## **Application For Zoning Exception**

## Planning and Development Department Info-

Application # E-23-79 Staff Sign-Off/Date CMC / 11/15/2023

Filing Date 11/15/2023 Number of Signs to Post 4

**Current Land Use Category CGC** 

**Exception Sought** AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES, NOT IN CONJUNCTION WITH A RESTAURANT, INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION (§656.313 A.V.(C)(13))

**Applicable Section of Ordinance Code** 656.313 A.V.(C)(13)

Notice of Violation(s) N/A

Hearing Date N/A

**Neighborhood Association** MAIN STREET FARMS CIVIC ASSOCIATION; M & M DAIRY INC; GILLESPIE GARDENS HOA; THE EDEN GROUP INC.

Overlay DUNN & MAIN

## **Application Info**

Tracking #5169Application StatusFILED COMPLETEDate Started08/23/2023Date Submitted08/23/2023

Last Name	First Name	Middle Name
HARDEN	PAUL	M.
Company Name		
LAW OFFICE OF PAUL	M. HARDEN	
Mailing Address		
1431 RIVERPLACE BLV	/D, SUITE 901	

City State Zip Code

JACKSONVILLE FL 32207

Phone Fax Email

9043965731 PAUL@HARDENLAWOFFICE.COM

## General Information On Owner(s)

**General Information On Applicant** 

Last Name		First Name	Middle Name
PATEL		REEKEE	R
Company/Tr	ust Name		
MAIN STREET	PLACE AT OCE	EANWAY, LLC	
Mailing Addr	ess		
200 RIVERSII	DE AVE, SUITE	5	
City		State	Zip Code
JACKSONVILL	E	FL	32202
Phone	Fax	Email	

## Property Information

Previous Zoning Application Filed?

If Yes, State Application No(s)

WLD-23-06

Мар	RE#	Council District	Planning District	Current Zoning District(s)
Мар	107599 0200	8	6	CCG-2

Ensure that RE# is a 10 digit number with a space (#########)

Total Land Area (Nearest 1/100th of an Acre) 7.86

**Current Property Use** 

COMMERCIAL SHOPPING CENTER

## **Exception Sought**

AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES, NOT IN CONJUNCTION WITH A RESTAURANT, INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION (§656.313 A.V.(C)(13))

In Whose Name Will The Exception Be Granted

OCEANWAY LIQUOR, INC.

Location C	of Property ———		
General Loc	cation		
ON THE EAS	ST SIDE OF MAIN ST N	I, SOUTH OF AIRPORT CENTE	R DR E
House #	Street Name, Typ	e and Direction	Zip Code
12961	MAIN ST N		32218
Between St	reets		
AIRPORT CE	ENTER DR E	and KATHERINE R	D
<b>Utility Serv</b>	ices Provider		
City Wat	er/City Sewer Well,	/Septic City Water/Septic	City Sewer/Well

Required Attachments
Required Attachments
The following items must be attached to the application.
Survey
Site Plan
Property Ownership Affidavit (Exhibit A)
Agent Authorization if application is made by any person other than the property owner (Exhibit B)
Legal Description - may be written as either lot and block, or metes and bounds (Exhibit 1)
Proof Of Property Ownership - may be print-out of property appraiser record card if individual owner, https://paopropertysearch.coj.net/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, https://search.sunbiz.org/Inquiry/CorporationSearch/ByName

Supplemental Information	
Supplemental Information	
	ent of Children and Family Services - day care uses only n EQD, Environmental Quality Division

### Criteria-

Section 656.101(i), Ordinance Code, defines an exception as "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare."

Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:

(i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

THE USE IS CONSISTENT WITH THE COMPREHENSIVE PLAN, IN THAT THE COMPREHENSIVE PLAN ALLOWS IN THE CGC LAND USE CATEGORY RETAIL SALES AND SERVICE OF ALCOHOL FOR ON-PREMISES CONSUMPTION

(ii) Will 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 the structures to the area, property values and existing similar uses.

