

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2024-0682 (E-24-42)

OCTOBER 1, 2024

Location: 9940 Old Baymeadows Road
Between Southside Boulevard and Baymeadows Road

Real Estate Number: 148633-1000

Zoning Exception Sought: 4COP/SFS: Retail Sales and Service of All Alcoholic
Beverages for On-Premises Consumption in
Conjunction with a Restaurant

Current Zoning District: Commercial Neighborhood (CN)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast, District 3

Council District District 11

Applicant/Agent: Lawrence Yancy
Lawrence Yancy Business Services
1309 St. Johns Bluff Road N, Building A, Suite 2
Jacksonville, Florida 32225

Owner: Deerwood Village Mall, LLC
140 N. Federal Highway, Suite 200
Boca Raton, Florida 33432

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception **2024-0682 (E-24-42)** requests the sales and service of all alcoholic beverages (4COP/SFS) for on-premises consumption in conjunction with a restaurant, including outside sales and service, where it is a permissible use by exception in its zoning district CN. The subject restaurant sits on a 5.32-acre shopping center at the intersection of Old Baymeadows Road and Southside Boulevard.

There is a companion Waiver of Liquor Distance application (WLD-24-13) which seeks to reduce the required minimum distance between the proposed liquor license location and Florida State College at Jacksonville's (FSCJ) Deerwood Campus located at 9911 Old Baymeadows Road from

500 feet to 430 feet. A public hearing with the Planning Commission for the Waiver of Liquor Distance application was held on September 5, 2024 and was approved by the Planning Commission.

There are several properties in the shopping center that sell beer, wine, and liquor for off premises consumption, such as Publix and Anjo Liquors. Similar exceptions and companion waivers for the sale of alcohol for on premises consumption have been granted for nearby properties, including:

- E-16-38 and WLD-16-09 for Open Sushi, located within the same shopping center, which allowed for the consumption of beer and wine for on premises consumption in conjunction with a restaurant and reduced the required minimum distance between the property and FSCJ Deerwood from 500 feet to 290 feet.
- E-18-20 and WLD-18-04 for Uncle Maddio's Pizzeria located across the street at 8221 Southside Boulevard, Unit 1, which allowed for the on-premises consumption of all alcohol in conjunction with a restaurant, including outside sales and service, and reduced the required minimum distance between the property and Jacksonville Country Day School from 500 feet to 94 feet.
- E-18-53 for 1000 Degrees Pizzeria located within the same shopping center, which allowed for the sale of beer and wine for on premises consumption in conjunction with a restaurant.
- E-16-21 for Sushi X, located across the street at 8221 Southside Boulevard, Unit 16, which allowed for the sale of beer and wine for on premises consumption in conjunction with a restaurant.
- E-07-16 for Las Tapatias Restaurant & Tienda located 9974-3 Old Baymeadows Road, which allowed for the sale and service of beer and wine for on premises consumption in conjunction with a restaurant.

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 Committee 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 Land Use and Zoning Committee 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?***

CGC in the Suburban 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 Suburban Area is intended to provide development in a nodal development pattern. 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)

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.

The proposed use will be compatible with the surrounding uses already available in the neighboring properties and will not contribute to urban sprawl by allowing a use not compatible with the surrounding area, thus the proposed use will be in compliance with Objective 1.1

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 restaurant will continue to serve as a workplace and service to the residents in nearby neighborhoods. 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 of Jacksonville's neighborhoods or 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.

The proposed use is consistent with the types of uses, intensities of uses and location of uses within the CGC land use category identified in the 2045 Comprehensive Plan. The site is located within a shopping center and is adjacent to a series of other commercial uses and residential neighborhoods. Allowing the subject restaurant to serve all alcoholic beverages

inside via the subject exception will have a positive impact on the commercial viability of the immediate area.

