

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-24-16

May 7, 2024

Location: 10103 San Jose Boulevard
Between Crown Point Road and Haley Road

Real Estate Number: 149008-0200

Zoning Exception Sought: Restaurant with the retail sale and service of all alcohol for on-premises consumption

Current Zoning District: Commercial Community/General-1 (CCG-1)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast-District 3

Council District: District 6

Agent: Blair Knighting
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Jacksonville, Florida 32258

Owner: Mike Herzberg
Sleiman Enterprises
1 Sleiman Parkway, Suite 270
Jacksonville, Florida 32216

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **E-24-16** seeks to permit the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant for a property zoned Commercial Community/General-1 (CCG-1). The subject property is approximately 3.46± acres and is developed with a shopping center. The shopping center is comprised of 2 structures, which were built in 1994. The submitted survey shows that the restaurant (Tony's Cantina) will be within one of the suites in the rectangular shaped structure of the property. A similar waiver was approved for the same property but a different suite for the Red Crab Seafood & Bar via E-20-38 for the on-premises consumption of all alcoholic beverages in conjunction with a restaurant.

There is a companion wavier of liquor distance application (**WLD-24-1**) which seeks to reduce the required minimum distance between the proposed liquor license location at 10103 San Jose Boulevard and the Jacksonville Jewish Center located at 3662 Crown Point Road from 500 feet to 400 feet. The Wavier of Liquor Distance application is scheduled for a public hearing with Planning Commission on April 18, 2024.

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 3.46 acres and located at an address of 10131 San Jose Boulevard on the east side of San Jose Blvd, a minor arterial roadway, between Crown Point Road and Haley Road. The application site is also located within Planning District 3 (Southeast), Council District 6 and within the Urban Development Area.

CGC in the Urban Development Area is intended to provide development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. 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 (FLUE):

Policy 1.1.7

Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

The proposed requests for the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant would not result in

the intensification of a uses. Staff does not anticipate this intensification of uses to impact the land use as the site was previously a restaurant that served all alcohol.

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.

The subject property is located in the center of an area designated for commercial uses and is surrounded by complementary zoning districts. The approval of this exception will not create a use out of character for the area and will not hinder the character of the City's neighborhoods or residential areas but would rather serve the surrounding residential neighborhood with additional commercial uses.

Airport Environment Zone

The site is located within the 300-foot Height and Hazard Zone for the Jacksonville Naval Air Station. Zoning will limit development to a maximum height of 300', unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Objective 2.6

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities in accordance with the requirements of Section 163.3177, F.S.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low sensitivity for the presence of archaeological resources. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

- (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 use is similar to other uses in the vicinity. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Shopping Center; Office; Service Garage
South	CGC	CCG-1	Retail Stores; Office; Service Garage; Restaurants
East	PBF	PBF-2	Jacksonville Jewish Center
West	CGC	CCG-1	Retail Stores; Office; Service Garage

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

No. The requests for alcohol sales and service will take place within a developed structure that was built in 1994 and that has had restaurants who served alcohol in the past. These requests are common, and the applicant will be required to meet all applicable environmental regulations.

- (iv) ***Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking condition? Will the proposed use result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?***

No. The shopping center allows for the safe movement of traffic for the proposed commercial uses on the property. The site is accessible to vehicular and pedestrian traffic from San Jose Boulevard. There is ample off-street parking for the restaurant already provided by the shopping center.

- (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 mostly developed with a mix of commercial uses. It is not expected that the retail sale and service of all alcoholic beverages for on-premises consumption will have any negative impact on the surrounding property as there are many other restaurants that have allowed alcoholic beverage sales for on-premises consumption along San Jose Boulevard.

- (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 of retail sale and service of all alcoholic beverages for on-premises consumption will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities out of character for the surrounding area as it will be within a commercial shopping center.

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

No. The proposed use will not overburden existing public services or facilities. This is an existing commercial center. Therefore, there will not be an increased demand for public services.

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

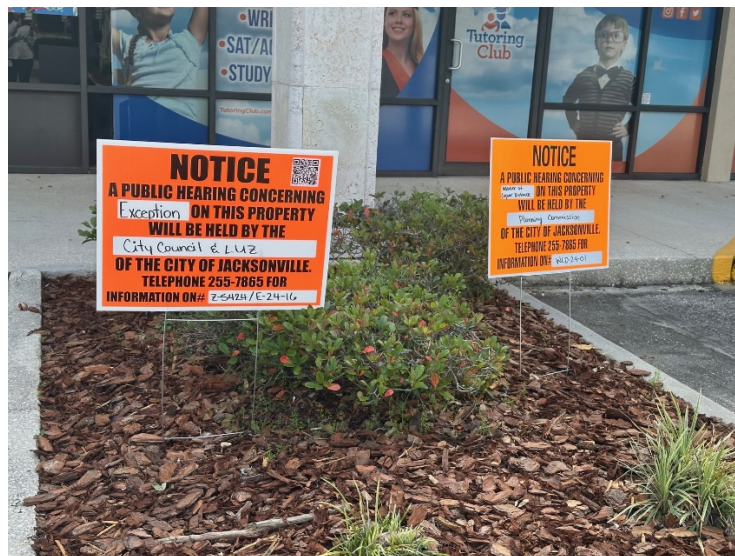
Yes. The subject property is accessible from San Jose Boulevard to permit adequate access for fire, police, rescue, and other service vehicles.

