

LUZ APPEAL
NOVEMBER 15, 2016

RESOLUTION 2016-656

A RESOLUTION CONCERNING THE APPEAL, FILED BY ALICIA B. GRANT, OF A FINAL ORDER ISSUED BY THE PLANNING COMMISSION APPROVING WITH CONDITIONS ZONING EXCEPTION APPLICATION E-16-48 AND APPROVING ADMINISTRATIVE DEVIATION AD-16-51 FILED BY BMR DINING GROUP, LLC, TO ALLOW THE SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING BEER, WINE AND LIQUOR FOR ON-PREMISES CONSUMPTION AND OUTSIDE SALES AND SERVICE AND ALSO TO REDUCE THE REQUIRED NUMBER OF OFF-STREET SPACES FROM 10 SPACES TO 0 SPACES AND REDUCE THE MINIMUM NUMBER OF REQUIRED OFF-STREET LOADING SPACES FROM 1 TO 0 ON PROPERTY LOCATED AT 3563 ST. JOHNS AVENUE, DISTRICT 5, PURSUANT TO SECTION 656.141, ORDINANCE CODE; ADOPTING FINDINGS AND CONCLUSIONS; PROVIDING AN EFFECTIVE DATE.

**Record of the Proceedings
Before the Planning Commission**

Prepared by:
The Office of the General Counsel

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1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor by Council:

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RESOLUTION 2016-656

A RESOLUTION CONCERNING THE APPEAL, FILED BY ALICIA B. GRANT, OF A FINAL ORDER ISSUED BY THE PLANNING COMMISSION APPROVING WITH CONDITIONS ZONING EXCEPTION APPLICATION E-16-48 AND APPROVING ADMINISTRATIVE DEVIATION AD-16-51 FILED BY BMR DINING GROUP, LLC, TO ALLOW THE SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES INCLUDING BEER, WINE AND LIQUOR FOR ON-PREMISES CONSUMPTION AND OUTSIDE SALES AND SERVICE AND ALSO TO REDUCE THE REQUIRED NUMBER OF OFF-STREET SPACES FROM 10 SPACES TO 0 SPACES AND REDUCE THE MINIMUM NUMBER OF REQUIRED OFF-STREET LOADING SPACES FROM 1 TO 0 ON PROPERTY LOCATED AT 3563 ST. JOHNS AVENUE, DISTRICT 14, PURSUANT TO SECTION 656.141, ORDINANCE CODE; ADOPTING FINDINGS AND CONCLUSIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, BMR Dining Group, LLC, applied to the Planning Commission for a Zoning Exception (Application E-16-48) to allow the sale and service of all alcoholic beverages including beer, wine and liquor for on-premises consumption and outside sales and service and for an Administrative Deviation (AD-16-51) to reduce the required number of off-street spaces from 10 spaces to 0 spaces and reduce the minimum number of required off-street loading spaces

31

1 from 1 to 0 on property located at 3563 St. Johns Avenue, District
2 14, in the Commercial Community/General-1 (CCG-1) Zoning District
3 and within the Riverside Avondale Zoning Overlay; and

4 **WHEREAS**, the Planning Commission approved with conditions
5 Application E-16-48 and approved Application AD-16-51 by Final
6 Orders dated August 18, 2016; and

7 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, Alicia
8 B. Grant filed a notice of appeal; and

9 **WHEREAS**, such appeal was timely filed and the appellant has
10 standing to appeal; now therefore

11 **BE IT RESOLVED** by the Council of the City of Jacksonville:

12 **Section 1. Adoption of recommended findings and**
13 **conclusions.** The Council has reviewed the record of proceedings
14 regarding Zoning Exception Application E-16-48 and Administrative
15 Deviation Application AD-16-51, which are **on file** in the City
16 Council Legislative Services Division and the Planning and
17 Development Department, and has considered the recommended findings
18 and conclusions of the Land Use and Zoning Committee. The
19 recommended findings and conclusions of the Land Use and Zoning
20 Committee are hereby adopted and shall become effective
21 immediately. This resolution is the final action of the Council.

22 **Section 2. Effective Date.** The adoption of this
23 resolution shall be deemed to constitute a quasi-judicial action of
24 the City Council and shall become effective upon signature by the
25 Council President and Council Secretary.

26
27 Form Approved:

28
29
30 _____
31 Office of General Counsel
32 Legislation Prepared by Susan C. Grandin

DATE AND TIME STAMP

NOTICE OF APPEAL FROM A
FINAL ORDER OF THE
JACKSONVILLE PLANNING COMMISSION 2016 SEP -7 AM 10:59

I. INSTRUCTIONS

As provided in §656.140, Ordinance Code, any person with standing may appeal a Jacksonville Planning Commission final order with respect to an application for zoning exception, variance, or waiver to the City Council. An appeal must be filed within 21 calendar days after the order granting, granting with conditions, or denying an application is signed by the Commission Chairman. To appeal a Commission final order, complete and submit this form to the Legislative Services Division, Suite 430, City Hall-St. James, 117 W. Duval Street, Jacksonville, Florida 32202 with the supporting documents (see Section III) and appropriate fees (see Section IV). A copy of the order and the list of persons who testified before or wrote to the Commission about the application (see Sec. III (1) and (4)) may be obtained from the Secretary to the Planning Commission at the Planning and Development Department, 3rd floor, Ed Ball Building, 214 North Hogan Street, Jacksonville, Florida 32202. For questions regarding the Appeal process, please contact the Secretary to the Planning Commission at (904) 255-7800.

II. NOTICE OF APPEAL

I, Alicia B. Grant, hereby file this Notice of Appeal from the final order of
PRINT NAME CLEARLY
the City of Jacksonville Planning Commission concerning Exception/Variance/Waiver Number E-16-48
and AD-16-51

I am (Please circle one):

- (a) The person who filed the application for the zoning exception, variance, or waiver;
- (b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied a zoning exception, variance, or waiver;
- (c) A person, other than a member of the City Council, who provided a qualifying written statement or who testified before the Planning Commission. The statement must have been in writing, expressing a position on the merits of the application for zoning exception, variance, or waiver, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the City's Chief, Comprehensive Planning Division, or any member of the Planning Commission (with a copy to the Chief, Comprehensive Planning Division), and which was delivered to and received by the City's Planning and Development Department by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application, or which is read into the record at the public hearing, or distributed to the Commission at the hearing with a copy to the Commission's staff.

III. SUPPORTING DOCUMENTS

To complete your Notice of Appeal, you must submit the following documents with this form:

- ✓(1) A copy of the Final Order you are appealing.
- ^{NA}(2) If you circled II(c) above, you must provide a statement of your interest sufficient to show how you are or will be *adversely* affected by the Commission's decision. Please provide this statement in the space below:

[Empty rectangular box for statement]

If you need additional space, please attach a separate sheet.

(3) A description of the specific error(s) you believe the Commission committed. Please provide this description in the space below:

Totally ignored required conditions of Riverside-Arondale zoning Overlay re: parking provided on-site and size limitations as pertains to seats and square footage. Ask me their opinions. If you need additional space, please attach a separate sheet. make the laws

(4) The list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who testified before the Commission about the application, or who provided a qualifying written statement to the Commission about the application. (You must pay a \$7.00 notification fee for each person on the list.)

(5) A list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who own real property within three hundred and fifty feet of the boundaries of the land which is the subject of the appeal, and if the appeal concerns an application for a waiver of the minimum distance requirements from a church or school for a liquor license, the list shall include all churches and schools within one thousand five hundred feet identified pursuant to Section 656.804. (You must pay a \$7.00 notification fee for each person on the list.)

IV. FILING AND NOTIFICATION FEES

Section 656.147, Ordinance Code, requires persons appealing Final Orders to pay filing and notification fees. These fees must be paid at the time you file your Notice of Appeal with the Legislative Services Division or your Appeal will not be accepted. You may include the filing and notification fees in one payment. Make checks payable to TAX COLLECTOR.

Filing Fee: \$985.00
Notification Fee: \$7.00 for each notification.

V. Contact Information


Name (Printed): Alicia B. Grant
Address: 3575 Riverside Ave.
Jacksonville FL 32205
Daytime Phone: 904.318.1617
Evening Phone: same
E-mail address: aligrant@bellsouth.net

VI. CERTIFICATION (Please read, sign and date the following statement)

I have read and understand the information contained in this Notice of Appeal. I hereby certify that I have provided all the information required under §656.141, Ordinance Code, and I understand that if this Notice of Appeal is incomplete, my appeal will not processed until it is complete, and that it may be rejected for incompleteness. I further certify that all my statements in this Notice of Appeal are true and correct to the best of my knowledge.

Signature: Alicia B. Grant

Date: 9/6/16

ALICIA B. GRANT 01-60 (904) 388-1063 3576 RIVERSIDE AVENUE JACKSONVILLE, FL 32205		8126 63-1403531 85
Pay to the order of	<i>Tax Collector</i>	Date: <i>9/11/85</i>
	<i>One thousand four hundred, nineteen</i>	\$ <i>1,419.-</i>
 CenterState BANK	<i>For: E-16-187 AD-16-51 Appd Alicia B Grant</i>	
⑆063114030⑆		22789450 8126

ADDITIONAL SUPPORT OF APPEAL TO E-16-48 AND AD-16-51

Approved by Planning Commission

on August 18, 2016

PRINTED NAME

SIGNATURE

ADDRESS

PRINTED NAME	SIGNATURE	ADDRESS
MARY M BOYD	Mary M Boyd	32205 3722 PINE ST
K. KRISTINA BRYANT	K. Kristina Bryant	3728 Pine St 32205
SYLVIA A. COUTIN	Sylvia A. Coutin	3728 Pine St
TERRI BRANTLEY	Terri R Brantley	372 Pine St.
KRISTIN ALBERTS	[Signature]	3614 Hedrick St.
MIKE HEALY	[Signature]	3635 PINE ST
C. NORRIS	C S Norris	3625 Pine St
SARA MAXWELL	Sara Maxwell	3655 PINE ST (A)
JAMES POLK	James Polk	3659 PINE ST. 32205
CYNTHIA YOUNG	Cynthia Young	3669 Pine St.
MISSY YOUNG	Missy Young	3669 PINE ST
ROGER YOUNG	Roger L. Young	3669 PINE ST
HARVEY MAXWELL	Harvey Maxwell	3655 Pine St.
STEVE JENSEN	Steve M Jensen	3629 PINE ST.
JEFF KILLMANSON	Jeff Killmanson	3577 Pine St.
JOHN INGRAM	John Ingram	3557 Pine St

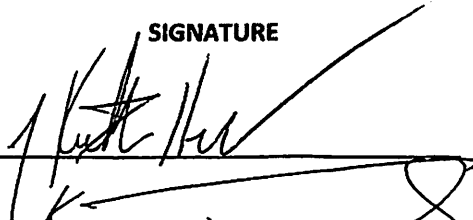
ADDITIONAL SUPPORT OF APPEAL TO E-16-48 AND AD-16-51

PRINTED NAME

SIGNATURE

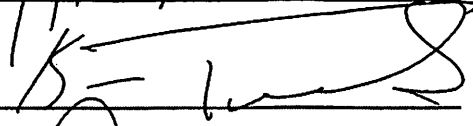
ADDRESS

Keith Holt



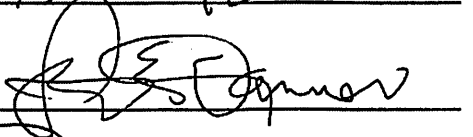
1804 Aucndale Cir, 32205

KARIN TUCKER



3556 St Johns Ave
32205

Jacob Danner



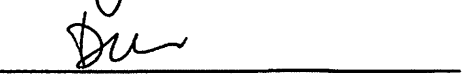
3568 St John Ave, 32205

Samantha Wyatt



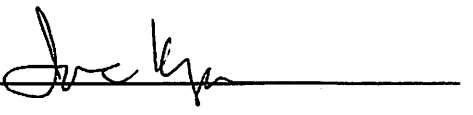
3650 St John Ave 32205

Dannan



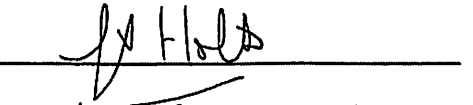
3588 St Johns Ave 32205

Ava Keyworth



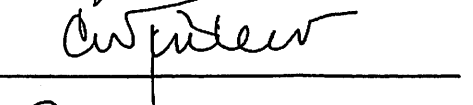
3573 St Johns Ave 32205

Ashley Holt



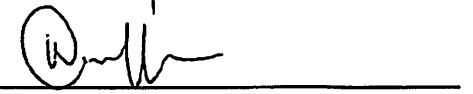
3590 St Johns Avenue 32205

Cuileen Winters



3610 St. Johns Ave 32205

Wade Griffin



3579 Riverside Ave 32205

ADDITIONAL SUPPORT OF APPEAL TO E-16-48 AND AD-16-51

PRINTED NAME

SIGNATURE

ADDRESS

KAREN JOHNSTON

Karen Johnston

3579 ST. JOHNS AVE

Anita Miller
Anita Miller

Anita Miller

3637 St Johns Ave

Danielle Vanover

Danielle Vanover

3584 St. Johns Ave

JENNIFER PERKINS

Jennifer Perkins

3579 St. Johns Ave.

Stanley Bishop

Stanley Bishop

3584 St. Johns Ave

Dorothy Dorman

Dorothy Dorman

3577 Reunion

ADDITIONAL SUPPORT OF APPEAL TO E-16-48 AND AD-16-51

PRINTED NAME

SIGNATURE

ADDRESS

Mikey Edgerton

Mikey Edgerton

3635 St Johns Avenue

Elizabeth Brady

Elizabeth Brady

3635 St Johns Avenue

Diana Moran

Dia

3588 St Johns Ave

Deanne Corcoran

Deanne Corcoran

3590 St John A

ADDITIONAL SUPPORT OF APPEAL TO E-16-48 AND AD-16-51

Approved by Planning Commission

on August 18, 2016

PRINTED NAME

SIGNATURE

ADDRESS

Gayle Hope

Gayle Hope

Hope Jewelers
3582 St John Av, 32205

Bill Hope

Bill Hope Jr.

Hobbie Horse
3550 St Johns Av. A, 32205

Andrea McCreiff

Andrea McCreiff

Curly Girls
3550 St Johns Av B, 32205

ADDITIONAL SUPPORT OF APPEAL TO E-16-48 AND AD-16-51

PRINTED NAME

SIGNATURE

ADDRESS

Jacob Danner



3588 St. Johns Ave Jackson
AL

~~_____~~
Holt Tucker



3544 St. Johns av

CURRENT PLANNING



Notice of Certification

August 24, 2016

RE: Appeal of E-16-48 / AD-16-51

Please find attached:

- * **Certified 350 ft. property owner list**
- * **Certified speaker / provider of written statement list**
- * **Copy of Final Order**
- * **Copy of Meeting Transcript**

If there are any further questions, please feel free to contact me at (904) 255-7865

E-16-48 / AD-16-51 heard on 08/18/2016

Patricia Sales
Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

CURRENT PLANNING**Notice of Certification****August 24, 2016****RE: Certified 350 ft. Property Owner List**

I hereby certify that the attached is a true and accurate copy of the owners of real property within three hundred and fifty feet of the boundaries of the land regarding Application:

E-16-48 & AD-16-51 heard on August 18, 2016

Patricia Sales _____**Patricia Sales
Executive Secretary, I****PLANNING AND DEVELOPMENT DEPARTMENT**214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

1 ANAS CONSTANCE M TRUST
2825 SAINT JOHNS AVE
JACKSONVILLE, FL 32205-8232

12

BELL COLLEEN F
3535 ST JOHNS AVE
JACKSONVILLE, FL 32205-8425

23

BOLTON GAYLE REGISTER ET AL
3005 RIVER DR #205
SAVANNAH, GA 31404

2 079429 0000
CSAR FRANK JOSEPH III
3535 RIVERSIDE AVE
JACKSONVILLE, FL 32205

13

079394 0000
DAHL GEORGIA P
3527 ST JOHNS AVE
JACKSONVILLE, FL 32205

24

078597 0000
DALEY BARNWELL R JR & ANIS I TRUST ET AL
4711 ORTEGA BV
JACKSONVILLE, FL 32205

3 079396 0000
DONAHOO THOMAS M
3534 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8424

14

092042 0000
DURRANCE DARTHY PHILLIPS LIFE ESTATE
3577 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8448

25

079436 0000
FOWLER FRANK R
3555 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8448

4 079405 0000
FOX MELANIE
1776 TALBOT AVE
JACKSONVILLE, FL 32205-8462

15

092037 0000
FREELAND BRIAN D
3572 OAK ST
JACKSONVILLE, FL 32205-8449

26

079402 0000
GALLO FRANK
2833 SAINT JOHNS AVE
JACKSONVILLE, FL 32205-8232

5 079403 0000
GALLO FRANK F JR
3551 SAINT JOHNS AVE
JACKSONVILLE, FL 32205-8468

16

078490 0000
GARRISON BARBARA GAIL
822 FLICKER PL
MURRELLS INLET, SC 29576

27

092043 0000
GRANT ALICIA B
3575 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8448

6 079397 0000
HOLT JAMES ALEXANDER
3528 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8424

17

092038 0000
HOLZBAUR JOHN S JR
3578 OAK ST
JACKSONVILLE, FL 32205

28

078601 0000
HYDE KEVIN E
3545 PINE ST
JACKSONVILLE, FL 32205-9455

7 078492 0100
INGLESIDE PROPERTIES LLC
1728 S EDGEWOOD AVE
JACKSONVILLE, FL 32205

18

078602 0000
INGRAM JOHN H JR LIFE ESTATE
C/O JOHN & PAMELA INGRAM TRUSTEE
3557 PINE ST
JACKSONVILLE, FL 32205-9455

29

092010 0000
JABOUR DELORES H TRUST
6740 EPPING FOREST WAY N
#111
JACKSONVILLE, FL 32217

8 078488 0000
KELLMANSON JEFFREY S
3577 PINE ST
JACKSONVILLE, FL 32205

19

078492 0000
LARCH INC
558 JONES RD
JACKSONVILLE, FL 32220-2022

30

092013 0000
LBI RENTALS LLC
5134 CHARLEMAGNE RD
JACKSONVILLE, FL 32210

9 078598 0000
LEE ROBERT FREEMAN TRUST
3948 BARCELONA AVE
JACKSONVILLE, FL 32207-6057

20

092012 0000
LEE THOMAS RODMAN LEE TRUST
C/O THOMAS RODMAN LEE TRUSTEE
4355 SILVERWOOD LN
JACKSONVILLE, FL 32207

31

092011 0000
MAY RICKEY LEE SR REVOCABLE TRUST
7367 SECRET WOODS TRL
JACKSONVILLE, FL 32216

10 078489 0000
MILNE JACK F
3585 PINE ST
JACKSONVILLE, FL 32205

21

092021 0010
MM AVONDALE LLC
1730 DOGWOOD PL
JACKSONVILLE, FL 32210

32

079440 0000
MOODY LAURA G
1296 EDGEWOOD AVE
JACKSONVILLE, FL 32205-7744

11 092036 0000
MORTON ROGER D
3568 OAK ST
JACKSONVILLE, FL 32205-8449

22

078494 0000
MORVEN LAKE LLLP
4448 ORTEGA FOREST DR
JACKSONVILLE, FL 32210-5819

33

092008 0000
NEWTON JEAN G
4873 HOOD RD
JACKSONVILLE, FL 32257-1115

NIEMEYER JAMES A
3569 PINE ST
JACKSONVILLE, FL 32205-9455

369 0000
DOCTOR WILLIAM S
3537 PINE ST
JACKSONVILLE, FL 32205-9414

078485 0000
SALEERBA INC
3651-1 ST JOHNS AV
JACKSONVILLE, FL 3220515257

078483 0000
SMITHWICK CORNELIA C TRUST
4708 PRINCE EDWARD RD
JACKSONVILLE, FL 32205

079401 0000
STIMULUS PROPERTIES LLC
233 6TH AVE N
JACKSONVILLE BEACH, FL 32250

092041 0000
WATERS STEVE ET AL
89 RIVERSIDE AVE
JACKSONVILLE, FL 32205

079498 0000
WYNE SUSAN E ET AL
3549 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8448

E-16-48 / AD-16-51
THOMAS RODMAN LEE
4355 SILVERWOOD LANE
JACKSONVILLE, FL 32207

E-16-48 / AD-16-51
LEAH WALKER
ONE INDEPENDENT DRIVE, SUITE 1200
JACKSONVILLE, FL 32202

PACIC CURTIS S
3530 ST JOHNS AVE
JACKSONVILLE, FL 32205-8426

079370 0000
RADWAN MOHAMED
3536 ST JOHNS AVE
JACKSONVILLE, FL 32205

078484 0000
SALEERBAS INC
3651-1 ST JOHNS AV
JACKSONVILLE, FL 32205

092006 0000
SNYDER ROGER C
31 VALENCIA ST
PONTE VEDRA BEACH, FL 32082

092006 0030
TENHAGEN RONALD C JR & JOY ABRISCH T/E
3574 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8447

092005 0000
WINKLER JOHN S
2931 SYDNEY ST
JACKSONVILLE, FL 32205-8019

Riverside Avondale Preservation Society
2623 Herschel Street
JACKSONVILLE, FL 32034

E-16-48 / AD-16-51
THOMAS RODMAN LEE
4355 SILVERWOOD LANE
JACKSONVILLE, FL 32207

AD-16-51
THOMAS RODMAN LEE
9171 9690 0935 0124 9377 91

AD-16-51
PICON MANUELA
22044 PHILIP DR
LEONARDTOWN, MD 20650

079437 0000
RAY KEVIN S
3559 RIVERSIDE AVE
JACKSONVILLE, FL 32205-8448

092009 0000
SANDY ISLAND INVESTMENTS LLC
5134 CHARLEMAGNE RD
JACKSONVILLE, FL 32210

092040 0000
STEWART HOLDINGS LLC
3740 BEACH BLVD
STE 306
JACKSONVILLE, FL 32207

078486 0000
VEAL LYDIA
3565 PINE ST
JACKSONVILLE, FL 32205-9455

079438 0000
WOODARD CIA B TRUST
3556 OAK ST
JACKSONVILLE, FL 32205

Southwest CPAC
6616 Colby Hills Drive
JACKSONVILLE, FL 32210

E-16-48 / AD-16-51
LEAH WALKER
ONE INDEPENDENT DRIVE, SUITE 1200
JACKSONVILLE, FL 32202

AD-16-51
THOMAS RODMAN LEE
9171 9690 0935 0124 9377 91

E-16-48

E-16-48

AD-16-51

PLEASE PRINT AND COMPLETE ITEM 1 BELOW WITH ORIGINAL SIGNATURE FILLING IN THE
CIRCLE 2 BELOW FOR PUBLIC COMMENTS SECTION OF BOARD/COMMITTEE AGENDA

NAME Alvina Bryant DATE 8/16/19
(Last Name) (First Name) (Last Name) (Month/Day/Year)

ADDRESS 5257 17
(Street) (City) (State) (Zip)

PHONE
(Area Code) (Phone Number)

REPRESENTING Self
(Name of Agency, Corporation, Association, Club, or Other Organization)

1. APPLICATION NUMBER 2-16-19 PAGE NUMBER
(If more than one application was filed)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check appropriate box)

2. COMMENTS FROM THE PUBLIC SUBJECT MATTER

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearings
or item 2 below for Public Comments Section of Board/Committee Agenda

NAME Alvina Bryant DATE 8/16/19
(Last Name) (First Name) (Last Name) (Month/Day/Year)

ADDRESS 5257 17
(Street) (City) (State) (Zip)

PHONE
(Area Code) (Phone Number)

REPRESENTING Self
(Name of Agency, Corporation, Association, Club, or Other Organization)

1. APPLICATION NUMBER AD-16-19 PAGE NUMBER
(If more than one application was filed)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check appropriate box)

2. COMMENTS FROM THE PUBLIC SUBJECT MATTER

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD

NAME KAREN TUCKER DATE 8/16/16

ADDRESS 1130 DUNN CT

REPRESENTING Shoppers of Aventura E

APPLICATION NUMBER AD 16-51 PAGE NUMBER 11

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION

COMMENTS FROM THE PUBLIC SUBJECT MATTER

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete this Request for Hearing/Committee Public Hearing
or item 2 below for Public Hearing, Section of Board/Committee/Assembly

NAME ADRIANNE BURKE DATE 8/16/16

ADDRESS 2000 HUNTERS JN FL 32004

PHONE 904 361 2419

REPRESENTING Everthide Aventura Pre-natal

APPLICATION NUMBER AD 16-51/E-16-90 PAGE NUMBER 5/10/2016

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION

COMMENTS FROM THE PUBLIC SUBJECT MATTER

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD

Or Item 2 below for Public Comments Section of Board/Committee Agenda

NAME Rick Aldy DATE 8/8/16
ADDRESS 3512 St Johns Ave 106

PHONE 904 760 0230

REPRESENTING Self

1. APPLICATION NUMBER E-16 48 AD 16 51 PAGE NUMBER 4

1. SUPPORT THIS APPLICATION

1. OPPOSE THIS APPLICATION

2. COMMENTS FROM THE PUBLIC SUBJECT MATTER

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER.
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD.

