

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-831**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-23-77 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 6 AT 10601 SAN JOSE BOULEVARD,
8 BETWEEN HARTLEY ROAD AND SAN JOSE BOULEVARD
9 (R.E. NO. 155958-0015), AS DESCRIBED HEREIN,
10 OWNED BY REGENCY CENTERS CORPORATION, SUCCESSOR
11 BY MERGER TO EQUITY (LANDING) INC., REQUESTING:
12 (1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES
13 THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
14 BEVERAGES, INCLUDING LIQUOR, BEER OR WINE, FOR
15 ON-PREMISES CONSUMPTION, (2) PERMANENT OUTSIDE
16 SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES
17 MEETING THE PERFORMANCE STANDARDS AND
18 DEVELOPMENT CRITERIA SET FORTH IN PART 4, AND
19 (3) RESTAURANT WITH OUTSIDE SALE AND SERVICE OF
20 FOOD MEETING THE PERFORMANCE STANDARDS AND
21 DEVELOPMENT CRITERIA SET FORTH IN PART 4, IN
22 "OUTDOOR SEATING AREA NO. 2" AS DEPICTED ON THE
23 SITE PLAN, FOR MIKENZA, INC., D/B/A ENZA'S
24 ITALIAN RESTAURANT, IN ZONING DISTRICT
25 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS
26 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
27 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
28 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
29 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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31 **WHEREAS,** an application for a zoning exception, **On File** with

1 the City Council Legislative Services Division, was filed by Ray
2 Spofford, for Mikenza, Inc., d/b/a Enza's Italian Restaurant, on
3 behalf of the owner of property located in Council District 6 at
4 10601 San Jose Boulevard, between Hartley Road and San Jose Boulevard
5 (R.E. No. 155958-0015) (the "Subject Property"), requesting: (1) an
6 establishment or facility which includes the retail sale and service
7 of all alcoholic beverages, including liquor, beer or wine, for on-
8 premises consumption, (2) permanent outside sale and service of all
9 alcoholic beverages meeting the performance standards and development
10 criteria set forth in Part 4, and (3) restaurant with outside sale
11 and service of food meeting the performance standards and development
12 criteria set forth in Part 4, in "Outdoor Seating Area No. 2" as
13 depicted on the Site Plan, in Zoning District Commercial
14 Community/General-1 (CCG-1); and

15 **WHEREAS,** the Planning and Development Department has
16 considered the application and all attachments thereto and has
17 rendered an advisory recommendation; and

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

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

23 **Section 1. Adoption of Findings and Conclusions.** The
24 Council has considered the recommendation of the Land Use and Zoning
25 Committee and reviewed the Staff Report of the Planning and
26 Development Department concerning application for zoning exception
27 E-23-77. Based upon the competent, substantial evidence contained
28 in the record, the Council hereby determines that the requested zoning
29 exception meets each of the following criteria required to grant the
30 request pursuant to Section 656.131(c), *Ordinance Code*, as
31 specifically identified in the Staff Report of the Planning and

1 Development Department:

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

4 (2) Will be compatible with the existing contiguous uses or
5 zoning and compatible with the general character of the area,
6 considering population density, design, scale and orientation of
7 structures to the area, property values, and existing similar uses
8 or zoning;

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

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

15 (5) Will not have a detrimental effect on the future development
16 of contiguous properties or the general area, according to the
17 Comprehensive Plan, including any subsequent amendment to the plan
18 adopted by the Council;

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

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

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

26 (9) Will be consistent with the definition of a zoning
27 exception, and will meet the standards and criteria of the zoning
28 classification in which such use is proposed to be located, and all
29 other requirements for such particular use set forth elsewhere in the
30 Zoning Code, or otherwise adopted by the City Council.

31 Therefore, zoning exception application E-23-77 is hereby

1 approved.

2 **Section 2. Owner and Description.** The Subject Property is
3 owned by Regency Centers Corporation, successor by merger to Equity
4 (Landing) Inc., and is described in **Exhibit 1**, dated July 5, 2023,
5 and graphically depicted in **Exhibit 2**, both attached hereto. The
6 applicant is Ray Spofford, 14775 Old St. Augustine Road, Jacksonville,
7 Florida 32258; (904) 265-3189.

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

14 **Section 4. Effective Date.** The enactment of this Ordinance
15 shall be deemed to constitute a quasi-judicial action of the City
16 Council and shall become effective upon signature by the Council
17 President and Council Secretary. Failure to exercise the zoning
18 exception, if herein granted, by the commencement of the use or action
19 herein approved within one (1) year of the effective date of this
20 legislation shall render this zoning exception invalid and all rights
21 arising therefrom shall terminate.

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23 Form Approved:

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25 /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Caroline Fulton

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