THE USE IS COMPATIBLE WITH THE EXISTING CONTIGUOUS ZONING, AS IT IS DEVELOPED IN AN EXISTING COMMERCIAL STRIP MALL AND THE GENERAL AREA IS DEVELOPED FOR COMMERCIAL USES. THE SITE IS CURRENTLY A PACKAGE STORE FOR OFF-PREMISES CONSUMPTION WHICH IS EXPANDING FOR ON-PREMISES CONSUMPTION

(iii) Will not have an environmental impact inconsistent with the health, safety and welfare of the community.

THE USE WILL HAVE NO ENVIRONMENTAL IMPACT WHATSOEVER

(iv) Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community.

THE USE WILL NOT CAUSE ANY VEHICULAR OR PEDESTRIAN PARKING CONDITION ACTIVITY AND WILL NOT RESULT IN THE GENERATION OF TRAFFIC, AS THE SITE IS ALREADY BUILT OUT AND OPERATING AS DEVELOPED COMMERCIAL

(v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

THE USE WILL NOT HAVE A DETRIMENTAL EFFECT ON THE FUTURE DEVELOPMENT OF CONTIGUOUS PROPERTIES, AS THEY ARE DEVELOPED CONSISTENT WITH THE COMPREHENSIVE PLAN

(vi) Will not 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.

THE USE WILL CREATE NO NOISE, LIGHTS, VIBRATIONS, FUMES, ODORS OR DUST

(vii) Will not overburden existing public services and facilities.

THERE ARE ADEQUATE PUBLIC SERVICES AND FACILITIES FOR USE ON THE SITE

(viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services.

AS SHOWN BY THE SITE PLAN, THERE IS ADEQUATE ACCESS FOR ENTRY ONTO THE PROPERTY BY FIRE, POLICE, RESCUE, ET AL.

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

THE USE IS CONSISTENT WITH THE DEFINITION OF AN EXCEPTION, AS THE PROPOSED EXCEPTION IS OUTLINED AS A PERMITTED USE BY EXCEPTION IN THE CCG-2 ZONING CATEGORY

## Public Hearings

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

#### -Application Certification -

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.



Agreed to and submitted

#### Filing Fee Information-

1) Non-residential District Base Fee

\$1,173.00

2) Plus Notification Costs Per Addressee

23 Notifications @ \$7.00/each: \$161.00

3) Total Application Cost:

\$1,334.00

- \* Applications filed to correct existing zoning violations are subject to a double fee.
- $\ast\ast$  The fee for the advertisement is in addition to the above fees. The newspaper will send the invoice directly to the applicant.

## **EXHIBIT A**

## Property Ownership Affidavit - Limited Liability Company (LLC)

Date: March 7, 2023

City of Jacksonville
City Council / Planning and Development Department
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Ed Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida: Address: 12961 Main St. N. RE#(s): 107599-0200

To Whom It May Concern:

I, Reekee R. Patel, as Manager of Main Street Place at Oceanway, LLC, a Limited Liability Company organized under the laws of the state of Florida, hereby certify that said LLC is the Owner of the property described in the attached legal description, Exhibit 1 in connection with filing application(s) for zoning exception and/or waiver, submitted to the Jacksonville Planning and Development Department.

MAIN STREET PLACE ANWAY, LLC

By:

Reekee R. Patel, Manager

Please provide documentation illustrating that signatory is an authorized representative of the LLC. This may be shown through a printout from sunbiz org showing that the person is either a "sole member" or a "managing member". Other persons may be authorized through a resolution, power of attorney, etc.

STATE OF FLORIDA COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me by means of physical presence or online notarization, this day of March 2023, by Reekee R. Pater, as Manager, of Main Street Place at Oceanway, LLC, a Limited Liability Company, who is personally known to me or who has produced the black of the latest and who took an oath

Dejl E. Gidado Notary Public State of Florida My Commission Expires 08/19/2023 Commission No. GG 351044 (Signature of NOTARY PUBLIC)

Printed name of NOTARY PUBLIC)

State of Florida at Large My commission expires: 03.17. 2023

## EXHIBIT B

# Agent Authorization - Limited Liability Company (LLC)

Date: March 7, 2023

City of Jacksonville Planning and Development Department 214 North Hogan Street, Ed Ball Building, Suite 300 Jacksonville, Florida 32202

Re: Agent Authorization for the following site location: Address: 12961 Main St. N. RE#(s): 107599-0200

To Whom It May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Paul M. Harden to act as agent to file application(s) for zoning exception and/or waiver for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Please provide documentation illustrating that signatory is an authorized representative of the LLC. This may be shown through a printout from sunbiz org showing that the person is either a "sole member" or a "managing member". Other persons may be authorized through a resolution, power of attorney, etc.

