Introduced by the Land Use and Zoning Committee:

ORDINANCE 2024-833

AN ORDINANCE APPROVING APPLICATION FOR ZONING EXCEPTION E-24-53 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 5 AT 1996 SAN MARCO BOULEVARD, BETWEEN BALIS PLACE AND NALDO AVENUE (R.E. NO(S). 081338-0000), AS DESCRIBED HEREIN, OWNED BY NORMANDY STRATTON, LLC, REQUESTING 1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR BOTH ON-PREMISES AND OFF-PREMISES CONSUMPTION AND 2) PERMANENT OUTSIDE SALE AND SERVICE, MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4 OF CHAPTER 656, *ORDINANCE CODE*, FOR PROJECT Q SM, LLC AND PROJECT Q HOLDINGS, LLC D/B/A ELECTRIC DOUGH PIZZA CO, IN THE COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT, 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 Cyndy Trimmer, Esq., on behalf of the owner of property located in Council District 5 at 1996 San Marco Boulevard, between Balis Place and Naldo Avenue (R.E. No(s). 081338-0000) (the "Subject Property"), requesting

1) an establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for both on-premises and off-premises consumption, and 2) permanent outside sale and service, meeting the performance standards and development criteria set forth in Part 4 of Chapter 656, Ordinance Code, for Project Q SM, LLC and Project Q Holdings, LLC d/b/a Electric Dough Pizza Co, in the Commercial Community/General-1 (CCG-1) District; 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-24-53. 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 welfare of the community;

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

(6) Will not 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;

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

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

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

Therefore, zoning exception application E-24-53 is hereby approved.

Section 2. Owner and Description. The Subject Property is owned by Normandy Stratton, LLC, and is described in **Exhibit 1**, dated September 12, 2024, and graphically depicted in **Exhibit 2**, both attached hereto. The applicant is Cyndy Trimmer, 1 Independent Drive,

Suite 1200, Jacksonville, Florida, 32202; (904) 807-0185.

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/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Connor Corrigan

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