- (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 by exception will be compatible with the existing contiguous uses considering the sale of alcohol is currently operating in the general area of the subject site. Permitting the retail sale and service of on-premises consumption all alcoholic beverages by exception would also contribute to the wide range of uses outlined in the CGC Category that the CN Zone allows for.

Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Property Use
North	CGC	PBF-1	Public College
North	CGC	PUD	Public College
East	CGC	CCG-1	Shopping Center
South	NC	PUD	Shopping Center
West	CGC	PUD	Supermarket

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

No, it is the opinion of the Planning and Development Department that the proposed use will have a minimal environmental impact, if any, on the surrounding area as there are other restaurants operating under similar exceptions in a close vicinity.

- (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 increase in alcohol sale type will not have an increase in traffic or parking condition compared to the existing nature of the restaurant. In relation to surrounding properties, the proposed use is unlikely to generate additional traffic than what is currently in the 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 as majority of the surrounding properties have already been developed for general commercial use.

- (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. Given the surrounding commercial and residential uses, Staff finds the proposed use of a restaurant with full alcohol sales is unlikely to cause objections for neighboring commercial and residential properties.

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

No. The proposed use will not require additional services nor adversely affect existing public services and facilities. The necessary infrastructure and improvements are already in place to handle the impacts of the proposed exception.

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

Yes. The site will be sufficiently accessible for emergency services via internal roadway access for the shopping center which connects to both Old Baymeadows Road and Baymeadows Road.

- (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 Land Use and Zoning Committee?***

Yes. *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 location is appropriate given the commercial character of the area, and the proposed use is consistent with the definition of a zoning exception and meets the standards and criteria of the CN Zoning District.

Sec. 656.401(ee)(2) of the Zoning Code orders that permanent outside sale and service of alcoholic beverages be subject to the following criteria:

- (i) *The area for the outside sale and service shall be limited to an area which is contiguous to an existing licensed facility or establishment.*

A site plan submitted with the survey and visual inspection by Staff indicates that the patio where outside sales and service will be conducted is connected to the established restaurant and is therefore in compliance with Part 4 of the Zoning Code.

(ii) *The outside area shall be no greater than the inside area for sale and service.*

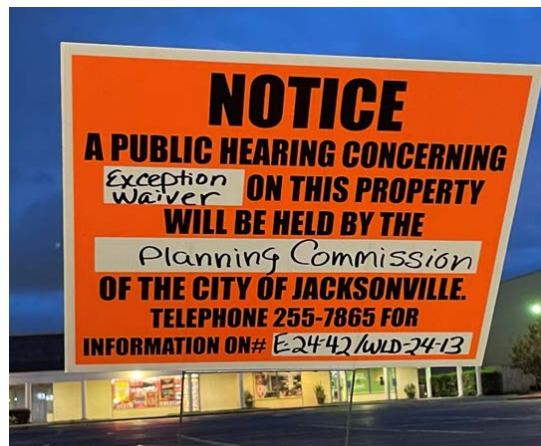
A site plan submitted with the application indicates that the outdoor patio where outside sales and service will take place is smaller than the indoor seating area and is therefore in compliance with Part 4 of the Zoning Code.

(iii) *The outside area shall be surrounded by a permanent railing or other barrier at least three and a half feet high; provided that the barrier may be broken by up to two entranceways no more than four feet wide each.*

A site plan submitted with the application and visual inspection by Staff does **not** indicate that there is a barrier at least three and a half feet high surrounding the patio where outside sales and service will be conducted. A barrier of at least three and a half feet surrounding the patio will need to be installed for the outside sales and service to be in compliance with Part 4 of the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **July 31, 2024** by the Planning and Development Department, the 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 **2024-0682** be **APPROVED**.



