

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2025-0008 (E-24-59)

FEBURARY 4, 2025

<i>Location:</i>	1028 Park Street, between Post Street and Margaret Street
<i>Real Estate Number:</i>	090418-0000
<i>Zoning Exception Sought:</i>	Permit sale/service of beer, wine, and liquor for on-premises consumption.
<i>Current Zoning District:</i>	Planned Unit Development (PUD 2005-0927)
<i>Current Land Use Category:</i>	Community General Commercial (CGC)
<i>Planning District:</i>	Urban Core, District 1
<i>Council District:</i>	District 7
<i>Owner:</i>	1028 Park LLC 403 W. Ponce De Leon Avenue, Suite 218 Decatur, GA 30030
<i>Agent:</i>	Josh Billue 1402 Clinton Street Nashville, Tennessee. 37203
<i>Staff Recommendation:</i>	APPROVE with CONDITION

GENERAL INFORMATION

Application for Zoning Exception **2025-0008 (E-24-59)** seeks to permit the Retail Sale and Service of All Alcoholic Beverages for On-Premise Consumption. The property is located within the Five Points shopping area in the former Sun Ray Cinema location, and falls within the boundaries of the Riverside/Avondale Zoning Overlay. The proposed use is an event space which will be known as the Five Event Venue.

There are other full service alcohol establishments in the same block as the subject property. Some examples of these restaurants include: Hoptinger Bier Garden, Hawkers Asian Street Food, Taqueria Cinco, Cuisine 76 and Bar, 904 Tacos Five Points, Birdies, and others.

The site is located within the Riverside/Avondale Historic District and in the Urban Transition Character Area of the Riverside Avondale Zoning Overlay. This area is intended for a higher density of office, commercial, and residential buildings that are considered mixed-use and single use buildings. 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.

In addition to the zoning exception, there is a companion application for a Waiver of Liquor Distance **WLD-24-19**, which seeks to reduce the required minimum distance between liquor license location and a church from 1,500 feet to 325 feet. The application was heard by the Planning Commission on January 23rd where they voted to approve the request.

The following additional criteria shall be considered by the Planning and Development Department, the Local Planning Agency, and the City Council when evaluating any land use or zoning application within the Riverside/Avondale Zoning Overlay District:

(a) Whether the proposed rezoning is consistent with the Riverside/Avondale Zoning Overlay District and the historic district regulations;

Yes. The primary purpose and intent of the Riverside/Avondale Zoning Overlay is to protect the existing historic residential areas. The proposed waiver is to permit alcohol as a secondary use to an event venue in a historic commercial area.

(b) Whether the rezoning will negatively affect or alter the character of the character area or corridor;

The intended plan of development is for the existing building to remain, which will not alter the character of the Urban Transition Area (UTA) or the abutting corridors. The proposed use is similar to uses previously found on-site.

(c) Whether the rezoning and subsequent future development would result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees; and

The intended plan of development will not destroy protected trees or specimen trees. The applicant intends to repurpose an existing landmarked structure.

(d) Whether the rezoning would have a negative effect on any contributing structures within the Riverside Avondale historic district, as defined in Section 656.399.17, historic landmark or landmark site.

No, the applicant is seeking to repurpose the structure, which is a historic landmark. Any exterior renovations will require a Certificate of Appropriateness from the Historic Preservation Section.

DEFINITION OF ZONING EXCEPTION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131(c) of the Zoning Code, the Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

(i) *Will the proposed use be consistent with the Comprehensive Plan?*

Yes. The subject site is 0.65 of an acre and located at the address of 1028 Park Street. The site is situated mid-block on Park Street with Margaret Street on the rear of the property, both of which are collector roadways. The application site is also located within Planning District 1 (Urban Core), and Council District 7, in the Urban Priority Area. The subject site is also within the Riverside Zoning Overlay and within the Riverside-Avondale Historic District.

CGC in the Urban Priority Development Area is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Principal uses include commercial retail sales and service establishments including restaurants, hotels and motels, and commercial recreational and entertainment facilities. The proposed exception for retail sales and service of alcoholic beverages for on-site consumption is allowed in the CGC land use category.

