

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-435**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-23-44 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 5 AT 3907 BAYMEADOWS ROAD,
8 BETWEEN SAN JOSE BOULEVARD AND WATERFORD TERRACE
9 (R.E. NO. 152530-0000), AS DESCRIBED HEREIN,
10 OWNED BY 3907 BAYMEADOWS INVESTMENT LLC,
11 REQUESTING AN ESTABLISHMENT OR FACILITY WHICH
12 INCLUDES THE RETAIL SALE AND SERVICE OF ALL
13 ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR
14 WINE FOR ON-PREMISES CONSUMPTION, FOR NO WAY
15 JOSE OF JAX LLC, IN CURRENT ZONING DISTRICT
16 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS
17 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
18 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
19 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
20 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, an application for a zoning exception, **On File** with the
23 City Council Legislative Services Division, was filed by Alberto Ania
24 for No Way Jose of Jax LLC, on behalf of the owner of property located
25 in Council District 5 at 3907 Baymeadows Road, between San Jose
26 Boulevard and Waterford Terrace (R.E. No. 152530-0000) (the "Subject
27 Property"), requesting an establishment or facility which includes
28 the retail sale and service of all alcoholic beverages including
29 liquor, beer or wine for on-premises consumption, in current Zoning
30 District Commercial Community/General-1 (CCG-1); and

31 **WHEREAS**, the Planning and Development Department has considered

1 the application and all attachments thereto and has rendered an
2 advisory recommendation; and

3 **WHEREAS**, the Land Use and Zoning Committee, after due notice,
4 held a public hearing and having duly considered both the testimonial
5 and documentary evidence presented at the public hearing, has made
6 its recommendation to the Council; now, therefore

7 **BE IT ORDAINED** by the Council of the City of Jacksonville:

8 **Section 1. Adoption of Findings and Conclusions.** The
9 Council has considered the recommendation of the Land Use and Zoning
10 Committee and reviewed the Staff Report of the Planning and
11 Development Department concerning application for zoning exception
12 E-23-44. Based upon the competent, substantial evidence contained
13 in the record, the Council hereby determines that the requested zoning
14 exception meets each of the following criteria required to grant the
15 request pursuant to Section 656.131(c), *Ordinance Code*, as
16 specifically identified in the Staff Report of the Planning and
17 Development Department:

18 (1) Will be consistent with the Comprehensive Plan, including
19 any subsequent plan adopted by the Council pursuant thereto;

20 (2) Will be compatible with the existing contiguous uses or
21 zoning and compatible with the general character of the area,
22 considering population density, design, scale and orientation of
23 structures to the area, property values, and existing similar uses
24 or zoning;

25 (3) Will not have an environmental impact inconsistent with the
26 health, safety and welfare of the community;

27 (4) Will not have a detrimental effect on vehicular or pedestrian
28 traffic, or parking conditions, and will not result in the generation
29 or creation of traffic inconsistent with the health, safety and
30 welfare of the community;

31 (5) Will not have a detrimental effect on the future development

1 of contiguous properties or the general area, according to the
2 Comprehensive Plan, including any subsequent amendment to the plan
3 adopted by the Council;

4 (6) Will not result in the creation of objectionable or
5 excessive noise, lights, vibrations, fumes, odors, dust or physical
6 activities, taking into account existing uses or zoning in the
7 vicinity;

8 (7) Will not overburden existing public services and facilities;

9 (8) Will be sufficiently accessible to permit entry onto the
10 property by fire, police, rescue and other services; and

11 (9) Will be consistent with the definition of a zoning
12 exception, and will meet the standards and criteria of the zoning
13 classification in which such use is proposed to be located, and all
14 other requirements for such particular use set forth elsewhere in the
15 Zoning Code, or otherwise adopted by the Planning Commission or
16 Council.

17 Therefore, zoning exception application E-23-44 is hereby
18 approved.

19 **Section 2. Owner and Description.** The Subject Property is
20 owned by 3907 Baymeadows Investment LLC, and is described in **Exhibit**
21 **1**, dated June 14, 2023, and graphically depicted in **Exhibit 2**, both
22 attached hereto. The applicant is Alberto Ania, No Way Jose of Jax
23 LLC, 4237 Habana Avenue, Jacksonville, Florida 32217; (904) 838-1112.

24 **Section 3. Distribution by Legislative Services.**
25 Legislative Services is hereby directed to mail a copy of this
26 legislation, as enacted, to the applicant and any other parties to
27 this matter who testified before the Land Use and Zoning Committee
28 or otherwise filed a qualifying written statement as defined in
29 Section 656.140(c), *Ordinance Code*.

30 **Section 4. Effective Date.** The enactment of this Ordinance
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council
2 President and Council Secretary. Failure to exercise the zoning
3 exception, if herein granted, by the commencement of the use or action
4 herein approved within one (1) year of the effective date of this
5 legislation shall render this zoning exception invalid and all rights
6 arising therefrom shall terminate.

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8 Form Approved:

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10 /s/ Shannon K. Eller

11 Office of General Counsel

12 Legislation Prepared By: Connor Corrigan

13 GC-#1579297-v1-2023-435.docx