View of Subject Property



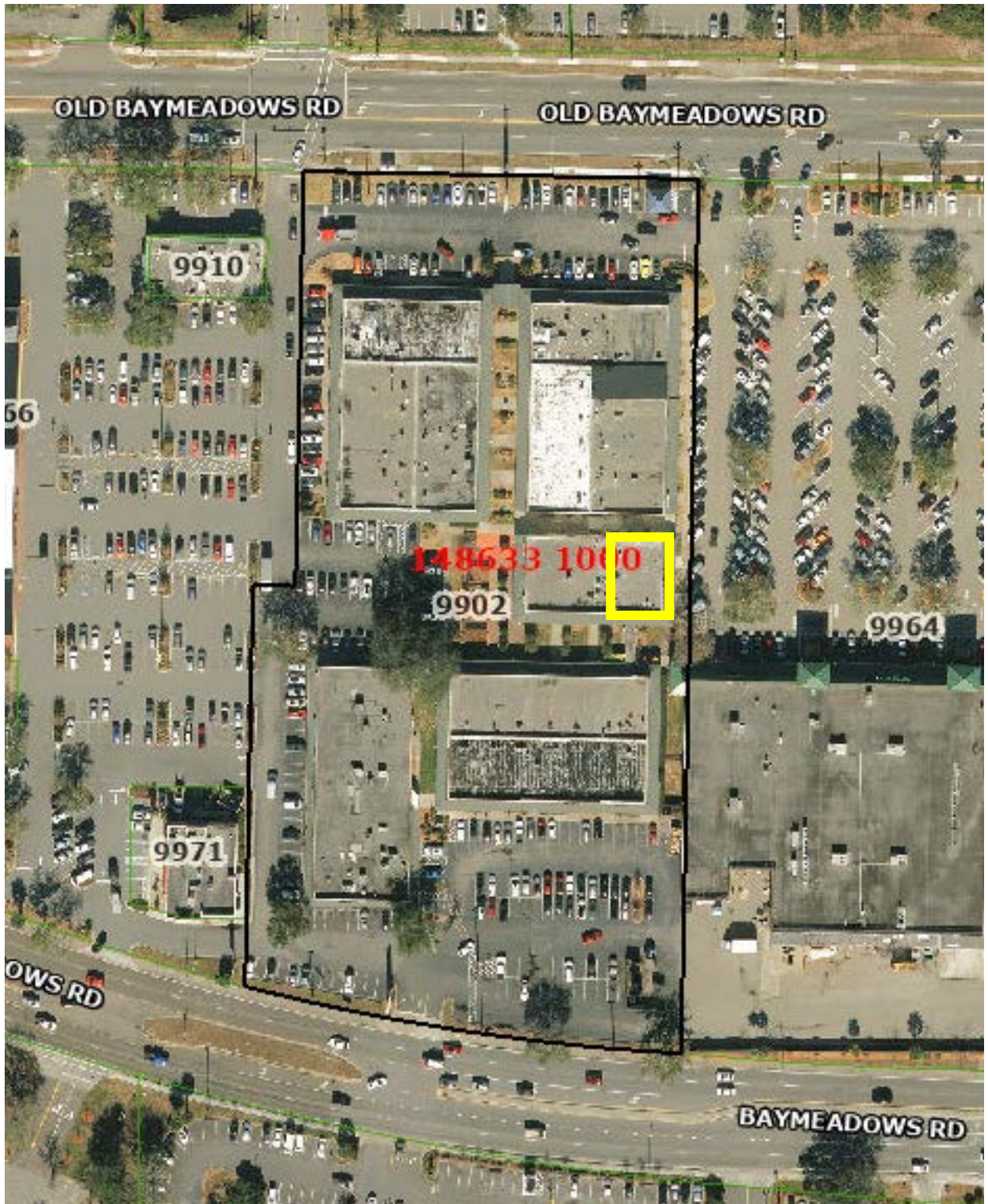
View of Outdoor Seating



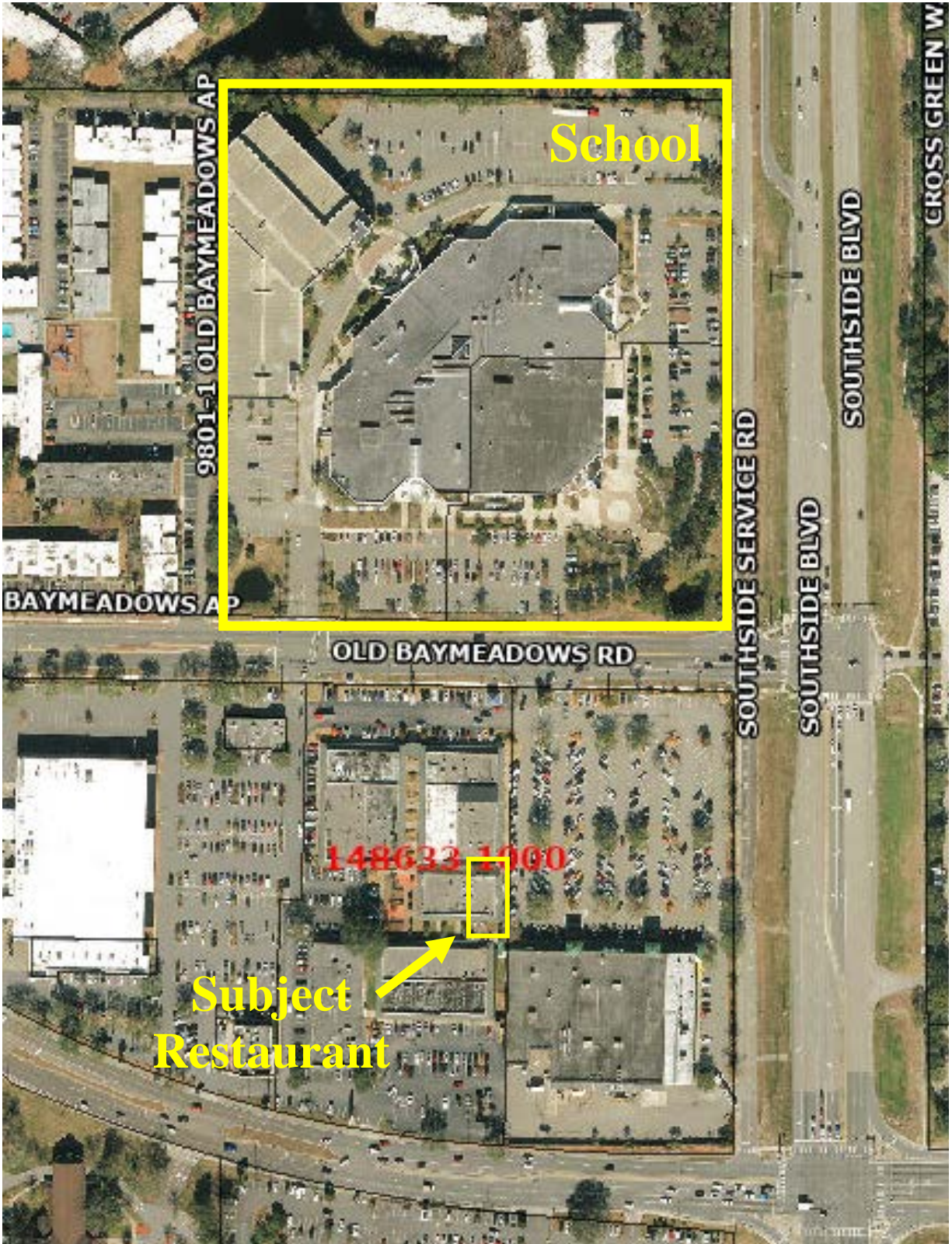