STATE OF FLORIDA COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me by means of physical presence or online notarization, this \_\_\_\_\_ day of March 2023, by Reekee R. Patel, as Manager, of Main Street Place at Oceanway, LLC, a Limited Liability Company, who is personally known to me or who has produced TORIDA DRWMS

identification and who took an oath:

Dell E. Gidado **Notary Public** State of Florida My Commission Expires 08/19/2023 Commission No. GG 351044

State of Florida at Large My commission expires: 08.19. 2023

Doc # 2021091607, OR BK 19672 Page 1069, Number Pages: 4, Recorded 04/10/2021 08:58 AM, JODY PHILLIPS CLERK CIRCUIT COURT DUVAL COUNTY RECORDING \$35.50 DEED DOC ST \$67725.00

PREPARED BY / RECORD AND RETURN TO: Dennis L. Blackburn 5150 Belfort Road So. Bldg. 500 Jacksonville, FL 32256

Tax Parcel/ID Number: 107599-0200

## SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of April 6, 2021 by **FIRST COAST LAND DEVELOPMENT**, **INC.**, a Florida corporation ("Grantor"), having its mailing address at P.O. BOX 37068, Jacksonville, Florida 32236-7068, in favor of **MAIN STREET PLACE AT OCEANWAY**, **LLC**, a Florida limited liability company ("Grantee"), having its mailing address at 6675 Corporate Center Parkway, Suite 100, Jacksonville, FL 32216.

## WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to it in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm to Grantee, and Grantee's successors and assigns, forever, the following real property lying and being in the County of Duval, State of Florida (the "Property"):

## SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN

SUBJECT, HOWEVER, to those matters set forth on  $\underline{\textbf{EXHIBIT B}}$  attached hereto and incorporated herein.

TOGETHER WITH all the elements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the Property in fee simple forever.

AND Grantor hereby covenants with the Grantee that it is lawfully seized of the Property in fee simple, that it has good right and lawful authority to sell and convey the Property, that it hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but none others.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the undersigned has executed this Special Warranty Deed as of the date first above written.

## **WITNESSED BY:**

## **GRANTOR:**

FIRST COAST LAND DEVELOPMENT, INC., a Florida corporation

Name! Josephine Hopkins

Name: Dennis L. Blackburn

STATE OF FLORIDA )

) SS:

COUNTY OF DUVAL )

The foregoing instrument was acknowledged before me by means of physical presence this 6th day of April, 2021, by PATTY B. GRIFFIN, the President of FIRST COAST LAND DEVELOPMENT, INC., a Florida corporation, on behalf of the corporation. She [] is personally known to me; or [] has produced \_\_\_\_\_\_\_\_ as identification.

**NOTARY PUBLIC:** 

Print: Josephine Hopkins State of Florida at Large

My Commission Expires:

(Seal)



Notary Public State of Florida Josephine A Hopkins My Commission GG 256731 Expires 09/10/2022

# EXHIBIT A TO SPECIAL WARRANTY DEED LEGAL DESCRIPTION OF THE PROPERTY

The Land referred to herein below is situated in the County of Duval, State of Florida, and is described as follows:

Part of Farms 19 and 20, MAIN STREET FARMS, according to the plat thereof recorded in Plat Book 9, Page 15 of the Current Public Records of Duval County-, Florida, more particularly described as follows: BEGIN at the Northwest comer of BELVEDERE HEIGHTS, as recorded in Plat Book 12, Page 22 of the Current Public Records of said County; thence North 15°-56'-35" East, 219.24 feet, along the East line of North Main Street-U.S. Highway No. 17 (an 80.0 foot right-of-way), to a point in the South line of the lands described in Official Records Book 12221, Page 2063; thence North 88°-26'-01" East, 335.12 feet, along the last mentioned line, to its Southeast corner; thence North 01°-33'-59" West, 425.53 feet, along the East line of said lands and its production Northerly, to the South line of Elizabeth Road (a 50.0 foot right-of-way); thence North 88°-22'-20" East, 422.61 feet, along the South line of said Elizabeth Road, to the Northeast corner of said Farm 20; thence South 00°-52'-17" East, 635.22 feet, along the East line of said Farms 20 and 19, to the Southleast corner of said Farm 19; thence South 88°-27'-49" West, 815.82 feet, along the South line of said Farm 19, to the POINT OF BEGINNING.

