

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2024-196

AN ORDINANCE APPROVING APPLICATION FOR ZONING EXCEPTION E-24-05 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 6 AT 9825 SAN JOSE BOULEVARD, BETWEEN CROWN POINT ROAD AND KORI ROAD (R.E. NO. 148970-0000), AS DESCRIBED HEREIN, OWNED BY E HOLDINGS, LLC, REQUESTING: (1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON PREMISES CONSUMPTION, (2) PERMANENT OUTSIDE SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4 OF THE ZONING CODE, AND (3) A RESTAURANT WITH OUTSIDE SALE AND SERVICE OF FOOD MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4 OF THE ZONING CODE, FOR MAYA GROUP FL LLC D/B/A MARGARITAS MEXICAN GRILL 1, IN ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a zoning exception, **On File** with the City Council Legislative Services Division, was filed by Lawrence

1 Yancy on behalf of the owner of property located in Council District
2 6 at 9825 San Jose Boulevard, between Crown Point Road and Kori Road
3 (R.E. No. 148970-0000) (the "Subject Property"), requesting: (1) an
4 establishment or facility which includes the retail sale and service
5 of alcoholic beverages including liquor, beer or wine for on-premises
6 consumption, (2) permanent outside sale and service of all alcoholic
7 beverages including liquor, beer or wine meeting the performance
8 standards and development criteria set forth in Part 4 of the Zoning
9 Code, and (3) a restaurant with outside sale and service of food
10 meeting the performance standards and development criteria set forth
11 in Part 4 of the Zoning Code, for Maya Group FL LLC d/b/a Margaritas
12 Mexican Grill 1, in Zoning District Commercial Community/General-1
13 (CCG-1); and

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

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

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

22 **Section 1. Adoption of Findings and Conclusions.** The
23 Council has considered the recommendation of the Land Use and Zoning
24 Committee and reviewed the Staff Report of the Planning and
25 Development Department concerning application for zoning exception
26 E-24-05. Based upon the competent, substantial evidence contained in
27 the record, the Council hereby determines that the requested zoning
28 exception meets each of the following criteria required to grant the
29 request pursuant to Section 656.131(c), *Ordinance Code*, as
30 specifically identified in the Staff Report of the Planning and
31 Development Department:

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

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

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

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

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

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

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

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

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

31 Therefore, zoning exception application E-24-05 is hereby

1 approved.

2 **Section 2. Owner and Description.** The Subject Property is
3 owned by E Holdings LLC, and is described in **Exhibit 1**, dated January
4 15, 2024, and graphically depicted in **Exhibit 2**, both attached hereto.
5 The applicant is Lawrence Yancy, 1309 St. Johns Bluff Road North,
6 Building A, Suite 2, Jacksonville, Florida 32225; (904) 568-4317.

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

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

21
22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Erin Abney

27 GC-#1614067-v1-2024-196_(E-24-05).docx