:

Theresa Fiore
tfiore@asdnet.com
841 Prudential Drive, Suite 1200
Jacksonville, Florida 32207

Deborah Tauro
Deborah.tauro@gmail.com
1121 Pangola Drive
Jacksonville, Florida 32205

Kevin Kuzel
ckuzel@aol.com
1130 Acosta Street
Jacksonville, Florida 32204

Rosalyn Reischman Brackett
reischma47@gmail.com
2102 College Street
Jacksonville, Florida 32204

Anne Sulzbacher
Anne.sulzbacher@gmail.com
3590 Hedrick Street
Jacksonville, Florida 32205

Jean Tepas
pajrt@icloud.com
1649 Avondale Avenue
Jacksonville, Florida

6

Persons who testified before the Planning Commission on 10/08

Warren Jones
1355 Challen Avenue
Jacksonville, Florida 32205

Jim Love
2730 College Street
Jacksonville, Florida

Allen Devault
1534 Oak Street
Jacksonville, Florida 32204

Bruce Cole
3625 Valencia Road,
Jacksonville, Florida 32204

4

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18



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Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

October 23, 2020

RE: Certified 350 ft. Property Owner List

I hereby certify that the attached is a true and accurate copy of the owners of real property within three hundred and fifty feet of the boundaries of the land regarding Application:

WLD-20-23 heard on October 8, 2020

A handwritten signature in cursive script that reads "Patricia Sales".

Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7864 | www.coj.net

064279 0000
WLD-20-23
SCHWARTZ KENNETH J
976 WATEREDGE PL
HEWLETT, NY 11557

064154 0010
WLD-20-23
RIVERSIDE BAPTIST CHURCH
2650 PARK ST
JACKSONVILLE, FL 32204-4520

065288 0000
WLD-20-23
WHITEWAY CORNER INC
2720 PARK ST OFFICE 220
JACKSONVILLE, FL 32205

065259 0000
WLD-20-23
BUTTS PATRICIA A ET AL
1431 FOREST MARSH DR
NEPTUNE BEACH, FL 32266

064280 0000
WLD-20-23
KRUG DIANE R
2650 FORBES ST
JACKSONVILLE, FL 32204-4225


064266 0000
WLD-20-23
1239 KING STREET LLC
4495-304 ROOSEVELT BLVD NO 406
JACKSONVILLE, FL 32210

065252 0600
WLD-20-23
NEIGHBORHOOD REVITALIZATION PROJECT LLC
3200 EMERSON ST
JACKSONVILLE, FL 32207

064270 0000
WLD-20-23
WILSON JOHN R ET AL
2908 POST ST
JACKSONVILLE, FL 32205

064267 0000
WLD-20-23
1251 KING STREET LLC
1238 WINDSOR HARBOR DR
JACKSONVILLE, FL 32225

065257 0000
WLD-20-23
JAMMES ROAD LLC
C/O L R S CO
8650-12 OLD KINGS RD S
JACKSONVILLE, FL 32217


065307 0000
WLD-20-23
KING STREET STRIP LI C
4468 CROOKED OAK CT
JACKSONVILLE, FL 32257

064157 0000
WLD-20-23
ST PAULS CHURCH & SCHOOL
2609 PARK ST
JACKSONVILLE, FL 32204-4555

064276 0000
WLD-20-23
REVENAUGH TIMOTHY G
1114 ACOSTA ST
JACKSONVILLE, FL 32204-4219

065254 0000
WLD-20-23
RIVERSIDE AVONDALE PRESERVATION INC
2623 HERSCHEL ST
JACKSONVILLE, FL 32204-4511

064282 0000
WLD-20-23
ELROD ROBERT W JR
1540 AVONDALE AVE
JACKSONVILLE, FL 32205

064277 0000
WLD-20-23
SWANIGER RONALD G II
1102 ACOSTA ST
JACKSONVILLE, FL 32204-4219

064272 0100
WLD-20-23
SETTLE STEVEN
1615 OSCEOLA ST
JACKSONVILLE, FL 32204

065252 0620
WLD-20-23
RIVERSIDE BAPTIST CHURCH
2650 PARK ST
JACKSONVILLE, FL 32204-4520

064272 0000
WLD-20-23
LAWOYIN LAJIDE
17833 W SPRING LAKE RD
SPRING LAKE, MI 49456

065305 0000
WLD-20-23
WHITEWAY CORNER INC
2720 PARK ST OFFICE 220
JACKSONVILLE, FL 32205


064269 0000
WLD-20-23
CRAVEN LAND CORPORATION
19 AVISTA CIR
SAINT AUGUSTINE, FL 32080

064278 0000
WLD-20-23
REED RONALD E
2640 FORBES ST
JACKSONVILLE, FL 32204

064275 0000
WLD-20-23
JACKSON BRET C ESTATE
2649 GALE CT
JACKSONVILLE, FL 32204

065265 0000
WLD-20-23
PARAGON WCS INC
C/O HCA AMBULATORY SURGERY DIVISION
13355 NOEL RD STE 650
DALLAS, TX 75240

064274 0000
WLD-20-23
KENNEDY JOSEPH
2657 GALE CT
JACKSONVILLE, FL 32204

065258 0000
WLD-20-23
BUTTS PATRICIA A ET AL
1431 FOREST MARSH DR
NEPTUNE BEACH, FL 32266

065261 0000
WLD-20-23
PHIL CURY & ASSOCIATES INC
C/I WALGREEN CO STORE #03746
PO BOX 1159
DEERFIELD, IL 60015


064284 0010
WLD-20-23
CENTERSTATE BANK OF FLORIDA NA
1101 FIRST ST S
WINTER HAVEN, FL 33880


064276 0010
WLD-20-23
MOSHER SCOTT E
1106 ACOSTA ST
JACKSONVILLE, FL 32204-4219

064271 0000
WLD-20-23
KUZEL KEVIN M
1130 ACOSTA ST
JACKSONVILLE, FL 32204-4264

30

065255 0000
WLD-20-23
PETTY PATRICK S
2619 HERSCHEL ST
JACKSONVILLE, FL 32204


065253 0000
WLD-20-23
BRICK HAUS SALON INC
2633 HERSCHEL ST
JACKSONVILLE, FL 32204


064273 0000
WLD-20-23
FREDRICKSON HEATHER D
1650-302 MARGARET ST
PMB #160
JACKSONVILLE, FL 32204

064271 0500
WLD-20-23
JACKSONVILLE ELECTRIC AUTHORITY
21 CHURCH ST W 3RD FLOOR
JACKSONVILLE, FL 32202-3158

065252 0500
WLD-20-23
RNTJ LLP
2606 PARK ST
JACKSONVILLE, FL 32204

064281 0000
WLD-20-23
BURNS CATHERINE H
2656 FORBES ST
JACKSONVILLE, FL 32204-4225

065304 0000
WLD-20-23
PASKALAKIS ELAINA KARA
2834 CASA DEL RIO TER
JACKSONVILLE, FL 32257

065256 0000
WLD-20-23
ROSSI JOHN V
2641 PARK ST
JACKSONVILLE, FL 32204-4519

WLD-20-23
RIVERSIDE AVONDALE PRESERVATION SOCIETY
ADRIENNE BURKE
2623 HERSCHEL ST.
JACKSONVILLE, FL 32204

WLD-20-23
PARK & KING AREA ASSOCIATION
JIM LOVE
2730 COLLEGE ST
JACKSONVILLE, FL 32205-7412

WLD-20-23
NORTHWEST
TYRONA CLARK MURRAY
1030 DETROIT ST
JACKSONVILLE, FL 32254

WLD-20-23

WLD-20-23
PATRICIA BUTTS
1031 1ST STREET SOUTH
JACKSONVILLE BEACH, FL 32250

WLD-20-23
ONE BAR & LOUNGE, INC.
2665 PARK STREET
JACKSONVILLE, FL 32204

WLD-20-23

WLD-20-23
PATRICIA BUTTS
1031 1ST STREET SOUTH
JACKSONVILLE BEACH, FL 32250

WLD-20-23
ONE BAR & LOUNGE, INC.
2665 PARK STREET
JACKSONVILLE, FL 32204

15

WLD-20-23 9489 0090 0027 6101 7961 14
WLD-20-23 9489 0090 0027 6101 7961 21 Patricia



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Planning and Development Department

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Notice of Certification

October 23, 2020

RE: Certified Transcript of the Planning Commission Meeting

Please find attached:

Certified Planning Commission Transcript on WLD-20-23.

Public Hearing October 8, 2020

Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

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257

1 motion to defer this for one cycle.
 2 COMMISSIONER MOTES: Second.
 3 THE CHAIRMAN: All right. I have a motion
 4 and second for deferral. We're now in that
 5 posture.
 6 Any discussion from the Commission?
 7 Commissioner Brown, yes, sir.
 8 COMMISSIONER BROWN: Thank you.
 9 Through the Chair, I'll be brief. I lived
 10 in Murray Hill for about four years, and not to
 11 contradict staff necessarily, there are some
 12 houses with metal garages, like prefab style,
 13 not historic. I know there's one at Nelson and
 14 Mayflower and there's one up on -- I want to
 15 say Trask that's at least a two-car garage.
 16 I agree, they're not aesthetically
 17 pleasing. The applicant does have a hundred
 18 foot wide double lot. It would be nice to see
 19 them put something in there maybe a little
 20 smaller, maybe more conforming, but there's no
 21 overlay in this area that would restrict that,
 22 other than just the size, which is why it was
 23 denied.
 24 So I agree, it would be nice to defer it
 25 and maybe they can fine tune what they're going
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

259

1 COMMISSION MEMBERS: (Indicating.)
 2 THE CHAIRMAN: Any opposed?
 3 COMMISSION MEMBERS: (No response.)
 4 THE CHAIRMAN: All right. Seeing none,
 5 that motion for deferral passes unanimously.
 6 MR. HUXFORD: Mr. Chairman, for the
 7 benefit of the homeowner, this will be -- as a
 8 deferred item, it will be much earlier in the
 9 agenda two weeks from now, and so they don't
 10 need to expect to have to wait five-and-a-half
 11 hours to get to it.
 12 THE CHAIRMAN: Great point.
 13 Thank you, sir.
 14 All right. Could we please go to
 15 WLD-20-23, Park Street.
 16 MR. HUXFORD: Application for waiver of
 17 minimum distance requirements, WLD-20-23 is for
 18 property at 2655 Park Street. This is right at
 19 the intersection of Park and King in the
 20 Riverside neighborhood. Seeking to reduce the
 21 distance between a liquor license location to a
 22 church or school from 500 feet to 80 feet.
 23 Specifically, the -- there's a Baptist church
 24 directly across the street on the other side of
 25 Park from this location.
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

258

1 to actually put there, but there are more
 2 inconsistencies in this neighborhood than
 3 across the tracks in Avondale and Riverside.
 4 That's all.
 5 THE CHAIRMAN: Thank you, Commissioner
 6 Brown. Thank you, sir.
 7 All right. I think that's well said. I'm
 8 inclined to agree with you.
 9 Any further discussion from the
 10 Commission?
 11 COMMISSION MEMBERS: (No response.)
 12 THE CHAIRMAN: Seeing none, I have a
 13 motion and a second for denial [sic].
 14 All those in favor?
 15 COMMISSION MEMBERS: (Indicating.)
 16 MR. HUXFORD: Denial?
 17 MS. JOHNSTON: Excuse me,
 18 Mr. Chairman.
 19 You said "deny" and I think you meant
 20 "defer."
 21 THE CHAIRMAN: I did. I misspoke. They
 22 both begin with a "d," and I'm from the
 23 Westside. Let me do that again.
 24 I have a motion and second for deferral.
 25 All those in favor?
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

260

1 We do note that this was originally Park
 2 and King Pharmacy and we've had a series of
 3 restaurants that have gone in there, most
 4 recently Two Dudes. And in those cases, they
 5 have been granted a waiver. The caveat is
 6 that -- and this is important -- the request to
 7 go from 500 down to 80 is predicated on this
 8 establishment being a restaurant. If this was
 9 for a -- and they're called One Lounge [sic],
 10 which kind of throws things a bit.
 11 If this is, in fact, a nightclub or a
 12 lounge and they are not -- they are not
 13 qualified as a restaurant, then the distance
 14 they would have to seek is 1,500 feet down to
 15 80 feet. So we are acting in reliance that
 16 this is a bona fide restaurant operating and
 17 that this is a request that is similar to the
 18 waivers that have previously been granted on
 19 this property, and for that reason we're
 20 recommending approval.
 21 THE CHAIRMAN: All right. Thank you,
 22 Folks.
 23 Would the applicant please come forward
 24 for Park Street. Looking for Patricia Butts,
 25 most likely, for One Bar & Lounge.
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

