

1 Introduced by the Land Use and Zoning Committee:

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4 **ORDINANCE 2024-238**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-13 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 4 AT 9726 TOUCHTON ROAD,
8 BETWEEN TOUCHTON ROAD AND DEER LAKE COURT (R.E.
9 NO. 146036-1920), AS DESCRIBED HEREIN, OWNED BY
10 DOC-9726 TOUCHTON ROAD MOB, LLC, REQUESTING AN
11 ESTABLISHMENT OR FACILITY WHICH INCLUDES THE
12 RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
13 BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR
14 ON-PREMISES CONSUMPTION FOR HIEN NGUYEN GROUP
15 INC, D/B/A VAGABOND KOREAN STEAKHOUSE, IN ZONING
16 DISTRICT PLANNED UNIT DEVELOPMENT (PUD)
17 (1994-0335-0737), AS DEFINED AND CLASSIFIED
18 UNDER THE ZONING CODE; ADOPTING RECOMMENDED
19 FINDINGS AND CONCLUSIONS OF THE LAND USE AND
20 ZONING COMMITTEE; PROVIDING FOR DISTRIBUTION;
21 PROVIDING AN EFFECTIVE DATE.

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23 **WHEREAS,** an application for a zoning exception, **On File** with
24 the City Council Legislative Services Division, was filed by Lawrence
25 Yancy for Hien Nguyen Group Inc, d/b/a Vagabond Korean Steakhouse,
26 on behalf of the owner of property located in Council District 4 at
27 9726 Touchton Road, between Touchton Road and Deer Lake Court (R.E.
28 No. 146036-1920) (the "Subject Property"), requesting an
29 establishment or facility which includes the retail sale and service
30 of all alcoholic beverages including liquor, beer or wine for
31 on-premises consumption in Zoning District Planned Unit Development

(PUD) (1994-0335-0737); and

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

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

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

Section 1. Adoption of Findings and Conclusions. The Council has considered the recommendation of the Land Use and Zoning Committee and reviewed the Staff Report of the Planning and Development Department concerning application for zoning exception E-24-13. Based upon the competent, substantial evidence contained in the record, the Council hereby determines that the requested zoning exception meets each of the following criteria required to grant the request pursuant to Section 656.131(c), *Ordinance Code*, as specifically identified in the Staff Report of the Planning and Development Department:

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

(2) Will 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;

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

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

1 welfare of the community;

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

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

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

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

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

19 Therefore, zoning exception application E-24-13 is hereby
20 approved.

21 **Section 2. Owner and Description.** The Subject Property is
22 owned by DOC-9726 Touchton Road MOB, LLC, and is described in **Exhibit**
23 **1**, dated November 3, 2023, and graphically depicted in **Exhibit 2**,
24 both attached hereto. The applicant is Lawrence Yancy, 1309 St. Johns
25 Bluff Road North, Building A, Suite 2, Jacksonville, Florida 32225;
26 (904) 568-4317.

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

1 Section 656.140(c), *Ordinance Code*.

2 **Section 4. Effective Date.** The enactment of this Ordinance
3 shall be deemed to constitute a quasi-judicial action of the City
4 Council and shall become effective upon signature by the Council
5 President and Council Secretary. Failure to exercise the zoning
6 exception, if herein granted, by the commencement of the use or action
7 herein approved within one (1) year of the effective date of this
8 legislation shall render this zoning exception invalid and all rights
9 arising therefrom shall terminate.

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11 Form Approved:

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13 /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation Prepared By: Erin Abney

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