

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-24-05

APRIL 16, 2024

Location: 9825 San Jose Boulevard,
Between Crown Point Road and Kori Road

Real Estate Number: 148970-0000

Zoning Exception Sought: An establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption.

Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4

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

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

Planning District: Southeast – District 3

Council District: District 6

Owner: Benjamin S. Hakimian
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Jacksonville, Florida 32241

Agent: Lawrence Yancy
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Bldg. A Suite 2
Jacksonville, Florida 32225

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for **Ordinance 2024-196 (Exception E-24-05)** seeks to permit the on-premises consumption of all alcoholic beverages in conjunction with a restaurant in the CCG-1 Zoning District. The site contains a 50,000 square foot building on approximately 7.28 acres. The building contains several restaurants, a Korean Bar-B-Q, Marsala, Jax Craft Beer and a Thai Restaurant. An Outback Steakhouse is on an outparcel fronting San Jose Boulevard. A similar Exception (E-

14-36) for the same location was approved by the Planning Commission.

The special liquor survey shows no church or school within the required 500 foot distance limitation. There is a Presbyterian Christ Church that is 550 feet to the east. The Church fronts on Old St. Augustine Road and the restaurant is not in direct view of the church.

DEFINITION OF ZONING EXCEPTION

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 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 Comprehensive Plan?

Yes. The subject property is located in the Community/ General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2045 Comprehensive Plan. The CGC category is a commercial category that allows for the sale of alcohol. This application represents a continued re-investment in an existing commercial site, and allows for the continuation of an existing use.

Future Land Use Element (FLUE):

Objective 3.2

Promote and sustain the viability of existing and emerging commercial and industrial areas 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.

This area is a heavily commercialized area, with large box commercial, entertainment, restaurants, and other commercial uses. There are a number of similar uses, in close proximity to the subject site, or across San Jose Boulevard, which is classified as minor arterial roadway. The addition of the sale of all alcoholic beverages for on premises

consumption in conjunction with food sales is consistent with the 2045 Comprehensive Plan in the CGC land use.

- (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 area includes several large retail stores, a number of office and service uses, as well as several other restaurants. The area is predominantly commercial retail with restaurants along the San Jose Boulevard corridor. The proposed use would not be out of character with the surrounding properties. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-2	Restaurant, commercial retail uses
South	MDR RPI	RMD-D CRO	Commercial retail use, offices Townhomes
East	RPI	CRO	Presbyterian Church
West	CGC	CCG-1 / CCG-2	Restaurant, car wash, commercial uses

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

No. The subject site is along a commercial corridor of San Jose Blvd., which includes a large retail book store and a number of other ancillary commercial and service uses. The sale of all alcoholic beverages for on premise consumption will not generate any additional pressure on the commercial corridor along San Jose Boulevard. With the number of other similar uses within the immediate vicinity, it is not anticipated this intensification will have any negative impacts inconsistent with the welfare of the community.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking condition? Will the proposed use result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?***

No. The traffic circulation pattern of the site allows for the safe movement of traffic to this commercial uses on the property. The site is accessible to vehicular and pedestrian traffic from San Jose Boulevard.

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

No. The surrounding uses are predominantly commercial in nature and fully developed with compatible uses. It is not anticipated that approving the expansion of alcohol

offerings, with food, at this location will have a negative impact on the surrounding area

- (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, the sale of alcohol in conjunction with a restaurant will add no negative effects above the existing uses allowed in the zoning district.

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

No. The proposed use will not overburden existing public services or facilities. This is an existing commercial center and there is no increase in enclosed space. Therefore, there will not be an increased demand of public services.

- (viii) ***Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?***

Yes. The subject property is accessible from San Jose Boulevard to permit adequate access for fire, police, rescue, and other service vehicles.

- (ix) ***Will the proposed use be consistent with the definition of a zoning exception and meet the standards and criteria of the zoning classification in which such use is proposed to be located?***

Yes. 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. The proposed exception is appropriate in this location and consistent with the definition of a zoning exception. As more fully set forth in the foregoing findings and conclusions, the requested use at this location is consistent with the definition of a zoning exception.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 1, 2024, the Planning and Development Department staff observed that the required 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 2024-196 (E-24-05) be **APPROVED**.



