

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING EXCEPTION 2024-356 (E-24-04)**

**JUNE 18, 2024**

***Location:*** 1555 Pearl Street North between 5<sup>th</sup> Street West and 6<sup>th</sup> Street West

***Real Estate Number:*** 071185-0000

***Zoning Exception Sought:*** Restaurants, including facilities for the sale and service of alcoholic beverages for on-premises consumption only, subject to the following conditions:  
(A) Seating shall not exceed a capacity of 40.  
(B) Food is ordered from a menu, prepared and served for pay for consumption on premises only.

***Current Zoning District:*** Commercial Residential Office-S (CCG-S)

***Current Land Use Category:*** Residential Professional Institutional (RPI)

***Planning District:*** Urban Core 1

***Council District:*** District 7

***Applicant/Agent:*** Vanesa Ewais  
421 East 7<sup>th</sup> Street  
Jacksonville, Florida 32206

***Owner:*** Justin Tichy  
1560 Silver Street  
Hollywood Florida, 33306

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Exception **2024-356 (E-24-04)** seeks approval for a restaurant with the retail sale and service of beer and wine for on-premises consumption (2COP License). The site is located in the Commercial Residential Office-S (CRO-S) Zoning District. The property consists of a main structure with two outdoor patio areas on each side, however these areas are not being sought to be used in conjunction with food or beverage sales per this application.

## DEFINITION

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

## STANDARDS, CRITERIA AND FINDINGS

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

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

Yes. The site is located in the Residential Professional Institutional (RPI) land use category of the Urban Priority Development Area. Principal uses within the RPI land use category include but are not limited to limited commercial retail sales and service establishments, including restaurants, offices, institutional uses and medium and high density residential uses. The proposed exception is consistent with the RPI land use category.

**Future Land Use Element (FLUE):**

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

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

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

**Historic District** The project site is located within the boundaries of the Springfield 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 Preservation Commission.

**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.

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

Yes. The proposed restaurant use is located in a neighborhood scale commercial intersection at the corner of Pearl Street and 6<sup>th</sup> Street. There are three vacant commercial structures (including the subject parcel) and one single family residence. The CRO-S Zoning District allows for a mix of commercial and residential uses to serve as a transitional area between zoning districts. The proposed restaurant, in its limited form, is seen as a minor commercial use that will serve as a benefit to the surrounding residential properties. The requested Exception will not adversely affect the nearby residential uses as the exception is consistent with similar uses within the vicinity. The surrounding Zoning Districts and Land Use Categories are:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	RPI	CRO-S	Retail Store
South	MDR	RMD-S	Single family dwelling
East	RPI	CRO-S	Single family dwelling
West	RPI	CRO-S	Single family dwelling

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

No. The proposed use will not have an environmental impact inconsistent with the health, safety, and welfare of the community. The application is not seeking to use the outdoor patio in conjunction with the restaurant which would have a possible negative effect on the surrounding properties due to the possible noise that would take place on it. No environmental issues should arise from the proposed use, and the restaurant will have to meet all applicable local and state regulations that apply to it.

- (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 Springfield Historic District, and the CRO-S Zoning District, have reduced parking requirements compared to the standard City of Jacksonville parking requirements

for restaurants. More specifically, the CRO-S Zoning District has no minimum parking requirement for a restaurant, or various other uses. The proposed restaurant likely will bring in more cars, however they are not required to provide a parking area for them and can utilize the existing on street parking in the surrounding area.

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

No. The proposed exception will not have a detrimental effect on the future development of contiguous properties or the general area since the area is comprised of developed properties that feature a variety of uses.

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

No. The proposed exception will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities than that already exist for the immediate area. All activity will operate within the building.

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

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

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

Yes. The subject property is accessible from Pearl Street North and 6<sup>th</sup> Street West which will permit entry onto the property for fire, police, rescue, and other service vehicles.

(ix) ***Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?***

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

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on June 3, 2024, the Planning and Development Department staff did notice that the required Notice of Public Hearing sign was posted.