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete Item 1 below for Board/Committee Public Meeting
or Item 2 below for Public Comments Section of Board/Committee Agenda

NAME John Winkler DATE 8/16/16
ADDRESS 2931 SWINDY 106 FL

PHONE 904 864 9418

REPRESENTING Self

1. APPLICATION NUMBER E-16 48 AD 16 51 PAGE NUMBER 4

1. SUPPORT THIS APPLICATION

1. OPPOSE THIS APPLICATION

2. COMMENTS FROM THE PUBLIC SUBJECT MATTER

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER.
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD.

or item 2 below for Public Comments Section of Board/Committee Agenda

NAME Wanda Cochran DATE 3/18/16
 ADDRESS 2576 W. 17th Ave. #17
 PHONE _____
 REPRESENTING Asian Deli
 APPLICATION NUMBER AD-1057 PAGE NUMBER 1/2

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Circle or check) (Circle or check)

COMMENTS FROM THE PUBLIC SUBJECT MATTER _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
 PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing or item 2 below for Public Comments Section of Board/Committee Agenda

NAME Frank Gallo DATE April 18, 2016
 ADDRESS 3551 S. State Ave. Opa R. Gallo
 PHONE 904-222-2115
 REPRESENTING _____
 APPLICATION NUMBER AD-1057 PAGE NUMBER _____

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Circle or check) (Circle or check)

COMMENTS FROM THE PUBLIC SUBJECT MATTER _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
 PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

PLEASE PRINT AND COMPLETE ITEM 1 BELOW FOR BOARD/COMMITTEE PUBLIC HEARING
OR ITEM 2 BELOW FOR PUBLIC COMMENT SECTION OF BOARD/COMMITTEE MEETING

NAME: Anna D. [unclear] DATE: 1/11/18
ADDRESS: 3885 E. [unclear]

PHONE: 303.535.6718

PERSONALITY: SELF

1. APPLICATION NUMBER: E-16-48

2. CASE NUMBER: ✓

3. SUPPORTING APPLICATION:

4. OPPOSING APPLICATION:

5. COMMENTS FROM THE PUBLIC SUBJECT MATTER:

SPAKING TIME IS LIMITED TO THREE MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THE CARD

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Nancy Lovell DATE: 8-4-16
(First Name) (Last Name) (Month/Day/Year)
ADDRESS: 1848 Challen Home
(Street) (City) (State) (Zip Code)
PHONE: (904) 608-3792
(Area code) (Phone Number)

REPRESENTING: Riverside Arundale
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER AD-16-51 + E-16-49 PAGE NUMBER: _____
(E-??-?? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check if in support) (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete Item 1 below for Board/Committee Public Hearing
or Item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Rick Mau DATE: 8/4/10
(First Name) (Last Name) (Month/Day/Year)
ADDRESS: 7367 Secret Woods Trail FL 32216
(Street) (City) (State) (Zip Code)
PHONE: ()
(area code) (Phone Number)

REPRESENTING: self
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER E-16-48 AD-16-51 PAGE NUMBR: 5
(E-??-?? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION (Check if in support) I OPPOSE THIS APPLICATION (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Lynn Richards DATE: 8/4/16
ADDRESS: 3688 Pine St FL 32205
PHONE: 904 384 3188
(area code) (Phone #number) (City) (State) (Zip Code)

REPRESENTING: Me
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER: E-16-48, AD-16-51 PAGE NUMBER: 5
(E-??-??? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check if in support) (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: SUBJECT MATTER: Alcohol ↑ litter,
noise, some ↑ criminal activity

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Frank Gallo DATE: 8/4/2016

ADDRESS: 2833 E 3557 St. James Ave

PHONE: 904 705-2409

REPRESENTING: Myself / Property owner / Next door

1. APPLICATION NUMBER: AD 16-51 / E-16-48 PAGE NUMBR: 5

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Written statements on E-16-48 / AD-16-51

1. Iva Keyworth – 3573 St. Johns Ave, Jacksonville, FL 32205
2. Jay Pumphrey – 3531 Pine Street, Jacksonville, FL 32205
3. Chris Hardison – 904-387-9078 – designadditions@bellsouth.net
4. Sonny and Sara Maxwell - saramaxwell@comcast.net
5. The Shoppes of Avondale – St. Johns Ave.
6. Dianne S. Garcia “J Ashley Boutique – 904-607-7803 dgar881@gmail.com

Additional speakers cards from 8/4/16

Steve Diebenow – One Independent Drive, Suite 1200, Jacksonville, FL 32202 (Support)

Alicia Grant – 3575 Riverside Ave., Jacksonville, FL 32205 (Oppose)

Matthews, Jessica

From: Sales, Patricia
Sent: Wednesday, September 07, 2016 10:18 AM
To: Matthews, Jessica
Subject: RE:

Amy Hyde did speak at the hearing in opposition...her information is Amy Hyde 1722 Canterbury Street.

From: Matthews, Jessica
Sent: Wednesday, September 07, 2016 10:15 AM
To: Sales, Patricia
Cc: Matthews, Jessica
Subject:

Hey Patricia:

She wants to know if there were email written communications to the commissioners that should have been put in this packet?

Jessica B. Matthews, B.B.A.-Legislative Assistant
Jacksonville City Council-Legislative Services Division
117 W.Duval St, ste 430 Jacksonville, Fl 32202
LUZ Committee
Finance Committee-(Backup Person)
JWW Commission
904-630-1404/jmatthews@coj.net

"Please note that under Florida's very broad public records law, e-mail communications to and from city officials are subject to public disclosure."

Matthews, Jessica

From: Harding, Abel <Abel.Harding@iberiabank.com>
Sent: Thursday, August 18, 2016 5:01 PM
To: Sales, Patricia
Subject: FW: Restaurant in Avondale

For public record.

Abel Harding | EVP, North Florida Market President
135 West Bay Street | Jacksonville, Fla. 32202
1Phone: 904-996-6879 | Ext. 666879
PCell: 904-535-4781
C Abel.Harding@iberiabank.com · <https://www.iberiabank.com>
NMLS #1152893

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-----Original Message-----

From: Sara [<mailto:saramaxwell@comcast.net>]
Sent: Wednesday, August 17, 2016 5:00 PM
To: GSP21@comcast.net; dblanchard@allenewing.com; Harding, Abel <Abel.Harding@iberiabank.com>;
ma@adkison towing.com; npadgett@summit-contracting.com
Subject: Restaurant in Avondale

Please vote against allowing parking and alcohol deviations for the 120-seat restaurant proposed for the Cowford Traders vacancy.

There are currently 13 places serving meals, coffee, baked goods and frozen desserts within less than a 2-block area. The Shoppes of Avondale have passed the point of saturation.

Residential streets have become totally overburdened with cars and with cars zipping around to catch the next open parking space. Residents are crowded out of parking near their homes.

Recently Avondale was voted one of the TOP TEN neighborhoods in the country. Restaurants wanting to capitalize on that charm are destroying that which they want to be a part of.

The small businesses that have made this a beautiful, boutique neighborhood are being driven out by restaurants.

These neighborhoods such as Riverside-Avondale and San Marco have to be included in the reason Jacksonville is currently the best place in the country for relocation.

Please do what you can to preserve this Jacksonville treasure and vote against any exceptions.

Sonny and Sara Maxwell

Sent from my iPad

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Thank You.

Matthews, Jessica

From: Dawn Motes <Dawn@mariettasand.com>
Sent: Thursday, August 18, 2016 7:02 AM
To: Sales, Patricia
Subject: Fwd: Saint John's Avenue

FYI

Sincerely,
Dawn D. Motes, President
Marietta Sand Corporation
Complete Site Development & Trucking
377 Agmac Ave.
Jacksonville, FL 32254
ph 904-781-7304
cell 904-237-4021
fax 904-781-7608
dawn@mariettasand.com
www.mariettasand.com

Begin forwarded message:

From: <designadditions@bellsouth.net>
Date: August 17, 2016 at 8:52:24 PM EDT
To: <Dawn@mariettasand.com>
Subject: Saint John's Avenue

We own a business just two doors away from the proposed restaurant buildout on Saint John's Avenue in Avondale where the old Cowford Traders was located. We have been in our space since 2003. Over the years we have been negatively impacted from the exceptions made to parking regulations for new businesses wishing to open in Avondale. In particular restaurants who bring large support staff who are parked in the area for long lengths of time in addition to patrons who eat, drink and linger.

Don't get me wrong, when we opened in Avondale we wanted to be a part of the unique mix of retail, service and restaurants that make Avondale so special.

Unfortunately we are becoming restaurant heavy which does not allow for quick turnover of parking spaces needed to support retail in the area.

Please stand on the side of what is right and vote not to allow yet another developer to side step parking issues to build a restaurant in our neighborhood.

Thanks for your time
Chris Hardison
Design Additions

904 387 9078
Sent from my iPhone

Matthews, Jessica

From: jay p <jay3454@comcast.net>
Sent: Sunday, August 14, 2016 2:39 PM
To: gsp21@comcast.net
Cc: Sales, Patricia
Subject: New restaurant in Avondale

Jay Pumphrey
3531 Pine Street
384-5101

With the opening of the Yellow Mushroom, parking in the residential area has become intolerable. Parking spaces were laid out on Pine and Oak streets and Riverside avenue so the Yellow Mushroom would have the necessary spaces needed to open, or so I've been told.

In so doing, you restricted parking to only one side of the street, at least on Pine Street, making those on that side unable to park in front of their own homes. Therefore they have to park across the street in the marked parking spaces. Employees of the restaurants also park in these spots. Some not getting off work until 12:00 or even 2:00 A.M. Because of this situation, my family and friends have no where convenient to park.

The people who come to these clubs and restaurants do not care about this neighborhood. Saturday, July 24th. for example, I came home around noon to find a Ford Explorer SUV parked, facing the wrong direction, with their front wheels on the end line of the parking space and the front of the car extending over the line a couple of feet, making it some what difficult turning into my driveway. I put a note on the windshield asking them to please pay attention to the parking lines. The response I received was F----

OFF written on the back of my note. This is not unusual, so we do not need another restaurant/bar bringing more people and employees into the neighborhood to compete with the residents for the limited spaces that there are. I realize that there are people in the neighborhood who are in favor of another restaurant and bar but they are not affected by the influx of more people or the parking situation with the blocks surrounding the shops.

Lets keep The Shoppes of Avondale The Shoppes of Avondale and not The Bars and Restaurants of Avondale.

I ask you to please turn down this application

Thank you.

JayPumphrey

Matthews, Jessica

From: Dawn Motes <Dawn@mariettasand.com>
sent: Thursday, August 18, 2016 7:03 AM
To: Sales, Patricia
Subject: Fwd: New restaurant in Avondale

FYI

Sincerely,
Dawn D. Motes, President
Marietta Sand Corporation
Complete Site Development & Trucking
377 Agmac Ave.
Jacksonville, FL 32254
ph 904-781-7304
cell 904-237-4021
fax 904-781-7608
dawn@mariettasand.com
www.mariettasand.com

Begin forwarded message:

From: Sara <saramaxwell@comcast.net>
Date: August 17, 2016 at 5:11:38 PM EDT
To: <Bendav2@gmail.com>, <Jerry@DzyneConcepts.com>, <Dawn@mariettasand.com>
Subject: New restaurant in Avondale

Thank you for your NO vote on parking exceptions for the proposed 120-seat restaurant.

Residential streets have become totally overburdened with cars and with cars zipping around to catch the next open parking space. Residents are being crowded out of parking near their homes.

The small businesses that have made this a beautiful, boutique neighborhood are being driven out by parking issues from big restaurants. Neighborhoods such as Riverside-Avondale and San Marco have to be included in the reason Jacksonville is currently the best place in the country for relocation.

Please do what you can to preserve this Jacksonville treasure and vote against any exceptions.

Sonny and Sara Maxwell

Sent from my iPad

Matthews, Jessica

From: Dawn Motes <Dawn@mariettasand.com>
Sent: Thursday, August 18, 2016 10:11 AM
To: Sales, Patricia
Subject: FW: Variance E-16-48...
Attachments: Variance E-16-48 (7)motes.pdf

FYI

Sincerely,

Dawn D. Motes, President



Marietta Sand Corporation
Complete Site Development & Trucking
377 Agmac Ave.
Jacksonville, FL 32254
ph 904-781-7304
cell 904-237-4021
fax 904-781-7608
dawn@mariettasand.com
www.mariettasand.com

From: Dianne Garcia [<mailto:dgar881@gmail.com>]
Sent: Wednesday, August 17, 2016 5:46 PM
To: Dawn Motes
Subject: Re: Variance E-16-48...

Ms,Motes,
Please read the attached letter from the Avondale merchants.
Thank you,
Dianne Garcia
Avondale Merchant President

--
Dianne S Garcia
J Ashley Boutique
(904) 607-7803
dgar881@gmail.com



AVONDALE MERCHANT ASSOCIATION

THE SHOPPES OF AVONDALE

Saint Johns Ave.
Jacksonville 32205

Dawn Motes
At Large
Dawn@mariettasand.com

RE: Variance E-16-48(companion AD-16-51)

Dear Ms. Motes,

As a small merchant in the Shoppes of Avondale, I encourage you to vote against the variance exception, E-16-48 (companion AD-16-51) for the 120 seat restaurant proposed in the Cowford Traders (old) location, 3653 St. Johns Ave. The impact to smaller boutique shops would be detrimental to the survival of our businesses. Our guests are frustrated by the lack of parking which prohibits them from accessing our stores. Our Avondale community needs a variety of shops to allow for varied parking demand. For instance, the hours from Noon until 1:30 give almost no access to our small shops due to the demand for parking on the strip. Clothing stores, galleries and service centers are essential to the community. There is an existing parking and zoning regulation in place that restricts the size of restaurants, therefore limiting parking to 100 seats and 2,500 square feet or less for restaurants. Please abide by this zoning that has been put in place as it is within current regulations and keep the value of our historic district.

We are counting on you to make good decisions for our Avondale shopping district by voting no to variance E16-48 (companion AD-16-51) on August 18, 2016.

Warm Regards,

The Shoppes of Avondale

1. Anita's Garden Shop & Design, (Anita Miller)3637 Saint Johns Ave., Jacksonville, FL 32205
2. Lanny's Jewelry Works, (Lanny Rothsteine) 3655 Saint Johns Ave., Jacksonville, FL 32205
3. Anazao Galleries, (Jacob Danner) 3568 Saint Johns Ave., Jacksonville, FL 32205
4. Bonne Nuit, 3579 Saint Johns Ave., Jacksonville, FL 32205
5. Design Additions, (Chris Hardison & Keith Johnson)3569 Saint Johns Ave., Jacksonville, FL 32205
6. Hooshang Oriental Rug, (Hooshang Harvesf) Gallery 3571 Saint Johns Ave., Jacksonville, FL 32205
7. Coldwell Bankers Realty, (Colleen Winters) 3610 Saint Johns Ave., Jacksonville, FL 32205
8. Vue Optical, (Dana Nolan) 3588 Saint Johns Ave., Jacksonville, FL 32205
9. JAshley, (Dianne Garcia & Ashley Holt) 3590 Saint Johns Ave., Jacksonville, FL 32205

10. Willies for Kids, (Amy Hyde) 3567 Saint Johns Ave., Jacksonville, FL 32205
11. Avondale Gifts, (Samantha) 3650 Saint Johns Ave., Jacksonville, FL 32205
12. Sherwin Williams, (Jon Brownsberg) 3609 Saint Johns., Jacksonville, FL 32205
13. FAB 208 NY, 3548 Saint Johns Ave., Jacksonville, FL 32205
14. Gottahaveit, (Iva Keyworth) 3573 Saint Johns Ave., Jacksonville, FL 32205
15. Open Road Bicycle, (Holt Tucker) 3544 Saint Johns Ave., Jacksonville, FL 32205
16. Om Salon, (Melanie Ogden) 3574 Saint Johns Ave., Jacksonville, FL 32205
17. Ellie Bing, (Sheila Harper) 3639 Saint Johns Ave., Jacksonville, FL 32205
18. Peterbrooke 3554 Saint Johns Ave., Jacksonville, FL 32205
19. Synergy 3576 Saint Johns Ave., Jacksonville, FL 32205
20. Green Alligator 3581 Saint Johns Ave., Jacksonville, FL 32205

Matthews, Jessica

From: Harding, Abel <Abel.Harding@iberiabank.com>
Sent: Thursday, August 18, 2016 5:00 PM
To: Sales, Patricia
Subject: FW: Saint John's Avenue Property

For public record.

Abel Harding | EVP, North Florida Market President
135 West Bay Street | Jacksonville, Fla. 32202
☎ Phone: 904-996-6879 | Ext. 666879
☎ Cell: 904-535-4781
✉ Abel.Harding@iberiabank.com <https://www.iberiabank.com>
NMLS #1152893

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From: designadditions@bellsouth.net [mailto:designadditions@bellsouth.net]
Sent: Wednesday, August 17, 2016 9:04 PM
To: Harding, Abel <Abel.Harding@iberiabank.com>
Subject: Saint John's Avenue Property

We own a business just two doors away from the proposed restaurant buildout on Saint John's Avenue in Avondale where the old Cowford Traders was located. We have been in our space since 2003. Over the years we have been negatively impacted from the exceptions made to parking regulations for new businesses wishing to open in Avondale. In particular restaurants who bring large support staff who are parked in the area for long lengths of time in addition to patrons who eat, drink and linger.

Don't get me wrong, when we opened in Avondale we wanted to be a part of the unique mix of retail, service and restaurants that make Avondale so special.

Unfortunately we are becoming restaurant heavy which does not allow for quick turnover of parking spaces needed to support retail in the area.

Please stand on the side of what is right and vote not to allow yet another developer to side step parking issues to build a restaurant in our neighborhood.

Thanks for your time
Chris Hardison
Design Additions

904 387 9078

Sent from my iPhone

Sent from my iPhone

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Thank You.

Matthews, Jessica

From: Harding, Abel <Abel.Harding@iberiabank.com>
Sent: Thursday, August 18, 2016 5:02 PM
To: Sales, Patricia
Subject: FW: Vote No

For public record.

Abel Harding | EVP, North Florida Market President
135 West Bay Street | Jacksonville, Fla. 32202
☎ Phone: 904-996-6879 | Ext. 666879
☎ Cell: 904-535-4781
✉ Abel.Harding@iberiabank.com 🌐 <https://www.iberiabank.com>
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From: 50 50 [mailto:ivakeyworth@aol.com]
Sent: Monday, August 15, 2016 9:20 AM
To: Harding, Abel <Abel.Harding@iberiabank.com>
Subject: Vote No

My name is Iva Keyworth. I own Gottahaveit a retail shop located at 3573 St Johns Ave in the Shoppes of Avondale. I have been in business at this location for the past 11 years. I am writing regarding my concern for the exception that is to be reconsidered on the 18th of August regarding parking for a restaurant to be located at 3563 St Johns the old Cowford Trader's sight (also retail)

Over the past 11 years I have saw many businesses come and go from Avondale. I been there for many changes. In the beginning this was a thriving town center. With some of the best dining and shopping in Jacksonville. Over the years with the economy up and downs things have changed. Avondale is losing the charm it once had. I now jokingly refer to Avondale as the food court.

There is no balance between the retail and entertainment. The restaurants who are some of the best do a thriving business breakfast, lunch and dinner. Not to mention the bakeries, yogurt shop, smoothie shop and frozen custard shops located here. We the retail shops pay a price when are customer cannot find a parking space and go to the mall.

I ask you to please not allow another restaurant to come to the Shoppes of Avondale and unless they are bringing parking spaces with them.

My other concern is for the alley behind my shop which is one way in and out for Green Alligator, Bonne Nuit, Yours Truly, Hooshang Oriental Rugs, Design Additions and Willie's for Kids the alley is narrow there is no way for deliveries to be made at back of restaurant. It is my understanding that St Johns Avenue is considered a highway. Is it legal for Jelivery truck to block St Johns Avenue. Not to mention a dumpster for the waste from a restaurant or a truck to get down alley to empty dumpster. Does the restaurant plan to take out the garbage through the front door. Possibly leaking garbage through the whole restaurant adding to the ambiance.

I am a small shop owner this is my bread and butter. My husband of 36 years is disabled with a brain injury that happened in Afghanistan. Please vote no on the exception and do not put my livelihood in jeopardy.
Thank you

Iva Keyworth
Gottahaveit
3573 St Johns Ave
Jacksonville, FL 32205
904-387-2883

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Thank You.

