

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-240-E**

5 AN ORDINANCE APPROVING, SUBJECT TO CONDITION,
6 APPLICATION FOR ZONING EXCEPTION E-24-16 FOR
7 PROPERTY LOCATED IN COUNCIL DISTRICT 6 AT 10131
8 SAN JOSE BOULEVARD, BETWEEN CROWN POINT ROAD AND
9 HALEY ROAD (R.E. NO. 149008-0200), AS DESCRIBED
10 HEREIN, OWNED BY PROPERTY MANAGEMENT SUPPORT,
11 INC., AS TRUSTEE OF CROWN POINT PLAZA LAND TRUST
12 U/T/A DATED SEPTEMBER 19, 2007, REQUESTING AN
13 ESTABLISHMENT OR FACILITY WHICH INCLUDES THE
14 RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
15 BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR
16 ON-PREMISES CONSUMPTION FOR TONY'S CANTINA
17 JACKSONVILLE LLC, IN ZONING DISTRICT COMMERCIAL
18 COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND
19 CLASSIFIED UNDER THE ZONING CODE; ADOPTING
20 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND
21 USE AND ZONING COMMITTEE; PROVIDING FOR
22 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS,** an application for a zoning exception, **On File** with
25 the City Council Legislative Services Division, was filed by Blair
26 Knighting for Tony's Cantina Jacksonville LLC, on behalf of the owner
27 of property located in Council District 6 at 10131 San Jose Boulevard,
28 between Crown Point Road and Haley Road (R.E. No. 149008-0200) (the
29 "Subject Property"), requesting an establishment or facility which
30 includes the retail sale and service of all alcoholic beverages
31 including liquor, beer or wine for on-premises consumption in Zoning

1 District Commercial Community/General-1 (CCG-1); and

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

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

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

10 **Section 1. Adoption of Findings and Conclusions.** The

11 Council has considered the recommendation of the Land Use and Zoning
12 Committee and reviewed the Staff Report of the Planning and
13 Development Department concerning application for zoning exception
14 E-24-16. Based upon the competent, substantial evidence contained in
15 the record, the Council hereby determines that the requested zoning
16 exception meets each of the following criteria required to grant the
17 request pursuant to Section 656.131(c), *Ordinance Code*, as
18 specifically identified in the Staff Report of the Planning and
19 Development Department:

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

22 (2) Will be compatible with the existing contiguous uses or
23 zoning and compatible with the general character of the area,
24 considering population density, design, scale and orientation of
25 structures to the area, property values, and existing similar uses
26 or zoning;

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

29 (4) Will not have a detrimental effect on vehicular or pedestrian
30 traffic, or parking conditions, and will not result in the generation
31 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-24-16 is hereby
20 approved subject to the following condition:

21 (1) The zoning exception granted herein shall not be effective
22 unless or until the required Waiver of Minimum Distance Requirements
23 for Liquor License Location (WLD-24-01) pursuant to Section 656.133,
24 *Ordinance Code*, is issued for the Subject Property.

25 **Section 2. Owner and Description.** The Subject Property is
26 owned by Property Management Support, Inc., as Trustee of Crown Point
27 Plaza Land Trust u/t/a September 19, 2007, and is described in **Exhibit**
28 **1**, dated January 25, 2024, and graphically depicted in **Exhibit 2**,
29 both attached hereto. The applicant is Blair Knighting, 12740 Gran
30 Bay Parkway West, Suite 2350, Jacksonville, Florida 32258; (904)
31 828-3917.

Section 3. Distribution by Legislative Services.

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

Section 4. Effective Date.

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

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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