

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING EXCEPTION E-23-44 (2023-0435)**

**SEPTEMBER 6, 2023**

***Location:*** 3907 Baymeadows Road

***Real Estate Number:*** 152530-0000

***Zoning Exception Sought:*** On premises consumption of all alcohol in conjunction with a restaurant, outside sales and service

***Current Zoning District:*** Commercial Community/General-1 (CCG-1)

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

***Planning District:*** 3 - Southeast

***Applicant/Agent:*** 3907 Baymeadows Investment LLC  
3590 Valverde Circle  
Jacksonville, FL 32224

***Owner:*** No Way Jose LLC  
4237 Habana Avenue  
Jacksonville, FL 32217

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Zoning Exception **E-23-44 (2023-0435)** seeks to allow the sales of all alcoholic beverages, in conjunction with a restaurant use. The subject site is located near the intersection of Baymeadows Road and San Jose Boulevard in a commercial shopping center.

**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 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 Planning 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 2045 Comprehensive Plan?*

Yes. The site is located in the Community/ General Commercial (CGC) land use category of the Urban Development Area. The subject site is located within council district 5 and planning district 3. It is on the north side of Baymeadows Road (SR-152) between San Jose Boulevard and Waterfront Terrace. Baymeadows Road and San Jose Boulevard are both minor arterial roadways.

CGC in the Urban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of the existing infrastructure. 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 exception is also consistent with the following goals, objectives, policies and/or text of the 2045 Comprehensive Plan Future Land Use Element:

**Policy 1.1.22**

Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system, and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

The proposed use will be compatible with the neighboring properties and will not contribute to urban sprawl by allowing a use not compatible with the surrounding area. As such, the proposed use will be in compliance with Policy 1.1.22.

**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.

The proposed use will promote the vitality and redevelopment of the commercial space in a designated shopping center that will provide commercial support and leisure opportunities for surrounding residents without infringing on any nearby residential uses.

- (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 will be compatible with the surrounding uses and zoning, in that its proposed location is within an existing mixed-use commercial area that contains other restaurants that serve alcoholic beverages, with or without outside seating.

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Property Use</b>
North	CGC	CCG-1	Office
South	CGC	CCG-1/CCG-2	Shopping Center
East	CGC	CCG-1	Retail Store
West	CGC	CCG-2	Shopping Center

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

No, the proposed use is unlikely to have an environmental impact inconsistent with the health, safety, or welfare of the community in that it will be located entirely within an existing commercial development which already has many businesses of a similar character and intensity.

- (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 proposed use will not have a detrimental effect on vehicular or pedestrian traffic as it is planned to be located in an existing commercial structure that provides adequate on-site parking.

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

No, the proposed use will not have a detrimental effect on the future development of contiguous properties or the general area, as nearly all surrounding property has already been developed with a mixture of commercial uses.

- (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 is unlikely to result in the creation of any objectionable external effects that would negatively impact the surrounding commercial and residential properties in the area.

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

No, the proposed use is unlikely to overburden existing public services and facilities due to the

fact that it will be located within an existing commercial building where no issues have existed previously despite the presence of similar uses.

(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 an access from 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 Planning Commission?*

Yes, the proposed use is consistent with the definition of a Zoning Exception because it will promote the public appearance and prosperity by redeveloping an existing commercial site with new business rather than allowing it to sit unused. The proposed use will also meet all other requirements set forth by the Zoning Code.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 24, 2023, 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 **E-23-44** be **APPROVED**