CURRENT PLANNING



Notice of Certification

August 24, 2016

RE: Certified Copy of Final Order

I hereby certify that the attached is a true and accurate copy of the Final Order of E-16-48 & AD-16-51:

E-16-48 & AD-16-51 heard on August 18, 2016

Patricia Sales _____

Patricia Sales
Executive Secretary, I

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: E-16-48

IN RE: The Zoning Exception Application of

BMR DINING GROUP, LLC

**ORDER APPROVING APPLICATION FOR ZONING EXCEPTION E-16-48
WITH CONDITIONS**

This matter came to be heard upon the Application for Zoning Exception filed by the Thomas Rodman Lee Trust, the owner of certain real property located at 3563 St. Johns Avenue, RE #092012-0000, on behalf of, BMR Dining Group, Inc., seeking to allow the sale and service of all alcoholic beverages including, beer, wine and liquor, for on-premises consumption and outside sales and service in the CCG-1 Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on August 18, 2016, including the Report of the Planning and Development Department on Application for Zoning Exception E-16-48 and all attachments thereto ("Staff Report"), a copy of which is attached hereto as Exhibit "A", the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.131 of the Zoning Code;
2. That substantial competent evidence demonstrates that application E-16-48 meets, to the extent applicable, the standards and criteria set forth in Section 656.131(c) of the Zoning Code; and
3. That the land which is the subject of this exception application E-16-48 is owned by the Thomas Rodman Lee Trust. A copy of the legal description of the subject property is attached as part of Exhibit "A" and incorporated herein by reference.

NOW THEREFORE, it is ORDERED by the Planning Commission:


1. Application E-16-48 is hereby **APPROVED** and a zoning exception is hereby granted to BMR Dining Group, LLC, allowing the sale and service of all alcoholic beverages including, beer, wine and liquor, for on-premises consumption and outside sales and service on the subject property as shown on the Site Plan dated August 18, 2016, and provided in the application.
2. The exception herein granted is subject to the following condition:
 - a. The outside seating shall meet all requirements for ADA accessibility on the sidewalk and shall not obstruct pedestrian traffic.
 - b. Grease traps and solid waste shall be located or stored inside the building.

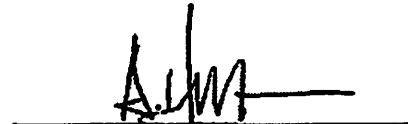
3. In conformity with state licensing requirements, the exception hereby granted shall be personal to the license applicant/holder, non-transferable, and shall not run with the land as provided by Section 656.136(c) of the Zoning Code.
4. Failure to exercise the exception hereby granted by commencement of the use or performance of the action herein approved within one (1) year of the effective date of this Order shall render this exception invalid and all rights arising hereunder shall terminate.
5. The Exception granted herein shall not be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Exception is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this Exception does not approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.
6. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Order shall control.

Executed this 18th day of August, 2016.


 Chris Hagan
 Chairman, Planning Commission

FORM APPROVED:


 Puige Hobbs Johnston
 Assistant General Counsel


 Abel Harding
 Secretary, Planning Commission

Copies to:

Thomas Rodman Lee
 4355 Silverwood Lane
 Jacksonville, FL 32207
 Owner/Applicant

Leah Walker, Esquire
 One Independent Drive, Suite 1200
 Jacksonville, FL 32202
 Agent

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code. Any work commenced during this appeal period is done at the risk of the applicant, and a building permit will only be issued after an Acknowledgement of the appeal period has been obtained from the Zoning Counter and returned to same executed properly by the applicant(s) or their agent(s).

G:\Lund Use\Planning Commission\2016 Orders\08.18.16\08.18 E-16-48 AC.docx

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-16-48

AUGUST 8, 2016

Location: 3563 St. Johns Avenue,
between Talbot Avenue & Ingleside Avenue

Real Estate Number: 092012-0000

Zoning Exception Sought: The sale and service of all alcoholic beverages including beer, wine and liquor, for on-premises consumption and outside sales and service (4COP SRX)

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

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

Planning District: Southwest (4)

Planning Commissioner: Chris Hagan

City Council Representative: The Honorable Jim Love, District 14

Applicant/Agent: Leah Walker, Esq.
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: Thomas Rodman Lee
4355 Silverwood Lane
Jacksonville, FL 32207

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Exception E-16-48 seeks the approval for the sale and service of all alcoholic beverages, in conjunction with restaurant, with outside sales and service. The location will be a conversion from a former commercial retail location, to that of a new restaurant, in the Shops of Avondale. The location is zoned CCG-1, and is located in the Riverside Avondale Zoning Overlay. The subject site is a large commercial space, and the applicant proposes a 120 seat restaurant. A recent change to state law lowered the

EXHIBIT A

threshold for SRX licenses by reducing the required number of seats below 150. This location would qualify for the reduced threshold. The property is located in the Commercial Character Area of the overlay, and therefore would also qualify for a reduction the required number of spaces needed to comply with the Zoning Code. Based on the credits allowed by the overlay, the applicant would be required to provide 10 off street parking spaces. As the structure's footprint occupies almost the entirety of the site, it would be impossible for the applicant to provide any off street parking. There is a companion Administrative Deviation (AD-16-51) which is a request to reduce the required number of parking spaces from 10 to 0.

DEFINITION

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 Planning 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 CGC functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. Community / General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. The site has been used most recently for commercial retail sales.

The subject site will be converted into a full service restaurant. Restaurants are an allowed use in the CGC land use, and are generally compatible with the Commercial Character Area of the overlay. The Shops of Avondale are a mix of retail establishments, offices and a number of restaurants. The uses are given credit towards the total amount of parking needed, for both the amount needed for the existing use of retail sales, and the 50% credit granted as part of the Zoning Overlay. The use also requests the ability to sell both food and alcohol outside, in front of the store. The site has a large sidewalk in front of the storefront. This is

similar to many restaurants in the vicinity, and so long as the outside seating allows for full ADA compliant sidewalk access, it would be acceptable in this area.

- (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. There is a companion Administrative Deviation application which will address the parking issue, but the use is substantially similar to other uses in the vicinity. The surrounding area contains predominantly retail stores, offices, and restaurants. The adjacent uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-60	Residential
East	CGC	CCG-1	Restaurant /Parking
South	CGC	CCG-1	Retail / Restaurant
West	CGC	CCG-1	Retail

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

No. The proposed conversion of use from retail sales to restaurant with outside sales and service of all alcoholic beverages is similar in nature to many other restaurants in the immediate vicinity. It is not anticipated that the use will have substantial negative impact on the community.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?*

No. As mentioned above, there is a companion Administrative Deviation which would reduce the required off street parking spaces from 10 to 0, however, as conditioned, the alternative would be to limit the square footage of the restaurant to 2,500 square feet, thus reducing the number of seats and parking demand. The proposed outside seating must comply with the requirements for ADA accessibility as conditioned, or otherwise will not be allowed. The impact of this proposed conversion of use would have the most impact at the hours of 11:30 am to 1:30 pm, or during peak lunch time hours. The Shops of Avondale parking study conducted in 2014 shows that during this time, there is approximately 10% of available on street parking capacity. Since this study was conducted, there have been several changes in the composition of the shops and restaurants. Currently, during the peak lunch time rush, as well as the 5:00 pm to 7:00 pm dinner hours, there is limited true capacity for increased parking demand. The

study recommended against any further increase in parking demand, and noted concerns about the potential for parking in the residential areas surrounding the Shops of Avondale.

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

No. As mentioned above, there are many similar uses, including several on the north side of St. Johns Avenue. This use, as conditioned, should not generate any significantly new impact on future development, as these types of restaurant uses have existed for some time.

- (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 predominance of the patron activity will be relegated to the front of the structure, fronting on St. Johns Avenue. While the back ally may be used for deliveries and other operating uses, they will be required to meet all applicable codes for cleanliness and trash maintenance. Any use in compliance with these operating regulations should not generate any objectionable odors or noise. Additionally, and ally to the rear of the subject site separates the commercial uses from the residential uses.

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

No. Site will be connected to city water and sewer service, it is not anticipated that the new use will have any negative impact on the existing facilities.

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

Yes. The site can be accessed from the street, and potentially the rear ally in the case of emergencies.

- (ix) *Will the proposed use 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 use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

Yes. The location is appropriate given the historic use of the surrounding area, and the proposed exception, as conditioned, is consistent with the definition of a zoning exception as set forth in the Zoning Code.

SUPPLEMENTARY INFORMATION

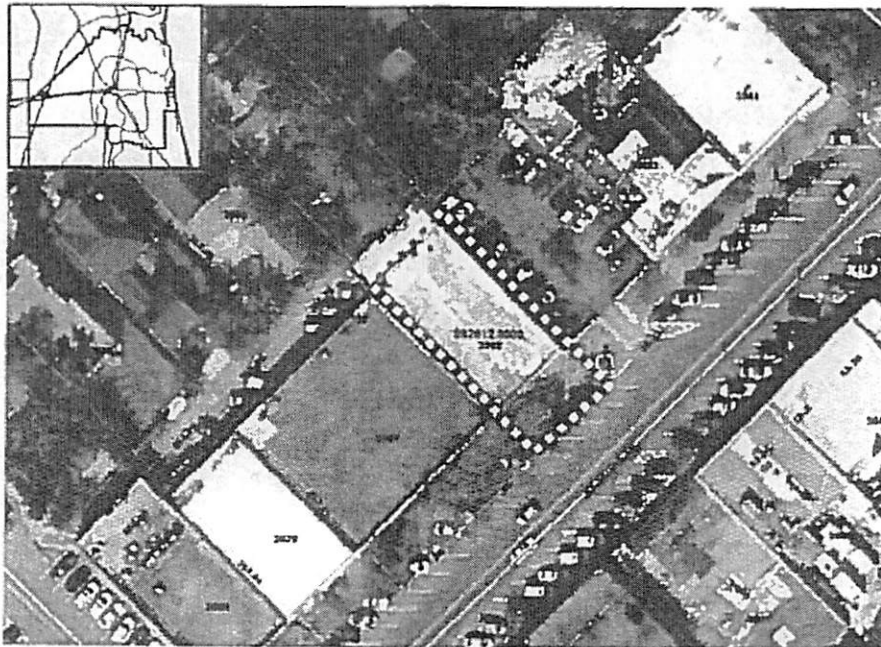
Upon visual inspection of the subject property on July 18, 2016 by the Planning and Development Department, the Notice of Public Hearing signs were posted.



RECOMMENDATION

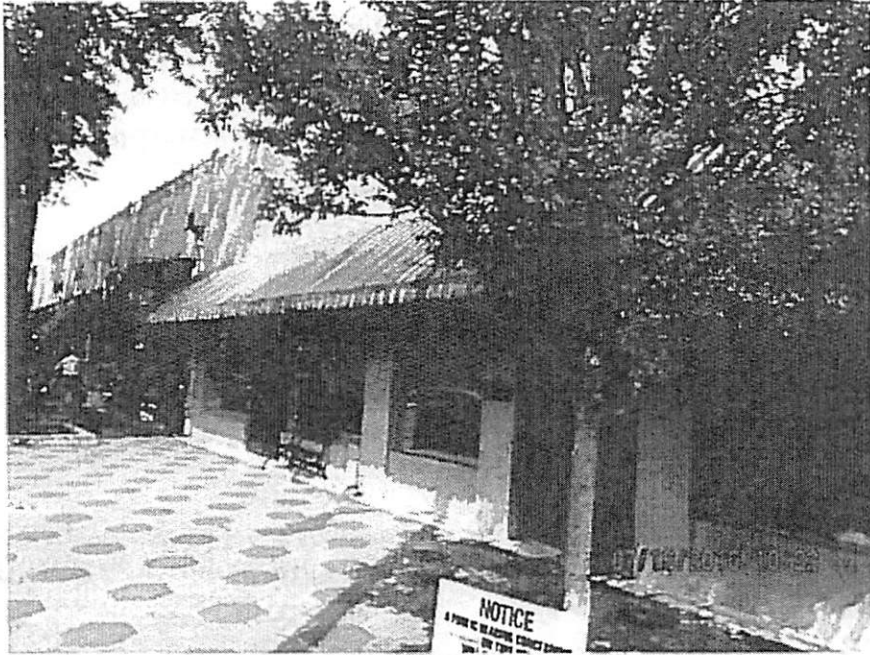
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception E-16-48 be **APPROVED** with the following conditions:

1. The outside seating shall meet all requirements for ADA accessibility on the sidewalk, and shall not obstruct pedestrian traffic.
2. The size of the restaurant shall be limited to 2,500 square feet.



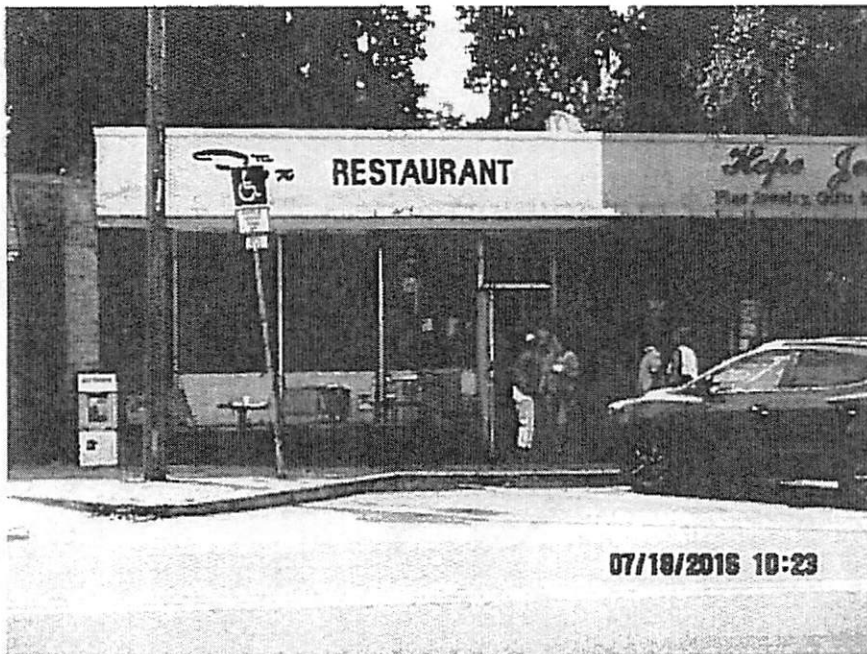
Aerial

*Source: Planning and Development Department
Date: July 18, 2016*



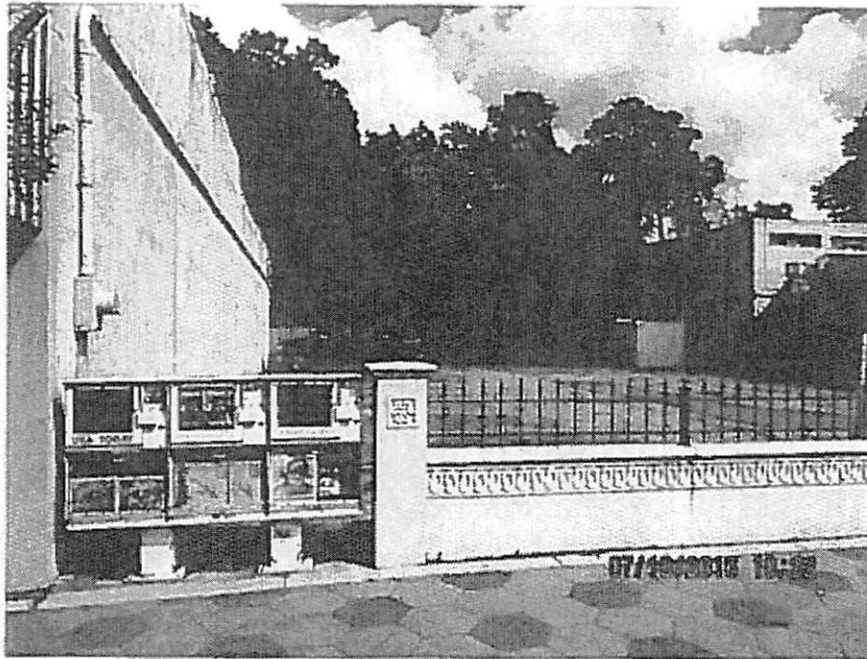
Subject property

Source: Planning and Development Department
Date: July 18, 2016



Existing restaurant with outside seating, similar to this application

Source: Planning and Development Department
Date: July 18, 2016



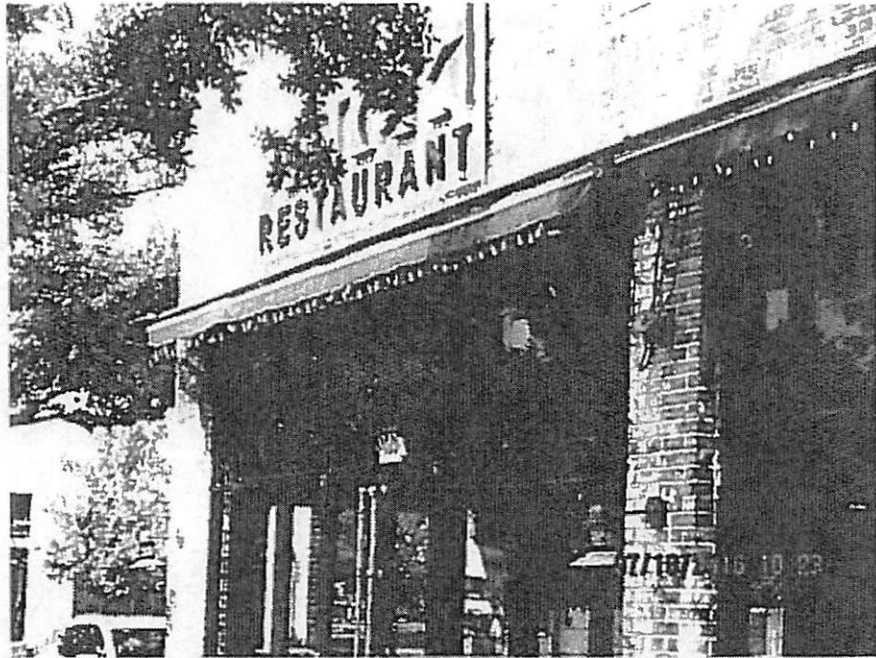
Adjacent off street parking lot, allocated to the restaurant to the east

Source: Planning and Development Department
Date: July 18, 2016



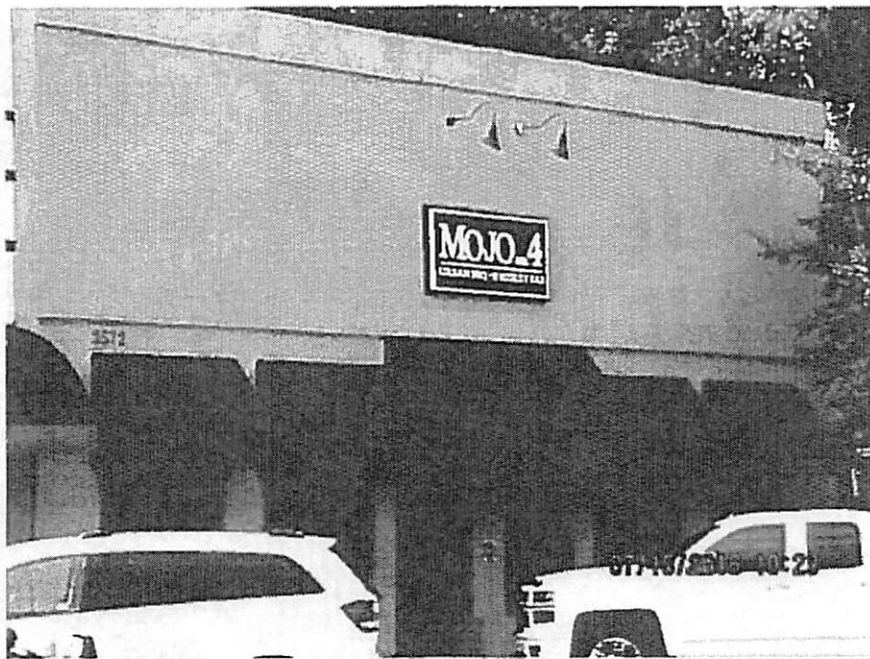
Example of on street angle parking found throughout the Shops of Avondale

Source: Planning and Development Department
Date: July 18, 2016



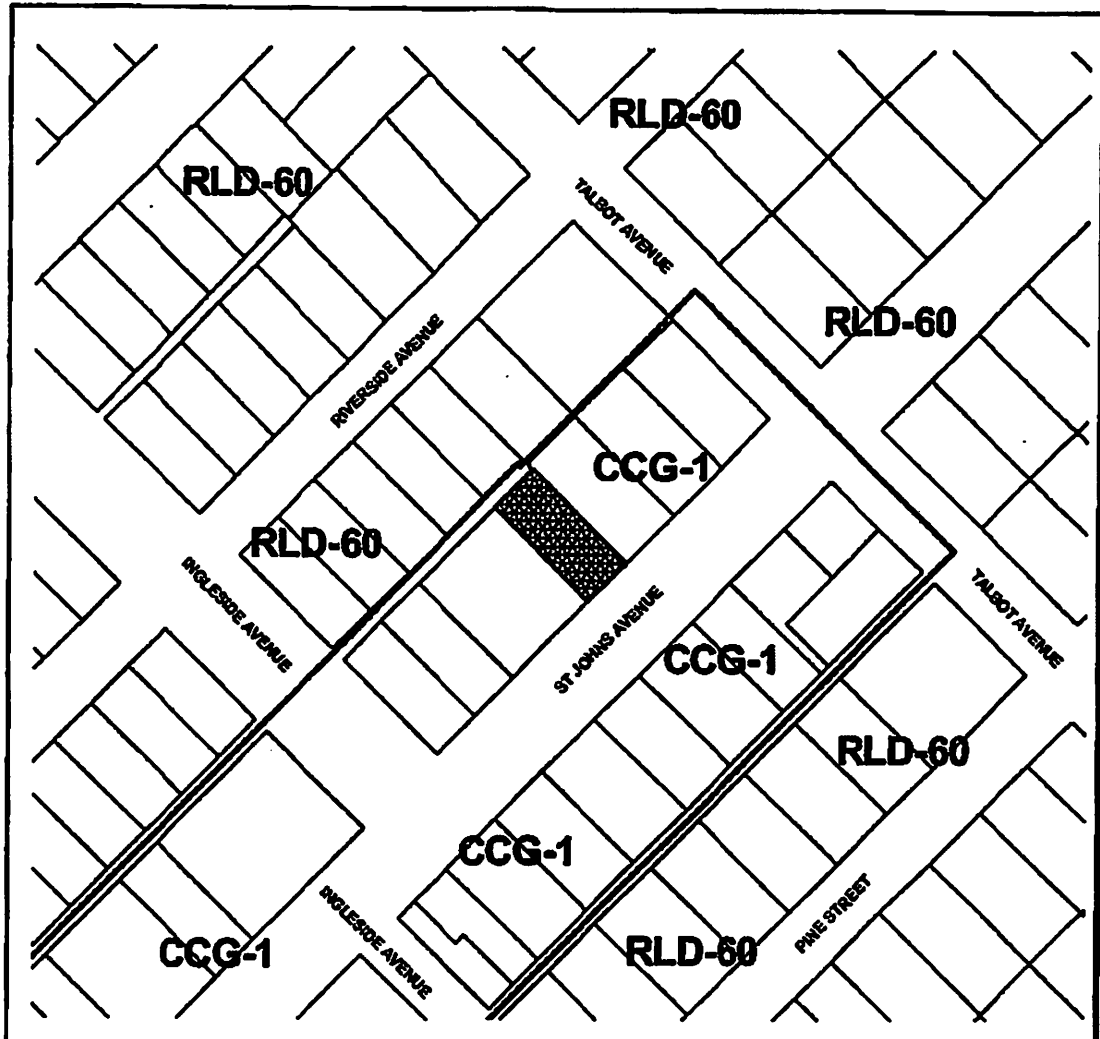
Similar restaurant use with outside seating

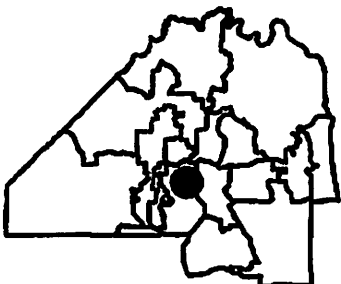


*Source: Planning and Development Department
Date: July 18, 2016*



Similar restaurant use with full alcohol sales

*Source: Planning and Development Department
Date: July 18, 2016*



<p>REQUEST SOUGHT:</p> <p>OUTDOOR SALES AND SERVICE OF ALL ALCOHOLIC BEVERAGES</p>		 <p>0 100 Feet</p>  <p>COUNCIL DISTRICT: 14</p> <p>APPLICATION NUMBER: E-2016-0048</p> <p>Exhibit 2</p>
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DEVELOPMENT SERVICES

July 21, 2016



MEMORANDUM

TO: Bruce Lewis, City Planner Supervisor
Planning and Development Department

FROM: Lisa King, Traffic Technician Senior

Subject: 3563 St Johns Avenue
E-16-48 & AD 16-51

Upon review of the referenced application and based on the information provided to date the Development Services Division has the following comments:

1. Traffic does not support continued AD requests in this area.
2. Proposed outside seating cannot encroach in required pedestrian pathway.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (parking lot, driveway location, dimensions, roadway geometry, traffic circulation, sight visibility, etc.) shall be facilitated through the 10-set and 10-set review process. If you have any questions regarding the comment outlined above, please call me directly at 255-8586.

