

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING EXCEPTION 2024-0359**

**JUNE 18, 2024**

***Location:*** 3855 Hendricks Avenue, between Orlando Circle South and Mellon Street

***Real Estate Number:*** 070280 0100

***Zoning Exception Sought:*** Retail sales and service of all alcoholic beverages including liquor, beer or wine 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

***Owner:*** Peter Jaghab  
Social Smoke LLC D/B/A Second Wind Cigars  
3921 Hendricks Avenue  
Jacksonville, FL 32207

***Agent:*** Fred Atwill  
9001 Forest Acres Lane  
Jacksonville, FL 32234

***Staff Recommendation:*** **APPROVE WITH CONDITION**

**GENERAL INFORMATION**

Application for Exception **2024-0359/E-24-30** seeks to permit the retail sale and service of all alcoholic beverages for on-premises consumption in the Commercial Community General-1 (CCG-1) Zoning District. The subject property is a 0.75 acre lot containing a 12,267 square foot multi-unit shopping center constructed in 1945. The current business, Second Wind Cigars operates out of the unit addressed as 3921 Hendricks Avenue. The applicant is currently seeking to add the retail sale and service of beer and wine to the existing cigar bar.

There is a companion Waiver of Liquor Distance (**WLD-24-09**) that was heard and approved with a condition by the Planning Commission on May 9, 2024. The condition states that the waiver is contingent upon the approval of this companion exception in order to be effective.

**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 property is located in the CGC functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2045 Comprehensive Plan. 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):**

**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.

**Policy 3.2.2**  
The City shall encourage, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

***(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 subject property is a 0.75 acre commercial center along Hendricks Avenue. The proposed use for the sale and service of alcohol with food is compatible and consistent with the existing surrounding intensity of development and zoning districts. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Commercial retail, single-family dwellings
South	CGC	CCG-1	Fast-food restaurant, gas station
East	LDR	RLD-60	Single-family dwellings
West	LDR/CGC	PBF-1/CCG-1	Mickey King Park, gas station

*(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 proposed use will not create an environmental impact above and beyond the primary use as a cigar bar.

*(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 traffic circulation pattern of the site allows for the safe movement of traffic to this commercial uses on the property. The site is accessible to vehicular and pedestrian traffic from Hendricks Avenue.

*(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 alcohol sales will have any negative impact on the surrounding property.

*(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 of alcohol, will add no negative effects above the existing uses allowed in the zoning district.

(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 and there is no increase in enclosed space. Therefore, there will not be an increased demand of 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 Hendricks Avenue 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.” As more fully set forth in the foregoing findings and conclusions, the proposed use is consistent with the definition of a zoning exception. The establishment is located in a commercial area at a location that is suitable for this type of establishment and will promote the commercial viability of the surrounding area by contributing another commercial destination point to the area. The location is appropriate given the commercial character of the area, and the proposed exception is consistent with the definition of a zoning exception as set forth in the Zoning Code.

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on April 26, 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 2024-0359/E-24-30 be **APPROVED** with the following condition:

1. The zoning exception (2024-0359/E-24-30) granted herein shall not be effective unless or until the Waiver of Minimum Distance Requirements for Liquor License Location (WLD-24-09) required pursuant to Section 656.133, 26 Ordinance Code, is issued for the Subject Property.



