

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR WAIVER OF MINIMUM DISTANCE REQUIREMENTS**

**FOR LIQUOR LICENSE LOCATION WLD-23-10**

**SEPTEMBER 7, 2023**

***Location:*** 926 Arlington Road North; on the west side of  
Arlington Road between the Arlington Expressway  
and Lone Star Road

***Real Estate Number(s):*** 136545 0000

***Waiver Sought:*** Reduce the required minimum distance between  
liquor license location and church or school from  
1,500 feet to 469 feet

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

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

***Planning District:*** Arlington – District 2

***Applicant/Agent:*** Earl Dennis  
Atlantis Event Center  
926 Arlington Road N.  
Jacksonville, Florida 32211

***Owner:*** Alan Cardinale  
Arlington Cardinal Plaza  
10095 Main Road, Unit 4  
Mattituck, NY 11952

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Waiver of Minimum Distance Requirements for Liquor License Location **WLD-23-10** seeks to reduce the required minimum distance between the proposed liquor license location at 926 Arlington Road North and the Apostolic Church of Jacksonville located at 6726 Arlington Expressway from **1,500** feet to **469** feet (see **Figure A**). Staff notes that there are overall nine (9) churches or schools located within the 1,500-foot distance requirement. As depicted by **Figure A**, this church, the Apostolic Church of Jacksonville located at 6726 Arlington Expressway and The

Citadel Church of Jacksonville at 1057 Arlington Road North are directly visible along the line of measurement at 469 feet and 908 feet away respectively.

The subject property contains a multi-tenant 69,000 square foot building constructed in 1989. The applicant's business, *Atlantis Event Center*, plans to commence operations in the unit addressed as 926 as a private club with the on-premises consumption of alcoholic beverages (4COP).

### **DEFINITION**

According to Section 656.1601 of the Zoning Code, the term *waiver* means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers are authorized to be granted by the Planning Commission pursuant to the criteria set forth in Section 656.133 of the Zoning Code.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver of minimum distance requirements for liquor license location may be granted if the Planning Commission makes a positive finding based on substantial, competent evidence that the application meets one or more of the following criteria:

- i. Is the commercial activity associated with the alcoholic beverage use of a lesser intensity than the commercial activity associated with the alcoholic beverage use which previously existed; e.g., there has been a reduction in the number of seats or square footage or type of license?*

No. There is no information on what the space was previously used for. The property permits general commercial and retail uses. The proposed commercial activity associated with the proposed liquor license will be of greater intensity than the uses permitted by right. One could operate an indoor entertainment venue utilizing a caterer for the service of alcohol by right instead of requesting an exception for a private club to operate the same type of use.

With the exception of the Shores Liquors located at 909 Arlington Road that has a 3APS license, there are no other bars, restaurants, or businesses with full liquor licenses in the immediate vicinity.

- ii. Is the alcoholic beverage use designed to be an integral part of a mixed planned unit development?*

No, the subject property is zoned as CCG-1. The sale and service of all alcoholic beverages was not designed to be an integral part of this development, but rather as an ancillary use.

Instead, the subject parcel was developed with the intent to support a wide range of other commercial, retail and service establishments.

- iii. *Is the alcoholic beverage use to be located within a shopping center with an aggregate gross leasable area of 50,000 square feet or more, inclusive of all out parcels, and meets the definition of a Restaurant as defined in Section 656.805?*

Yes. The proposed alcoholic use will be located within a shopping center that is 69,000+ square feet in size.

- iv. *Is the alcoholic beverage use directly visible along the line of measurement defined in Section 656.806 and physically separated from a church or school, thereby negating the distance requirement as a result of the extra travel time?*

Yes. The alcoholic beverage use will be directly visible along the line of measurement as defined by the Zoning Code (**see Figure A**). This is evidenced by visual inspection of the subject property on August 25, 2023, where the Apostolic Church of Jacksonville located at 6726 Arlington Expressway and The Citadel Church of Jacksonville at 1057 Arlington Road North at 469 feet and 908 feet away respectively, are both directly visible from the nearest point of the subject building.

- v. *Are there are other existing liquor license locations of a similar nature in the immediate vicinity of the proposed location; provided, however, that no waiver shall be granted pursuant to this criterion if the proposed liquor license location is closer to the church or school than other existing locations?*

No. Staff finds no other existing liquor license locations in the immediate vicinity that are similar in nature (e.g., 4COP).

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on August 25, 2023, the Planning and Development Department staff observed that the required Notice of Public Hearing sign **was** posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-23-10 be **DENIED**.