261

263

1 MR. HUXFORD: I don't have the list of
2 people that are here, but Brett Isaac might be
3 here as well.
4 THE CHAIRMAN: Okay. Great. Brett Isaac,
5 if you're here, we'll hear from you.
6 If you're here to talk about One Bar &
7 Lounge, please come forward now, if it's your
8 place. I don't think it's Warren, but perhaps
9 Bruce Cole.
10 PASTOR COLE: It's not my place. I'm the
11 pastor at Riverside Baptist, across the street.
12 THE CHAIRMAN: Thank you, sir.
13 PASTOR COLE: Yes, sir.
14 THE CHAIRMAN: If the applicant is not
15 here -- I recognize Cynthia's iPad as a
16 gentleman from Avondale that's usually against
17 things -- or has found themselves in
18 opposition. I'll tell you what, I'd like to
19 hear from you. I misspoke, so let's hear from
20 you for a moment.
21 MR. LEWIS: Who did you want to talk to
22 first?
23 THE CHAIRMAN: Cynthia's iPad.
24 AUDIENCE MEMBER: Yeah. I keep hitting
25 unmute. Hopefully, you can hear me.
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

1 don't know how to talk to him.
2 THE CHAIRMAN: Okay. I'll tell you what,
3 we will table this --
4 MR. HUXFORD: I have Mr. Isaac's e-mail.
5 I can certainly send him one and ask him to hop
6 on the conversation.
7 THE CHAIRMAN: Sir, if you would because I
8 know there's a lot of people, presumably in
9 opposition, and they have been here for a long
10 time. So for the sake of everyone, I'd like to
11 find someone --
12 MR. HUXFORD: Okay. I'll go ahead and
13 send him something, and if you want to maybe
14 move ahead into the agenda and we'll come back
15 to this.
16 THE CHAIRMAN: Okay. Sounds good. Let's
17 table this for a moment.
18 Thank you.
19 All right. Could we please go to
20 MM-20-10, Homard Boulevard.
21 MR. LEWIS: Thank you, Mr. Chairman.
22 This is an application for a minor
23 modification to a PUD, MM-20-10. Seeks to
24 revise Section D of the written description,
25 which says, Where the developer elects to
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(904) 821-0300

262

264

1 THE CHAIRMAN: You're a commodore; is that
2 right?
3 AUDIENCE MEMBER: Commander, right.
4 And -- go ahead -- I'm sorry.
5 THE CHAIRMAN: I'm sorry. I didn't mean
6 to say you're typically against. I remember
7 you being in the side of opposition, thus not
8 the owner of the lounge.
9 AUDIENCE MEMBER: Right.
10 THE CHAIRMAN: We're trying to reach the
11 owner of the lounge right now, so I didn't mean
12 to --
13 AUDIENCE MEMBER: Sure.
14 THE CHAIRMAN: All right. Let me see.
15 I'll tell you what, I don't see the
16 applicant here. So, with that, I think the
17 appropriate thing is to defer it.
18 MS. JOHNSTON: Mr. Chair, I do see a Brett
19 at the bottom, but I don't see that he is
20 connected.
21 Bruce, do you see a Brett?
22 MR. LEWIS: I do see a Brett, but I
23 don't --
24 MS. JOHNSTON: But it's not connected.
25 MR. LEWIS: There's no audio for him. I
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

1 install a (inaudible) to fully or partially
2 enclose the rear and/or side yards of a home to
3 the extent that such fence may be located on an
4 adjacent lot. It talks about the developer
5 installing a fence only -- we've read that --
6 several of us have read that fairly
7 conservatively, and so we feel that a minor
8 modification is required for this person to
9 construct a fence on the side and rear of his
10 property.
11 These lots are, in essence, almost -- they
12 are a zero lot line development, and so they --
13 the fence would be actually on the property
14 line next to one wall of the adjacent home.
15 The written description of the PUD does
16 include language in there about maintenance
17 easements for the adjacent home, so we are
18 confident that that kind of concern will be
19 alleviated with that. The homeowner can go
20 over to his property and make repairs or
21 maintain such things.
22 So, with that, the Department is
23 recommending approval of MM-20-10 without
24 conditions.
25 THE CHAIRMAN: Thank you, Mr. Lewis.
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

281

1 Yeah, I mean, I would be open to that if I
 2 could keep a little bit of a side fence. If I
 3 could maybe go in a little bit, if that would
 4 be -- because there's only, like, 10 feet
 5 between the houses, so it's already really
 6 small as it is, but, yeah, I would be open to
 7 that --
 8 THE CHAIRMAN: Thank you, Mr. Martinez.
 9 MR. MARTINEZ: -- going in some towards
 10 our house, basically.
 11 THE CHAIRMAN: Right.
 12 MR. MARTINEZ: Yes, sir.
 13 THE CHAIRMAN: And, Ms. Weeks, a question
 14 for you. I think you know the question. Would
 15 you be agreeable to a fence that comes out
 16 halfway between your home and his home?
 17 I see you in the affirmative.
 18 MS. WEEKS: Okay. I would be agreeable to
 19 that. He's talking about me standing in his
 20 yard and repairing my house. How do you do
 21 that through a fence that is so --
 22 MR. WEEKS: How does he get that --
 23 (Simultaneous speaking.)
 24 MR. WEEKS: You own the property front, he
 25 doesn't.
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282

1 MS. WEEKS: But anyway, I -- I think, too,
 2 that it would take away, it would devalue the
 3 value of my home because I know if I was
 4 shopping for a house in a neighborhood and I
 5 saw a house like that with a fence, I wouldn't
 6 buy it. It's ugly, and it's ridiculous to try
 7 to say that I could do the repairs and the
 8 painting without getting sand on it or getting
 9 it all over yourself or whatever.
 10 MR. WEEKS: If you (inaudible) the 5 feet,
 11 split it down the middle --
 12 MS. WEEKS: I can agree with that, split
 13 it down the middle.
 14 THE CHAIRMAN: Okay. Thank you, ma'am.
 15 All right. I know we typically don't do
 16 that sort of thing here, but I would not be
 17 against a condition -- an approval with a
 18 condition to split it. I don't know if that's
 19 the right thing to do or not. It's been a long
 20 day, but any thoughts from the Commission?
 21 Commissioner Hacker.
 22 COMMISSIONER HACKER: Too bad that we're
 23 workshoping this and it's like 7 o'clock at
 24 night, but I think the intention of these lots
 25 is -- isn't this to be a zero lot line where
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283

1 you have access to one side of your house, but
 2 not to the other? So if they were to split it,
 3 I don't know that Mr. Martinez would have room,
 4 be able to access his yard from the other side,
 5 but -- because if you split one of them down
 6 the middle between two houses, then at some
 7 point it's off and everyone is only accessing
 8 one side, but I could go either way. If they
 9 want to split it, I guess that's fine.
 10 THE CHAIRMAN: Thank you, Commissioner
 11 Hacker.
 12 Commissioner Brown.
 13 COMMISSIONER BROWN: Maybe I opened a can
 14 of worms, so I apologize. I do think it
 15 would -- it's one thing to maybe envelope the
 16 backyard and move the fence further into his
 17 own boundary. I think we need to be really
 18 careful on this whole side yard discussion that
 19 we don't force someone to place a fence off
 20 their property line. We say split the
 21 difference. I'm not sure we know that that's
 22 actually the line, so I'm not sure that I would
 23 be an advocate for that.
 24 I personally would be okay with letting
 25 the guy enclose his rear yard at his building
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284

1 envelope, but I think we need to be careful
 2 about this whole splitting the difference
 3 between the side yards.
 4 THE CHAIRMAN: Thank you, Commissioner
 5 Brown.
 6 I'm going to say it myself, that I went
 7 down a rabbit hole I didn't need to go down.
 8 Is there any further discussion from the
 9 Commission?
 10 COMMISSION MEMBERS: (No response.)
 11 THE CHAIRMAN: Seeing none, I have a
 12 motion and second for denial.
 13 All those in favor?
 14 COMMISSION MEMBERS: (Indicating.)
 15 THE CHAIRMAN: Any opposed to the denial?
 16 COMMISSION MEMBERS: (No response.)
 17 THE CHAIRMAN: That motion to deny passes
 18 unanimously.
 19 Thank you all.
 20 All right. I would like to address
 21 WLD-20-23, Park Street.
 22 Mr. Huxford, yes, sir.
 23 MR. HUXFORD: I forwarded you the e-mail.
 24 I believe the applicant -- or the agent,
 25 Mr. Isaac, was on the call earlier in the
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285

287

1 meeting, but as it dragged on, I guess he had a
 2 conflict and he left. So he did write me back
 3 and he's asking for a deferral for one cycle.
 4 THE CHAIRMAN: Thank you, sir.
 5 I don't personally find that very
 6 respectful of everyone's time, in my own
 7 opinion. I don't know if I'm out of order to
 8 speak or not. I don't think that's very
 9 respectful of everyone's time. I think that
 10 might be indicative of something, and it's
 11 adverse, in my own opinion, but --
 12 MS. JOHNSTON: Mr. Chair, the
 13 communication I received from Mr. Isaac was
 14 that he had e-mailed Patricia Sales at 1:25
 15 today asking for it to be deferred. I don't
 16 know if Patricia is still here or not, but
 17 apparently he sent a request to defer to her.
 18 THE CHAIRMAN: Okay.
 19 MR. LEWIS: Patricia is looking through
 20 her emails, but right now she said she does not
 21 have anything.
 22 MS. JOHNSTON: He said it was the 1:25
 23 time frame.
 24 MR. HUXFORD: I have one that came in
 25 at -- we sent it to the commissioners too. It
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1 certainly not a problem from a notice
 2 standpoint or due process about hearing the
 3 application, but the applicant is not on the
 4 call. I'm trying to text and let them know
 5 that you're inclined to take it up and to not
 6 defer it to see if they will be able to get on
 7 the call, or on the Zoom meeting.
 8 I've sent a text, but I guess they were
 9 under the impression that they would be
 10 deferred, so -- it's up to the committee. You
 11 could hear the item. The applicant isn't here
 12 to offer evidence, so if you do vote to deny
 13 it, arguably, the applicant would argue that,
 14 you know, there was a due process violation
 15 because they weren't present, but, again, it
 16 was noticed and it wasn't discussed that it was
 17 going to be deferred, but --
 18 THE CHAIRMAN: Well, would past
 19 precedence -- in your experience and
 20 historically, would we be in a due process
 21 violation?
 22 MS. JOHNSTON: You know, we're kind of in
 23 new ground here with the Zoom stuff. I mean,
 24 we've made it pretty flexible for people to be
 25 able to get on the call even when they're --
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286

288

1 was sent at 1:52. It's identifying who he is.
 2 I don't see a request to defer it in that one,
 3 though.
 4 THE CHAIRMAN: To my fellow commissioners,
 5 what would we like to do here? Any discussion?
 6 Commissioner Hacker.
 7 COMMISSIONER HACKER: It's just my
 8 opinion, at 7 o'clock at night, I make a motion
 9 to deny it. We've got, in my opinion, some
 10 really good insight from some good stakeholders
 11 out in Riverside. And, you know, he's not
 12 here. Staff recommends denial, I believe,
 13 so --
 14 THE CHAIRMAN: Okay.
 15 MR. HUXFORD: Actually, sir, we are
 16 recommending approval with our presumption
 17 predicated to the idea of it being a
 18 restaurant.
 19 THE CHAIRMAN: Thank you both.
 20 A question to OGC. Paige, what is the --
 21 how does it go legally to move forward with a
 22 denial without the applicant -- well, the
 23 hearing without the applicant here?
 24 MS. JOHNSTON: You've had the matter
 25 noticed for the meeting today. So there's
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1 you see people doing their chores and in the
 2 stores and participating in the Zoom meeting,
 3 so there could be an argument that this is
 4 flexible enough to allow them to come back into
 5 the meeting, but I don't know what their
 6 personal circumstances are and why they're not
 7 here right now.
 8 So there would be a risk, but, again, you
 9 could take up the item. It's been noticed for
 10 today. You have people here to speak. You
 11 could always open up the public hearing and let
 12 people speak. And if you wanted to defer to
 13 give the opportunity to the applicant to give
 14 their position in two weeks, you could do that
 15 as well.
 16 THE CHAIRMAN: Okay. Thank you.
 17 I would like to hear it. I would like to
 18 hear it.
 19 Commissioner Blanchard.
 20 COMMISSIONER BLANCHARD: Mr. Chairman, I
 21 was going to say that at the very least the
 22 folks that waited so long, you know, six or so
 23 hours today, certainly deserve the right to be
 24 heard if they'd like to, whether it's deferred
 25 or not, but I don't think it's reasonable to --
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289