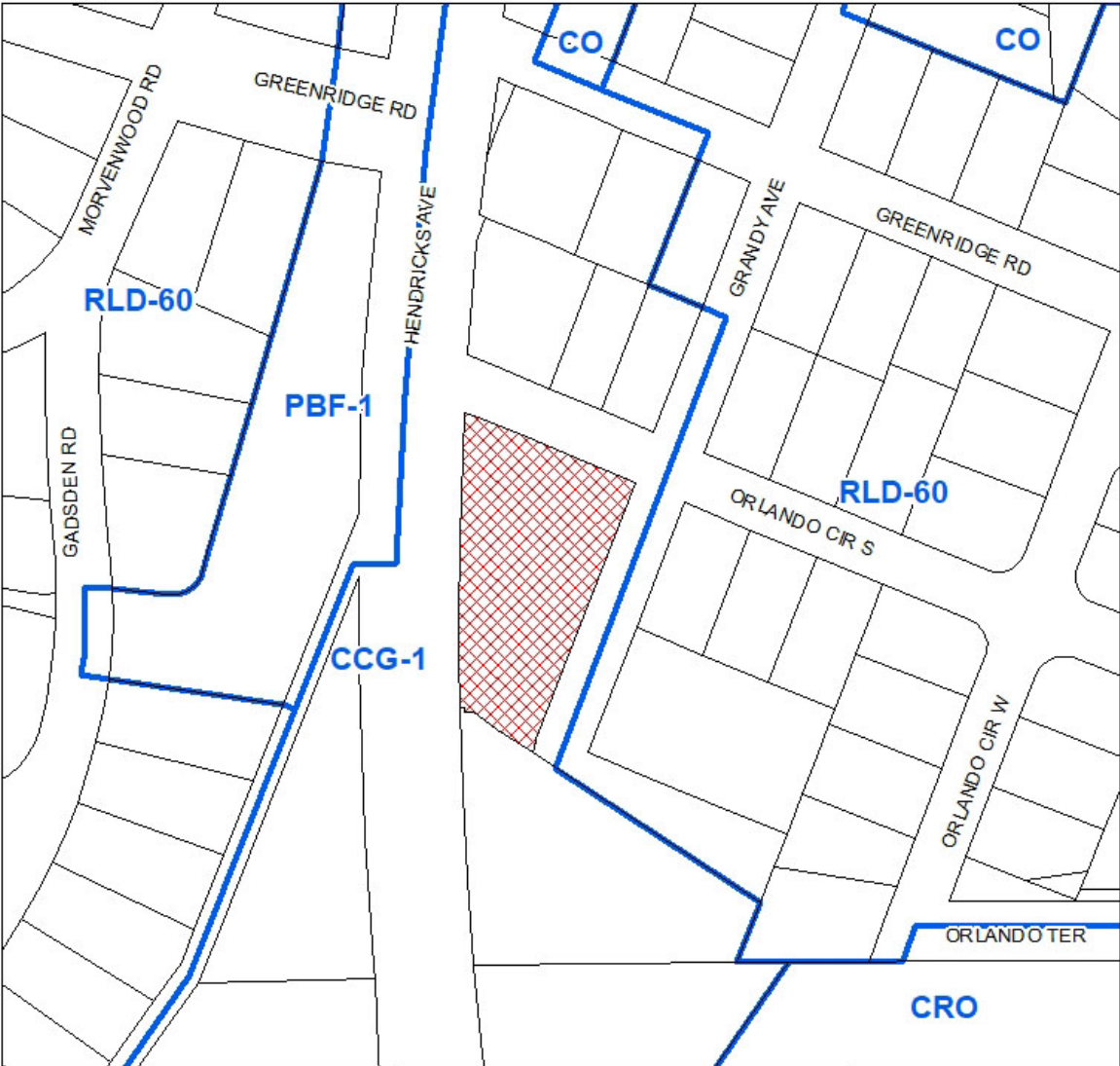
Source: Planning & Development Department, 6/11/24

Aerial view of the subject property, facing north.



Source: Google Maps, 6/11/24

View of subject property from Hendricks Avenue.



<p>REQUEST SOUGHT:</p> <p><b>AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-PREMISES CONSUMPTION</b></p>	<p>LOCATION MAP:</p>	<p>COUNCIL DISTRICT:</p> <p><b>5</b></p>
<p>ORDINANCE NUMBER</p> <p><b>ORD-2024-0359</b></p>	<p>TRACKING NUMBER</p> <p><b>E-24-30</b></p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>