E-16-48 & AD-16-51 parking 10 to 0

PLANNING AND DEVELOPMENT

214 N. Hogan Street Suite 2100 Jacksonville, FL 32202 Phone: 904 255 8310 Fax: 904 255 8311 www.coj.net

ON FILE
PAGE 52 OF 153

APPLICATION FOR ZONING EXCEPTION

Application No. E-16-48
AD-16-51

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four complete applications with all required attachments, to:

Planning and Development Department
 Zoning Section
 Ed Ball Building
 214 North Hogan Street, 2nd Floor
 Jacksonville, Florida 32202

Application No.	<u>E. 16 48</u>
Set for Public Hearing on:	<u>8/4/16</u>
Notice of Violation:	<u>None</u>

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

COMPANION APD

For Official Use Only

1. Date Submitted: <u>6/28/16</u>	2. Date Filed:	3. Current Zoning District(s): <u>CCG-1</u>	4. Future Land Use Map Category (FLUMs): <u>CGC</u>	5. Applicable Section of Ordinance Code: <u>656.313(1)(c)(1)(2)</u>
Exception Sought: <u>full service of all alcoholic beverages + outdoor sales & service</u>				
Amount of fee: <u>\$1,091</u>	Council District: <u>14</u>	Planning District: <u>4</u>	Zoning Panel No: <u>250</u>	
Number of Signs to be Posted: <u>1</u>	Zoning Code: <u>656.313(1)(c)(1)(2)</u>	Zoning Clerk Initials: _____		
Previous Zoning Applications filed: <u>None</u> If yes, state Application No(s) _____				
Neighborhood Association? <u>Seaside Blandale Preservation Society</u>				

TO BE COMPLETED BY APPLICANT

6. Complete Property Address: <u>3563 St. Johns Avenue</u>	7. Between Streets: <u>Talbot Avenue</u>
Real Estate Number: <u>092012-0000</u>	and <u>Ingleside Avenue</u>
Date lot was recorded: <u>12/12/1908</u>	
8. Current Property Use: <u>The property is currently vacant.</u>	
9. Exception Sought: <u>full service of all alcoholic beverages (beer, wine, and liquor) and outdoor sales and service</u> In whose name will the exception be granted? <u>BMR Dining Group LLC</u> Pursuant to Section 656.136(c), a zoning exception shall be transferable and run with the land. When the use requires licensure or other approvals by the State or any other governmental entity, such as a liquor license approval or approval for day care facilities, the zoning exception granted in connection with such use shall not be transferable and shall be granted to the applicant or the State license holder.	
10. Land Area (Acres) <u>.144</u>	Utility Services Provider
	well <u>NA</u> city water <u>JEA</u>
	septic tank <u>NA</u> city sewer <u>JEA</u>

CR375431

***** NOTICE TO OWNER/AGENT *****

Section 656.101(i), Ordinance Code, defines an exception as "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."

Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:

I. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth below may result in a denial). See attached.

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

(ii) 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 the structures to the area, property values and existing similar uses;

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

(iv) 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 health, safety and welfare of the community;

(v) 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 plan adopted by the Council pursuant thereto;

(vi) 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;

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

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

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification (or which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

12. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

___ Survey (as required by the Current Planning Section)

___ Site Plan as required per instructions. (2 copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)

___ Letter of Authorization for Agent is required if application is made by any person other than the property owner.

___ Legal description, may be either lot and block or metes and bounds, including real estate assessment number(s) of the subject property

___ Department of Children and Families Services (DCFS) letter and Site Plan approved by the City Traffic Engineer. (Day care uses only)

___ Environmental Quality Division (EQD) advisory opinion letter. (If required)

***** NOTICE TO OWNER / AGENT *****

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division, Planning and Development Department, Ed Ball Building, 214 North Hogan Street Suite 300, Jacksonville, Florida 32202, (904) 255-7800 **PRIOR TO THE HEARING.**

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES	NOTIFICATION COSTS:
RESIDENTIAL DISTRICTS..... \$1,073.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$1,091.00	ADVERTISING COSTS:
	BILLED TO OWNER /AGENT
*** Applications filed to correct existing zoning violations are subject to a double fee. ***	

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)

Name: Thomas Rodman Lee

Address: 4355 Silverwood Lane

City: Jacksonville

State: FL Zip: 32207

Email: Lee.jako5@bellsouth.net

Daytime Telephone: 904 571 1580 - alt


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: Leah Walker

Address: One Independent Drive, Suite 1200

City: Jacksonville

State: FL Zip: 32202

Email: lwalker@dmpflaw.com

Daytime Telephone: (904) 807-8213


SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF AUTHORIZED AGENT(S)

Letter of Authorization for Agent is required if application is made by any person other than the property owner. Also, a larger scale drawing may be required for commercially zoned property with an existing structure or otherwise as required by the Planning and Development Department's Zoning Section.

Instruction for Zoning Exception

An Application for Zoning Exception is filed with Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300. All applications must be complete when filed. The following is a step by step guide to help persons interested in applying for a Zoning Variance.

Items 1 thru 5

These blocks are for official use only and will be completed by the Zoning Section Staff.

Item 6 - Complete Property Address

Enter the street address, the real estate number(s), and the date that the lot was officially recorded as shown on the original deed for the parcel. Real estate numbers can best be obtained through the Property Appraiser's Office in the Claude Yates Building on 231 E. Forsyth Street, Room 270.

Item 7 - Intersecting Streets

This question seeks the names of the two streets closest to the applicant's property, not including the street on which ingress and egress will occur. Normally, these streets intersect the street on which the proposed development is located.

Item 8 - Current Property Use

Please indicate the current use of the property (*i.e. single family, commercial office, undeveloped land*)

Item 9 - Land Area (Acres) and Utility Services Provider

Please write here the total acres of the proposed exception and indicate whether the utilities will be provided by JEA, private well and septic tank, or another provider.

Item 10 - Exception Sought and transferability. Enter the sought request as it appears in the Zoning Code. If more than one exception is requested, list each request separately. Also, state whether the exception is to be transferable, and identify the entity to which the exception will be granted. If the exception is granted personal, and is not transferable, the use is valid only for the period that the named individual owns the property, as long as other provisions related to commencement are met. If however, a exception is granted transferable, the use attached to the property and the rights granted therein automatically transfer with the property upon sale of the same.

***Note- Applicants for day care centers must contact the Department of Children and Family Services to assure that DCFS provides a letter of determination to the Planning and Development Department.**

Item 11 - Provide answers to questions regarding exception standards and criteria.

Special attention should be given to answers provided here. These questions represent the criteria used by the Planning Commission to grant an exception, but only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, each of the listed standards and criteria. Failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth may result in a denial.

Item 12 - Attachments An Application for Zoning Variance must consist of four (4) complete sets of the application and all required attachments. All required attachments should be provided on 8 ½" x 11" paper, with the exception of two of the four application sets, which will include site plans at 11" x 17" or larger.

The following information must be shown on the site plan:

- A. Property dimensions and total land area
- B. Buildings (*including dimensions and total lot coverage area*)
- C. Parking spaces and dimensions (*including handicap*)
- D. Loading and unloading area, if applicable, with turn around area and dimensions
- E. Landscape areas and dimensions
- F. Ingress and egress (*driveways, alleys and easements*)
- G. Adjacent streets and right-of-way
- H. North arrow, map scale, and date of drawing
- I. Signage (*if any*)
- J. Building setbacks per Zoning Code
- K. Adjacent zoning districts and property uses
- L. Day care uses must include a Department of Children and Families Services (DCFS) letter.

All drawings must be drawn to scale. Failure to have a "to-scale" drawing with each of the items above shown could result in your application being deferred or denied by the Planning Commission.

When your completed application is submitted to the Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300, a list of property owners (*addressee*) within the 350 feet radius of the property will be prepared by the Department.

NOTE: There is a 21-day appeal period after an application is approved before the final order can be issued.

Legal Description

Lot 10, Block 4, St. Johns Heights, as recorded in Plat Book 3, Page 22 of the current public records of Duval County, Florida.

ANSWERS TO STANDARDS AND CRITERIA

June 27, 2016

**EXCEPTION FOR ESTABLISHMENT WITH 100 SEATS, WHICH INCLUDES
THE RETAIL SALE AND SERVICE OF ALL ALCHOLIC BEVERAGES FOR ON-PREMISES
CONSUMPTION (THE "PROPOSED USE")**

SUMMARY DESCRIPTION OF THE PROJECT

Applicant, BMR Dining Group LLC, is in the process of developing a kitchen and wine bar with 100 seats (including outdoor seats) (the "Development"). The Property, defined herein to mean that certain property located at 3563 St. Johns Avenue, has a land use designation of Community/General Commercial ("CGC") and is zoned Community/Commercial General-1 ("CCG-1"). The Property is located in the Commercial Character Area of the Riverside/Avondale Zoning Overlay, and within the boundaries of the Riverside/Avondale Historic District, an area that contains a variety of commercial and retail uses, including those with beer, wine and full alcohol sales.

The CCG-1 zoning district permits retail sales and service of beer and wine for on-premises consumption in conjunction with a restaurant by right, but requires a zoning exception to permit the sale of liquor. House Bill No. 655 established special zones in Jacksonville which provided approval for space and seating requirements for liquor licenses for restaurants in these zones, subject to local requirements.

The surrounding land uses and zoning districts include LDR/RLD-60 to the north (single-family homes), CGC/CCG-1 to the east (commercial parking lot and The Blue Fish Restaurant & Oyster Bar), CGC/CCG-1 to the south (Biscotti's restaurant) and CGC/CCG-1 (retail shops) to the west. Biscotti's application E-16-035 was recently approved to permit the sale of liquor, in accordance with House Bill No. 655, directly across the street from the Property. The surrounding uses will not conflict with the Proposed Use.

STANDARDS AND CRITERIA

i. *Will the proposed use be consistent with the Comprehensive Plan?*

The Proposed Use will be consistent with the 2030 Comprehensive Plan (the "Comprehensive Plan"). The Property is located in the Community General Commercial (CGC) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the Comprehensive Plan. The CGC category permits a wide range of commercial uses, including retail and service establishments.

The grant of exception would further Future Land Use Element ("FLUE") Policy 3.2.2 of the Comprehensive Plan, which policy states that the City of Jacksonville (the "City") shall promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize. Additionally, FLUE Objective 3.2 encourages the City to continue to promote and sustain the viability of existing and emerging commercial areas in order to achieve an

integrated land use fabric that will offer a full range of employment, shopping and leisure opportunities to support the City's residential areas. Granting the proposed exception would further the Comprehensive Plan by facilitating redevelopment and infill of existing commercial property and promoting the sustainability of the Avondale area.

- ii. *Will the proposed use be compatible with the existing contiguous uses or zoning and 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?*

The Proposed Use is compatible with the existing contiguous uses, zoning and the general character of the area. The area has a mixture of tenants, including restaurants, retail shops, and offices. The retail sale and service of all alcoholic beverages is incidental to the principal use, a restaurant, which is permitted to serve beer and wine by right. There are similar establishments serving alcohol in the area with permanent outside sales and service.

The Proposed Use will operate under an SRX liquor license, which license requires that food sales generate 51% of the restaurant revenue. Other restaurants in the neighborhood operate under SRX licenses, such as Mellow Mushroom (3601 & 3611 St. Johns Avenue), The Blue Fish (3551 St. Johns Avenue), Mojos (3572-1 St. Johns Avenue), and Biscottis (3556 St. Johns Avenue).

- iii. *Will the Proposed Use have an environmental impact inconsistent with the health, safety and welfare of the community?*

The Proposed Use will not have an environmental impact inconsistent with the health, safety and welfare of the community. The sale and service of all alcoholic beverages is incidental to the principal use, which use includes the sale of beer and wine by right. The Proposed Use will meet all applicable environmental regulations.

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

The Proposed Use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, or result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community.

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

The Proposed Use will not have a detrimental effect on the future development of contiguous properties or the general area. Rather, the Proposed Use will contribute to the revitalization of an existing commercial area in accordance with FLUE Policy 3.2.2 of the 2030 Comprehensive Plan, which calls for the City to promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

- 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?*

The proposed use will not generate any objectionable noise, light, vibration, fumes, odors, dust or physical activities inconsistent with the surrounding development. The exception request is for the sale of alcoholic beverages (sale of beer and wine is already permitted) and outside sales and service in conjunction with a proposed restaurant to be located within an existing commercial corridor. Considering the adjacent land uses and the use restrictions included herein, the Proposed Use will not create objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activity.

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

The proposed use will not overburden existing public services and facilities. The sale of all alcoholic beverages will not increase demand of public services.

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

The site will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services. The Property has road frontage on St. Johns Avenue, as well as an open and accessible alley.

- 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?*

The Proposed Use will be consistent with the definition of "zoning exception" provided in Section 656.1601 of the Code – "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 Use is an appropriate exception to the CGC-1 district in a commercial corridor. The Proposed Use will be controlled according to the site plan and other conditions described herein. The Proposed Use is consistent with adjacent establishments and will contribute to the City of Jacksonville's urban redevelopment efforts.

Agent Authorization

Date: June 23, 2016

City of Jacksonville
Planning and Development Department
Zoning Section
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

3563 St. Johns Avenue (RE# 092012-0000), Jacksonville, Florida

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file application(s) for a zoning exception for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such application(s).

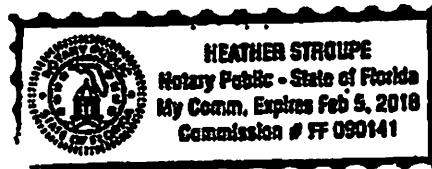
Lee Thomas Rodman Lee Trust

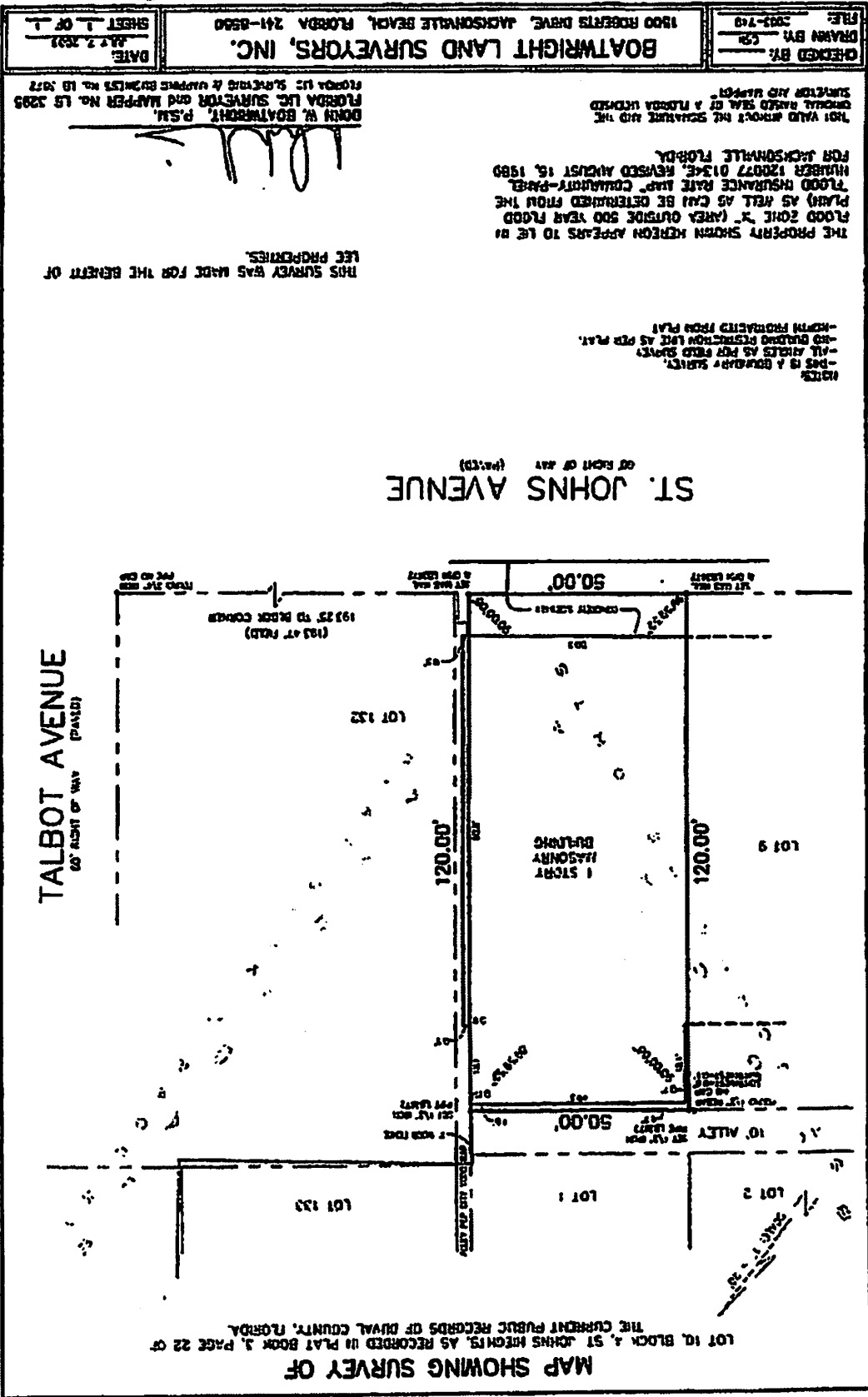
By: [Signature]
Name: Thomas Rodman Lee
Its: Trustee

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 23rd day of June, 2016, by Thomas Rodman Lee, who is personally known to me or has produced FL DL # L0008310491790 as identification.

[Signature]
(Notary Signature)





MAP SHOWING SURVEY OF
LOT 10, BLOCK 4, ST. JOHNS HIGHWAY, AS RECORDED IN PLAT BOOK 3, PAGE 22 OF
THE CURRENT PUBLIC RECORDS OF DUAL COUNTY, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF
THE PROPERTIES.

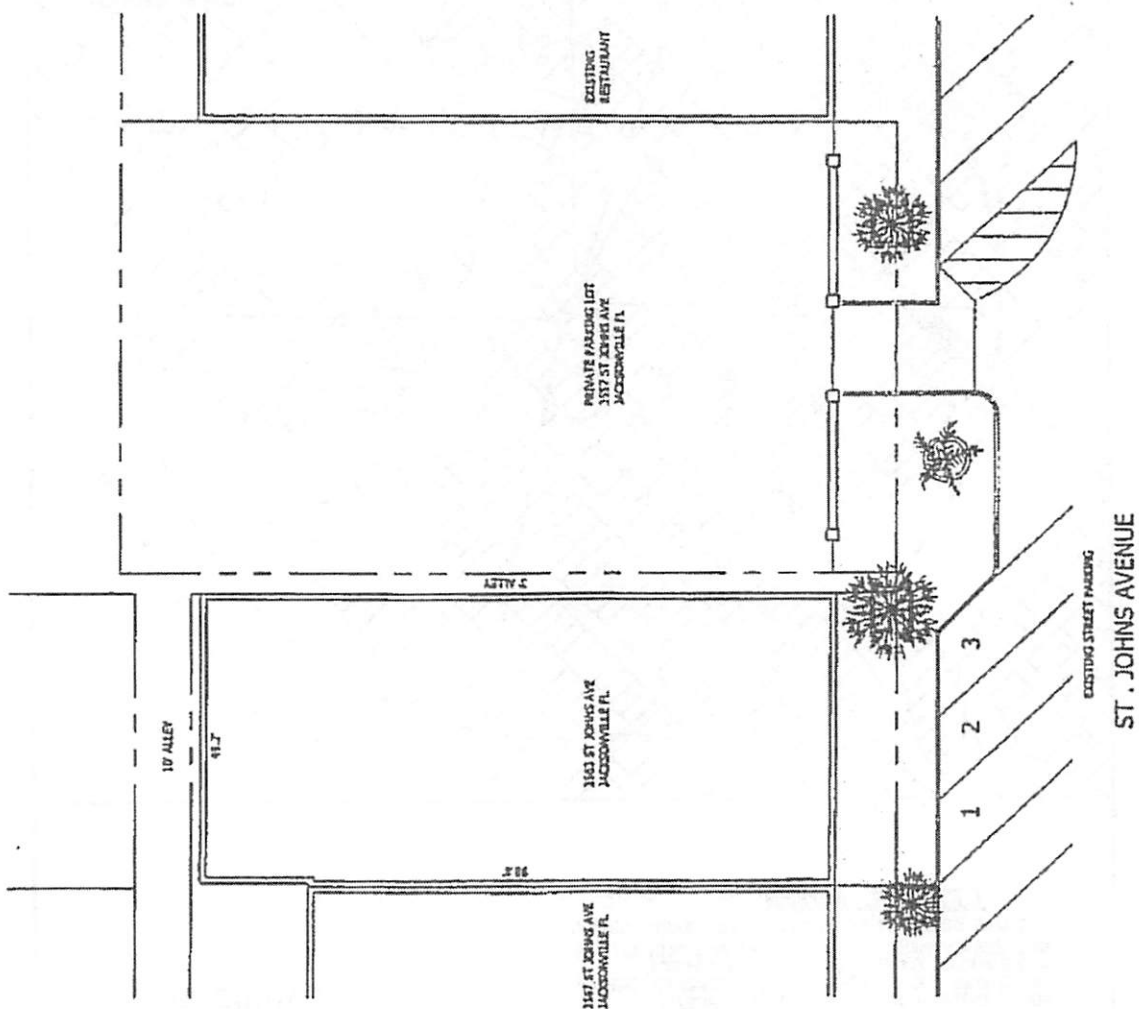
THE PROPERTY SHOWN HEREON APPEARS TO BE IN
FLOOD ZONE "X" (AREA OUTSIDE 500 YEAR FLOOD
PLAIN) AS WELL AS BE DETERMINED FROM THE
"FLOOD INSURANCE RATE MAP COMMAUNITY-PAGE"
NUMBER 120077 0134E, REVISED AUGUST 15, 1980
FOR JACKSONVILLE, FLORIDA.