1 as an applicant to, you know, kind of punch out
 2 of the meeting and just expect to get a
 3 deferral, so ...
 4 THE CHAIRMAN: Right.
 5 COMMISSIONER MOTES: Mr. Chairman.
 6 THE CHAIRMAN: Yes, ma'am.
 7 COMMISSIONER MOTES: I have to agree with
 8 Commissioner Blanchard. I mean, there's a lot
 9 of people that have waited, just like all of
 10 us, at 7:15 at night, and I think we need to go
 11 ahead and proceed with hearing it. The
 12 applicant chose not to participate for whatever
 13 reason, but there's been plenty of
 14 notification, so I would request to proceed
 15 with hearing it.
 16 THE CHAIRMAN: Yes, ma'am.
 17 And I see Mr. Jones and past councilman,
 18 Mr. Love, and -- we're going to hear this
 19 thing. And I would love to see it and vote it
 20 up or down, so let's please open the public
 21 hearing on WLD-20-23.
 22 MR. HUXFORD: I'm sorry, Mr. Chairman. I
 23 already gave the staff report, so we can go
 24 right into public comment.
 25 THE CHAIRMAN: That's right. Okay. And
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290

1 the applicant is not present.
 2 So is there anyone else here today to
 3 speak on WLD-20-23?
 4 Mr. Jones.
 5 MR. JONES: Thank you, Mr. Chair.
 6 Warren, W-a-r-r-e-n, Jones, J-o-n-e-s,
 7 executive director of Riverside Avondale
 8 Preservation, 1355 Challen Avenue,
 9 Jacksonville, Florida 32205.
 10 May 20th, that was nearly five years ago,
 11 we saw a sign erected at the corner of Park and
 12 King Street announcing a bar and lounge to be
 13 opened in that location. RAP began asking
 14 Planning staff how a bar and lounge could be
 15 located at that location, across the street
 16 from one church and nearby another. The answer
 17 we received from staff was that they did not
 18 have any paperwork from the owner and had no
 19 information.
 20 Before the bar and lounge opened
 21 reportedly on June 20th, City staff visited the
 22 restaurant a few days before to determine the
 23 intention of the owner. Were they a bar/lounge
 24 as their sign said or not? The City staff
 25 member was presented with a menu.
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291

1 We then followed up on August 6th with
 2 Planning staff to ask the status of the
 3 facility. The response was that the Florida
 4 Department of Alcoholic [sic] Beverages and
 5 Tobacco were informed that the bar/lounge did
 6 not have a local zoning approval and that the
 7 City thought their license had been pulled.
 8 As we understand it, in -- August 12th or
 9 soon thereafter --
 10 I'm sorry. I see a waving of hands. I'll
 11 slow down. Sorry.
 12 THE REPORTER: Thank you.
 13 MR. JONES: Thank you very much.
 14 As we understand it, August 12th or soon
 15 thereafter, the City cited the property owner
 16 for serving alcohol within 500 feet of a church
 17 without a waiver.
 18 Let me say here that we appreciate the
 19 staff's time and effort regarding this issue
 20 and answering the many calls about this bar and
 21 lounge. We've received them also.
 22 So since it opened nearly four months ago,
 23 and two months after the owners were notified
 24 that they were not in compliance and supposedly
 25 the State had shut them down, the owners of the
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292

1 bar and lounge are asking to be rewarded for
 2 not adhering to City codes and ordinances with
 3 an approval of this waiver.
 4 It would be important for future
 5 applications to know how something called a bar
 6 and lounge can do business not adhering to City
 7 ordinances for four months.
 8 Thank you.
 9 THE CHAIRMAN: Thank you, Mr. Jones.
 10 Thank you for being here.
 11 If we could hear from Councilman Love,
 12 past Councilman Love. I don't know the proper
 13 respect to give that, but I want to acknowledge
 14 it.
 15 MR. LOVE: I think it's former councilman,
 16 but thank you, Mr. Chairman.
 17 My name is Jim Love, J-i-m L-o-v-e. I
 18 work at 2730 College Street, which is about
 19 four blocks from this bar and lounge.
 20 And I'm a founding member and current
 21 president of the Park and King Area Association
 22 and immediate past City Councilman for this
 23 district, District 14.
 24 As a background, in 2005, the Park and
 25 King Area Association, in collaboration with
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293

295

1 the City and Riverside Avondale Preservation,
2 completed a major restoration, over \$5 million
3 worth in this area. So we've been working hard
4 to keep it nice. It included sidewalks and
5 landscaping and medians and underground
6 utilities and street furniture.

7 The Park and King Area Association
8 continues to meet every single month. In fact,
9 we're going to meet next week on this,
10 Thursday. And we discussed the needs of the
11 area, and took a vote on this. And as a bar
12 and lounge, we voted it down, WLD-20-23, for
13 this bar and lounge.

14 And also in my first term as a councilman,
15 I was called on an early Sunday morning by the
16 mayor's office in a panic because there had
17 been a shooting in a bar and lounge on
18 Edgewood. It was called Fat Cats, and five
19 people were shot. One of those was murdered.
20 And they finally caught the fellow after six
21 months. So I have had my share of troubles
22 with bars and lounges. And we had town hall
23 meetings, and it wasn't three weeks later that
24 they shut it down because they were selling
25 illegal drugs on site.

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1 here, so let's go ahead and hear from the
2 applicant as well.

3 Yeah, let's please hear from the
4 applicant.

5 MR. HUXFORD: I was told he's in the
6 waiting room. I think Bruce is probably trying
7 to get him in on the meeting.

8 THE CHAIRMAN: Okay. Yes, sir.

9 MR. LEWIS: I've got two phones and I
10 don't know which one is his.

11 THE CHAIRMAN: Let's go ahead and --

12 AUDIENCE MEMBER: Hello, sir.

13 THE CHAIRMAN: Yes, sir.

14 AUDIENCE MEMBER: Sorry. I was muted.

15 My name is Brett Isaac, 4345 Landover
16 Drive. I'm the agent for Joe Gjergji, doing
17 business as One Bar & Lounge.

18 I heard the argument. It is an ongoing
19 business. We did purchase it from a prior
20 owner that did -- the City did grant them a
21 waiver of exception for the church in -- in our
22 application. The churches did not have an
23 issue with the proximity of the restaurant.

24 And we meet the requirements of 150 feet.
25 The City has made a -- the staff report to

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294

296

1 So anyway, the proper place -- there's a
2 proper place for a bar and lounge. And,
3 actually, near my office is where a lot of them
4 are and they're over 500 feet from a church and
5 a school. And they also need to go through the
6 proper process. They shouldn't be selling
7 alcohol without the waiver first. And they
8 shouldn't be putting up improper lighting
9 without approval first. They've had to pull it
10 down. They're not following the rules, and
11 that's part of the problem. They're not
12 showing up. They tell you 30 minutes after it
13 starts that they're not going to be here --
14 well, at least they said they said, and they're
15 not here. They shouldn't be rewarded and they
16 shouldn't be within 80 feet of a church, if
17 that's the rule, if the church doesn't want
18 them there. And there's actually two churches
19 involved here.

20 So I would say, because of their issues, I
21 wouldn't approve this waiver.

22 Thank you.

23 THE CHAIRMAN: Thank you very much,
24 Mr. Love.

25 I'm being told that the applicant is now

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1 approve the exception. I think it's only fair
2 to have some continuity of the -- of the
3 transition from one business to the other.

4 I think he's able to purchase the
5 corporation that did business prior that only
6 has that exclusive exception. However, we do
7 have a new corporation and we would wish the
8 City to grant us the option for the waiver for
9 the new corporation.

10 And in light of COVID and the pandemic,
11 we're trying to do our best to keep our doors
12 open. We've created a lot of jobs, and I think
13 it's good for the local market.

14 THE CHAIRMAN: Thank you, sir.

15 MR. ISAAC: Thank you.

16 THE CHAIRMAN: All right. Let's please
17 hear from Allan. That's most likely Allan
18 Devault, if we could hear from him.

19 AUDIENCE MEMBER: Okay. Thank you very
20 much. I appreciate it.

21 I'll be brief. I had been -- My name
22 is --

23 THE CHAIRMAN: Allan --

24 AUDIENCE MEMBER: Sorry. Allan Devault,
25 D-e-v-a-u-l-t, 1534 Oak Street, Jacksonville,

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297

1 32204.
 2 I am the managing partner of Black Sheep
 3 and Bellwether restaurant. I've been to every
 4 restaurant that's been in that location since
 5 it opened as Pele's, and those were
 6 restaurants, and I agreed and enjoyed all of
 7 them.
 8 I work every Saturday night at Black
 9 Sheep, and during COVID we closed a little
 10 early. We closed at 10:00. I'm driving home
 11 around 11:30 to midnight right by One Bar &
 12 Lounge, and I don't get the feeling it's a
 13 restaurant, bona fide restaurant. I don't have
 14 any proof. I haven't been in.
 15 I do wish them well and hope that they
 16 survive, but I'm just concerned that some
 17 restaurants come in -- or businesses come in
 18 and pose as a restaurant, when -- especially
 19 getting a liquor license, like a 4-COP SRX, and
 20 do not have 51 percent or more in food sales,
 21 and I think that -- that is a State issue, but
 22 I have that concern.
 23 Thank you.
 24 THE CHAIRMAN: Yes, sir. Thank you,
 25 Mr. Devault. Thanks for being here.
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299

1 a restaurant to us. Four to five months of
 2 operating without seeking a waiver. It's
 3 just -- there's been a lot of opaqueness.
 4 And the code I think is really clear, that
 5 whatever waivers are granted, especially for
 6 this distancing waiver, is not transferrable
 7 from one business to the other, and it concerns
 8 me that they don't know that. And so we just
 9 have those concerns around those issues.
 10 And Mr. Isaac is correct. We have Lola's
 11 across the street from us, we have the
 12 Cool Moose around the corner. You may recall
 13 that a few months ago we were in front of you
 14 with Keg & Coin and had worked constructively
 15 with those two young men to come up with
 16 some -- to be able to actually support their
 17 request for a waiver for what they were doing
 18 there.
 19 I just am concerned about rewarding this
 20 lack of constructive engagement, and our
 21 concerns too about, you know, is it really a
 22 restaurant. And we want any waiver to be
 23 conditioned very clearly on it being that 51/49
 24 beverage -- food and nonalcoholic beverage to
 25 alcohol requirement, but we can't even really
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298

1 All right. If we could hear from Bruce
 2 Cole. Reverend Cole, I believe.
 3 AUDIENCE MEMBER: Thank you, Mr. Chairman.
 4 You know, Bruce Cole is fine, or Reverend
 5 Cole, or -- and I appreciate it, the remarks
 6 from our councilman emeritus, Jim love.
 7 It's Bruce C-o-l-e, Cole, 3625 Valencia is
 8 my home address in Jacksonville, and 2650 Park
 9 Street is Riverside Baptist Church.
 10 I think Warren Jones and Jim Love said it
 11 well, and then Allan confirms our concerns.
 12 Our concerns are -- first of all, I want to be
 13 really clear, there's no religious objection to
 14 the service of alcohol by us in the area,
 15 surrounding Riverside Baptist Church. We're
 16 pro business. We believe and defend fiercely
 17 religious liberty. We think Blue Laws should
 18 be -- are rightly a thing of the past.
 19 So this is just about the environment
 20 around the church, 500 feet to 80 feet for
 21 alcohol service is a far bridge. 1,500 feet to
 22 80 feet, if it's a pure bar, is just a bridge
 23 way too far for us.
 24 And our concerns are amplified just by the
 25 marketing. One Bar & Lounge doesn't sound like
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300