- (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. 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 exception is appropriate in this location and consistent with the definition of a zoning exception. As more fully set forth in the foregoing findings and conclusions, the requested use at this location is consistent with the definition of a zoning exception.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **April 2, 2024**, the Planning and Development Department staff observed that the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception **E-24-16** be **APPROVED WITH CONDITION**.

1. **The zoning exception granted herein shall not be effective unless or until the required Waiver of Minimum Distance Requirements for Liquor License Location (WLD-24-01) pursuant to Section 656.133, 26 Ordinance Code, is issued for the Subject Property.**



Aerial View
Source: JaxGIS



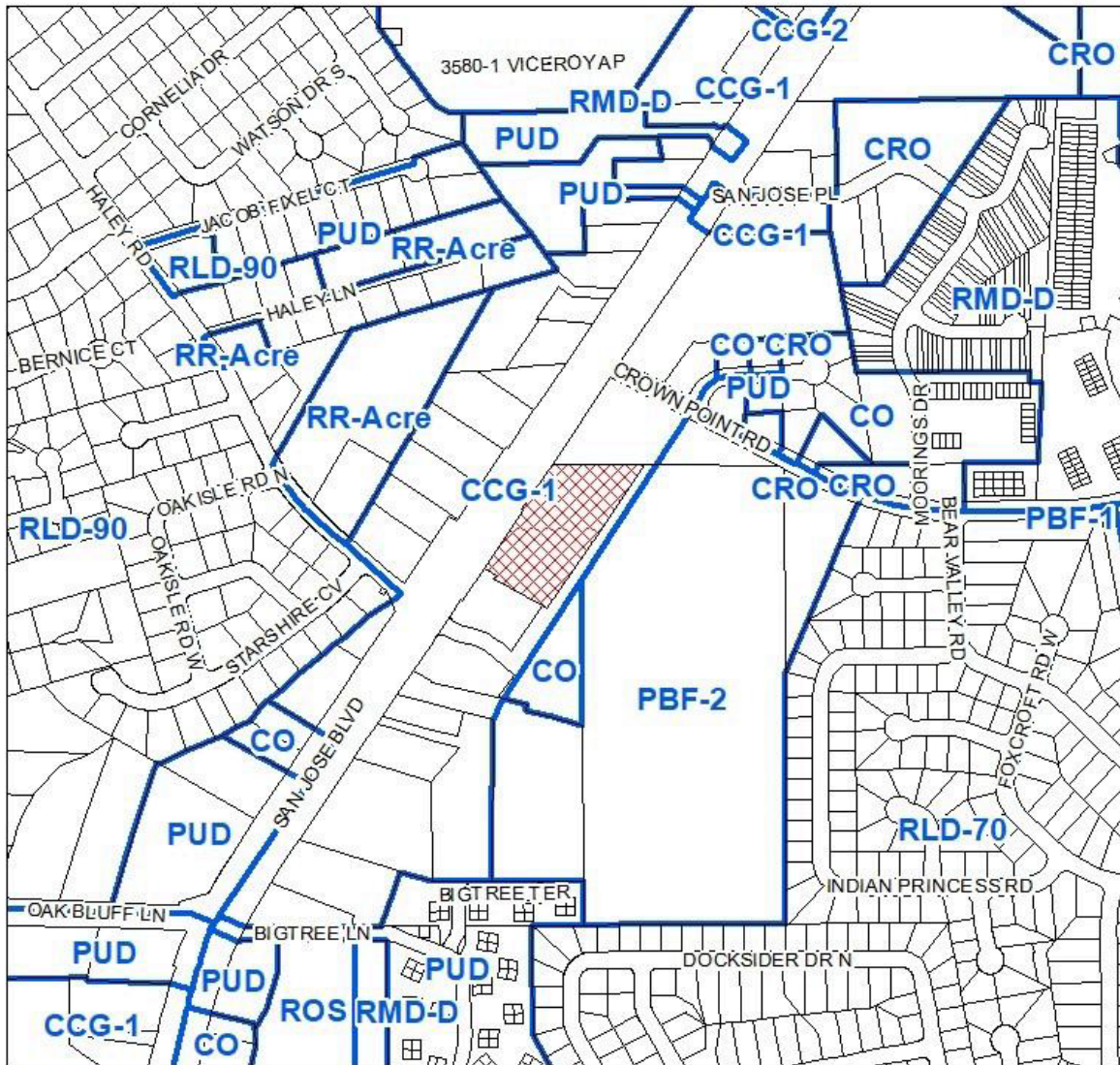
View of Subject Property.

Source: Planning & Development Department, 4/2/2024



View of northwest adjacent properties across from San Jose Boulevard.

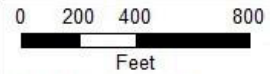
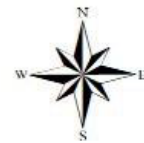
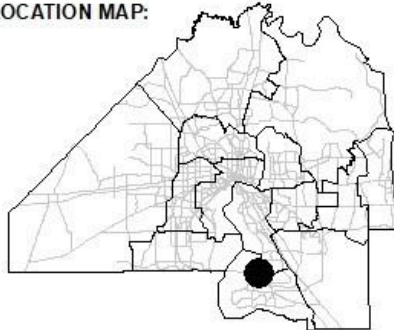
Source: Planning & Development Department, 4/2/2024



REQUEST SOUGHT:

AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION

LOCATION MAP:



COUNCIL DISTRICT:

6

TRACKING NUMBER

E-24-16

**EXHIBIT 2
 PAGE 1 OF 1**

Legal Map