THIS VALID APPROXIMATE SQUARE AND THE
ORIGINAL BOUNDARY MAP OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

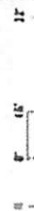
DOWN W. BOATWRIGHT, P.S.M.
FLORIDA LIC. SURVEYOR and MAPPER No. 15 3295
FLORIDA LIC. SURVEYOR & MAPPER LICENSE No. 15 1977

CHECKED BY: _____ DRAWN BY: _____ FILE: 2001-718	BOATWRIGHT LAND SURVEYORS, INC. 1800 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 321-8500	DATE: _____ SHEET 1 OF 1 PLAT 2, 2001
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1947



04-15-2016



MAP SHOWING

3563 ST. JOHNS AVENUE RE# 092012 0000
 LOT 10, BLOCK 1, ST. JOHNS HEIGHTS, AS RECORDED IN
 PLAT BOOK 3, PAGE 22 OF THE CURRENT PUBLIC RECORDS OF
 DUVAL COUNTY, FLORIDA.

FOR: DRIVER, McAFEE, PEEK & HAWTHORNE, P.L.



GENERAL NOTES

1. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THIS SURVEY WAS MADE IN ACCORDANCE WITH CITY OF JACKSONVILLE ZONING CODE, SECTION 856.804, AND SHOWS THE LOCATION OF ALL CHURCHES, SCHOOLS, ADULT ENTERTAINMENT OR SERVICES FACILITIES (AS DEFINED IN SECTIONS 856.802 AND 856.1101) WITHIN A 1500' RADIUS FROM THE CORNERS OF THE SITE.

GRAPHIC SCALE



(IN FEET)
 1 inch = 500 ft.

JOB NO. 2010-335

DRAFTER MAC

DATE 6-04-15

SCALE 1"=500'

CHECKED BY *MTN*

THIS MAP OR SURVEY MEETS THE GRAPHIC TECHNICAL STANDARDS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 60-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

THIS DRAWING, SECTION, PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND BANNER (CHAPTER 35-17, FLORIDA ADMINISTRATIVE CODE).

Gregory J. Clary
 GREGORY J. CLARY, P.S.M. CERT. NO. 3377

CHAPTER 2016-248

House Bill No. 655

An act relating to the City of Jacksonville, Duval County; amending chapter 87-471, Laws of Florida, as amended; establishing special zones in downtown Jacksonville; providing exceptions for space and seating requirements for liquor licenses for restaurants in the zones, subject to local zoning requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 87-471, Laws of Florida, as amended by chapter 2011-255, Laws of Florida, is amended to read:

Section 1. There are is created a special zones zone in downtown Jacksonville covering the following described areas, known as Northside West, Northside East, and Southbank, Riverside Avondale Urban Transition Area, and Riverside Avondale Commercial Character Areas for the purposes of this act. The areas are described as:

The Northside West area is that part of the City of Jacksonville, Duval County, Florida described as:

Begin at the point of intersection of the West right-of-way line of Main Street, State Road No. 5, with the South right-of-way line of West Bay Street; thence, Westerly along said South right-of-way line of West Bay Street to a line being a Southerly prolongation of the West right-of-way line of Julia Street; thence Northerly along said line and said West right-of-way line of Julia Street to the South right-of-way line of Forsyth Street; thence Westerly along said South right-of-way line of Forsyth Street to the West right-of-way line of Pearl Street; thence Northerly along said West right-of-way line of Pearl Street to the North right-of-way line of State Street; thence Westerly and Northwesterly along said North right-of-way line of State Street to the Northwesterly right-of-way of Interstate 95 and State Road No. 9; thence Southwesterly along said Northwesterly and Westerly right-of-way line to an intersection with a line being a Westerly prolongation of the Northeasterly right-of-way line of that portion of Interstate 95 leading to and from the Fuller Warren Bridge over the St. Johns River; thence Southeasterly along said line and Northeasterly right-of-way line to the center line of the St. Johns River; thence Northeasterly and Easterly along said center line to the West right-of-way line of the John T. Alsop (Main Street) Bridge; thence Northerly along said West right-of-way line of the John T. Alsop (Main Street) Bridge to the Point of Beginning.

The Northside East area is that part of the City of Jacksonville, Duval County, Florida described as:

Begin on the west, Pearl Street extending from State on the north to Forsyth Street on the south and Julia Street from Forsyth on the north to Bay Street on the south, and Main Street beginning at Bay Street on the north and extending south to the St. Johns River. The northern boundary is State Street, beginning at Pearl Street, and extends eastward to Liberty Street at which point the boundary extends eastward along the Jacksonville Expressway to a point where the Jacksonville Expressway intersects with the Haines Street Expressway. Then north along the Haines Street Expressway to Marshall Street, and then eastward along Marshall Street to Talleyrand Avenue. North along Talleyrand Avenue to Fairway Street, and then eastward along Fairway Street to the St. Johns River. The eastern and southern boundaries are the St. Johns River, beginning at Fairway Street and extending southward to a point beyond the Hart Bridge, then westward to Main Street at a point running north to Bay Street and then west along Bay Street to Julia Street, then north along Julia Street to Forsyth Street, then extending west to Pearl Street.

The Southbank area is that part of the City of Jacksonville, Duval County, Florida described as:

Begin at the point of intersection of the North right-of-way line of Gulf Life Drive with the West right-of-way line of South Main Street, State Road No. 5; thence westerly along said North right-of-way line of Gulf Life Drive to the Northeasterly right-of-way line of that portion of the Jacksonville Expressway leading to and from the Acosta Bridge over the St. Johns River; thence Southeasterly along said Northeasterly right-of-way line to an intersection with a Northeasterly prolongation of a line lying 60 feet Southeasterly from, when measured at right angles to, the Southeasterly face of the Prudential Building; thence Southwesterly along said line and a Southwesterly prolongation thereof to an intersection with the South right-of-way line of Prudential Drive; then Easterly along said South right-of-way line of Prudential Drive to an intersection with a Northeasterly prolongation of the Westerly edge of the Easternmost Baptist Medical Center driveway; thence Southwesterly along said line and Westerly edge of driveway and Southwesterly prolongation thereof to an intersection with the Northerly right-of-way line of Interstate 95, State Road No. 9; thence Easterly along said Northerly right-of-way line to a point of intersection with the Southwesterly edge of the Southbound roadway of South Main Street; thence Northeasterly along a line drawn straight from the last described point to the Northwesterly corner of Lot 18, Block 1, Bostwick's Subdivision of Block 46 in South Jacksonville, as shown on plat recorded in Plat Book 3, Page 68 of the Current Public Records of said County, said Northwest corner being located in the Northeasterly right-of-way line of the Northbound approach to said South Main Street from said Interstate 95; thence Southeasterly and Easterly along said Northeasterly right-of-way line and Northerly right-of-way line of Interstate 95 to an intersection with the Southeasterly right-of-way

line of Vine Street; thence Northeasterly along said Southeasterly right-of-way line of Vine Street to the Northeasterly line of that certain alley running Southeasterly through Block 17, Reeds Fourth Subdivision of South Jacksonville, as shown on plat recorded in Plat Book 1, Page 46 of the former public records of said County; thence Southeasterly along said Northeasterly alley line to an intersection with the Northwesterly right-of-way line of Alamo Street; thence Northeasterly along said Northwesterly right-of-way line of Alamo Street and a Northeasterly prolongation thereof to an intersection with the mean high water line of the St. Johns River; thence Northwesterly along said mean high water line to an intersection with a line being a Northerly prolongation of the West face of the Gulf Life Insurance Company's parking garage; thence Southerly along said line, said West garage face, and a Southerly prolongation thereof to an intersection with the North right-of-way line of Gulf Life Drive; thence Westerly along said North right-of-way line to the Northerly prolongation of the Easterly right-of-way line of Flagler Avenue; thence Northerly along said prolongation of the Easterly right-of-way line of Flagler Avenue to an intersection with a line being the Easterly prolongation of the South face of the multistory Hilton Hotel building; thence Westerly along said line, the said South face of the Hilton Hotel to the Westerly right-of-way line of South Main Street; thence Southerly along said Westerly right-of-way line of South Main Street to the Point of Beginning.

The Riverside Avondale Urban Transition Area is that part of the Riverside Avondale Historic District of the City of Jacksonville, Duval County, Florida described as:

The area bound by Margaret Street to the west, Dallwood Avenue and Interstate 95 to the north and northeast, and the St. Johns River to the east and south.

The Riverside Avondale Commercial Character Areas are those parts of the Riverside/Avondale Historic District of the City of Jacksonville, Duval County, Florida described as:

Riverside Avondale Commercial Character Area #1: Lot 22, Arden, according to the plat thereof as recorded in Plat Book 5 Page 89 of the Current Public Records of Duval County, Florida. Block 22, Lots 3, 4, 5, and 6 Block 16, Fishweir Park, according to the plat thereof as recorded in Plat Book 3 Page 84 of the Current Public Records of Duval County, Florida. A part of the George Atkinson Grant, Section 58, Township 2 South, Range 26 East Duval County, Florida as recorded in Official Records: Book 10027 Page 872, Book 8723 Page 91, Book 14566 Page 1943, Book 8234 Page 171, Book 17088 Page 1988, Book 3153 Page 846, and Book 8558 Page 222

Riverside Avondale Commercial Character Area #2: Lots 10, 11, and 12 Block 104, Lots 7, 8, and 9 Block 121, Riverside Heights, according to the plat thereof as recorded in Plat Book 2 Page 61 of the Current Public

Records of Duval County, Florida. Lots 1, 2, 3, and 4 of BJ Skinner's Subdivision of Block 3 of Diterich's Subdivision of part of the Hutchinson Grant according to the plat thereof as recorded in Plat Book 8 Page 14 of the Current Public Records of Duval County, Florida. Lots 7, 8, 9, 10, 11, and 12 Block 2. Lots 6, 7, 8, 9, and 10 Block 1. St Johns Heights, according to the plat thereof as recorded in Plat Book 3 Page 22 of the Current Public Records of Duval County, Florida. Lots 1, 2, 3, 10, 11, and 12 Block 1 Diterich's Subdivision of Lot 4 of the Hutchinson Grant. Northwestern 65 feet of Lots 1 and 2, all of Lot 3 Diterich's Replat of Lot 1 Block 8, Edgewood, according to the plat thereof as recorded in Plat Book 2 Page 86 of the Current Public records of Duval County, Florida. Lots 130, 131, and 132, Avondale, according to the plat thereof as recorded in Plat Book 7 Page 31 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #3: Lot 1 (Except any portion taken by the City of Jacksonville for right of way purposes) Block A, North Riverside Heights, according to the plat thereof as recorded in Plat Book 2 Page 99 of the Current Public Records of Duval County, Florida. Lots 4 and 5 Block 13. Lots 1, 2, 3, 4, 5, the North ½ of a closed alley lying Southeasterly of said lots, and Lot 6 Block 14. Lots 1 and 2 Block 15. Lots 1, 36, 37, and 38 Block 16. St Johns Heights, according to the plat thereof as recorded in Plat Book 3 Page 22 of the Current Public Records of Duval County, Florida. Lots 7, 8, and 9 Block 49, Riverside Heights, according to the plat thereof as recorded in Plat Book 2 Page 61 of the Current Public Records of Duval County, Florida. A portion of Eloise St closed and vacated by Ordinance No. BB-153 of the City of Jacksonville, Florida.

Riverside Avondale Commercial Character Area #4: Lots 2, 3, 6, and part of Lot 7 recorded in Official Record Book 9501 Page 290 Block 16. Lots 1, 4, 5, and part of Lot 8 recorded in Official Record Book 9501 Page 292 Block 17, Ingleside Park, according to the plat thereof as recorded in Plat Book 2 Page 77 of the current Public Records of Duval County, Florida. Lots 9, 10, 11, 12, 13, 14, and 15 Block 3. Lots 6, 7 (except part in right of way), 8, 9, 10, 11, 12, 13, 14, and 15 Block 6. Lots 1, 2, and 3 Block 7, Willow Brook Terrace, according to the plat thereof as recorded in Plat Book 8 Page 36 of the Current Public records of Duval County, Florida.

Riverside Avondale Commercial Character Area #5: Lot 7, Lots 8, 9, 10, and 11 (except parts in right of way) Block 18, Central Addition to Riverside, according to the plat thereof as recorded in Plat Book 6 Page 6 of the Current Public Records of Duval County, Florida. Part of Lot 7 recorded in Official Record Book 14809 Page 692. Lots 8, 9, and 10, Lot 11 and 12 (except parts in right of way), and Lot 13 Block 1, Lot 8 (except part in right of way), Lots 9, 10, 11, 12, 13, 14, 15, and part of Lots 16, 17, and 18 recorded in Official Record Book 15097 Page 1955 Block 2, Riverside Extension, according to the plat thereof as recorded in Plat Book 6 Page 11 of the Current Public Records of Duval County, Florida.

Part of Lot 6 recorded in Official Records Book 6934 Page 1451. Lots 7, 8, 9, and 10, Riverside Pines, according to the plat thereof as recorded in Plat Book 17 Page 13 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #6: Lots 7, 8, 9, 10, 11, and 12 of re-plat of Block 2, Lighthbody's Subdivision, according to the plat thereof as recorded in Plat Book 6 Page 1 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, and 4 Block 3, Lighthbody's Subdivision, according to the plat thereof as recorded in Plat Book 3 Page 95 of the Current Public records of Duval County, Florida. Lots 12 and 13, Re-plat of Lots 12 & 13 Block 8 Riverside Annex, according to the plat thereof as recorded in Plat Book 9 Page 8 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 25, Shackelton's Subdivision of Block 8 Riverside Annex, according to the plat thereof as recorded in Plat Book 2 Page 67 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, East 15FT Lot 10, West 35FT Lot 11 Block 5, Lots 1, 2, 3, 4, 5, and 6 Block 6, Riverside Annex, according to the plat thereof as recorded in Plat Book 1 Page 106 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, Duval Company's Re-plat of Block 7 Riverside Annex, according to the plat thereof as recorded in Plat Book 2 Page 90 of the Current Public records of Duval County, Florida. That fractional part of Park St located Southeasterly of lots 16 and 17 Duval Company's Re-plat of Block 7 Riverside Annex known as Parcel C recorded in Official Record Book 16196 Page 2011. Closed alley within Plat Book 2 Page 90 closed by City of Jacksonville Ordinance No. 82-314-147. Tracts D and E. Lots 1, 2, 3, 4, 5, and 6 Block 6. Lots 1, 2, 3, and 4 Block 7. Lots 1, 2, 3, 4, 5, 6, 7, and 8 Block 8. Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and closed alley recorded in Official Record Book 11597-1171 Block 9. Lots 18, 19, 20, 21, 22, and 23 Block 12. Lots 14 and part closed street lying South thereof, 15, 16, 17, 18, and 19 Block 13, New Riverside, according to the plat thereof as recorded in Plat Book 3 Page 54 of the Current Public records of Duval County, Florida. Lots 1, 2, and 3, Valz & Yerkes Subdivision, according to the plat thereof as recorded in Plat Book 7 Page 32 of the Current Public records of Duval County, Florida. Parcels of land being part of Government Lot 4 in Section 22, Township 2 South, Range 26 East, Duval County Florida as described in Deed Book 127 Page 177, Deed Book 127 Page 178, Official record Book 754 Page 176, Official Record Book 1140 Page 279, Official Record Book 2314 Page 183, and Official Record Book 4024 Page 200.

Riverside Avondale Commercial Character Area #7: Lot 6 Block 83, Riverside, according to the plat thereof as recorded in Plat Book 4 Page 6 of the Current Public records of Duval County, Florida. The West 60FT and the North 25FT of the East 10FT of Lot 7 and the North 25FT of the West ½ of Lot 6, Block 83, Riverside, according to the plat thereof as recorded in Plat Book 2 Page 24 of the Current Public records of Duval

County, Florida. The East 50FT of the common area parcel of the John Gorrie Condominium described in Official record Book 15698 Page 444 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #8: All of Lots 2 through 8, together with that portion of a 15FT alley (closed by ordinance 2002-398) lying Southerly of said lots 7 and 8. Lots 1, 2, 3, 4, 5, 6, 7, 20, 21, 22 and part of a closed alley lying southerly to Lots 6 and 7 and Easterly to Lots 6, 7, and 22 Block 9, Fractional Lot 1 Block 11, Lots 1, 2, 3, 4, 5 and closed alley lying Easterly of Lots 6 & 26 Block 12 (except any part in right of way), R I GO's addition to Riverside, according to the plat thereof as recorded in Plat Book 5 Page 47 of the Current Public Records of Duval County, Florida. Part of Lot 4, Riverside, according to the plat thereof as recorded in Plat Book 1 Page 109 of the Current Public Records of Duval County, Florida. West ½ Lot 5, fractional Lot 6, and the West ½ of Lot 7 Block 102, Riverside, according to the plat thereof as recorded in Plat Book 4 Page 6 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #9: Lots 1 through 10 Block 51, Lots 1, 2, 3, and part of Lot 4 recorded in Official Record Book 11528 Page 2345 Block 52, Riverside, according to the plat thereof as recorded in Plat Book 1 Page 109 of the Current Public Records of Duval County, Florida. A part of Oak Street North of Block 51, plat of Riverside, as recorded in Official record Book 9853 Page 1080 of the Public Records of Duval County, Florida.

Section 2. Notwithstanding the ~~provisions of s. 561.20(1), Florida Statutes, in the areas herein described as Northside West, Northside East, Southbank, Riverside Avondale and Urban Transition Area, and Riverside Avondale Commercial Character Areas, the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation may issue a special alcoholic beverage license to any bona fide restaurant containing all necessary equipment and supplies for and serving full course meals regularly and having accommodations at all times for service of 100 or more patrons at tables and occupying not less than 1,800 square feet of floor space which derive no less than 51 percent of gross income per annum from the sale of food consumed on the premises; provided that such licenses shall be subject to local zoning requirements ~~setting distance requirements between liquor serving establishments and churches and schools and to any provision of the alcoholic beverage laws of the state and rules of the division not inconsistent herewith.~~~~

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.

ANSWERS TO STANDARDS AND CRITERIA

June 27, 2016

**EXCEPTION FOR ESTABLISHMENT WITH 120 SEATS, WHICH INCLUDES
THE RETAIL SALE AND SERVICE OF ALL ALCHOLIC BEVERAGES FOR ON-PREMISES
CONSUMPTION (THE "PROPOSED USE")**

SUMMARY DESCRIPTION OF THE PROJECT

Applicant, BMR Dining Group LLC, is in the process of developing a kitchen and wine bar with 120 seats (including outdoor seats) (the "Development"). The Property, defined herein to mean that certain property located at 3563 St. Johns Avenue, has a land use designation of Community/General Commercial ("CGC") and is zoned Community/Commercial General-1 ("CCG-1"). The Property is located in the Commercial Character Area of the Riverside/Avondale Zoning Overlay, and within the boundaries of the Riverside/Avondale Historic District, an area that contains a variety of commercial and retail uses, including those with beer, wine and full alcohol sales.

The CCG-1 zoning district permits retail sales and service of beer and wine for on-premises consumption in conjunction with a restaurant by right, but requires a zoning exception to permit the sale of liquor. House Bill No. 655 established special zones in Jacksonville which provided approval for space and seating requirements for liquor licenses for restaurants in these zones, subject to local requirements.

The surrounding land uses and zoning districts include LDR/RLD-60 to the north (single-family homes), CGC/CCG-1 to the east (commercial parking lot and The Blue Fish Restaurant & Oyster Bar), CGC/CCG-1 to the south (Biscotti's restaurant) and CGC/CCG-1 (retail shops) to the west. Biscotti's application E-16-035 was recently approved to permit the sale of liquor, in accordance with House Bill No. 655, directly across the street from the Property. The surrounding uses will not conflict with the Proposed Use.

STANDARDS AND CRITERIA

i. *Will the proposed use be consistent with the Comprehensive Plan?*

The Proposed Use will be consistent with the 2030 Comprehensive Plan (the "Comprehensive Plan"). The Property is located in the Community General Commercial (CGC) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the Comprehensive Plan. The CGC category permits a wide range of commercial uses, including retail and service establishments.

The grant of exception would further Future Land Use Element ("FLUE") Policy 3.2.2 of the Comprehensive Plan, which policy states that the City of Jacksonville (the "City") shall promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize. Additionally, FLUE Objective 3.2 encourages the City to continue to promote and sustain the viability of existing and emerging commercial areas in order to achieve an

- 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?*

The proposed use will not generate any objectionable noise, light, vibration, fumes, odors, dust or physical activities inconsistent with the surrounding development. The exception request is for the sale of alcoholic beverages (sale of beer and wine is already permitted) and outside sales and service in conjunction with a proposed restaurant to be located within an existing commercial corridor. Considering the adjacent land uses and the use restrictions included herein, the Proposed Use will not create objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activity.

