

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2023-0662 (E-23-56)

NOVEMBER 7, 2023

Location: 1518-1520 Hendricks Avenue
Between Cedar Street and Lasalle Street

Real Estate #: 080523-0000

Zoning Exception Sought: Retail sale and service of all alcoholic beverages for on and off-premise consumption, including outdoor sale and service.

Present Zoning: Commercial Community/General-1 (CCG-1)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Southeast, District 3

Applicant / Agent: Lawrence Yancy
1309 Saint Johns Bluff Road North
Building A Suite #2
Jacksonville, Florida 32225

Owner: Good Guys Property, LLC
8720 Beach Blvd.
Jacksonville, FL 32216

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Zoning Exception **2023-0662 (E-23-56)** seeks to allow for the retail sale and service of all alcoholic beverages for on and off-premise consumption in conjunction with a restaurant, including outside sale and service. Kravegan is seeking to add a new restaurant along Hendricks Avenue in a commercial structure that was built in 1945. The subject site is located across Hendricks Avenue from the San Marco Library and Tennis Courts.

The Exception application is a companion to a Waiver of Liquor Distance Request 2023-0663 which seeks to reduce the minimum required distance from a school or a church from 500 feet to 320 feet. The Northeast District United Methodist Church is located at 1415 LaSalle Street

which is just around the corner from the subject site to the south. The department is also recommending approval for the waiver application.

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 site is located in the Community/General Commercial (CGC) land use category of the Urban Priority Development Area. The subject site is located within Council District 5 and Planning District 3. It is located on the west side of Hendricks Avenue (SR-13), between Cedar Street and LaSalle Street. Hendricks Street is classified as a minor arterial roadway. The site is within the San Marco Neighborhood Action Plan and the San Marco Zoning Overlay.

Principal uses within the CGC land use category include but are not limited to commercial retail sales and service establishments, including auto sales, funeral homes, and broadcasting offices and studios, restaurants, hotel, motel, offices, microbreweries, financial institutions and multi-family dwellings.

The proposed exception is consistent with the CGC land use category.

The proposed use is specifically consistent with Objective 3.2 of the Comprehensive plan

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.

This proposed use will integrate complementary uses into existing commercial area that has been used as both restaurant and retail uses in the past.

- (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 is in an existing commercial area of Hendricks Avenue with other retail or service-oriented uses including but not limited to: Jack Rabbits Live, Hightide Burrito Co, Hendricks Food Store, and Saras Bakery. Nevertheless, the surrounding uses are as follows:

| Adjacent Property | Land Use Category | Zoning District | Current Property Use |
|--------------------------|--------------------------|------------------------|-------------------------------|
| North | CGC | CCG-1 | Store Retail |
| South | CGC | CCG-1 | Shopping Center |
| East | ROS | PBF-1 | San Marco Library and Park |
| West | MDR | RMD-D | Single/Multi-Family Dwellings |

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

No. The sales and service of food and alcoholic beverages for on-premises consumption will not have an environmental impact greater than the existing sales and service of food and alcohol in the surrounding area.

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

No. The proposed use will not 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. The area surrounding the subject site was developed prior to the establishment of the City

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

No. The general area is already developed with commercial retail, office, and recreation uses. The grant of this exception will not impact the viability of this commercial use area.

- (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, the sale and service of alcohol for on and off-premises consumption in conjunction with a restaurant, including outside sale and service, is contingent on 51% of the total sales coming from food. Therefore, the sale and service of alcohol is secondary to the sale and service of food and enclosed within the existing structure.

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

No. The proposed use will not generate a demand for public services and facilities greater than what is existing on site today.

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

Yes. There is sufficient accessibility to the site for fire, police, and rescue via Hendricks Avenue.

(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. This application is consistent with the definition of a zoning exception and meets the standards and criteria for the same, including all other requirements for the use as set forth in the Zoning Code. The proposed use will comply with Part 8 (Alcoholic Beverages) of the Zoning Code if the waiver is granted, specifically Section 656.805 (Distance limitations).