Aerial



View of the Subject Site

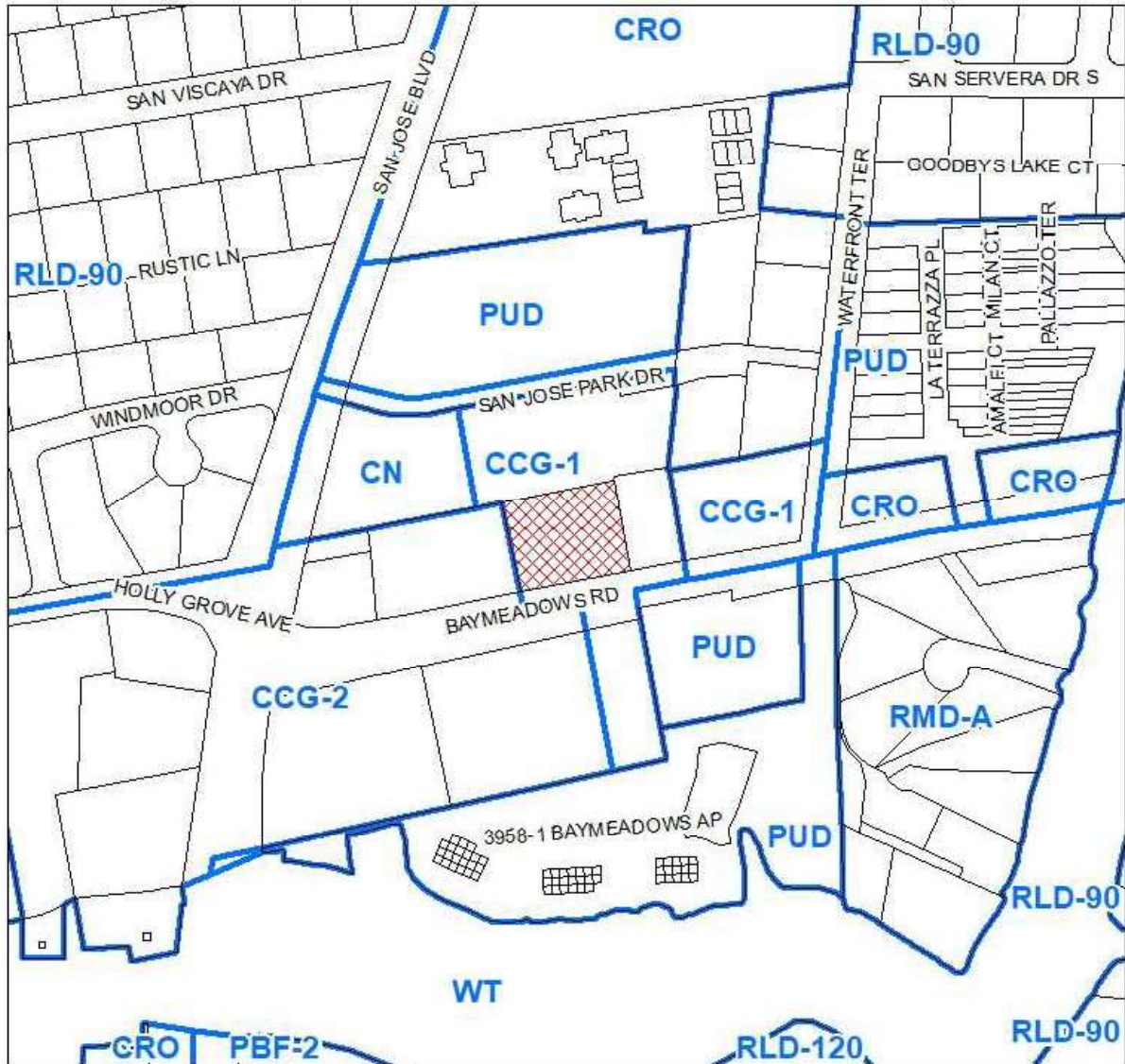


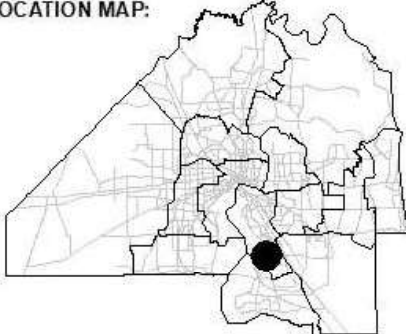



View of the Neighboring Shopping Center



View of the neighboring retail space



<p>REQUEST SOUGHT:</p> <p><b>RETAIL SALE AND SERVE OF ALL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION</b></p>	<p>LOCATION MAP:</p> 	 <p>0 100 200 400 Feet</p>
<p>ORDINANCE NUMBER ORD-2023-0435</p>	<p>TRACKING NUMBER E-23-44</p>	<p>COUNCIL DISTRICT: 5</p> <p><b>EXHIBIT 2 PAGE 1 OF 1</b></p>

Legal Map