1 support that right just because we just -- it's
 2 hard to define what they're doing.
 3 Thank you for the opportunity to spend the
 4 whole month with you today.
 5 THE CHAIRMAN: Thank you.
 6 PASTOR COLE: It's been a long day.
 7 THE CHAIRMAN: It's been a while. Thank
 8 you, sir. Thanks for being here.
 9 All right. Is there anyone else here
 10 today to speak on WLD- -- I'm sorry, it's a
 11 long day. Yes, sir. I know you're here.
 12 Go ahead, please, sir.
 13 AUDIENCE MEMBER: Yes. And I totally
 14 agree with what the former councilman, Jim
 15 Love -- go ahead.
 16 THE CHAIRMAN: Can I get your name and
 17 address for the record, please?
 18 AUDIENCE MEMBER: I'm sorry. I apologize.
 19 By the way, I attended the agenda meeting
 20 as well, so I've been at this for eight hours,
 21 nine hours.
 22 But anyway, my name is Kevin Kuzel,
 23 K-e-v-i-n K-u-z-e-l. And that's a Czech name,
 24 not Albanian. And my address is 1130 Acosta
 25 Street, which is in Riverside, which is right
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301

1 around the corner from where this bar and
 2 lounge wants to come in.
 3 And anyway, you know, I'm totally opposed
 4 to it on a variety of different reasons. We
 5 have had the proliferation of bars in that area
 6 and bar -- what I call bar/restaurants, because
 7 the new business model for a lot of restaurants
 8 is built around the bar, which is fine. And --
 9 but, you know, we've had problems all up and
 10 down that street on King Street, and we've had
 11 two murders on that street due to bar traffic
 12 and people coming in due to the bars.
 13 And we have a parking issue in the
 14 neighborhood. We have -- this particular
 15 place, as Allan Devault said -- and some other
 16 people have said, Warren Jones from RAP -- they
 17 have been operating as a bar -- it appears that
 18 way anyway -- for the last few months.
 19 When I went by there the other day, one of
 20 the guys in the back of the bar was pouring a
 21 guy liquor and -- and there was nobody sitting
 22 down having much to eat, if anything. And
 23 somebody had a big hookah pipe inside.
 24 So, you know, they're operating with total
 25 disregard to anything but [sic] they want, it
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302

1 appears that way. And, you know, we -- this is
 2 something that -- this is something the
 3 neighborhood does not need. It's a historic --
 4 it's a historic neighborhood, and the
 5 neighborhood was populated by people who came
 6 in for the atmosphere, the historic atmosphere,
 7 and it's being converted in several different
 8 locations -- in Avondale and Riverside, it's
 9 been converted into an entertainment district.
 10 That's not what this is.
 11 And I appreciate the chance to speak. And
 12 even if you had deferred, I would have been
 13 fine with that, so ...
 14 THE CHAIRMAN: Thank you, sir. Thank you
 15 very much.
 16 MR. KUZEL: Thank you. Appreciate it.
 17 THE CHAIRMAN: Yes, sir.
 18 All right. Is there anyone else here
 19 today to speak on this matter, WLD-20-23?
 20 AUDIENCE MEMBERS: (No response.)
 21 THE CHAIRMAN: Seeing none -- I do see a
 22 Nicole Padgett in the waiting room. Past
 23 Commissioner Padgett is -- you know, is
 24 actually out of town, as I understand it.
 25 Let me go ahead and hear from Nicole
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303

1 Padgett to see if there's anything to say or
 2 share.
 3 MR. LEWIS: I tried to unmute her, but she
 4 doesn't seem to be responding.
 5 THE CHAIRMAN: Okay. Bruce, do we have a
 6 means of revealing -- as administrator, do you
 7 have a means of checking phone numbers on any
 8 participants or --
 9 MR. LEWIS: No, sir. All I can see is the
 10 phone number.
 11 THE CHAIRMAN: You can see the phone
 12 number for that?
 13 MR. LEWIS: Oh, for her? No, I can't. I
 14 just have her name.
 15 THE CHAIRMAN: You cannot okay. All
 16 right.
 17 I would like to -- I am choosing to report
 18 that person. Well, I'd like that person
 19 reported. And after that, I would like them to
 20 be removed. I'm glad to do it myself, but if
 21 staff could handle that.
 22 It's my understanding that someone is in
 23 here and they are impersonating a prior
 24 Planning Commissioner, and I wouldn't want that
 25 for any of our commissioners. I take umbrage
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304

1 to it and I'd like it addressed.
 2 Bruce, is there something we could do?
 3 Could we report it --
 4 MR. LEWIS: I did remove that person from
 5 the meeting, and she is not allowed to -- or
 6 whoever, he or she is not allowed to rejoin.
 7 THE CHAIRMAN: Okay. Very good. Thank
 8 you, sir.
 9 Sorry for that minor interruption there.
 10 WLD-20-23, is there anyone else here today
 11 to speak on this matter?
 12 AUDIENCE MEMBERS: (No response.)
 13 THE CHAIRMAN: All right. Seeing none, I
 14 will close the public hearing and bring it back
 15 to the Commission.
 16 COMMISSIONER MOTES: Mr. Chairman, I move
 17 to deny WLD-20-23.
 18 COMMISSIONER HACKER: Second.
 19 THE CHAIRMAN: All right. I have a motion
 20 and a second for denial of WLD-20-23.
 21 Any discussion from the commission?
 22 All right. I see a couple of hands
 23 raised.
 24 I do have ex-parte communication. I spoke
 25 with Mr. Duvane (phonetic) last night, and he,
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

305

307

1 much more briefly, shared the exact same thing
 2 with me by phone last night.
 3 Commissioner Blanchard.
 4 COMMISSIONER BLANCHARD: Thank you,
 5 Chairman.
 6 I would give a lot of support to the
 7 pastor, Pastor Cole, because it's his church
 8 and he's representing his flock there. And if
 9 he doesn't want it, it's a -- it's not voting
 10 on whether this belongs in the area. We're
 11 voting on whether they're worth the waiver of
 12 liquor distance between them and the location
 13 of the church. And the pastor has been here
 14 before and I think he supported a few others
 15 and worked out a few things.
 16 I think that we generally give some
 17 leniency in these areas that are, you know, so
 18 old and historic because it's a walkable
 19 neighborhood and maybe, you know, 500 feet or
 20 15 feet -- or 1,500 doesn't make as much sense
 21 here as it does on Beach Boulevard, but here
 22 we're all the way down to -- across the street,
 23 you know, directly next door. And if it was
 24 truly a bona fide restaurant, I don't think a
 25 lot of these folks would be here. I think

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1 THE CHAIRMAN: Thank you, Commissioner
 2 Hacker.
 3 Further discussion?
 4 Commissioner Brown. And I apologize,
 5 you're towards the bottom of my screen there,
 6 so --
 7 COMMISSIONER BROWN: Thank you,
 8 Mr. Chairman. You are forgiven.
 9 I live near this. I think -- we always
 10 talk about these projects that are in the
 11 Riverside/Avondale area. I think it caught a
 12 lot of people's eye when it went up. It was
 13 like, well, wow, bar and lounge, you know, in
 14 the old Il Desco, Two Dudes, Pele's location.
 15 On its face, it seems like some -- I see
 16 how it got a staff recommendation of approval.
 17 It almost seems inconsistent not to give it to
 18 them because the preceding three restaurants
 19 had it. However, I'm all ears. I listened to
 20 everything. I read as much as I could, every
 21 line of emails, we've had many on this.
 22 I think there's a lack of transparency and
 23 a lack of trust in the community with this
 24 particular operator. And I tend to side with
 25 my fellow commissioners on this, which is not

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306

308

1 that's the answer. It's hard to say you're not
 2 a bar and lounge when your name is bar and
 3 lounge.
 4 So based on the concerns of the pastor and
 5 the people from the community, I -- there's no
 6 way that I would support this.
 7 THE CHAIRMAN: Thank you, Commissioner
 8 Blanchard.
 9 Commissioner Hacker, did you -- I'm sorry,
 10 sir. Did you have -- yes, sir. Go ahead,
 11 please.
 12 COMMISSIONER HACKER: Thank you,
 13 Mr. Chairman.
 14 I tend to agree with Commissioner
 15 Blanchard. I appreciate the stakeholders from
 16 Riverside coming out.
 17 Pastor Cole, you have come out in support
 18 of other bars within your proximity, so the
 19 waiver of liquor distance is a -- it's a "may,"
 20 not a "shall," based on criteria that was
 21 found, that I read from the criteria.
 22 So if the church that is impacted most by
 23 it said it shouldn't happen, then I tend to
 24 agree with that.
 25 Thanks.

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1 what I necessarily thought going in. I was
 2 looking to see, who is going to convince us
 3 this is not a bona fide restaurant. I'm on
 4 their website now. They have a full menu.
 5 Forty or 30 reviews on Google, most of them
 6 referencing food -- well, many of them
 7 referencing food.
 8 So to me, it's not a slam dunk, but I do
 9 air towards a denial on this one because it's
 10 delicate as a neighborhood. The neighbors are
 11 close, the churches are close, the houses are
 12 close, everything is close. And maybe they
 13 just need to do a better job with their
 14 outreach and prove themselves as an actual
 15 restaurant, regardless of the name, and maybe
 16 they come back later, but it's pretty hard to
 17 support at this time.
 18 Thank you.
 19 THE CHAIRMAN: Thank you, Commissioner
 20 Brown.
 21 Further discussion from the Commission?
 22 Commissioner Porter.
 23 COMMISSIONER PORTER: Thank you,
 24 Mr. Chairman.
 25 I'm with Commissioner Brown for the most

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309

1 part. I think it's really unfortunate that
 2 they haven't done their part as ownership to
 3 build that community trust because there's a
 4 lot of employees there that, especially during
 5 COVID, are going to suffer from this.
 6 I do think -- you know, I see that their
 7 hours are 4 p.m. to 2 a.m., so clearly there
 8 are restaurant points and bar points, but I'm
 9 inclined to deny as well at this point.
 10 THE CHAIRMAN: Thank you, Commissioner
 11 Porter.
 12 All right. Further discussion from the
 13 Commission?
 14 COMMISSION MEMBERS: (No response.)
 15 THE CHAIRMAN: Seeing none, I have a
 16 motion and a second for denial.
 17 All those in favor?
 18 COMMISSION MEMBERS: (Indicating.)
 19 THE CHAIRMAN: Any opposed?
 20 COMMISSION MEMBERS: (No response.)
 21 THE CHAIRMAN: That motion to deny passes
 22 unanimously.
 23 All right. Thank you all. Thanks for
 24 being here.
 25 Let's please go to -- Vice Chair Motes, I
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
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310

1 need a motion to defer 2020-340 as well as
 2 2020-341.
 3 COMMISSIONER MOTES: Mr. Chairman, I make
 4 a motion to defer 2020-340 and -341.
 5 COMMISSIONER HACKER: Second.
 6 THE CHAIRMAN: All right. I have a motion
 7 and a second for deferral of 2020-340 and -341.
 8 COMMISSIONER HACKER: Second.
 9 THE CHAIRMAN: All right. I have a motion
 10 and a second for deferral of 2020-340 and -341.
 11 All those in favor?
 12 COMMISSION MEMBERS: (Indicating.)
 13 THE CHAIRMAN: Any opposed?
 14 COMMISSION MEMBERS: (No response.)
 15 THE CHAIRMAN: That passes unanimously.
 16 All right. Vice Chair Motes, let's go
 17 through these. Could I also get a motion to
 18 defer -- well, I'm sorry that one has been
 19 deferred already, -468 has already been
 20 deferred.
 21 I'll need a motion to defer 2020-391.
 22 COMMISSIONER MOTES: Yes, sir.
 23 Mr. Chairman, I make a motion to defer
 24 2020-391 one cycle.
 25 COMMISSIONER HACKER: Second.
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 (904) 821-0300

311

1 THE CHAIRMAN: I have a motion and a
 2 second to defer 2020-391.
 3 Any discussion from the Commission?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: Seeing none, I have a
 6 motion and a second to defer.
 7 All those in favor?
 8 COMMISSION MEMBERS: (Indicating.)
 9 THE CHAIRMAN: Any opposed?
 10 COMMISSION MEMBERS: (No response.)
 11 THE CHAIRMAN: That motion passes
 12 unanimously as well.
 13 Could we please go to 2020-381 and
 14 2020-548 on Beaver Street.
 15 MS. REED: Yes. Thank you.
 16 2020-381 is a small scale land use
 17 amendment. It's for a 9.8-acre site located on
 18 the south side of Beaver Street. It's just
 19 west of the new US-301 bypass and not far from
 20 the town of Baldwin.
 21 (Reporter clarification.)
 22 MS. REED: Okay. So a small scale land
 23 use amendment for just under 10 acres on the
 24 south side of Beaver Street. The request is to
 25 take the land use from the Agriculture-4 land
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312