Together with those easements which are beneficial and appurtenant to the land as set forth under Article II of the Reciprocal Easement, Operating and Development Agreement for Shoppes at North Main Street Concourse recorded in Book 12221, page 2017.

LESS AND EXCEPT any portion thereof lying within North Main Street, as presently established.

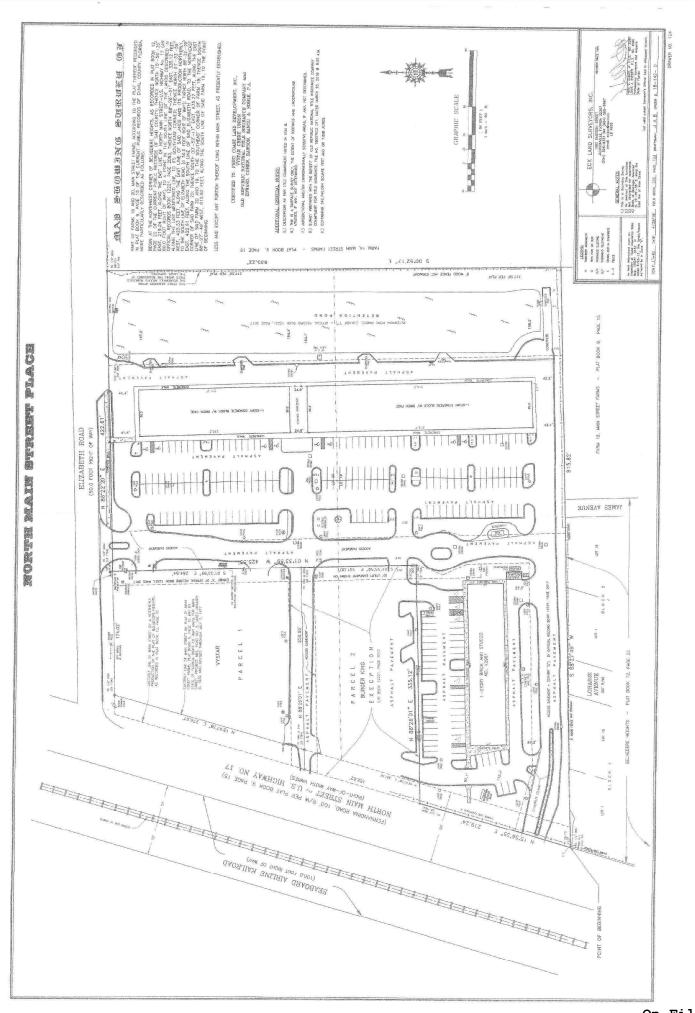
## EXHIBIT B TO SPECIAL WARRANTY DEED

#### PERMITTED EXCEPTIONS

- 1. Taxes and assessments for the year 2021 and subsequent years, which are not yet due and payable.
- 2. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s)..
- 3. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of MAIN STREET FARMS, as recorded in Plat Book 9, Page(s) 15, of the public records of Duval County, Florida, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604©.
- 4. Part 2 Chapter 655 Performance Based Development Agreement as set forth in instrument recorded in Book 11801, Page 1550; together with Reserved Capacity Allocation recorded in Book 12221, Page 2067; and together with Declaration of Allocation Rights recorded in Book 14714, Page 1037, of the public records of Duval County, Florida.
- 5. Reciprocal Easement, Operating and Development Agreement for Shoppes at North Main Street Concourse (North Main Street Place) which contains provisions for a private charge or assessments, recorded in Book 12221, Page 2017 of the public records of Duval County, Florida, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604©.
- 6. Restriction Agreement as set forth in instrument recorded in Book 12221, Page 2072 of the public records of Duval County, Florida.
- 7. Parking Easement Agreement as set forth in instrument recorded in Book 14714, Page 1045 of the public records of Duval County, Florida.
- 8. Matters shown on survey by ECK Land Surveyors, Inc., bearing Order # 18-142-D and the date of 4/25/18.
- 9. Landlord's Waiver, Disclaimer and Consent recorded in Book 19535, Page 500 of the public records of Duval County, Florida.