View of Adjacent Properties



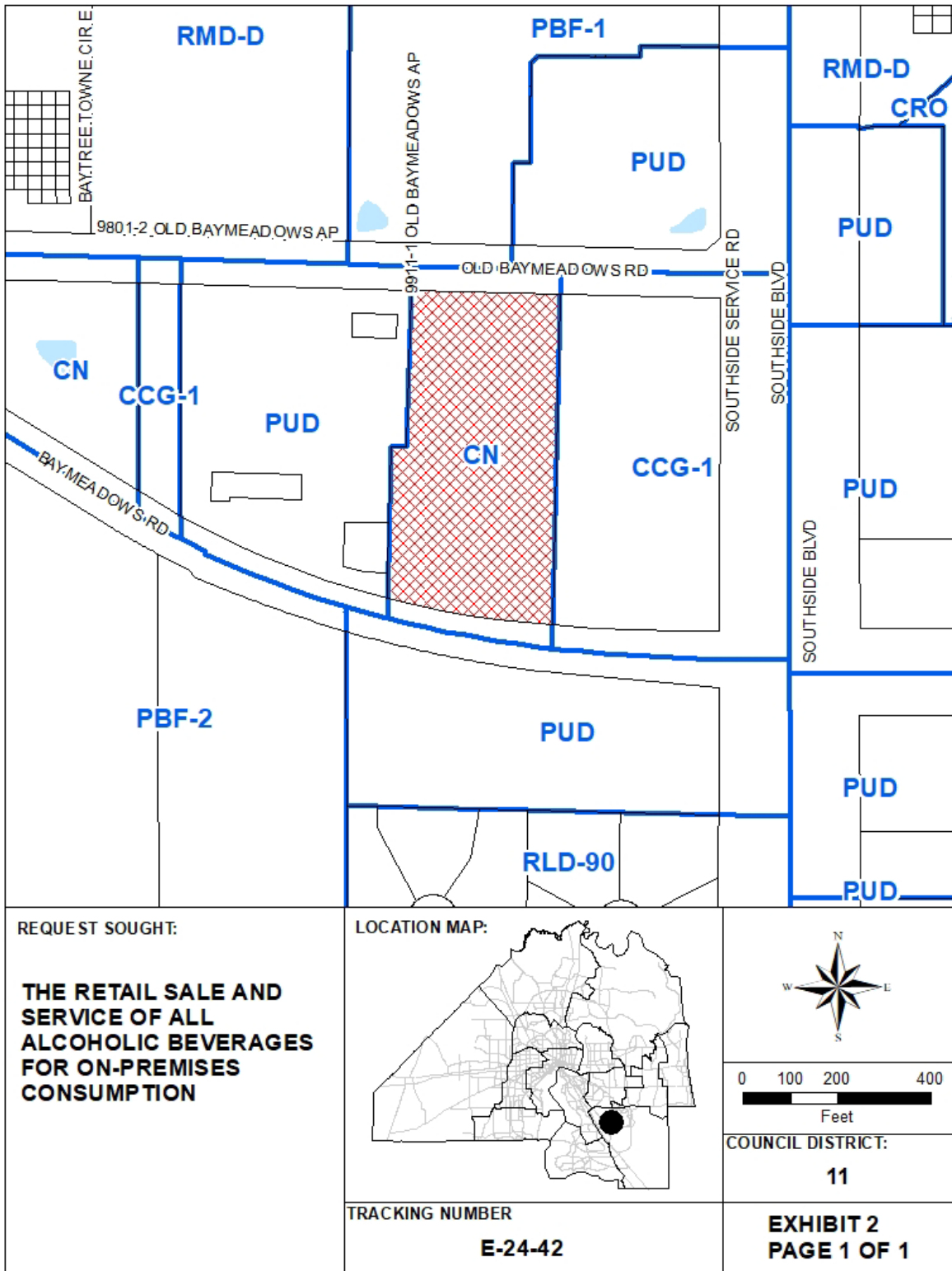
View of Adjacent Properties including Liquor Store



Aerial View of Subject Property



Aerial View of Subject Property and School



Legal Map