Future Land Use Element

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.2 Promote and sustain the viability of existing and emerging commercial and industrial areas to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

Historic District

The project site is located within the boundaries of the Riverside-Avondale Historic District. Vertical construction and changes to existing structures on site must be reviewed by the Planning and Development Department, and potentially the Jacksonville Historic Commission. The applicant is aware of this requirement and has begun the design review process with the Historic Preservation Section of the Planning and Development Department.

Historic Preservation Element

Policy 1.1.3 The City shall continue to implement the Certificate of Appropriateness review process for plans that will physically alter the appearance of a designated site, property or historic district through either the administrative process or submission to the Historic Preservation Commission.

Historic Landmark

The project site is a locally designated Jacksonville Landmark. Vertical construction and changes to existing structures on the site must be reviewed by the Planning and Development Department, and potentially the Jacksonville Historic Preservation Commission. The applicant is aware of this requirement and has begun the design review process with the Historic Preservation Section of the Planning and Development Department.

Historic Preservation Element

Policy 1.1.3 The City shall continue to implement the Certificate of Appropriateness review process for plans that will physically alter the appearance of a designated site, property or historic district through either the administrative process or submission to the Historic Preservation Commission.

Policy 1.2.5 The Planning and Development Department shall maintain and update for planning and permitting purposes, a series of GIS data layers and maps depicting recorded archaeological sites, historic districts and local landmarks.

Policy 1.4.2 The Planning and Development Department shall continue to review and make specific recommendations to the City Council regarding changes or modifications to the Land Development Regulations that will protect the character of designated local historic districts, landmarks and sites. The assistance and advice of historic preservation organizations in recognized historic areas of the City will be solicited for that purpose.

Policy 1.5.2 The City shall pursue alternatives that will lead to the preservation, as opposed to the

destruction, of landmarks, landmark sites and buildings located in designated historic districts by promoting adaptive reuse where physically, structurally, and economically feasible.

(ii) Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values, and existing similar uses or zoning?

Yes. The existing uses in this commercial area includes several sites that sell alcoholic beverages for on premise consumption with or without restaurants including but not limited to Birdies, Hoptinger, and Hawkers. There are also several commercial retail sales establishments.

The proposed use is of a similar intensity as the existing uses. The surrounding uses are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Property Use
North	CGC	CCG-1	Shopping Center
East	CGC	CCG-1	Shopping Center/Restaurant
South	CGC	CCG-1	Shopping Center/Bar
West	CGC	PUD	Shopping Center

Given the historic nature and pattern of development in the area, the public interest in promoting commercial infill and the intent of the Riverside Avondale Zoning Overlay, the Planning and Development Department finds that the proposed full service facility would be an appropriate addition to the Five Points Town Center.

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

No. The proposed use is similar to other uses on the same block of Park Street, and the surrounding neighborhood. The proposed use would have no impact on the environment, nor the health, safety, or welfare of the community. Rather, the proposed use would be compatible with the surrounding commercial uses.

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

No. The proposed use is similar to neighboring uses and is located within the Five Points commercial area. The Five Points commercial area has a system of communal on-street parking, necessitated by the nature of the historic structures and the lack of room on the property for any of these locations to provide any amount of off-street parking.

Five Points is a historic town center. As part of the Riverside Avondale Historic District, it was developed in the 1920s and 1930s. At this time, cars were not as numerous or common as they are today. Parking was limited and on street parking was the primary parking in the area; surface lots were rare. As this is an historic town center, special parking considerations are given by the

Riverside/Avondale Overlay.

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

No. The area is fully developed, and the surrounding uses are compatible or of a similar use and intensity, therefore the approval of this application will have no detrimental effect on contiguous properties or the area at large.

(vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

No. The proposed use will not generate any excessive noise, lights, vibrations, odors, fumes, or dust. The area is a thriving commercial area with several similar uses, as well as restaurants. It is not expected that this use will generate any more activity than the surrounding uses already do.

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

No. The proposed use will not overburden existing public services or facilities. The proposed use will not increase demand of public services greater than what is currently available to the site and in the area.

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

Yes. The subject property has access from Park Street and Margaret Street for vehicles and pedestrians, to permit entry of any emergency personnel in the event of an emergency situation.