1 use category to the Community/General
 2 Commercial category, which would allow
 3 commercial development as a planned, signalized
 4 intersection of Beaver Street and the US-301
 5 bypass. And when I say "planned," it's my
 6 understanding that that intersection has opened
 7 up as of September 13th. The site is rural in
 8 nature and located in the Rural Development
 9 Area.
 10 While the Department has found that this
 11 location is appropriate for the proposed
 12 Community/General Commercial land use based on
 13 the roadway improvements, the Department has
 14 concerns because the southern portion of the
 15 site, approximately 7-and-a-half acres of the
 16 site, is -- a majority covered by wetlands.
 17 Our concern is that the wetlands serve as
 18 flood storage capacity and mitigation. And
 19 mitigation, while in the same drainage basin,
 20 could likely be well outside the city limits.
 21 This concern is primarily driven by the
 22 recurring concerns about flooding throughout
 23 the city as this site is unique from most of
 24 the sites we see as the wetlands often are in
 25 areas where development can be clustered away
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

2665 PARK ST.

Date Submitted:	9/8
Date Filed:	9/10

Application Number:	WLD-20-23
Public Hearing:	10/8/20

Application for Waiver of Minimum Distance Requirements for Liquor License Location
 City of Jacksonville, Florida
 Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District:	CC6-2	Current Land Use Category: CGC
Council District:	14	Planning District: 5
Previous Zoning Applications Filed (provide application numbers): WLD-2015-12 / WLD-2011-4 / WLD-18-10		
Applicable Section of Ordinance Code: 656.2011-4		
Notice of Violation(s):		
Neighborhood Associations: Riverside Avondale Preservation Soc / Park @ King		
Overlay: Riverside		
Number of Signs to Post:	2	Amount of Fee: . Zoning Asst. Initials:

PROPERTY INFORMATION	
1. Complete Property Address: 2665 Park St.	2. Real Estate Number: 065258-0000
3. Land Area (Acres): .0918	4. Date Lot was Recorded: 1/1/1899
5. Property Located Between Streets: King St. & Acosta St.	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Distance between liquor license location and church or school from <u>500</u> feet to <u>30</u> feet	
8. In whose name will the Waiver be granted? JAK Gjergji / DBA ONE BAR & LUNGE INC.	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Patricia Butts	10. E-mail: N/A
11. Address (including city, state, zip): 1031 1/2 Street South Jacksonville Beach, FL 32250	12. Preferred Telephone: 904-372-7450

APPLICANT'S INFORMATION (if different from owner)	
13. Name: One Bar & Lounge, Inc	14. E-mail: Brett@ISAactaxcpa.com
15. Address (including city, state, zip): 2665 Park Street Jacksonville, FL 32204	16. Preferred Telephone: 904-235-8636

CRITERIA
<p>Section 656.101(i), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805, Ordinance Code."</p> <p>Section 656.133(a)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Waivers, the Planning Commission shall grant a waiver for minimum distance requirements from a church or school for a liquor license location, if there exist one or more circumstances which negate the necessity for compliance with the distance requirements, included but not limited to the following:</p> <ol style="list-style-type: none"> 1. The commercial activity associated with the alcoholic beverage use is 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; 2. The alcoholic beverage use is designed to be an integral part of a mixed planned unit development; 3. The alcoholic beverage use is 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(c); 4. The alcoholic beverage use is not directly visible along the line of measurement defined in Section 656.806 and is physically separated from the church or school, thereby negating the distance requirement as a result of the extra travel time; or 5. There are 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.

17. Given the above definition of a "waiver" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

The waiver is being sought in order to maintain the success of the prior business, "Two Dudes Restaurant RS, Inc." We purchased the business and the exception that Two Dudes Restaurant RS, Inc. had was not transferable. We therefore are seeking a waiver of distance in the name of One Bar & Lounge, Inc. We are not asking anything more, that Two Dudes Restaurant RS, Inc. . . .

ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan - two (2) copies on 8 1/2 x 11 and two (2) copies on 11 x 17 or larger
- 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 3)
- Proof of property ownership - may be print-out of property appraiser record card if individual owner, http://apps.coi.net/pao_propertySearch/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.

FILING FEES		
*Applications filed to correct existing zoning violations are subject to a double fee		
Base Fee	Public Notices	Advertisements
Non-residential Districts: \$1,173.00	\$7.00 per Address	Billed directly to owner/agent

AUTHORIZATION

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 is 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.

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.

Owner(s) Print name: <u>Patricia Butts</u> Signature: <u><i>Patricia Butts</i></u>	Applicant or Agent (if different than owner) Print name: <u>Tak Gjergji</u> Signature: <u><i>Tak Gjergji</i></u>
Owner(s) Print name: _____ Signature: _____	*An agent authorization letter is required if the application is made by any person other than the property owner.

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to
 Planning and Development Department Zoning Section
 214 North Hogan Street 2nd Floor
 Jacksonville Florida 32202
 904 255 8300

Verizon LTE

4:31 PM

39%

Done

6 of 6

EXHIBIT A

Agent Authorization - Individual

Date: 8/14/2020

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32203

Re: Agent Authorization for the following site location in Jacksonville, Florida:
Address: 2465 Park St. RES(1) 065258-0000

To Whom It May Concern:

You are hereby advised that Patricia Butts is owner of 2465 Park St. 065258; hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers Gretl Isaac to act as agent to file application(s) for Waiver of minimum lot size for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

By: Patricia Butts
Print Name: Patricia Butts

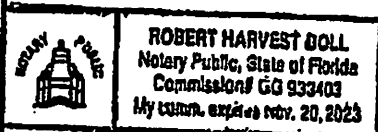
STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 18 day of August 2020
by Patricia A Butts, who is personally known to me or who has produced PL HC as identification and who took an oath

Robert Doll
(Signature of NOTARY PUBLIC)

Robert Doll
(Printed Name of NOTARY PUBLIC)

State of Florida's Notary Public



MAP SHOWING SPECIAL PURPOSE LIQUOR LICENSE SURVEY

ESTABLISHMENT

DISTANCE FROM 0 IN FEET

0.	PROPOSED LICENSE LOCATION 2665 PARK ST.	0'
1.	RIVERSIDE BAPTIST CHURCH 2850 PARK ST	80'
2.	ST. PAUL'S CATHOLIC CHURCH & SCHOOL 2609 PARK ST.	360'
3.	THE GOOD SHEPHERD EPISCOPAL CHURCH 1100 STOCKTON ST.	1390'
4.	WEST RIVERSIDE ELEMENTARY SCHOOL 2801 HERSCHEL ST.	1020'

DATE: JULY 10, 2018

SCALE. 1" = 50'

Prepared for
PATRICIA BUTTS and TWO DUDES RESTAURANT

Prepared by
R. L. CROASDELL CO.
Civ. Engineering & Land Surveying
429 East Adams Street . Jacksonville Florida

CERTIFICATION:

THE UNDERSIGNED HEREBY CERTIFIES THAT SHE IS A LAND SURVEYOR REGISTERED BY THE STATE OF FLORIDA AND THAT THIS DRAWING WAS PREPARED BY HER PURSUANT TO SECTION 468.004 JACKSONVILLE ORDINANCE CODE THAT ALL LOCATIONS OF SCHOOLS, CHURCHES AND ADULT ENTERTAINMENT FACILITIES WITHIN A RADIUS OF 1500 FEET ARE KNOWN THAT THE DISTANCES SHOWN THEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 468.004 JACKSONVILLE ORDINANCE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF

SIGNED

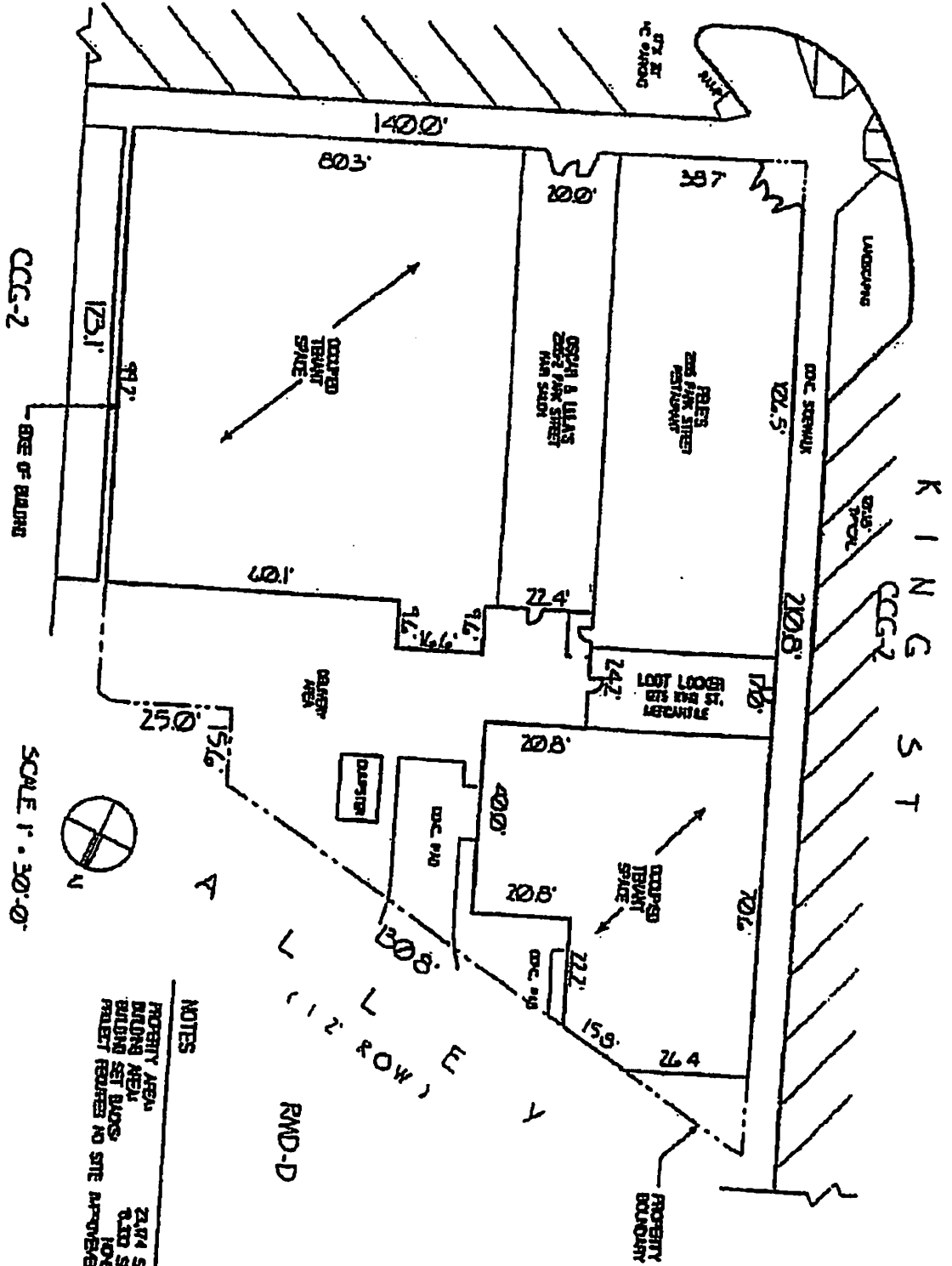
[Handwritten Signature]
7-24-18
OSA & DAVIS PROFESSIONAL SURVEYOR & MAPPER NO. 6162

P A R K S T.

fred i. podris, architect

1644 117 WOLF CREEK LANE

JACKSONVILLE, FLORIDA



SCALE 1" = 30'-0"



NOTES

PROPERTY AREA 2474 SF
 BUILDING AREA 8120 SF
 BUILDING SET BACKS 10 FT
 FRONT REQUIRED NO SITE APPROVALS

SITE PLAN

1175 RESIDENT ROADWAY
 1225 PARK STREET
 JACKSONVILLE, FLORIDA 32204

Saint Paul's Catholic Church

2609 Park St • Jacksonville, FL 32204 • 904.387.2554



April 14, 2011

Zoning Section
Planning and Development Department
Ed Ball Building
214 North Hogan Street

We Father Jan Ligeza and St. Paul's Catholic Church, are aware of MAF Restaurant Group LLC's plans to open a new wood fire restaurant that will serve liquor (beer, wine, cocktails) at 2665 Park Street on the corner of Park and King Streets (the tenant space previously leased by Park and King Pharmacy).