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

The proposed use will not overburden existing public services and facilities. The sale of all alcoholic beverages will not increase demand of public services.

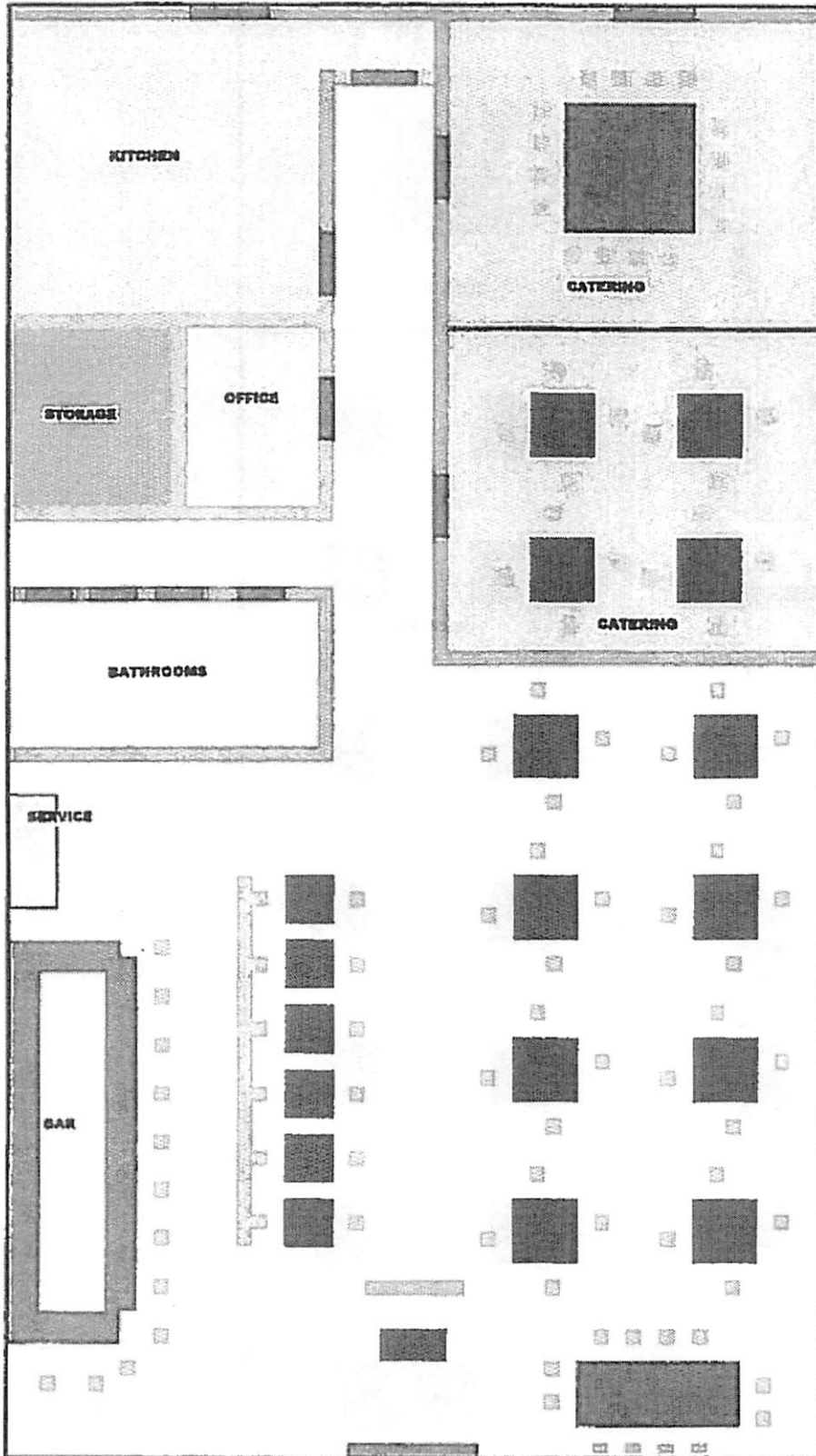
- viii. *Will the site be sufficiently accessible to permit entry onto the Property for fire, police, rescue and other services?*

The site will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services. The Property has road frontage on St. Johns Avenue, as well as an open and accessible alley.

- 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?*

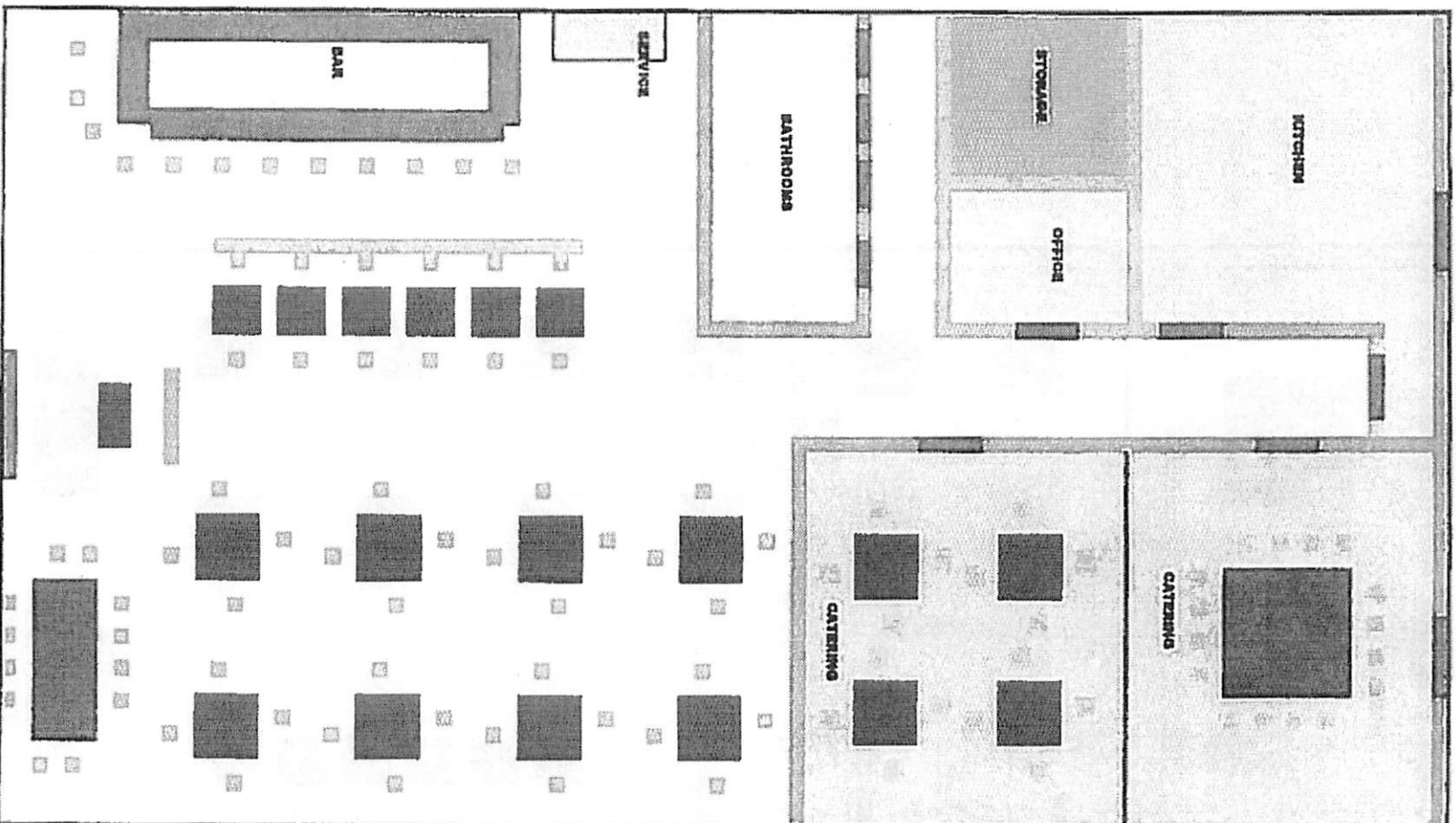
The Proposed Use will be consistent with the definition of "zoning exception" provided in Section 656.1601 of the Code - "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare." The Proposed Use is an appropriate exception to the CGC-1 district in a commercial corridor. The Proposed Use will be controlled according to the site plan and other conditions described herein. The Proposed Use is consistent with adjacent establishments and will contribute to the City of Jacksonville's urban redevelopment efforts.

3563 St. Johns Avenue



20 outside seats (may be relocated to interior space at any time)

3563 St. Johns Avenue



20 outside seats (may be relocated to interior space at any time)

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: AD-16-51

In re: the Administrative Deviation
Application of:

BMR DINING GROUP, LLC

**ORDER APPROVING APPLICATION FOR
ADMINISTRATIVE DEVIATION AD-16-51**

This matter came to be heard upon the Application for Administrative Deviation filed by Thomas Rodman Lee Trust, the owners of that certain real property located at 3563 St. Johns Avenue, on Behalf of BMR Dining Group, LLC. In accordance with Section 656.109 of the Zoning Code, the owners seek permission to (1) reduce the required number of off-street spaces from 10 spaces to 0 spaces and (2) reduce the minimum number of required off-street loading spaces from 1 to 0. The property is located in the CCG-1 Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on August 18, 2016, including the Report of the Planning and Development Department on Application for Administrative Deviation AD-16-51 and all attachments thereto ("Staff Report"), a copy of which is attached as Exhibit "A", the Planning Commission of the City of Jacksonville hereby,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.109 of the Zoning Code.
2. That, pursuant to Section 656.138 of the Zoning Code the Planning Commission has jurisdiction of this application as it is a companion to Application for Zoning Exception E-16-48.
3. That the need for the administrative deviation arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the specific property involved.
4. That substantial competent evidence demonstrates that application AD-16-51 meets, to the extent applicable, the standards and criteria set forth in Section 656.109(h) of the Zoning Code.
5. That the land which is the subject of this administrative deviation application is owned by Thomas Rodman Lee Trust. A copy of the legal description of the subject property is attached as part of Exhibit "A" and incorporated by reference herein.

NOW THEREFORE, it is ORDERED by the Planning Commission:

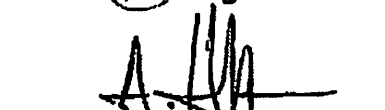
1. An administrative deviation is hereby granted to the owner(s) of the real property described herein, permitting the applicant to (1) reduce the required number of off-street spaces from 10 spaces to 0 spaces and (2) reduce the minimum number of required off-street loading spaces from 1 to 0, on the subject property as provided in the application.
2. The Administrative Deviation granted herein shall not be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Administrative Deviation is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this Administrative Deviation does not approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.
3. Failure to exercise the administrative deviation herein granted by commencement of the use or performance of the action herein approved within one (1) year of the effective date of this Order shall render this administrative deviation invalid and all rights arising hereunder shall terminate.

Executed this 18th day of August, 2016.

FORM APPROVED:



Paige Hobbs Johnston
Assistant General Counsel


Chris Hagan
Chairman, Planning Commission
Abel Harding
Secretary, Planning Commission

Copies:

Thomas Rodman Lee
4355 Silverwood Lane
Jacksonville, FL 32202
Owner(s)/ Applicant

Steve Diebenow, Esquire
One Independent Drive, Suite 1200

Jacksonville, FL 32202
Agent

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code. Any work commenced during this appeal period is done at the risk of the applicant, and a building permit will only be issued after an Acknowledgement of the appeal period has been obtained from the Zoning Counter and returned to same executed properly by the applicant(s) or their agent(s).

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August 4, 2016
CAP

AD-16-51

LOCATION: 3563 St. Johns Avenue,
between Talbot Avenue & Ingleside
Avenue

REAL ESTATE NUMBERS: 092012-0000

DEVIATIONS SOUGHT:

Sec. 656.604(c)(2): Reduce the required number of off street spaces from 10 spaces to 0 spaces. (DENY1)

PRESENT ZONING: CCG-1 **CURRENT LAND USE:** CGC

PLANNING DISTRICT: 4 **COUNCIL DISTRICT:** 14 **SIGNS POSTED:** 1

OWNER:

Thomas Rodman Lee
4355 Silverwood Lane,
Jacksonville, FL 32202

Steve Diebenow, Esq.
One Independent Drive, Suite 1200
Jacksonville, FL 32202

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p>Recommendation: Similar. The site fronts on St. Johns Avenue, in the Shops of Avondale commercial area. The area is a mix of uses, including offices, retail stores, and restaurants. The majority of the properties are developed at or near 100% lot coverage, leaving little, if any, room for off street parking. Many of the restaurants include the sale of alcoholic beverages, and outside seating, similar to the companion Zoning Exception (E-16-48). Many of the existing restaurants can provide no off street parking of their own, and therefore have similar conditions to this request.</p>
<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p>Recommendation: No. As mentioned above, the site is an existing, and the current structure occupies almost the entire lot. The site does have rear ally access, for deliveries, but does not poses enough free area to provide any off street parking. Most of the properties along this stretch of St. Johns Avenue have similar complications to providing parking. It would be impractical to redevelop the site to provide</p>

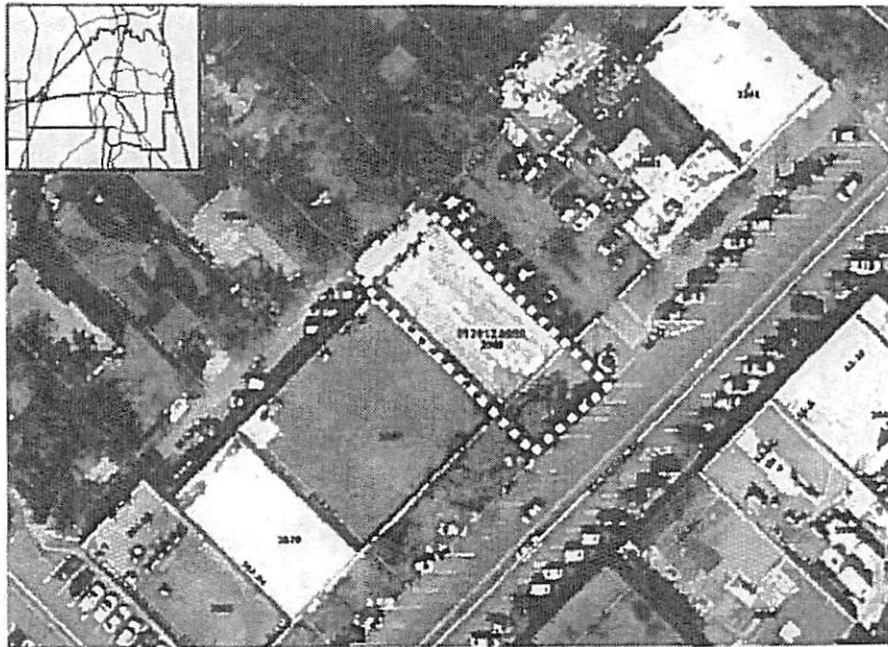
EXHIBIT A

	<p>10 off street spaces, however, the condition requiring the reduction in parking is based on the size and scale of the restaurant. Because the applicant is proposing a 5,000 square foot restaurant, they are creating a condition where the reduction is necessary. As noted in condition #2 in the companion Zoning Exception, if the restaurant size and seating capacity were reduced, limiting the use to 2,500 square feet, the need for the parking reduction would be eliminated. The hardship is self-imposed.</p>
<p>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</p>	<p>Recommendation: No. The site is an existing, contributing historic structure to the Riverside Avondale Historic District. The site is located within the Riverside Avondale Zoning Overlay. The overlay is intended to address some of the inconsistencies that arise out of a traditional pre-World War II commercial area, and a more modern, suburban based Zoning Code. The overlay allows for up to 50% in parking credit towards uses in this area, and allows for credit to apply for any previous use, in this case, the amount of parking accounted for by the previous retail store. The demand for parking in the Shops of Avondale is substantial, especially during peak lunch hours. Although the request is not based on a reduction in cost, the request does not serve the public interest, as the request is based on a self-imposed hardship, creating a restaurant that is oversized for the area, and a simple reduction in the size and intensity of the restaurant would reduce the parking demand, thus eliminating the requirement for the Deviation.</p>
<p>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</p>	<p>Recommendation: No. The proposed deviation is substantially similar to other restaurant uses in the surrounding commercial area. The Shops of Avondale are located in the Commercial Character Area of the Zoning Overlay. This area is intended to support commercial uses, and provides for commercial specific regulations related to issues such as parking and design. The proposed use is already granted a reduction the required number of off street parking spaces it must provide in an attempt to remedy the deficiencies in the site. The Riverside Avondale Zoning Overlay provides parking, by the credits to accomplish this accommodation of parking requirements. The demand for parking in this commercial area is significant, and during peak</p>

	<p>hours of demand, can cause patrons looking for parking to leave their cars parked in the surrounding residential areas. This can cause significant negative impacts on the surrounding property owners and this interfere with the rights of those residents.</p>
<p>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</p>	<p>Recommendation: No. The proposed deviation will not be detrimental to the public health safety or welfare. The proposed deviation will reduce the required number of off street parking spaces required from 10 to zero The predominance of the parking for all commercial establishments in this area are on street. The nature of the commercial development in this area is such that most businesses cannot provide any off street spaces. The use of on street parking is the typical model for establishments in this area. As the demand for parking has already reached a saturation point, as noted in the 2014 parking study, any further deviations would lead to the further creation of nuisance parking, in the residential areas for commercial uses.</p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p>Recommendation: No. The proposed deviation would allow the proposed restaurant to negatively impact the parking situation for the Shops of Avondale, and the surrounding residential neighborhoods. The requirement for the Deviation is a self-imposed hardship, based on the proposed size and scale of the restaurant, which is not necessary, as it was previously, to qualify for an SRX liquor license, since a change in state laws reduced that requirement to just 100 seats for this part of Avondale. The restaurant size and number of seats could be reduced to such an amount as to eliminate the need for the Deviation.</p>
<p>7. The City landscape architect (has/has not) recommended the proposed deviation.</p>	<p>Recommendation: N/A</p>
<p>8. The existing violation was not created by the applicant with intent to violate the Zoning Code.</p>	<p>Recommendation: No. No violations related to the application were noted in the CARE system.</p>

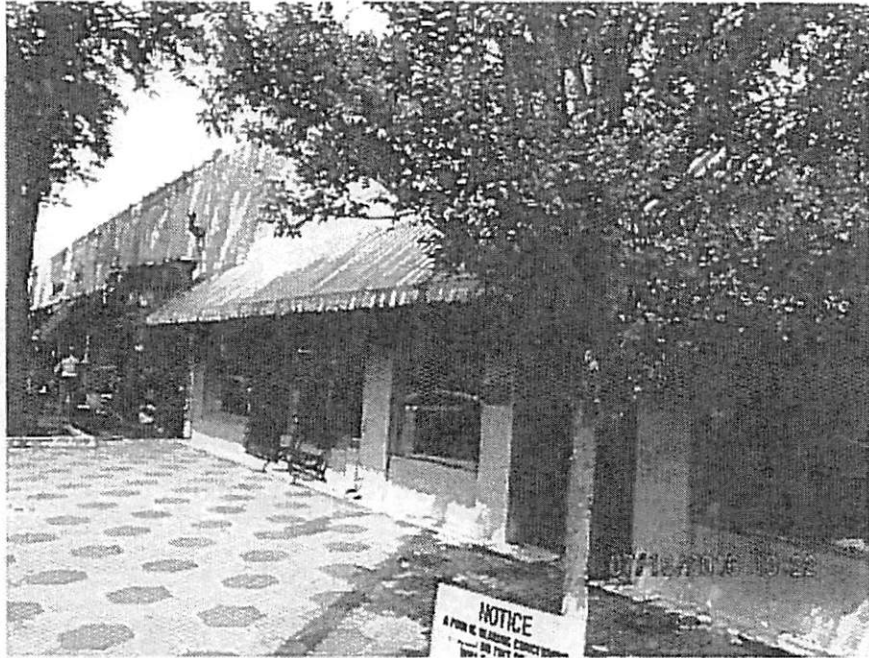
PLANNER RECOMMENDATION: DENY

DATE OF REPORT: August 4, 2016



Aerial

*Source: Planning and Development Department
Date: July 18, 2016*



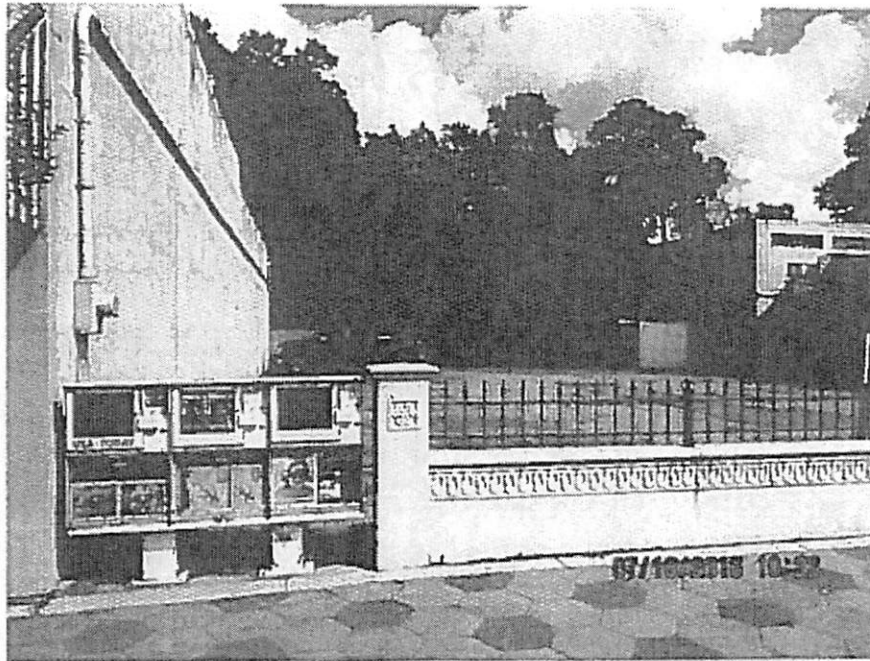
Subject property

Source: Planning and Development Department
Date: July 18, 2016



Existing restaurant with no off street parking, smaller in size

Source: Planning and Development Department
Date: July 18, 2016



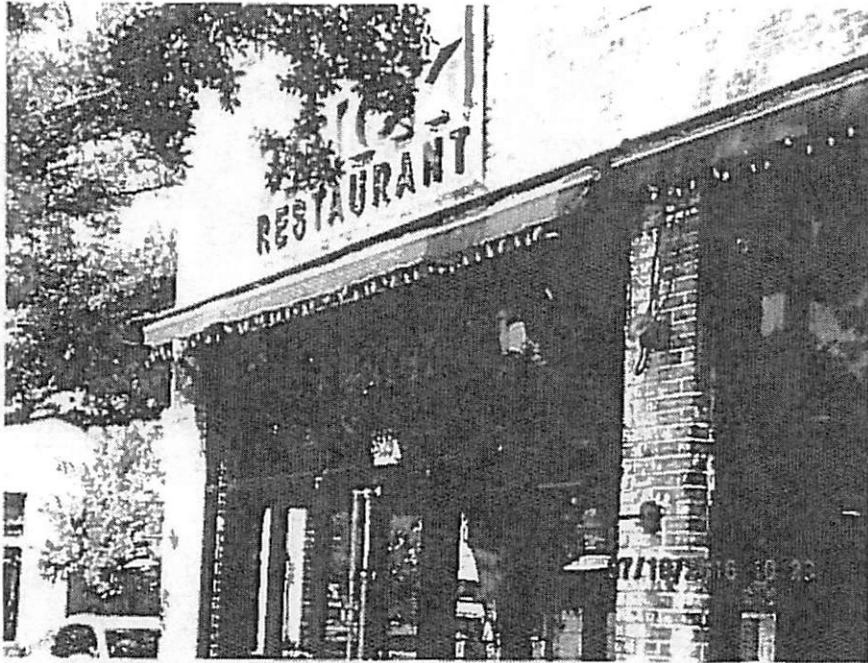
Adjacent off street parking lot, owned and allocated to the restaurant to the east

