

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-830-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING  
6 EXCEPTION E-23-76 FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 6 AT 10601 SAN JOSE BOULEVARD,  
8 BETWEEN HARTLEY ROAD AND SAN JOSE BOULEVARD  
9 (R.E. NO. 155958-0015), AS DESCRIBED HEREIN,  
10 OWNED BY REGENCY CENTERS CORPORATION, SUCCESSOR  
11 BY MERGER TO EQUITY (LANDING) INC., REQUESTING:  
12 (1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES  
13 THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC  
14 BEVERAGES, INCLUDING LIQUOR, BEER OR WINE, FOR  
15 ON-PREMISES CONSUMPTION, (2) PERMANENT OUTSIDE  
16 SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES  
17 MEETING THE PERFORMANCE STANDARDS AND  
18 DEVELOPMENT CRITERIA SET FORTH IN PART 4, AND  
19 (3) RESTAURANT WITH OUTSIDE SALE AND SERVICE OF  
20 FOOD MEETING THE PERFORMANCE STANDARDS AND  
21 DEVELOPMENT CRITERIA SET FORTH IN PART 4, IN  
22 "OUTDOOR SEATING AREA NO. 1" AS DEPICTED ON THE  
23 SITE PLAN, FOR ANOTHER BROKEN EGG OF MANDARIN,  
24 LLC, D/B/A ANOTHER BROKEN EGG CAFÉ, IN ZONING  
25 DISTRICT COMMERCIAL COMMUNITY/GENERAL-1 (CCG-  
26 1), AS DEFINED AND CLASSIFIED UNDER THE ZONING  
27 CODE; ADOPTING RECOMMENDED FINDINGS AND  
28 CONCLUSIONS OF THE LAND USE AND ZONING  
29 COMMITTEE; PROVIDING FOR DISTRIBUTION;  
30 PROVIDING AN EFFECTIVE DATE.  
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1           **WHEREAS,** an application for a zoning exception, **On File** with  
2 the City Council Legislative Services Division, was filed by Ray  
3 Spofford, for Another Broken Egg of Mandarin, LLC, d/b/a Another  
4 Broken Egg Café, on behalf of the owner of property located in Council  
5 District 6 at 10601 San Jose Boulevard, between Hartley Road and San  
6 Jose Boulevard (R.E. No. 155958-0015) (the "Subject Property"),  
7 requesting: (1) an establishment or facility which includes the retail  
8 sale and service of all alcoholic beverages, including liquor, beer  
9 or wine, for on-premises consumption, (2) permanent outside sale and  
10 service of all alcoholic beverages meeting the performance standards  
11 and development criteria set forth in Part 4, and (3) restaurant with  
12 outside sale and service of food meeting the performance standards  
13 and development criteria set forth in Part 4, in "Outdoor Seating  
14 Area No. 1" as depicted on the Site Plan, in Zoning District  
15 Commercial Community/General-1 (CCG-1); and

16           **WHEREAS,** the Planning and Development Department has  
17 considered the application and all attachments thereto and has  
18 rendered an advisory recommendation; and

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

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

24           **Section 1. Adoption of Findings and Conclusions.** The  
25 Council has considered the recommendation of the Land Use and Zoning  
26 Committee and reviewed the Staff Report of the Planning and  
27 Development Department concerning application for zoning exception  
28 E-23-76. Based upon the competent, substantial evidence contained  
29 in the record, the Council hereby determines that the requested zoning  
30 exception meets each of the following criteria required to grant the  
31 request pursuant to Section 656.131(c), *Ordinance Code*, as

1 specifically identified in the Staff Report of the Planning and  
2 Development Department:

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

5 (2) Will be compatible with the existing contiguous uses or  
6 zoning and compatible with the general character of the area,  
7 considering population density, design, scale and orientation of  
8 structures to the area, property values, and existing similar uses  
9 or zoning;

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

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

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

20 (6) Will not result in the creation of objectionable or  
21 excessive noise, lights, vibrations, fumes, odors, dust or physical  
22 activities, taking into account existing uses or zoning in the  
23 vicinity;

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

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

27 (9) Will be consistent with the definition of a zoning  
28 exception, and will meet the standards and criteria of the zoning  
29 classification in which such use is proposed to be located, and all  
30 other requirements for such particular use set forth elsewhere in the  
31 Zoning Code, or otherwise adopted by the City Council.

1           Therefore, zoning exception application E-23-76 is hereby  
2 approved.

3           **Section 2.           Owner and Description.** The Subject Property is  
4 owned by Regency Centers Corporation, successor by merger to Equity  
5 (Landing) Inc., and is described in **Exhibit 1**, dated July 5, 2023,  
6 and graphically depicted in **Exhibit 2**, both attached hereto. The  
7 applicant is Ray Spofford, 14775 Old St. Augustine Road, Jacksonville,  
8 Florida 32258; (904) 265-3189.

9           **Section 3.           Distribution by Legislative Services.**  
10 Legislative Services is hereby directed to mail a copy of this  
11 legislation, as enacted, to the applicant and any other parties to  
12 this matter who testified before the Land Use and Zoning Committee  
13 or otherwise filed a qualifying written statement as defined in  
14 Section 656.140(c), *Ordinance Code*.

15           **Section 4.           Effective Date.** The enactment of this Ordinance  
16 shall be deemed to constitute a quasi-judicial action of the City  
17 Council and shall become effective upon signature by the Council  
18 President and Council Secretary. Failure to exercise the zoning  
19 exception, if herein granted, by the commencement of the use or action  
20 herein approved within one (1) year of the effective date of this  
21 legislation shall render this zoning exception invalid and all rights  
22 arising therefrom shall terminate.

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24 Form Approved:

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26           /s/ Mary E. Staffopoulos          

27 Office of General Counsel

28 Legislation Prepared By: Caroline Fulton

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