Our church St. Paul's Catholic Church understands that MAF Restaurant Group LLC is applying for a "Waiver of minimum distance requirements for liquor license location" with the city and have no objections to the establishment serving liquor at the above location.

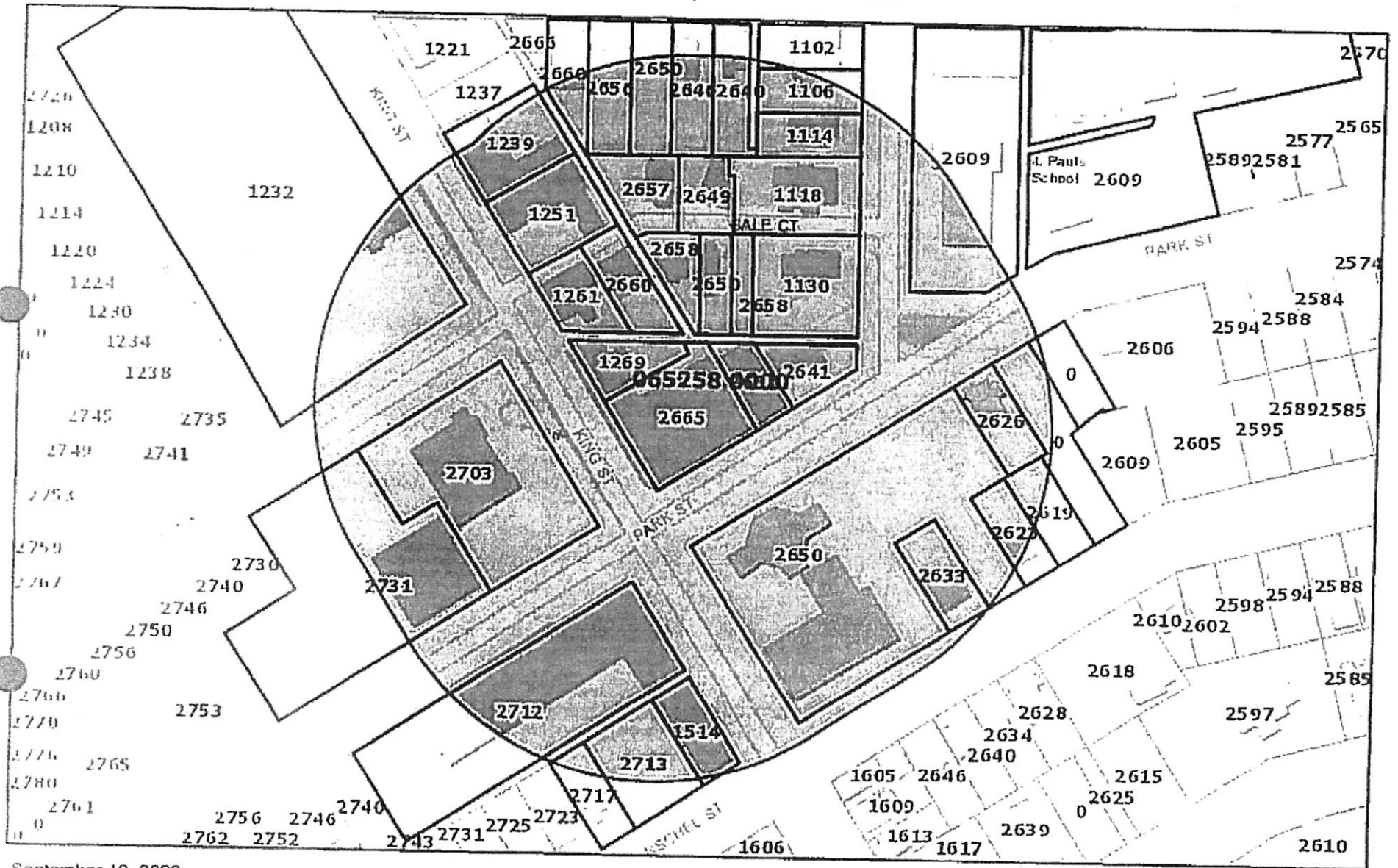
Yours truly,

A handwritten signature in black ink, appearing to read "J. Ligeza".

Father Jan Ligeza S.T.L.

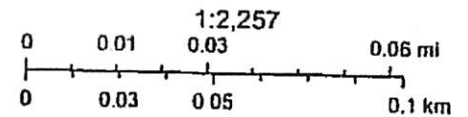
FJL/pk

Land Development Review



September 10, 2020

Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

RE	LNAME	LNAME2	MAIL_ADDR1	MAIL_ADDR2	MAIL_ADDR3	MAIL_CITY	MAIL_STATE	MAIL_ZIP
064279 0000	SCHWARTZ KENNETH J		976 WATEREDGE PL			HEWLETT	NY	11557
065307 0000	KING STREET STRIP LLC		4468 CROOKED OAK CT			JACKSONVILLE	FL	32257
064269 0000	CRAVEN LAND CORPORATION		19 AVISTA CIR			SAINT AUGUSTINE	FL	32080
064154 0010	RIVERSIDE BAPTIST CHURCH		2650 PARK ST			JACKSONVILLE	FL	32204-4520
064157 0000	ST PAULS CHURCH & SCHOOL		2609 PARK ST			JACKSONVILLE	FL	32204-4555
064278 0000	REED RONALD E		2640 FORBES ST			JACKSONVILLE	FL	32204
065288 0000	WHITEWAY CORNER INC		2720 PARK ST OFFICE 220			JACKSONVILLE	FL	32205
064276 0000	REVENAUGH TIMOTHY G		1114 ACOSTA ST			JACKSONVILLE	FL	32204-4219
064275 0000	JACKSON BRET C ESTATE		2649 GALE CT			JACKSONVILLE	FL	32204
065259 0000	BUTTS PATRICIA A ET AL		1431 FOREST MARSH DR			NEPTUNE BEACH	FL	32266
065254 0000	RIVERSIDE AVONDALE PRESERVATION INC		2623 HERSCHEL ST			JACKSONVILLE	FL	32204-4511
065265 0000	PARAGON WCS INC		C/O HCA AMBULATC 13355 NOEL RD STE 650			DALLAS	TX	75240
064280 0000	KRUG DIANE R		2650 PARK ST			JACKSONVILLE	FL	32204-4225
064282 0000	ELROD ROBERT W JR		1540 AVONDALE AVE			JACKSONVILLE	FL	32205
064274 0000	KENNEDY JOSEPH		2657 GALE CT			JACKSONVILLE	FL	32204
064266 0000	1239 KING STREET LLC		4495-304 ROOSEVELT BLVD NO 406			JACKSONVILLE	FL	32210
064277 0000	SWANIGER RONALD G II		1102 ACOSTA ST			JACKSONVILLE	FL	32204-4219
065258 0000	BUTTS PATRICIA A ET AL		1431 FOREST MARSH DR			NEPTUNE BEACH	FL	32266
065252 0000	NEIGHBORHOOD REVITALIZATION PROJEC		3200 EMERSON ST			JACKSONVILLE	FL	32207
064272 0100	SETTLE STEVEN		1615 OSCEOLA ST			JACKSONVILLE	FL	32204
065261 0000	PHIL CURY & ASSOCIATES INC		C/I WALGREEN CO S' PO BOX 1159			DEERFIELD	IL	60015
064270 0000	WILSON JOHN R ET AL		2908 POST ST			JACKSONVILLE	FL	32205
065252 0620	RIVERSIDE BAPTIST CHURCH		2650 PARK ST			JACKSONVILLE	FL	32204-4520
064284 0010	CENTERSTATE BANK OF FLORIDA NA		1101 FIRST ST S			WINTER HAVEN	FL	33880
064267 0000	1251 KING STREET LLC		1238 WINDSOR HARBOR DR			JACKSONVILLE	FL	32225
064272 0000	LAWOYIN LAJIDE		17833 W SPRING LAKE RD			SPRING LAKE	MI	49456
064276 0010	MOSHER SCOTT E		1106 ACOSTA ST			JACKSONVILLE	FL	32204-4219
065257 0000	JAMMES ROAD LLC		C/O L R S CO 8650-12 OLD KINGS RD S			JACKSONVILLE	FL	32217
065305 0000	WHITEWAY CORNER INC		2720 PARK ST OFFICE 220			JACKSONVILLE	FL	32205
064271 0000	KUZEL KEVIN M		1130 ACOSTA ST			JACKSONVILLE	FL	32204-4264
065255 0000	PETTY PATRICK S		2619 HERSCHEL ST			JACKSONVILLE	FL	32204
065253 0000	BRICK HAUS SALON INC		2633 HERSCHEL ST			JACKSONVILLE	FL	32204
064273 0000	FREDRICKSON HEATHER D		1650-302 MARGARE' PMB #160			JACKSONVILLE	FL	32204
064271 0500	JACKSONVILLE ELECTRIC AUTHORITY		21 CHURCH ST W #3RD FLOOR			JACKSONVILLE	FL	32202-3158
065252 0500	RNTI LLP		2606 PARK ST			JACKSONVILLE	FL	32204
064281 0000	BURNS CATHERINE H		2656 FORBES ST			JACKSONVILLE	FL	32204-4225
065304 0000	PASKALAKIS ELAINA KARA		2834 CASA DEL RIO TER			JACKSONVILLE	FL	32257
065256 0000	ROSSI JOHN V		2641 PARK ST			JACKSONVILLE	FL	32204-4519
	RIVERSIDE AVONDALE ADRIENNE BURKE		2623 HERSCHEL ST.			JACKSONVILLE	FL	32204
	PARK & KING AREA P JIM LOVE		2730 COLLEGE ST			JACKSONVILLE	FL	32205-7412
	NORTHWEST TYRONA CLARK MUR		1030 DETROIT ST			JACKSONVILLE	FL	32254

Kelly, Sean

From: Kelly, Sean
Sent: Thursday, September 10, 2020 12:37 PM
To: 'Brett@IsaacTaxCPA.com'
Subject: Waiver of Liquor Distance WLD-20-23 / 2665 Park Street

Brett

Please be advised that the Application for Waiver of Liquor Distance at 2665 Park Street is OK to file. The fee has been waived, your zoning signs will be at the zoning section. Please make an appointment at (904)-255-8211 to pick them up. If you have any questions please let me know

Kind Regards,

Sean N. Kelly, AICP
Zoning Administrator
Development Services Division
Planning and Development Department
214 North Hogan Street, Suite 2118
Jacksonville, Florida 32202
(904) 255-7816
skelly@coj.net

APPLICATION REVIEW SHEET

2665 PARK ST.

EXCEPTION

VARIANCE

WAIVER

ADMINISTRATIVE DEVIATION

Application 9-8
Date

Assistant [Signature]
Name

Forward to Planner _____
Date

PLANNER REVIEW AND OGC REVIEW (IF NECESSARY)

Date In _____

Date Out _____

Comments: _____
LIQUOR DISTANCE SURVEY IS NOT CURRENT
FROM JULY 2018

_____ APPLICATION USES SAME EXHIBITS AS PREVIOUSLY
APPROVED WLD OTHERWISE OK TO FILE

_____ 9-8
_____ 9-8

_____ OK TO FILE
PER FWH 9-9

RESUBMIT REVIEW

Date In _____

Date Out _____

Resubmit Comments: _____

Approved for payment (OK to file): Current Planning _____ GIS _____

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM DISTANCE REQUIREMENTS
FOR LIQUOR LICENSE LOCATION WLD-20-23

OCTOBER 8, 2020

Location: 2655 Park Street
Northwest quadrant of the intersection of Park and King

Real Estate Number: 065258 0000

Waiver Sought: Reduce required minimum distance between a liquor license location (4 COP/SRX) from a church and/or school from 500 feet to 80 feet

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: Northwest, District 5

Agent: One Bar & Lounge, Inc.
2665 Park Street
Jacksonville, Florida 32204

Owner: Patricia Butts
1031 1st Street South, Unit 208
Jacksonville Beach, Florida 32250

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application or Waiver of Minimum Distance Requirements for Liquor License Location WLD-20-23 seeks to reduce the required minimum distance between the proposed use and Riverside Baptist Church (2650 Park Street) from 500 feet to 80 feet to allow for the service of all alcoholic beverages for on-premises consumption (4COP/SRX) with a *bona-fide* restaurant. The restaurant will occupy the former space of Two Dudes Restaurant. The property is in the CCG-2 Zoning District and is within the CGC functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan.