MAIN STREET PLACE

On File Page 10 of 14



# MAP SHOWING RADIAL SEARCH SURVEY SPECIFIC PURPOSE SURVEY

WITHIN SECTION 29 & 30 , TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA.

	FROM	TO	DISTANCE
0.) 12961 NORTH MAIN STREET - UNIT 207 (OCEANWAY LIQUORS)	0	0	0'±
1.) OCEANWAY CONGREGATIONAL CHURCH	0	1	642'±
2.) CHOPPERS BAR AND GRILL	0	2	1032±
3.) THE LEARNING EXPERIENCE	0	3	1700'±
4.) SEAFOOD EXPRESS AND MORE	0	4	430'±
5 \ CASA MARIA ALITHENTIC MEYICAN	Λ	5	343'⊥



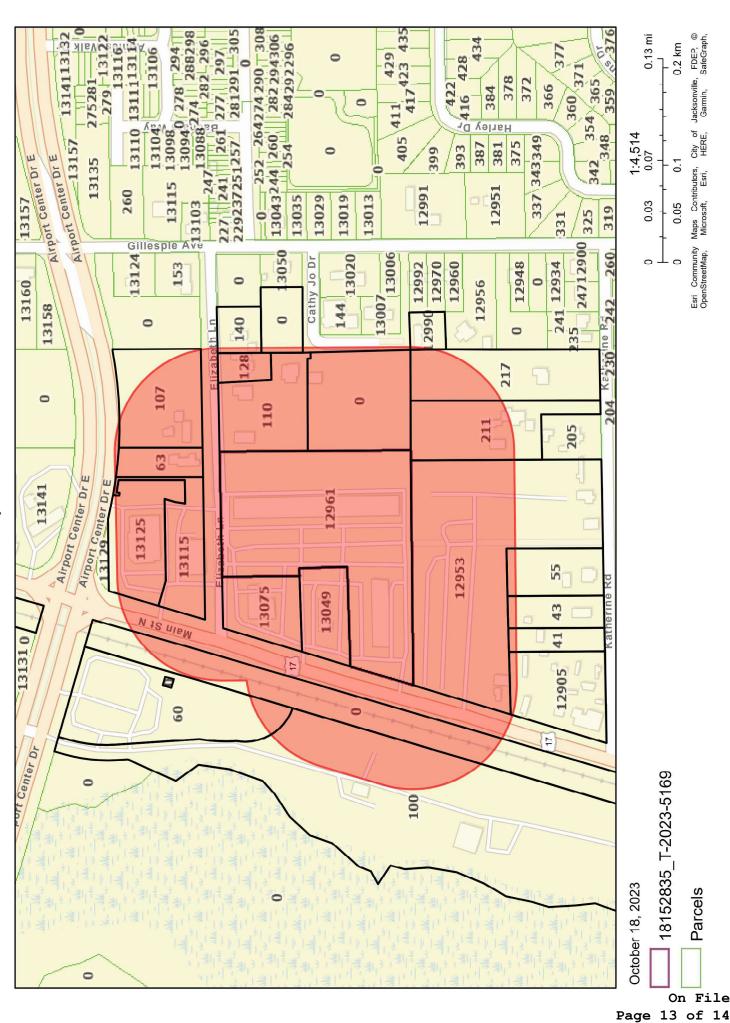




SURVEYING & MAPPING, LLC. 10250 NORMANDY BLVD. SUITE 604 JACKSONVILLE FLORIDA 32221 LICENSED BUSINESS No. 7908 PHONE (904) 619-6630 FAX (904) 619-6786 CERTIFICATION
THE UNDERSIGNED HEREBY CERTIFIES THAT HE IS IN UNION SURVEYOR REGISTERED BY THE STATE OF FLORIDA, AND THAT THIS DRAWING WAS PREPARED BY PURSUANT TO SECTION 708.904, JACKSONVILLE ORDINANCE CODE, HAT-ALL OCCATIONS OF LIQUOR LICENSES, ADULT ENTERTAINMENT CENTERS, SCHOOL SANDWIGHTCHES, WITHIN A RADIUS OF 1500 FEET ARE SHOWN, AND THAT THE DISTANCE SHOWN ARE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 708.000, JACKSONVILLE GROWING CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CHECKED BY: DMJ SURVEY DATE: 3/1/2023 DRAFTED BY: L. JOHNSON