Source: Planning and Development Department
Date: July 18, 2016



Example of on street angle parking found throughout the Shops of Avondale area

Source: Planning and Development Department
Date: July 18, 2016



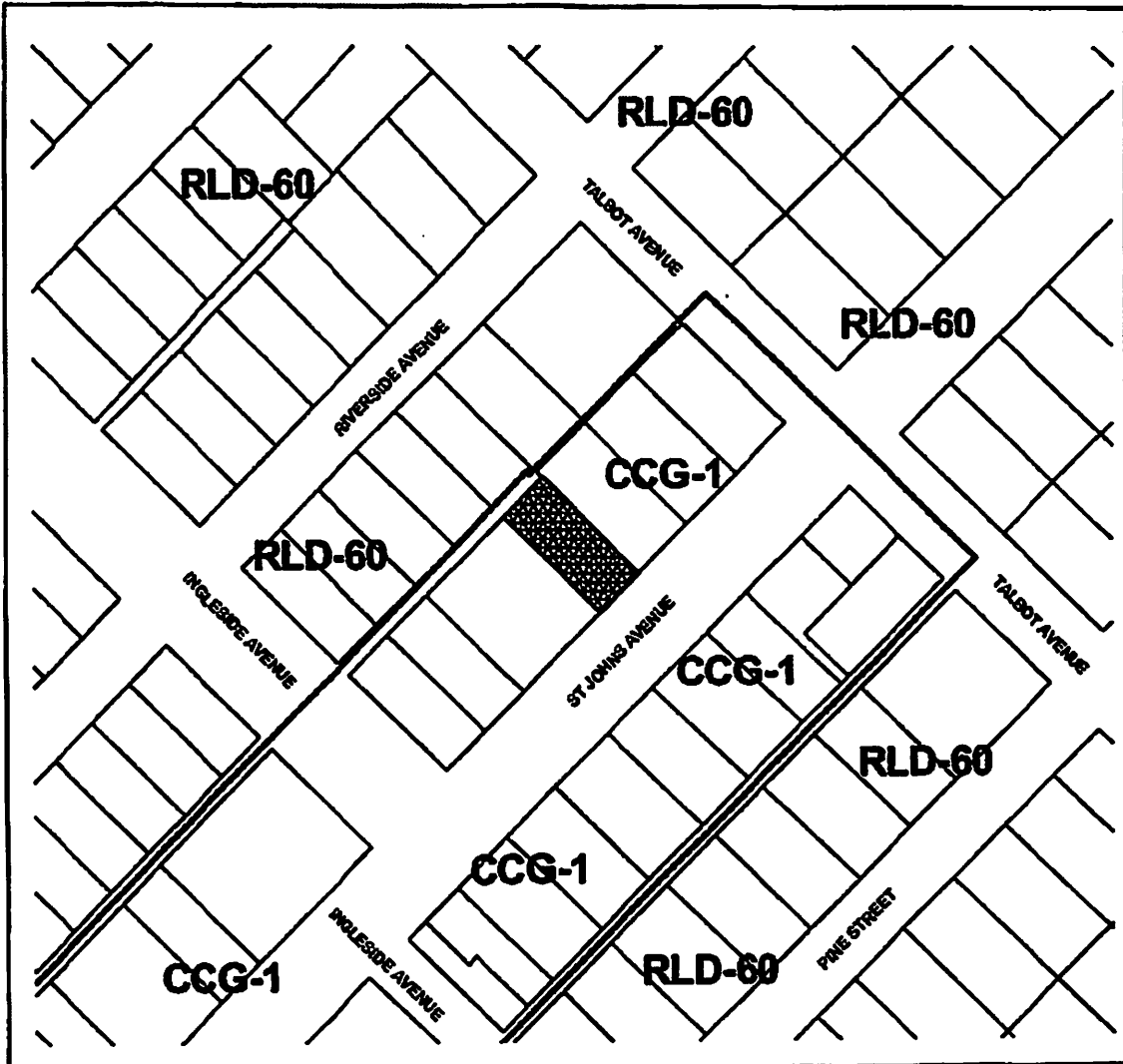
Similar restaurant with no off street parking

Source: Planning and Development Department
Date: July 18, 2016



Similar restaurant with no off street parking

Source: Planning and Development Department
Date: July 18, 2016



<p>REQUEST SOUGHT:</p> <p>REDUCE OFF-STREET PARKING FROM 10 SPACES TO 0 SPACES AND REDUCE LANDSCAPE REQUIREMENTS</p>		<p>0 100 Feet</p> <p>COUNCIL DISTRICT: 14</p>
<p>APPLICATION NUMBER: AD-2016-0051</p>	<p>Exhibit 2</p>	

DEVELOPMENT SERVICES

July 21, 2016



MEMORANDUM

TO: Bruce Lewis, City Planner Supervisor
Planning and Development Department

FROM: Lisa King, Traffic Technician Senior

Subject: 3563 St Johns Avenue
E-16-48 & AD 16-51

Upon review of the referenced application and based on the information provided to date the Development Services Division has the following comments:

1. Traffic does not support continued AD requests in this area.
2. Proposed outside seating cannot encroach in required pedestrian pathway.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (parking lot, driveway location, dimensions, roadway geometry, traffic circulation, sight visibility, etc.) shall be facilitated through the 10-set and 10-set review process. If you have any questions regarding the comment outlined above, please call me directly at 255-8586.

E-16-48 & AD-16-51 parking 10 to 0

PLANNING AND DEVELOPMENT

214 N. Hogan Street Suite 2100 Jacksonville, FL 32202 Phone: 904 255 8310 Fax: 904 255 8311 www.coj.net

ON FILE
PAGE 88 OF 153

COMPANION APPLICATION

E-16-48
AD-16-59

APPLICATION FOR ADMINISTRATIVE DEVIATION

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four complete applications with all required attachments, to:

Planning and Development Department
Zoning Section
Ed Ball Building
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202

Application No.	AD-16-590
Set for Public Hearing on:	8/4/16
Notice of Violation:	None

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8380.

For Official Use Only

1. Date Submitted:	2. Date Filed:	3. Current Zoning District(s):	4. Future Land Use Map Category (FLUMs)	5. Applicable Section of Ordinance Code:
6/28/16	7/13/16	CG-1	CGC	656.604(d)(2)

Amount of Fee: 1,316.00 Council District: 14 Planning District: 4 Zoning Panel No.: 250
 Number of Signs to be Posted: 1 Zoning Code: 656.604(d)(2) Zoning Assl. Initials: _____
 Previous Zoning Applications filed: None If yes, state Application No(s) _____
 Neighborhood Association: Riverside Avonlea Res. Society

TO BE COMPLETED BY APPLICANT

6. Complete Property Address: <u>3563 St. Johns Avenue</u>	7. Between Streets: <u>Talbot Avenue</u> <u>and</u> <u>Inglewade Avenue</u>
Real Estate Number: <u>09272-0000</u> <u>092012-0000</u>	Reason for Request: <u>To allow development of new kitchen and wine-bar</u>
Date lot was recorded: <u>12/12/1908</u>	

2. Deviation Sought:

___ Reduce Required Minimum Lot Area from _____ to _____ feet.

___ Increase Maximum Lot Coverage from _____ % to _____ %.

___ Increase Maximum Height of Structure from _____ to _____ feet.

___ Reduce Required Yard(s) _____

Reduce Minimum Number of Required Off-street Parking Spaces from 10 to 0

Reduce minimum number of required off-street loading spaces from 1 to 0

___ Reduce Minimum Landscape Requirements _____

CR37431

OLD

APPLICATION FOR ADMINISTRATIVE DEVIATION

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four complete applications with all required attachments, to:

Planning and Development Department
Zoning Section
Ed Ball Building
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202

Application No. AD-16-50
Set for Public Hearing on:
Notice of Violation:

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

For Official Use Only				
1. Date Submitted: 6/23/16	2. Date Filed: 7/13/16	3. Current Zoning District(s): CCG-1	4. Future Land Use Map Category (FLUMs)	5. Applicable Section of Ordinance Code:

Amount of Fee _____ Council District _____ Planning District _____ Zoning Panel No. _____

Number of Signs to be Posted _____ Zoning Code _____ Zoning Asst. Initials _____

Previous Zoning Applications filed? _____ If yes, state Application No(s) _____

Neighborhood Association? _____

TO BE COMPLETED BY APPLICANT

6. Complete Property Address: 3563 St. Johns Avenue	7. Between Streets: Talbot Avenue
Real Estate Number: 09212-0000	and Ingliside Avenue
Date lot was recorded: 12/12/1908	Reason for Request: To allow development of new kitchen and wine bar

8. Deviation Sought:

___ Reduce Required Minimum Lot Area from _____ to _____ feet.

___ Increase Maximum Lot Coverage from _____ % to _____ %.

___ Increase Maximum Height of Structure from _____ to _____ feet.

___ Reduce Required Yard(s) _____

Reduce Minimum Number of Required Off-street Parking Spaces from **10** to **0**

___ Reduce Minimum Landscape Requirements _____

9. In whose name will the deviation be granted? BMR Dining Group LLC

10. Is transferability requested? Yes or No (If approved, the administrative deviation is transferred with the property.)

10. Land Area (Acres) <u>.144</u>	Utility Services Provider	
	well <u>NA</u>	city water <u>JEA</u>
	septic tank <u>NA</u>	city sewer <u>JEA</u>

***** NOTICE TO OWNER/AGENT *****

Section 656.101(a), Ordinance Code, defines an administrative deviation as "a relaxation of the terms of the Zoning Code requirements for minimum lot area, yards, number of off-street parking spaces, landscaping, maximum lot coverage and maximum height of structures, including fences, which the Zoning Administrator is authorized to grant pursuant to the procedures set forth in s.656.109 (e) through (j).

Section 656.109(e) through (j), Ordinance Code, provides that, with respect to action upon Applications for Administrative Deviations, the Zoning Administrator shall grant a deviation only if substantial competent evidence exists to support a positive finding based on each of the following criteria:

12. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the waiver and to meet the criteria set forth below may result in a denial).
SEE ATTACHED.
- I. Does the subject property exhibit any circumstances which could be construed as having physical surroundings, shape, topographical conditions or other physical or environmental conditions limited to the subject property alone, or is this issue common to numerous sites?**
1. Are there practical or economic difficulties in carrying out the strict letter of the regulation?
 2. Is the request based exclusively upon a desire to reduce the cost of developing the site?
 3. Does the request accomplish some result which is in the public interest? (As an example, furthering the preservation of natural resources by saving a tree or trees.)
 4. Could the proposed deviation substantially diminish property values in, or alter the essential character of the area surrounding the site; and could such deviation substantially interfere with or injure the rights of others whose property would be affected by the deviation?

5. Is the proposed deviation detrimental to the public health, safety or welfare, or could such deviation result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?

6. If the proposed deviation relates to minimum required landscaping, please submit the comments or opinions of the City's Landscape Architect.

II. Would the proposed deviation be in harmony with the spirit and intent of the Zoning Code, considering the following as applicable:

1. Did the applicant create the violation with intent to violate the provisions of the Zoning Code?
2. Has the violation existed for a considerable length of time without receiving a citation?
3. Is the violation that exists a result of construction, which occurred prior to the applicants acquiring the property?

13. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

___ Survey

___ Site Plan as required per instructions. (All copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)

___ Letter of Authorization for Agent is required if any person other than the property owner makes the application.

___ Letter from the applicable Home Owner's Association stating that request meets their architectural and aesthetic requirements or letter stating that the subject parcel is not within the jurisdiction of a Home Owner's Association (Residential Only).

___ Day care uses must include a Department of Children and Families Services (DCFS) letter
Elevation plans are required with height increase requests and must be drawn to scale.

___ Legal description may be either lot and block, including book and page numbers, or metes and bounds descriptions; and either shall include real estate assessment number(s) of the subject property.

***** NOTICE TO OWNER / AGENT *****

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Section, Ed Ball Building, 214 North Hogan Street, Jacksonville, Florida 32202, (984) 255-7800, PRIOR TO THE HEARING.

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES	NOTIFICATION COSTS:
RESIDENTIAL DISTRICTS.....\$966.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$952.00	

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)

Name: Thomas Rodman Lee

Address: 4155 Silverwood Lane

City: Jacksonville

State: FL Zip: 32202

Email: _____

Daytime Telephone: _____

SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: Steve Dichenow

Address: One Independent Drive, Suite 1200

City: Jacksonville

State: FL Zip: 32202

Email: twalker@dmplaw.com

Daytime Telephone: (904) 327-9732

SIGNATURE OF AUTHORIZED AGENT(S)

The Agent's letter of authorization must be attached if application is not signed by the owner of record

INSTRUCTIONS FOR FILING ADMINISTRATIVE DEVIATION

An Application for Administrative Deviation is filed with the Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300. All applications must be complete when filed. The following is a step by step guide to help persons interested in applying for a deviation.

Items 1 through 5

These blocks are for official use only and will be completed by the Zoning Section Staff.

Item 6 - Complete Property Address

Enter the street address, the real estate number(s), and the date that the lot was officially recorded as shown on the original deed for the parcel. Real estate numbers can best be obtained through the Property Appraiser's Office in the Yates Building on 231 E. Forsyth Street, Room 270.

Item 7 - Intersecting Streets This question seeks the names of the two streets closest to the applicant's property, not including the street on which ingress and egress will occur. Normally, these streets intersect the street on which the proposed development is located.

Item 8 - Deviation Sought Check the box corresponding to the sought request. If more than one deviation is requested, check all that applies and provide appropriate numbers.

Item 9/10 - Name that the deviation will be granted to and Transferability. Here the applicant must provide the name of the person for whom the deviation is granted to. All Administrative Deviations are transferable unless otherwise provided for in the Final Order granting the deviation. Transferability refers to the rights granted through the Administrative Deviation process and the transfer of those rights with the sale of the property. If the deviation is granted without transferability, the deviation is personal, and any deviation granted is valid for as long as that person owns the property, as long as other provisions related to commencement are met. Upon sale of the property an Amendment to Final Order must be filed to transfer the deviation to another individual.

Item 11 - Land Area (Acres) and Utility Services Provider Please write here the total acres of the proposed variance and indicate whether the utilities will be provided by JEA, private well and septic tank, or another provider.

Item 12- These items represent the criteria used by the Zoning Administrator to grant a deviation. The applicant should review these, provide answers, and be prepared to explain how the specific request meets all applicable criteria, thereby providing substantial competent evidence to grant the proposed deviation.

Item 13 - Attachments: An Application for Administrative Deviation must consist of four (4) complete sets of the application and all required attachments. All required attachments should be provided on 8 1/2" x 11" paper, with the addition of two of the four application sets, which will include two site plans at 11" x 17" or larger.

- Survey** - (signed and sealed by a licensed surveyor within the last five (5) years.) The same shall show all improvements existing on the property as of the date this application is filed.
- Legal description** (either lot and block or metes and bounds)
- Site plan**—drawn to scale

Letter from the applicable Home Owner's Association stating that the request meets their architectural and aesthetic requirements or a letter stating that the subject parcel is not within the jurisdiction of a Home Owner's Association (**Residential Only**).

Letter of Authorization for Agent is required if application is made by any person other than the property owner.

The following information must be shown on the site plan:

- A. Property dimensions and total land area
- B. Buildings (*including dimensions, square footage, and total lot coverage area*)
- C. Parking spaces and dimensions (*including handicap*) **Commercial Only**
- D. Loading and unloading area, if applicable, with turn around area and dimensions **Commercial Only**
- E. Landscape areas and dimensions **Commercial Only**
- F. Ingress and egress (*driveways, alleys and easements*)
- G. Adjacent streets and right-of-way
- H. North arrow, map scale, and date of drawing
- I. Signage (*if any*)
- J. Building setbacks per Zoning Code
- K. Adjacent zoning districts and property uses

All drawings must be drawn to scale. Failure to have a "to-scale" drawing with each of the items above shown could result in your application being denied by the Planning and Development Department's Zoning Section.

When your completed application is submitted to the Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255- 8300. A list of property owners (*addressee*) within the 350 feet radius of the property will be prepared by the Section.

NOTE: There is a 14-day appeal period after a deviation is granted before the final order can be issued.

Agent Authorization

Date: June 23, 2016

City of Jacksonville
Planning and Development Department
Zoning Section
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

3563 St. Johns Avenue (RE# 092012-0000), Jacksonville, Florida

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file application(s) for an administrative deviation for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such application(s).

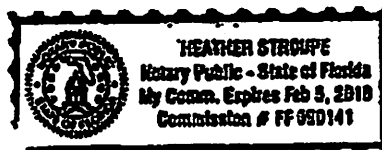
Lee Thomas Rodman Lee Trust

By: [Signature]
Name: Thomas Rodman Lee
Its: TLR

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 23rd day of June, 2016, by Thomas Rodman Lee, who is personally known to me or has produced FL DL # L 000830451790 as identification.

[Signature]
(Notary Signature)



Legal Description

Lot 10, Block 4, St. Johns Heights, as recorded in Plat Book 3, Page 22 of the current public records of Duval County, Florida.

12. Standards and criteria:

1. Does the subject property exhibit any circumstances which could be construed as having physical surroundings, shape, topographical conditions or other physical or environmental conditions limited to the subject property alone, or is this issue common to numerous sites?

1. Are there practical or economic difficulties in carrying out the strict letter of the regulation?

Yes. There are practical difficulties in adding any number of parking spaces to serve patrons and employees at the subject address. There is no space to add parking spaces in or around the Shoppes of Avondale, making it impossible to carry out the strict letter of the regulation. Additionally, the subject property was developed prior to the current standards for off-street parking. The subject property has unique circumstances associated with its original development within a town square with retail shops and services which were served by on-street parking and a high volume of pedestrian traffic. To place current off-street parking standards on future development of the subject property would place an undue hardship on the proposed redevelopment of the subject property.

2. Is the request based exclusively upon a desire to reduce the cost of developing the site?

No. It is based exclusively upon the impossibility of adding parking for the subject address. Without the administrative deviation, the subject property could not be used for the proposed use, since the applicant is unable to provide additional parking.

3. Does the request accomplish some result which is in the public interest?

Yes. If granted, the request will allow the community to enjoy a convenient dining option, adding to the walkability and the appeal of the neighborhood. The limited on-street parking available to serve Shoppes of Avondale patrons is characteristic of the area. The proposed 120 seat restaurant is substantially less intense than two (2) 2,500 square foot, 180 seat restaurants, which uses are permitted by the City of Jacksonville Zoning Code (the "Zoning Code") without an administrative deviation [see Section 656.399.22(2)(a), Zoning Code].

4. Could the proposed deviation substantially diminish property values in, or alter the essential character of the area surrounding the site; and could such deviation substantially interfere with or injure the rights of others whose property would be affected by the deviation?

No. The proposed deviation will not substantially diminish property values because the existing commercial uses in the area, including previous tenants of the subject property, already rely on the existing off-street parking spaces. Further, the deviation would allow the subject property to be developed in a manner that maintains the general urban character of the area.

5. Is the proposed deviation detrimental to the public health, safety or welfare, or could such deviation result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?

No.

6. If the proposed deviation relates to minimum required landscaping, please submit the comments or opinions of the City's Landscape Architect.

Not applicable.

II. Would the proposed deviation be in harmony with the spirit and intent of the Zoning Code, considering the following as applicable:

1. Did the applicant create the violation with intent to violate the provisions of the Zoning Code?

No.

2. Has the violation existed for a considerable length of time without receiving a citation?

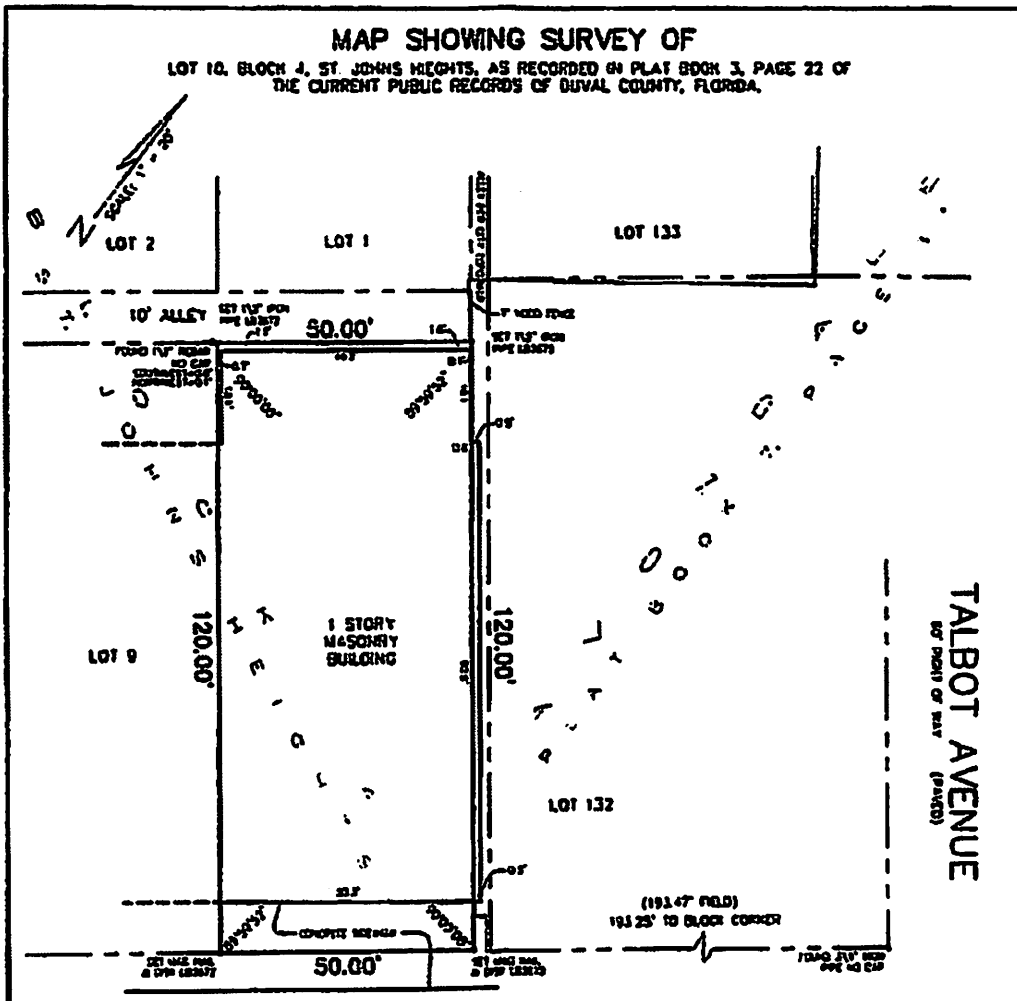
No violation currently exists. The subject property has been used as a commercial retail store since 1927 with the three (3) on-street parking space and is legally nonconforming.