(ix) *Will the proposed use be consistent with the definition of a zoning exception and meet the standards and criteria of the zoning classification in which such use is proposed to be located?*

Yes. As more fully set forth in the foregoing findings and conclusions, the proposed use will meet the definition of Zoning Exception. On site full alcohol consumption service is an allowable use in the PUD zoning district by exception. The grant of this exception is consistent with the 2045 Comprehensive Plan, and the proposed use in an existing commercial area is in keeping with the character of the surrounding neighborhood.

SUPPLEMENTARY INFORMATION

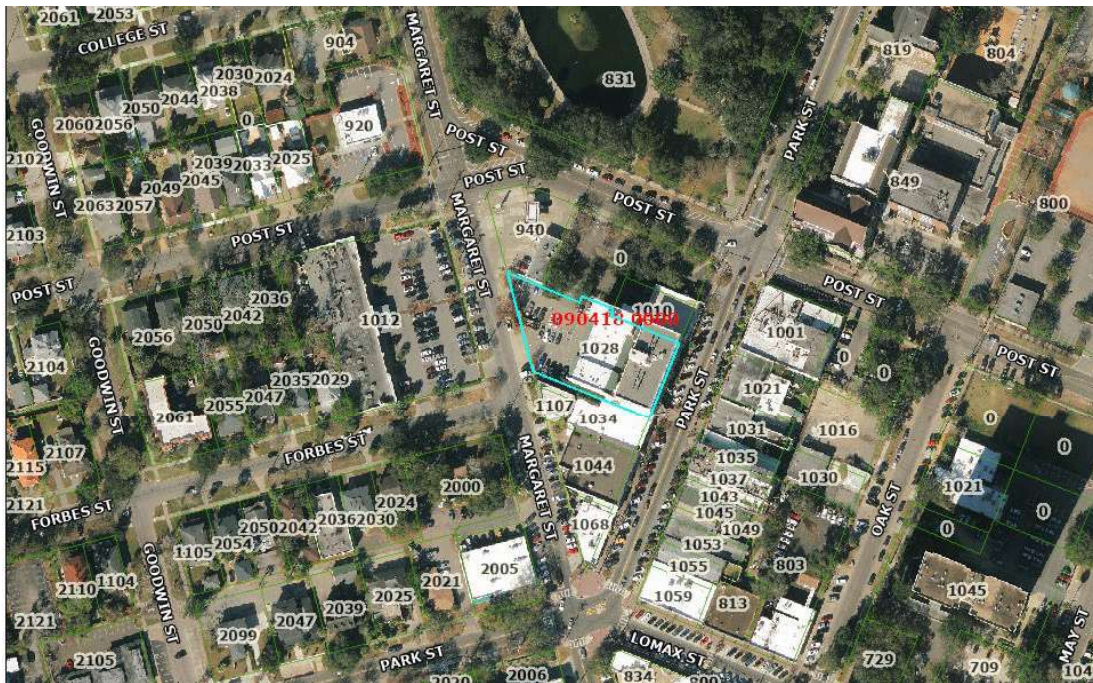
Upon visual inspection of the subject property on January 16, 2025, the Planning and Development Department staff observed that the required Notice of Public Hearing sign **was** posted.



RECOMMENDATION

Based on the foregoing findings and conclusions, the Planning and Development Department recommends that Application for Zoning Exception **2025-0008 (E-24-59)** be **APPROVED** with the following **CONDITION**:

- 1.) The Zoning Exception granted here in shall be effective unless or until the required Waiver of Liquor Distance (WLD-24-19) pursuant to Section 656.133, Ordinance Code, is issued for the subject property.