**Figure A:**



**Aerial view of the subject site and its proximity to the closest church, facing north.**





**The Citadel Church site on the right facing north along Arlington Road.**



**The subject site and shopping center on the left facing north along Arlington Road.**



**Facing south along Arlington Road from the subject site.**



**View of the subject property from Arlington Road.**

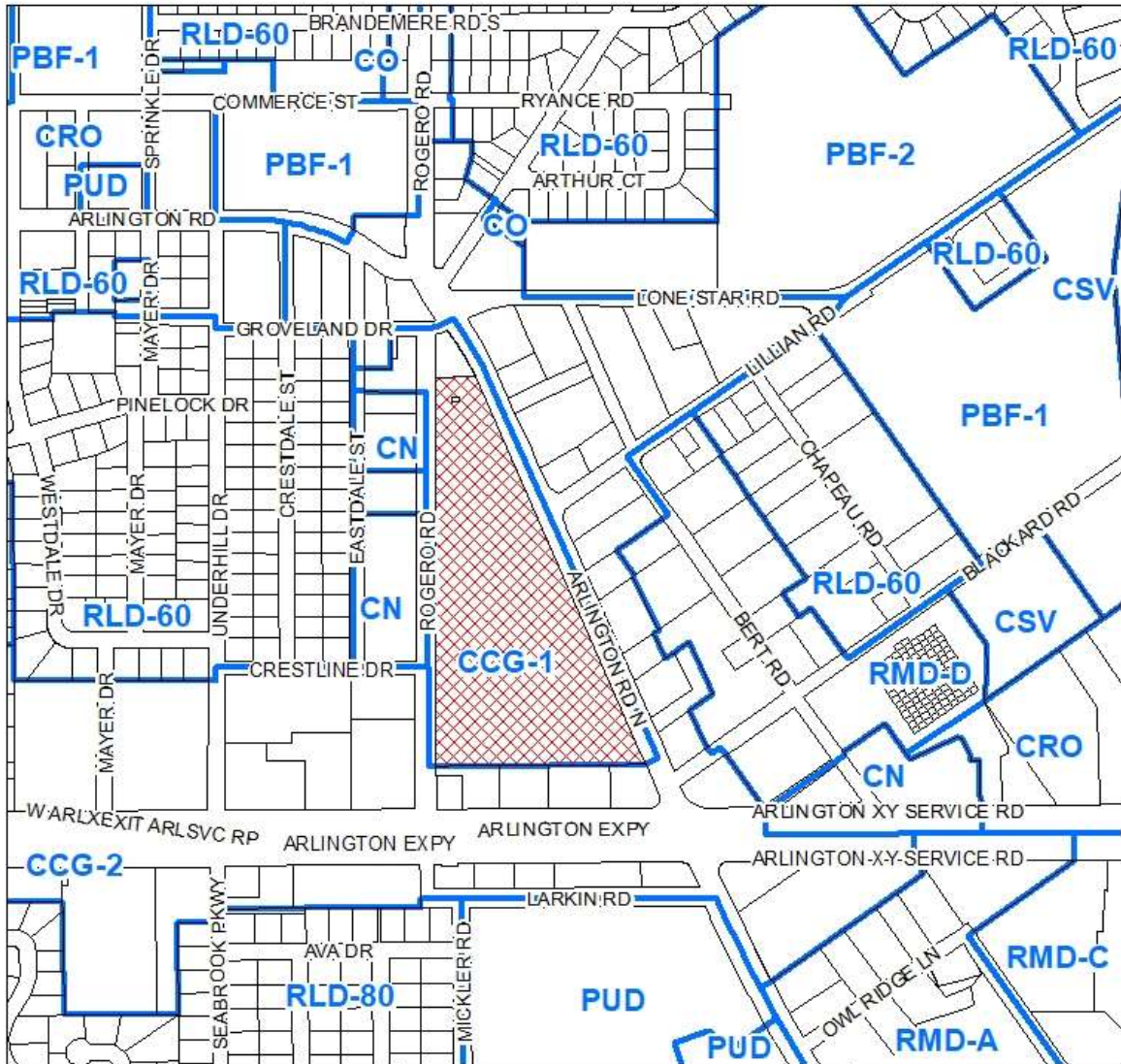


**View of the subject property from Arlington Road.**



**View of the subject site on the right facing south along Arlington Road.**





<p>REQUEST SOUGHT:</p> <p><b>REDUCE REQUIRED MINIMUM DISTANCE BETWEEN LIQUOR LICENSE LOCATION AND CHURCH OR SCHOOL FROM 1500 FEET TO 469 FEET</b></p>	<p>LOCATION MAP:</p> <p>TRACKING NUMBER</p> <p><b>WLD-23-10</b></p>	<p>COUNCIL DISTRICT:</p> <p><b>1</b></p> <p><b>EXHIBIT 2</b> <b>PAGE 1 OF 1</b></p>
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