Exhibit A

The site is located within the Riverside / Avondale Historic District and in a Commercial Character Area Corridor of the Zoning Overlay Boundary. This area is intended for commercial development, which includes restaurants, hotels, sales and service establishments, art galleries and indoor recreational or entertainment facilities. The site is also located within the King Street Town Center Initiative Program.

In June of 2008 the Riverside/Avondale Zoning Overlay (Ordinance 2008-192-E) was adopted. The intent of the overlay is to encourage revitalization and promote uses that are tailored to the established pattern of development in the respective character areas. More specifically, the commercial character area promotes mixed-use commercial development and entertainment oriented uses such as hotels, restaurants, and retail sales and service establishments, which include the retail sale and service of all alcoholic beverages for either on-premises or off-premises consumption or both, subject to the provisions of Part 8 of Chapter 656.

The proposed waiver of liquor distance will promote economic viability by occupying a vacant unit in an existing commercial structure in the Riverside Historic District. Per the attached liquor survey the nearest church is the Riverside Baptist Church located at 2650 Park Street. The Church is one block south of the subject property. The applicant states that the distance reduction will be from 500' to 80'. St. Paul's Catholic Church & School (2609 Park Street) is also located within the 500' radius at 360' away from the proposed location.

In 2011, WLD-11-04 was approved for Pele's Wood Fire to allow for a 4COP/SRX License 80 feet from a Church or School at this same location. In 2018, WLD-18-10 was approved for Two Dudes Restaurant to allow for a 4COP/SRX License 80 feet from a Church or School at this same location.

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 656.133 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:

1) 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?

The prior use was a restaurant (Two Dudes Restaurant) serving beer, wine, and liquor. The proposed use on the site will be a bona-fide restaurant with a 4COP/SRX license which is required to derive at least 51% of their sales from the service of food. This is the same intensity as the previous use. The size of the restaurant and license type will be the same.

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

No. The subject property is located within the CCG-2 zoning district and is not part of a Planned Unit Development (PUD) district. However, the site is located in the Riverside Zoning Overlay "Commercial Character Area", which is intended for mixed-use commercial development and supporting retail and entertainment uses. The property is also within the King Street Town Center Initiative Program.

3) 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 out parcels, and meets the definition of a bona fide restaurant as defined in Section 656.805?

Yes. Although the site is not within a shopping center, it is located in the Riverside Zoning Overlay "Commercial Character Area", which is intended for mixed-use commercial development and supporting retail and entertainment uses and the King Street Town Center Initiative Program. As such, the staff is of the opinion that this is a positive finding to support the request for the Waiver.

Restaurants and other entertainment establishments are identified in the overlay as integral parts of the Commercial Character Area and are to be promoted to redevelop and revitalize the area in correlation with the King Street Town Center initiative program.

4) 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?

The proposed establishment is directly visible along the line of measurement defined in Section. 656.806, but is physically separated from the church. As pictured below, Riverside Baptist Church (2650 Park Street) is visible from the front door of the proposed restaurant. However, the restaurant and church are physically by 80 feet of infrastructure, including; sidewalks and landscaping in the city right of way, on-street parking and a public collector road Park Street (refer to liquor survey).

5) Are there are 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. Lola's Burrito Joint (1514 King Street) was granted a Waiver of Minimum Liquor Distance (WLD-12-06) for a reduction of 500 feet to 72 feet from Riverside Baptist Church (2650 Park Street).

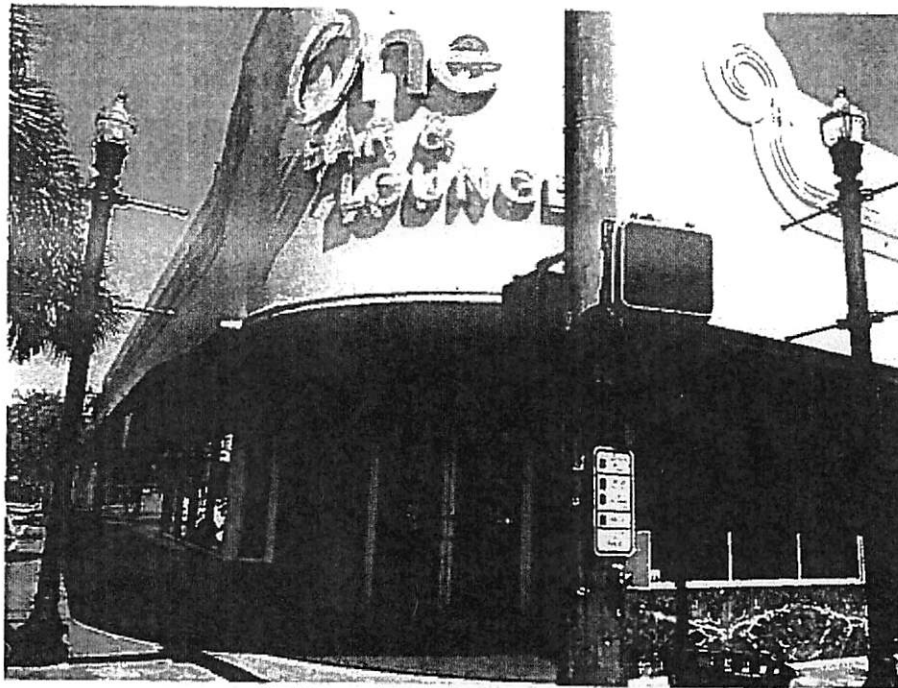
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 23, 2020, by the Planning and Development Department, the Notice of Public Hearing sign was not posted. The applicant was notified on the afternoon of September 23rd of the requirement to post the sign. The applicant provided evidence of the posted required Notice of Public Hearing signs on **September 29, 2020.**



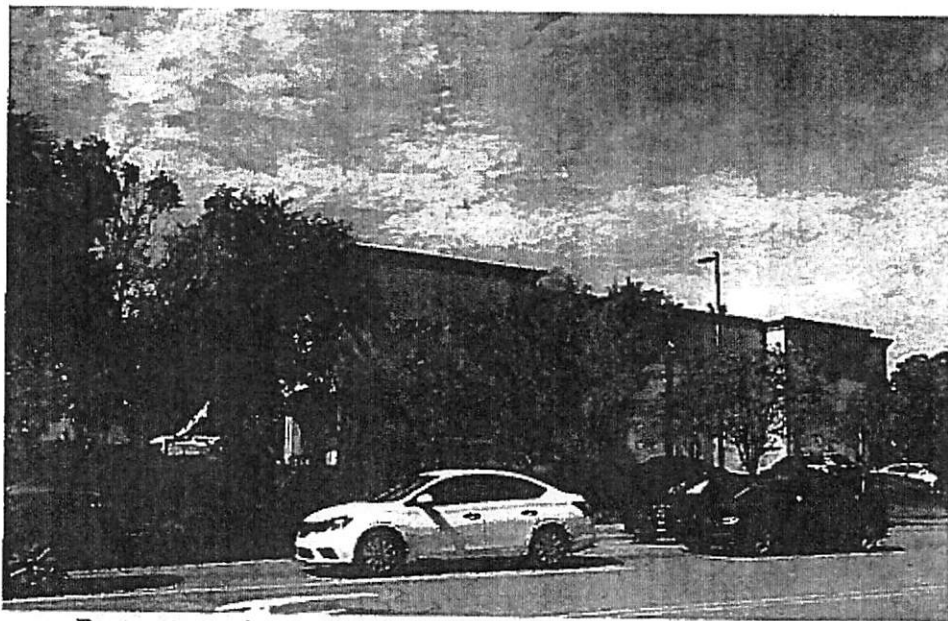
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-20-23 be **APPROVED.**



Subject site, 2655 Park Street

*Source: COJ, Planning & Development Department
Date: September 23, 2020*



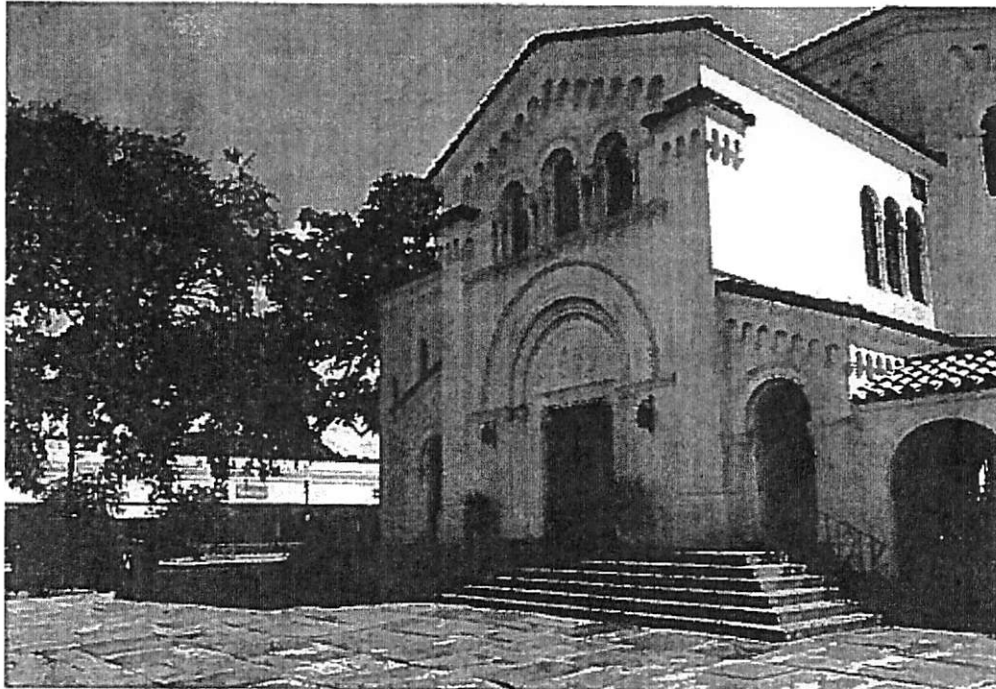
Property to the west: Walgreen, pharmacy (2703 Park Street)