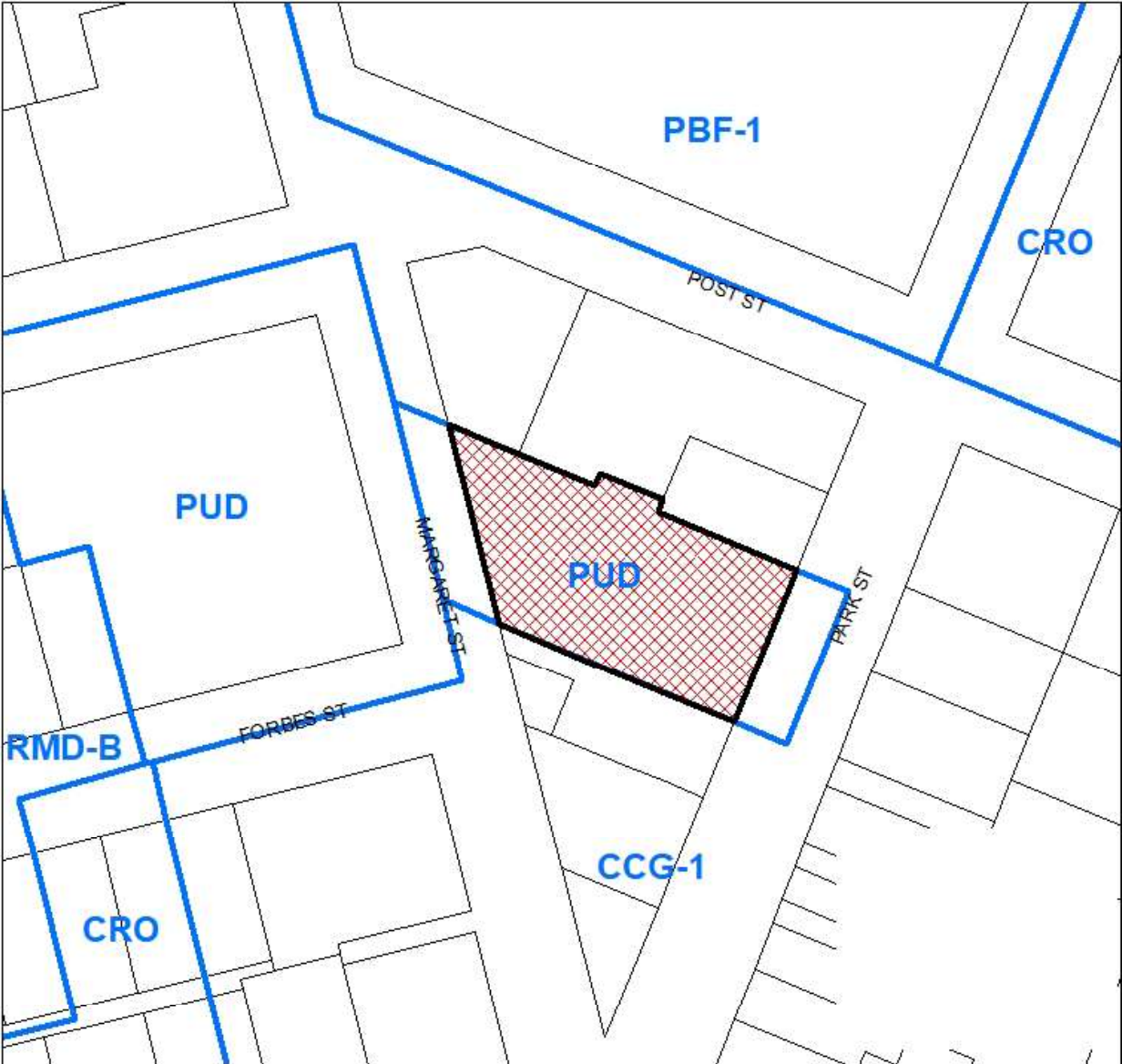
Aerial View

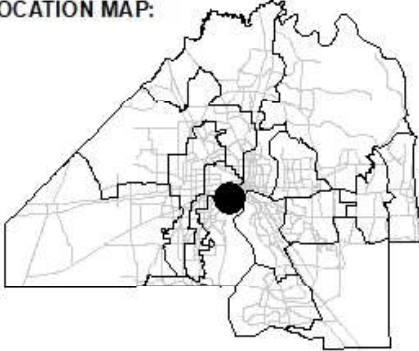
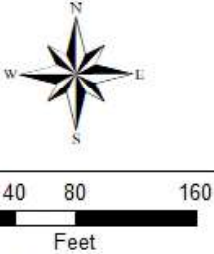


View of the Subject Site



View of neighboring establishment serving all alcohol, which is the closest establishment to the nearest Church.



<p>REQUEST SOUGHT:</p> <p>- Retail sales/service for alcohol including beer/wine for on-premises consumption</p>	<p>LOCATION MAP:</p>  <p>TRACKING NUMBER</p> <p>E-24-59</p>	 <p>COUNCIL DISTRICT:</p> <p>7</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>
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Legal Map