W.O. NO.: 2023-030 CAD FILE: 1023077278.DWG FB N/A PG N/A



RE LINAME 107618 1146 GATE PETROLEUM COMPANY 107615 0010 OCEANWAY CONGREGATIONAL 107615 0005 TAYLOR BOBBY E 107610 0000 ARODI CHRISTIAN M 107609 0000 DELOACH FAMILY TRUST 107608 0010 WHITE CARL 107608 0010 WHITE AMERICUS ESTATE 107603 0000 WHITE AZONE LLC #4833 107603 0000 SEER BRENDA B ET AL 107603 0000 OREER BRENDA B ET AL 107603 0000 OREER BRENDA B ET AL 107603 0000 GREER BRENDA B ET AL 107599 0100 PREMIER KINGS HOLDINGS OF GEORGIA LLC 107591 0025 LORENTZEN ARTHUR F JR 107590 0000 FULLARD TOMMY R 107590 0000 FULLARD TOMMY R 107589 0010 LDH VENTURES LLC 107589 0010 LDH VENTURES LLC 107589 0010 CHONEYCUTT NADINE GILHOUSEN ESTATE 107582 0070 MORELAND VIVIAN DEBORAH 107582 0070 CS X TRANSPORTATION INC	LNAME2	MAIL_ADDR1 ATTN REAL ESTATE MANAGER HOLINESS CHURCH 4711 BANKHEAD AVE 829 CLOUDBERRY BRANCH WAY C/O CHERYL D DELOACH TRUSTEE 41 KATHERINE RD C/O CHANKIE A WALSTON 13.125 N MAIN ST UNIT 2 555 W GRANADA BLVD SUITE E5 C/O RAY VICKI B PO BOX 45085 200 RIVERSIDE AVE SUITE 5 3300 EASTERN BLVD 829 CLOUDBERRY BRANCH WAY 211 KATHERINE RD 217 KATHERINE RD 128 ELIZABETH LN 1322 4TH ST N 110 ELIZABETH LN 1322 4TH ST N 110 ELIZABETH LN 1243 SAN JOSE BLVD STE 504 9605 CARBONDALE DR E 500 WATER ST STE 800	MAIL_ADDR2 N 9540 SAN JOSE BLVD 4711 BANKHEAD AVE 2136 AZORE CT 114 CARDINAL AVE 63 ELIZABETH LN	MAIL_ADDR3 MAIL_CTY JACKSONV JACKSONV JACKSONV ST JOHNS JACKSONV PERRY JACKSONV	MAIL_CITY JACKSONVILLE JACKSONV		MAIL_STATE MAIL_ZIP H. 32257 H. 32207-7309 H. 32269 H. 32216 H. 32218 H. 322218 H. 32228 H. 32218 H. 32228 H. 32218 H. 32228 H. 32218 H. 32218 H. 32218 H. 32228
106609 6600 ATS INTERNATIONAL SERVICES INC GILLESPIE GARDENS HOA M & M DAIRY INC	SHAWN KALBRENER TERESA L. MOORE	725 OPPORTUNITY DR 388 GILLESPIE GARDENS DR 12275 HOLSTEIN DR		· , ,	ST CLOUD JACKSONVILLE JACKSONVILLE	N N d d i	56301 32218 32226
MAIN STREET FARMS CIVIC ASSOCIATION NORTH THE EDEN GROUP INC.	I HOMIAS G. BYRNES III DR. DONALD GREEN DICK BERRY	211 KAI HEKINE KD 2940 CAPTIVA BLUFF RD S		, ,	JACKSONVILLE	로 교	32226