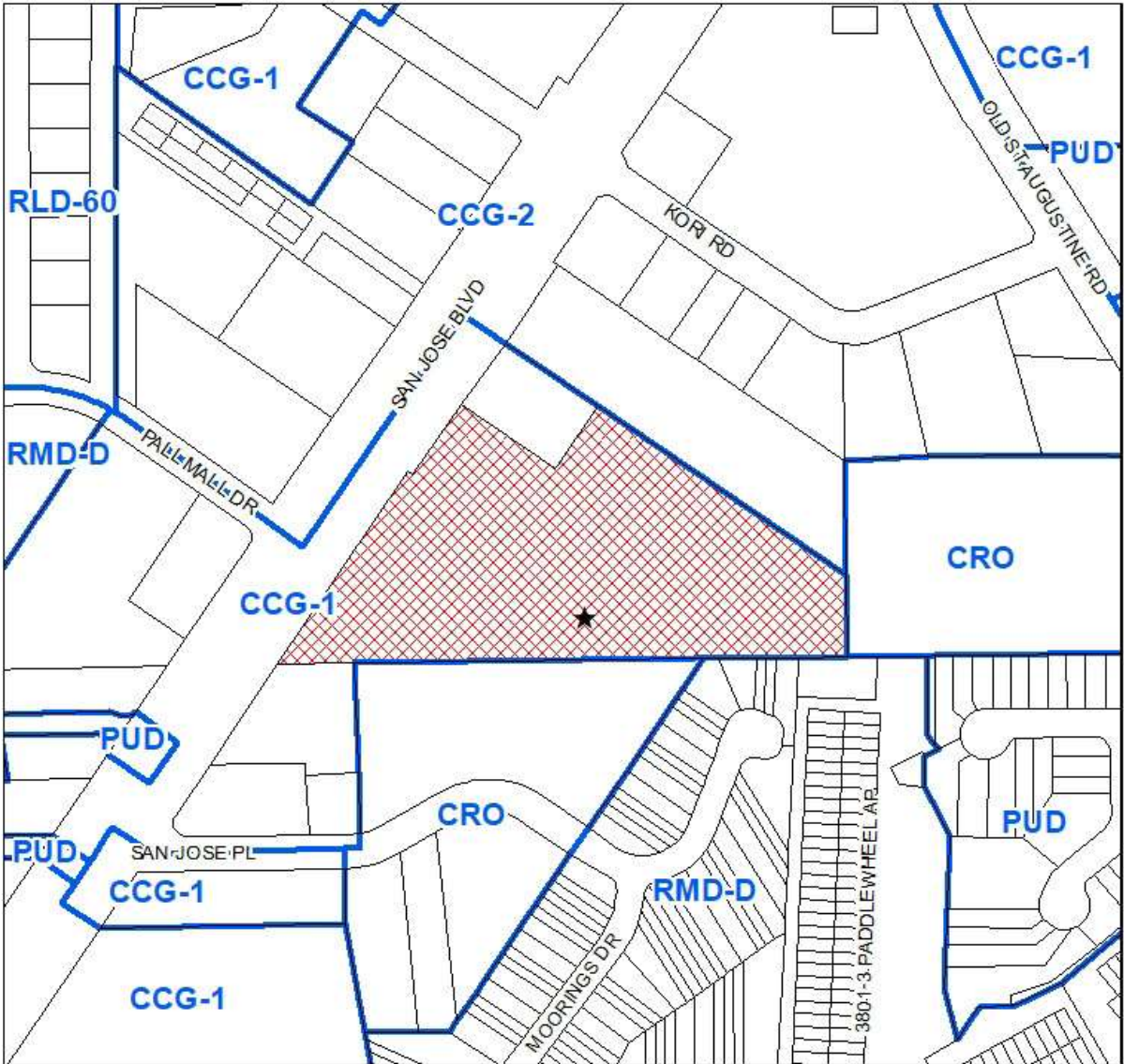
Aerial view of subject property

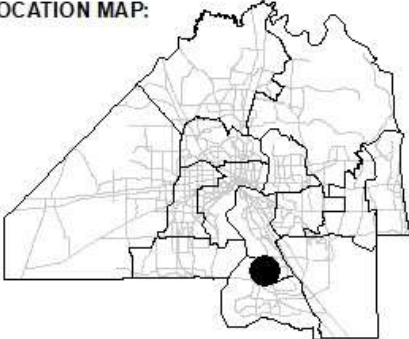
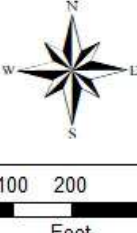


View of subject property



View of subject property



REQUEST SOUGHT: RETAIL SALES AND SERVICE OF ALL ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION. PERMANENT OUTSIDE SALES AND SERVICE MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4. RESTAURANTS WITH THE OUTSIDE SALE AND SERVICE OF FOOD MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4	LOCATION MAP: 	 0 100 200 400 Feet
ORD-2024-0196	TRACKING NUMBER E-24-05	COUNCIL DISTRICT: 6 EXHIBIT 2 PAGE 1 OF 1