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 9, 2023, the Planning and Development Department staff observed that the required Notice of Public Hearing sign **was posted.**



RECOMMENDATION

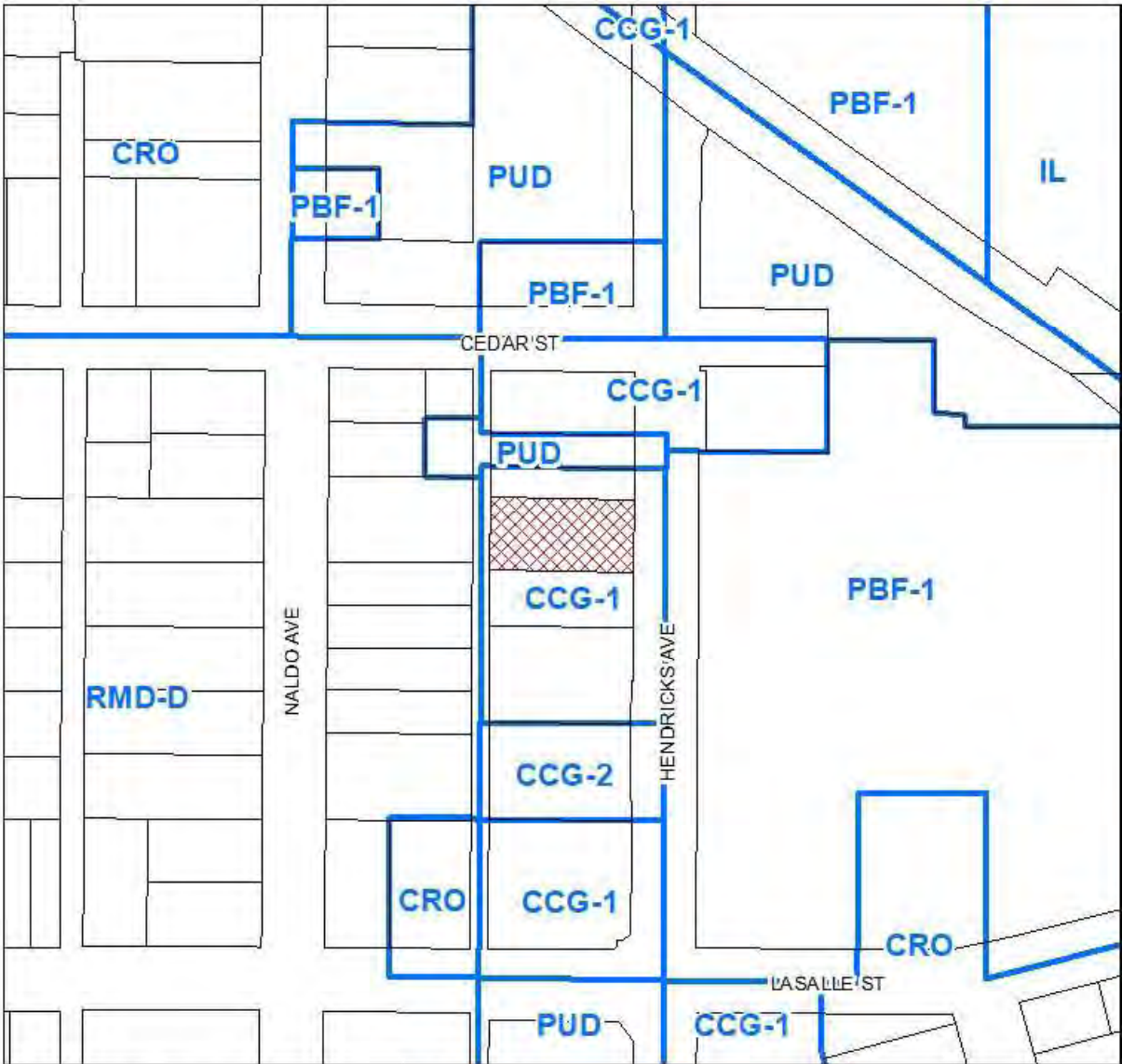
Based on the foregoing findings and conclusions, the Planning and Development Department recommends that Application for Zoning Exception **2023-0662 (E-23-56)** be **APPROVED.**

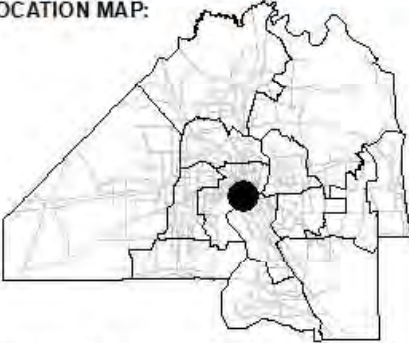
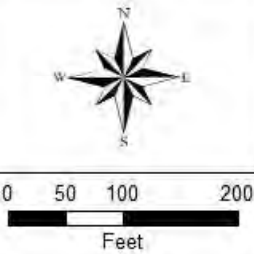


Aerial View



View of the Subject Site



| | | |
|--|---|---|
| <p>REQUEST SOUGHT:</p> <p>RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION INCLUDING OUTSIDE SEATING</p> | <p>LOCATION MAP:</p>  |  <p>COUNCIL DISTRICT: 5</p> |
| | <p>TRACKING NUMBER E-23-56</p> | <p>EXHIBIT 2 PAGE 1 OF 1</p> |

Legal Map