### **RECOMMENDATION**

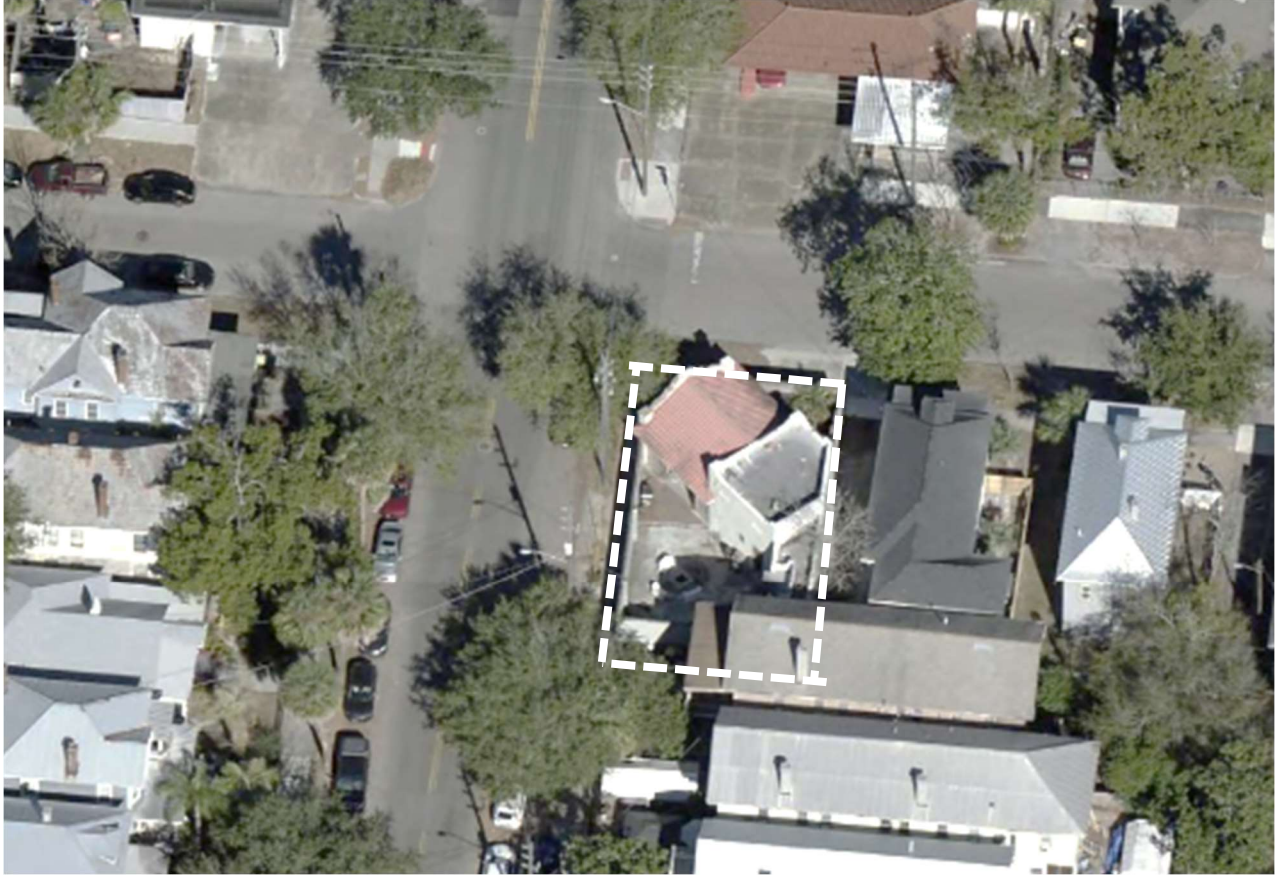
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **2024-356 (E-24-04)** be **APPROVED with one CONDITION:**

**1.) Granting of the Exception is contingent upon the approval of the Companion Waiver of Liquor Distance Application WLD-23-24 by the Planning Commission.**

The Waiver, WLD-23-24 was approved by the Planning Commission on February 8, 2024.



View of subject property.



Aerial view of the Subject Site





<p>REQUEST SOUGHT:</p> <p><b>RESTAURANTS, INCLUDING FACILITIES FOR THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON- PREMISES CONSUMPTION ONLY IN CRO-S</b></p>	<p>LOCATION MAP:</p>	
<p>ORDINANCE NUMBER</p> <p>ORD-2024-0356</p>	<p>TRACKING NUMBER</p> <p>E-24-04</p>	<p>COUNCIL DISTRICT:</p> <p>7</p> <p><b>EXHIBIT 2 PAGE 1 OF 1</b></p>