*Source: COJ, Planning & Development Department
Date: September 23, 2020*



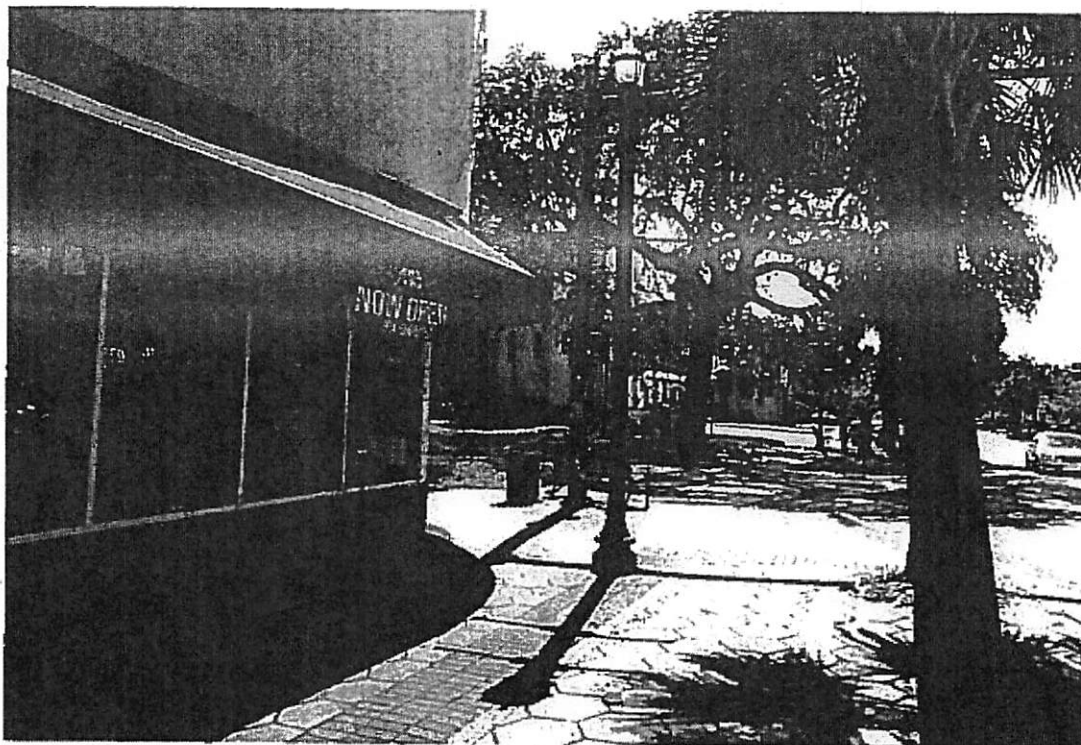
Intersection of Park and King Streets

*Source: COJ, Planning & Development Department
Date: September 23, 2020*



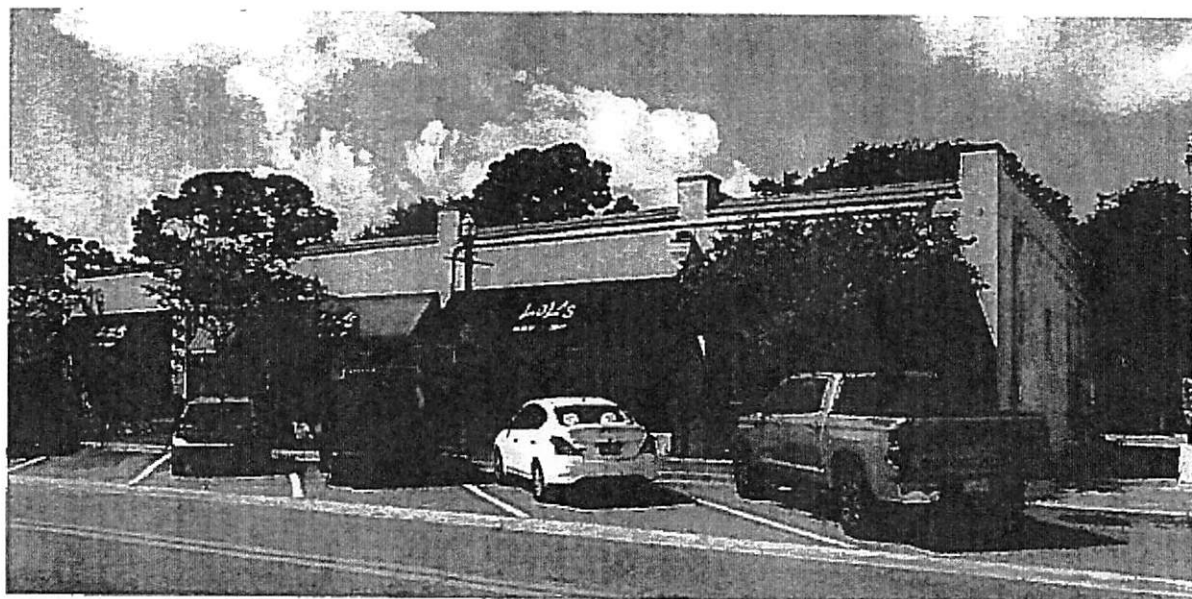
Property to the south: Church (2650 Park Street)

Source: COJ, Planning & Development Department



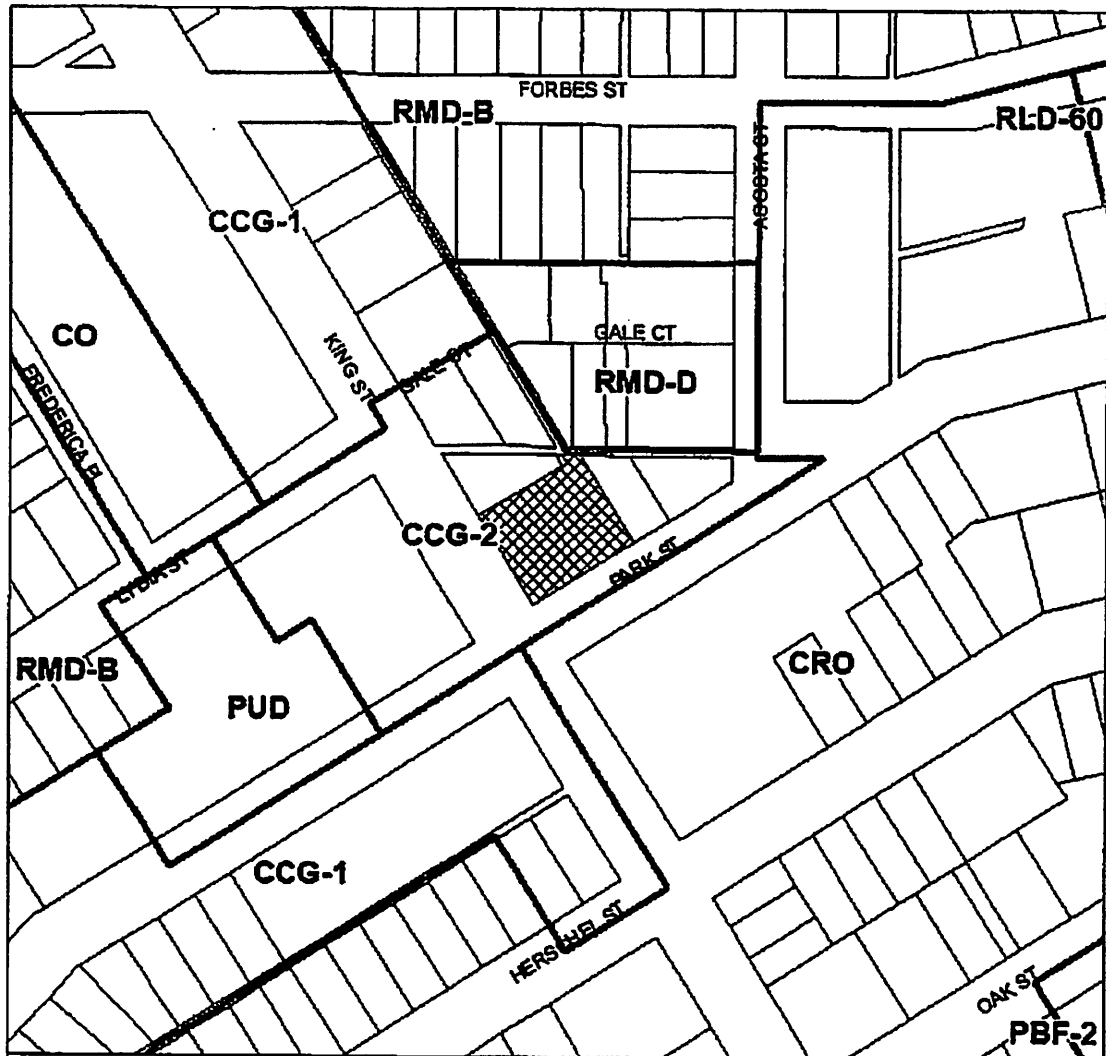
View of Church and proposed restaurant

*Source: COJ, Planning & Development Department
Date: September 23, 2020*



**Lola's Burrito Joint, located 72 feet from Riverside Baptist Church
(directly across the street)**

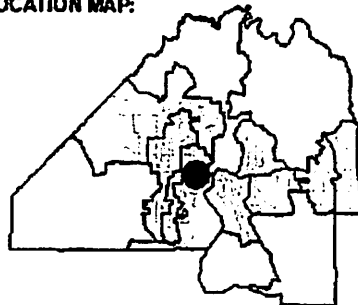
Source: COJ, Planning & Development Department



REQUEST SOUGHT:

REDUCE REQUIRED MINIMUM DISTANCE BETWEEN LIQUOR LICENSE LOCATION AND CHURCH OR SCHOOL FROM 500 FEET TO 80 FEET

LOCATION MAP:



COUNCIL DISTRICT:

14

TRACKING NUMBER

WLD-20-23

**EXHIBIT 3
 PAGE 1 OF 1**



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Planning and Development Department

Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

October 23, 2020

RE: Certified Copy of Final Order

I hereby certify that the attached is a true and accurate copy of the Final Order of WLD-20-23:

WLD-20-23 heard on October 8 2020

Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: WLD-20-23

IN RE: The Application for Waiver of Minimum
Distance Requirements for Liquor License Location

JAK GJERGJI D/B/A ONE BAR & LOUNGE, INC.

**ORDER DENYING APPLICATION FOR ZONING WAIVER
OF MINIMUM DISTANCE REQUIREMENTS
FOR LIQUOR LICENSE LOCATION WLD-20-23**

This matter came to be heard upon the Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-20-23 filed by Patricia Butts, the owner of certain real property located at 2665 Park Street, RE #065258-0000, on behalf of Jak Gjergji d/b/a One Bar & Lounge, Inc., seeking a waiver to reduce the required minimum distance between a liquor license location (4 COP/SRX) from a church and/or school from 500 feet to 80 feet, in the CCG-2 Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on October 8, 2020, including the Report of the Planning and Development Department on Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-20-23 and all attachments thereto ("Staff Report"), a copy of which is attached as Exhibit "A", the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

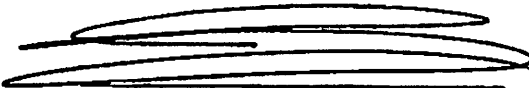
FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.133 of the Zoning Code.
2. That the land which is the subject of application WLD-20-23 is owned by Patricia Butts. A copy of the legal description of the subject property is attached as part of the Exhibit "A" and incorporated herein by reference.
3. That substantial competent evidence fails to demonstrate that the application WLD-20-23 meets, to the extent applicable, the standards and criteria set forth in Section 656.133(a) of the Zoning Code.

NOW THEREFORE, it is ORDERED by the Planning Commission:

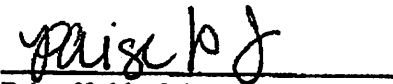
1. Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-20-23 is hereby **DENIED**.

Executed this 8th day of October, 2020.

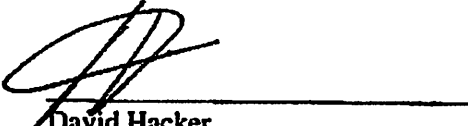


Joshua Garrison
Chairman, Planning Commission

FORM APPROVED:



Paige Hobbs Johnston
Assistant General Counsel



David Hacker
Secretary, Planning Commission

Copies to:

One Bar & Lounge, Inc.
2665 Park Street
Jacksonville, FL 32204
Agent

Patricia Butts
1031 South 1st Street, Unit 208
Jacksonville Beach, FL 32250
Owner

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code.

GC-#1394548-v1-Order_on_WLD-20-23_D_10-8-20.docx

**CITIZEN INFORMATION MEETING
NOVEMBER 2, 2020**

PLEASE USE FOLLOWING INSTRUCTIONS

WAYS FOR THE PUBLIC TO ACCESS THE MEETING:

1. Sign up for Zoom. Type - Zoom.US – with Chrome Internet Browser. Go to: **JOIN A MEETING On Dash Board** Information regarding the Zoom meeting ID and meeting password is listed below:

* Meeting ID: 991 6763 8192 Password: 564871 (You can LISTEN to the meeting and VIEW the meeting this way.)

ALL PARTICIPANTS WHO WANT TO PARTICIPATE IN LEGALLY REQUIRED PUBLIC PARTICIPATION MUST LOG IN WITH (It would be helpful to identify item to be addressed)
Full Name and Application # – Example: Jill Smith L-54XX-20C (the L-54XX-20C should reference your item/application number)

2. **Joining a Zoom Meeting by phone:**

* Meeting ID: 991 6763 8192 Password: 564871

Find your local number: <https://zoom.us/j/aesf8Uvzft>

or Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 346 248 7799 US (Houston)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)

WAYS FOR THE PUBLIC TO PARTICIPATE IN LEGALLY REQUIRED PUBLIC HEARINGS OR PUBLIC PARTICIPATION ZOOM MEETING

1. Legal Name must appear on Zoom to be recognized by the Host;
2. **DO NOT** state your residence- address as this is not required in this forum – only state County and Zip Code
3. Timeframe set by Host – No more than 3 minutes per speaker.
4. Host will **"ONLY"** call on speakers using the **ELECTRONIC "RAISE HAND"** feature located within the Zoom App. This feature is found- Click on "Participants" scroll to the bottom click on "Raise Hand" . . . wait to be recognized. (Must have a Microphone, Video, and Speakers to participate with the function.)

INSTRUCTIONS: JOINING A MEETING BY DIAL-IN PHONE ONLY

1. Dial numbers provided above. If you dial a toll number, your carrier rates will apply.
2. You will be prompted to enter the meeting ID – the Meeting ID: 991 6763 8192 * Password: 564871
3. If the meeting has not already started and join before host is not enabled, you will be prompted to press # to wait if you are participant.
4. You will be prompted to enter your unique participant ID. This only applies if you have joined on the computer or mobile device or are a panelist in a webinar. Press # to skip.

If you join by computer or mobile device later, you can enter the Participant ID to bind your phone and device session together and show your video when you speak on the phone. To enter your participant ID once you are in the meeting, enter #Participant ID# on your phone.