3. Is the violation that exists a result of construction, which occurred prior to the applicants acquiring the property?

Not applicable - no violation exists.

MAP SHOWING SURVEY OF

LOT 10, BLOCK 4, ST. JOHNS HEIGHTS, AS RECORDED IN PLAT BOOK 3, PAGE 22 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



ST. JOHNS AVENUE
80' RIGHT OF WAY (PAVED)

TALBOT AVENUE
80' RIGHT OF WAY (PAVED)

- NOTES**
- THIS IS A BOUNDARY SURVEY
 - ALL ANGLES AS PER FIELD SURVEY
 - NO BUILDING RESTRICTION LINE AS PER PLAT
 - NORTH PROTRACTED FROM PLAT

THIS SURVEY WAS MADE FOR THE BENEFIT OF LEE PROPERTIES.

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" (AREA OUTSIDE 500 YEAR FLOOD PLAIN) AS WELL AS CAN BE DETERMINED FROM THE "FLOOD INSURANCE RATE MAP" COMMUNITY-PANEL NUMBER 120077 0134E, REVISED AUGUST 15, 1989 FOR JACKSONVILLE, FLORIDA

[Signature]

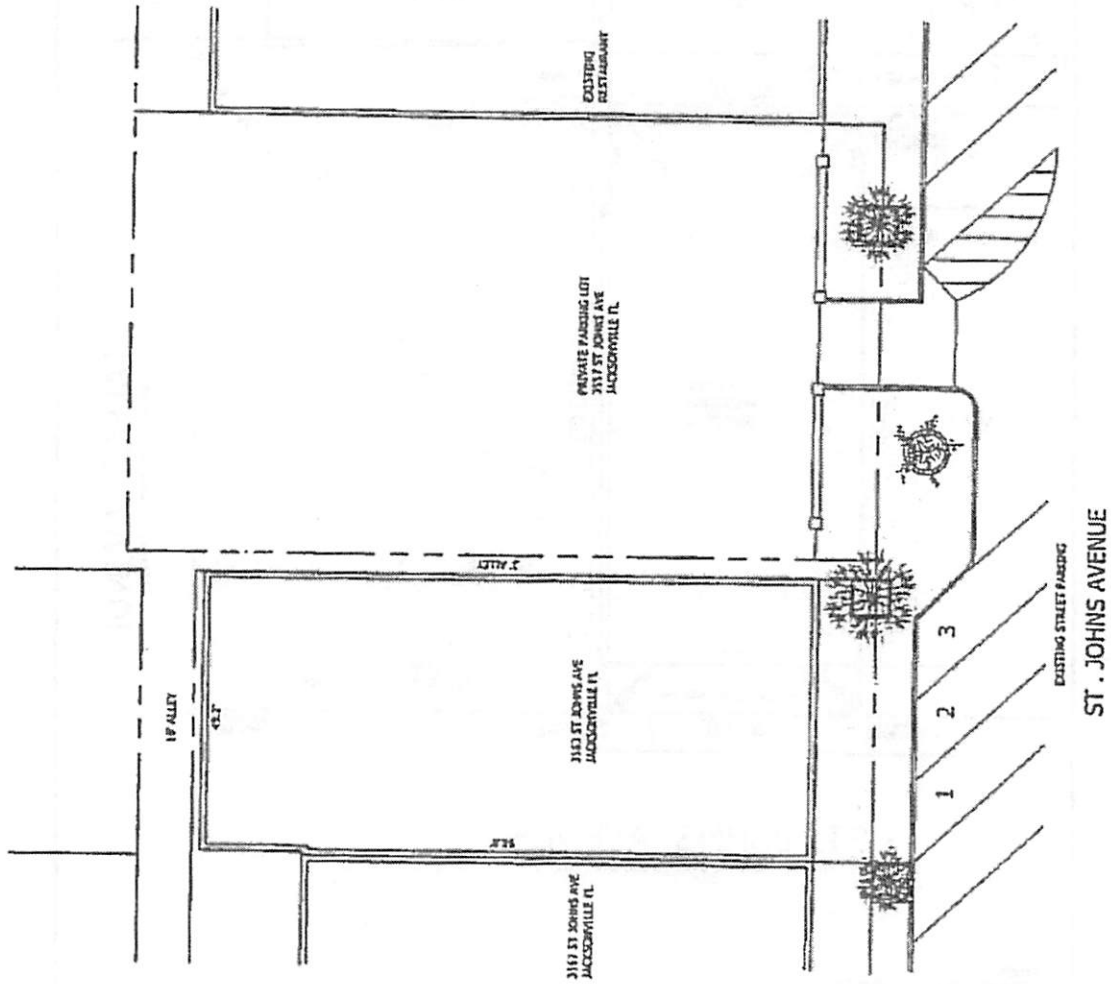
DONN W. BOATWRIGHT, P.S.M.
FLORIDA LIC. SURVEYOR and MAPPER No. LS 3295
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3877

CHECKED BY: _____
DRAWN BY: CSE
FILE: 2003-749

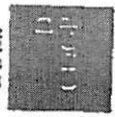
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 321-8350

DATE: SEP 2, 2003
SHEET 1 OF 1

2003-749



06-13-2016



APPLICATION FOR ZONING EXCEPTION

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four complete applications with all required attachments, to:

Planning and Development Department
 Zoning Section
 Ed Ball Building
 214 North Hogan Street, 2nd Floor
 Jacksonville, Florida 32202

Application No. <u>E.</u>
Set for Public Hearing on:
Notice of Violation:

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

For Official Use Only				
1. Date Submitted:	2. Date Filed:	3. Current Zoning District(s):	4. Future Land Use Map Category (FLUMs)	5. Applicable Section of Ordinance Code:

Exception Sought: _____

Amount of Fee _____ Council District _____ Planning District _____ Zoning Panel No. _____

Number of Signs to be Posted _____ Zoning Code _____ Zoning Clerk Initials _____

Previous Zoning Applications filed? _____ If yes, state Application No(s) _____

Neighborhood Association? _____

TO BE COMPLETED BY APPLICANT

6. Complete Property Address: <u>3563 St. Johns Avenue</u>	7. Between Streets: <u>Talbot Avenue</u>
Real Estate Number: <u>092012-0000</u>	and <u>Ingliside Avenue</u>
Date lot was recorded: <u>12/12/1908</u>	

8. Current Property Use: The property is currently vacant.

9. Exception Sought: full service of all alcoholic beverages (beer, wine, and liquor) and outdoor sales and service
 In whose name will the exception be granted? BMR Dining Group LLC
 Pursuant to Section 656.136(e), a zoning exception shall be transferable and run with the land. When the use requires licensure or other approvals by the State or any other governmental entity, such as a liquor license approval or approval for day care facilities, the zoning exception granted in connection with such use shall not be transferable and shall be granted to the applicant or the State license holder.

10. Land Area (Acres) <u>.144</u>	Utility Services Provider	
	well <u>NA</u>	city water <u>JEA</u>
	septic tank <u>NA</u>	city sewer <u>JEA</u>

***** NOTICE TO OWNER/AGENT *****

Section 656.101(f), Ordinance Code, defines an exception as "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."

Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:

11. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth below may result in a denial). See attached.

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

(ii) 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 the structures to the area, property values and existing similar uses;

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

(iv) 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 health, safety and welfare of the community;

(v) 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 plan adopted by the Council pursuant thereto;

(vi) 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;

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

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

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification (or which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

12. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

___ Survey (as required by the Current Planning Section)

___ Site Plan as required per instructions. (2 copies on 8 1/2" x 11 and 2 copies on 11 x 17 or larger)

___ Letter of Authorization for Agent is required if application is made by any person other than the property owner.

___ Legal description, may be either lot and block or metes and bounds, including real estate assessment number(s) of the subject property

___ Department of Children and Families Services (DCFS) letter and Site Plan approved by the City Traffic Engineer. (Day care uses only)

___ Environmental Quality Division (EQD) advisory opinion letter. (If required)

***** NOTICE TO OWNER / AGENT *****

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division, Planning and Development Department, Ed Ball Building, 214 North Hogan Street Suite 300, Jacksonville, Florida 32202, (904) 255-7800 **PRIOR TO THE HEARING.**

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES	NOTIFICATION COSTS:
RESIDENTIAL DISTRICTS..... \$1,073.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$1,091.00	ADVERTISING COSTS:
	BILLED TO OWNER /AGENT
*** Applications filed to correct existing zoning violations are subject to a double fee. ***	

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)

Name: Thomas Rodman Lee

Address: 4355 Silverwood Lane

City: Jacksonville

State: FL Zip: 32207

Email: leejakos@bellsouth.net

Daytime Telephone: 904 571 1580


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: Leah Walker

Address: One Independent Drive, Suite 1200

City: Jacksonville

State: FL Zip: 32202

Email: lwalker@dmphlaw.com

Daytime Telephone: (904) 807-8213


SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF AUTHORIZED AGENT(S)

Letter of Authorization for Agent is required if application is made by any person other than the property owner. Also, a larger scale drawing may be required for commercially zoned property with an existing structure or otherwise as required by the Planning and Development Department's Zoning Section.

Instruction for Zoning Exception

An Application for Zoning Exception is filed with Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300. All applications must be complete when filed. The following is a step by step guide to help persons interested in applying for a Zoning Variance.

Items 1 thru 5

These blocks are for official use only and will be completed by the Zoning Section Staff.

Item 6 - Complete Property Address

Enter the street address, the real estate number(s), and the date that the lot was officially recorded as shown on the original deed for the parcel. Real estate numbers can best be obtained through the Property Appraiser's Office in the Claude Yates Building on 231 E. Forsyth Street, Room 270.

Item 7 - Intersecting Streets

This question seeks the names of the two streets closest to the applicant's property, not including the street on which ingress and egress will occur. Normally, these streets intersect the street on which the proposed development is located.

Item 8 - Current Property Use

Please indicate the current use of the property (*i.e. single family, commercial office, undeveloped land*)

Item 9 - Land Area (Acres) and Utility Services Provider

Please write here the total acres of the proposed exception and indicate whether the utilities will be provided by JEA, private well and septic tank, or another provider.

Item 10 - Exception Sought and transferability. Enter the sought request as it appears in the Zoning Code. If more than one exception is requested, list each request separately. Also, state whether the exception is to be transferable, and identify the entity to which the exception will be granted. If the exception is granted personal, and is not transferable, the use is valid only for the period that the named individual owns the property, as long as other provisions related to commencement are met. If however, a exception is granted transferable, the use attached to the property and the rights granted therein automatically transfer with the property upon sale of the same.

***Note-** Applicants for day care centers must contact the Department of Children and Family Services to assure that DCFS provides a letter of determination to the Planning and Development Department.

Item 11 - Provide answers to questions regarding exception standards and criteria.

Special attention should be given to answers provided here. These questions represent the criteria used by the Planning Commission to grant an exception, but only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, each of the listed standards and criteria. Failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth may result in a denial.

Item 12 - Attachments An Application for Zoning Variance must consist of four (4) complete sets of the application and all required attachments. All required attachments should be provided on 8 ½" x 11" paper, with the exception of two of the four application sets, which will include site plans at 11" x 17" or larger.

The following information must be shown on the site plan:

- A. Property dimensions and total land area
- B. Buildings (*including dimensions and total lot coverage area*)
- C. Parking spaces and dimensions (*including handicap*)
- D. Loading and unloading area, if applicable, with turn around area and dimensions
- E. Landscape areas and dimensions
- F. Ingress and egress (*driveways, alleys and easements*)
- G. Adjacent streets and right-of-way
- H. North arrow, map scale, and date of drawing
- I. Signage (*if any*)
- J. Building setbacks per Zoning Code
- K. Adjacent zoning districts and property uses
- L. Day care uses must include a Department of Children and Families Services (DCFS) letter.

All drawings must be drawn to scale. Failure to have a "to-scale" drawing with each of the items above shown could result in your application being deferred or denied by the Planning Commission.

When your completed application is submitted to the Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300, a list of property owners (*addressee*) within the 350 feet radius of the property will be prepared by the Department.

NOTE: There is a 21-day appeal period after an application is approved before the final order can be issued.

Legal Description

Lot 10, Block 4, St. Johns Heights, as recorded in Plat Book 3, Page 22 of the current public records of Duval County, Florida.

ANSWERS TO STANDARDS AND CRITERIA

June 27, 2016

**EXCEPTION FOR ESTABLISHMENT WITH 120 SEATS, WHICH INCLUDES
THE RETAIL SALE AND SERVICE OF ALL ALCHOLIC BEVERAGES FOR ON-PREMISES
CONSUMPTION (THE "PROPOSED USE")**

SUMMARY DESCRIPTION OF THE PROJECT

Applicant, BMR Dining Group LLC, is in the process of developing a kitchen and wine bar with 120 seats (including outdoor seats) (the "Development"). The Property, defined herein to mean that certain property located at 3563 St. Johns Avenue, has a land use designation of Community/General Commercial ("CGC") and is zoned Community/Commercial General-1 ("CCG-1"). The Property is located in the Commercial Character Area of the Riverside/Avondale Zoning Overlay, and within the boundaries of the Riverside/Avondale Historic District, an area that contains a variety of commercial and retail uses, including those with beer, wine and full alcohol sales.

The CCG-1 zoning district permits retail sales and service of beer and wine for on-premises consumption in conjunction with a restaurant by right, but requires a zoning exception to permit the sale of liquor. House Bill No. 655 established special zones in Jacksonville which provided approval for space and seating requirements for liquor licenses for restaurants in these zones, subject to local requirements.

The surrounding land uses and zoning districts include LDR/RLD-60 to the north (single-family homes), CGC/CCG-1 to the east (commercial parking lot and The Blue Fish Restaurant & Oyster Bar), CGC/CCG-1 to the south (Biscotti's restaurant) and CGC/CCG-1 (retail shops) to the west. Biscotti's application E-16-035 was recently approved to permit the sale of liquor, in accordance with House Bill No. 655, directly across the street from the Property. The surrounding uses will not conflict with the Proposed Use.

STANDARDS AND CRITERIA

i. Will the proposed use be consistent with the Comprehensive Plan?

The Proposed Use will be consistent with the 2030 Comprehensive Plan (the "Comprehensive Plan"). The Property is located in the Community General Commercial (CGC) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the Comprehensive Plan. The CGC category permits a wide range of commercial uses, including retail and service establishments.

The grant of exception would further Future Land Use Element ("FLUE") Policy 3.2.2 of the Comprehensive Plan, which policy states that the City of Jacksonville (the "City") shall promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize. Additionally, FLUE Objective 3.2 encourages the City to continue to promote and sustain the viability of existing and emerging commercial areas in order to achieve an

integrated land use fabric that will offer a full range of employment, shopping and leisure opportunities to support the City's residential areas. Granting the proposed exception would further the Comprehensive Plan by facilitating redevelopment and infill of existing commercial property and promoting the sustainability of the Avondale area.

- ii. *Will the proposed use be compatible with the existing contiguous uses or zoning and 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?*

The Proposed Use is compatible with the existing contiguous uses, zoning and the general character of the area. The area has a mixture of tenants, including restaurants, retail shops, and offices. The retail sale and service of all alcoholic beverages is incidental to the principal use, a restaurant, which is permitted to serve beer and wine by right. There are similar establishments serving alcohol in the area with permanent outside sales and service.

The Proposed Use will operate under an SRX liquor license, which license requires that food sales generate 51% of the restaurant revenue. Other restaurants in the neighborhood operate under SRX licenses, such as Mellow Mushroom (3601 & 3611 St. Johns Avenue), The Blue Fish (3551 St. Johns Avenue), Mojos (3572-1 St. Johns Avenue), and Biscottis (3556 St. Johns Avenue).

- iii. *Will the Proposed Use have an environmental impact inconsistent with the health, safety and welfare of the community?*

The Proposed Use will not have an environmental impact inconsistent with the health, safety and welfare of the community. The sale and service of all alcoholic beverages is incidental to the principal use, which use includes the sale of beer and wine by right. The Proposed Use will meet all applicable environmental regulations.

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

The Proposed Use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, or result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community.

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

The Proposed Use will not have a detrimental effect on the future development of contiguous properties or the general area. Rather, the Proposed Use will contribute to the revitalization of an existing commercial area in accordance with FLUE Policy 3.2.2 of the 2030 Comprehensive Plan, which calls for the City to promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

- 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?*

The proposed use will not generate any objectionable noise, light, vibration, fumes, odors, dust or physical activities inconsistent with the surrounding development. The exception request is for the sale of alcoholic beverages (sale of beer and wine is already permitted) and outside sales and service in conjunction with a proposed restaurant to be located within an existing commercial corridor. Considering the adjacent land uses and the use restrictions included herein, the Proposed Use will not create objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activity.

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

The proposed use will not overburden existing public services and facilities. The sale of all alcoholic beverages will not increase demand of public services.

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

The site will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services. The Property has road frontage on St. Johns Avenue, as well as an open and accessible alley.

- 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?*

The Proposed Use will be consistent with the definition of "zoning exception" provided in Section 656.1601 of the Code – "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 Use is an appropriate exception to the CGC-1 district in a commercial corridor. The Proposed Use will be controlled according to the site plan and other conditions described herein. The Proposed Use is consistent with adjacent establishments and will contribute to the City of Jacksonville's urban redevelopment efforts.

Agent Authorization

Date: June 23, 2016

City of Jacksonville
Planning and Development Department
Zoning Section
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

3563 St. Johns Avenue (RE# 092012-0000), Jacksonville, Florida

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file application(s) for a zoning exception for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such application(s).

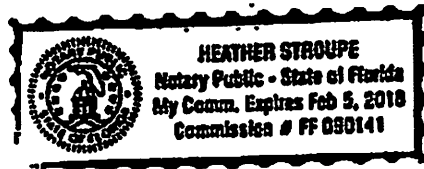
Lee Thomas Rodman Lee Trust

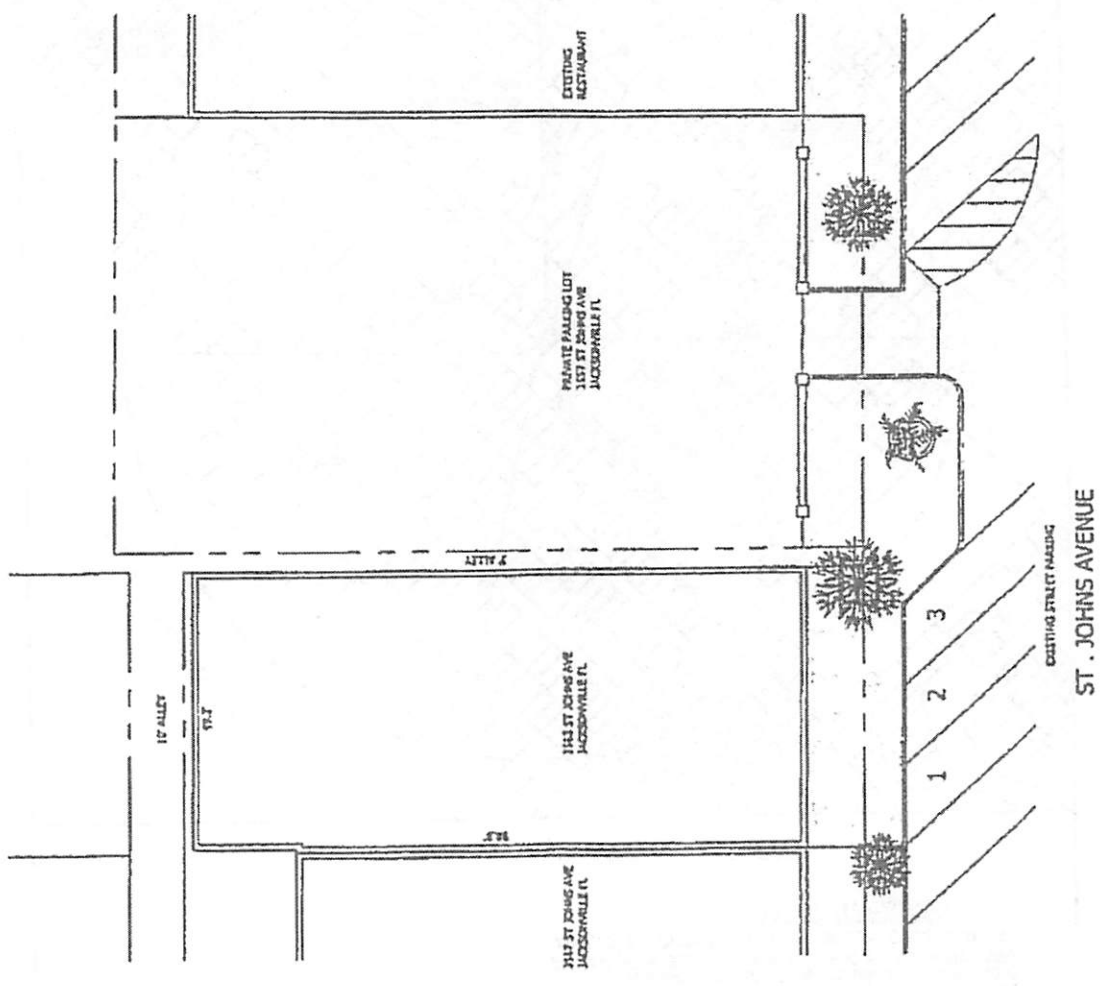
By: [Signature]
Name: Thomas Rodman Lee
Its: PLP LLC

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 23rd day of June, 2016, by Thomas Rodman Lee, who is personally known to me or has produced FL DL #L 0008310491790 as identification.

[Signature]
(Notary Signature)





06-15-2016

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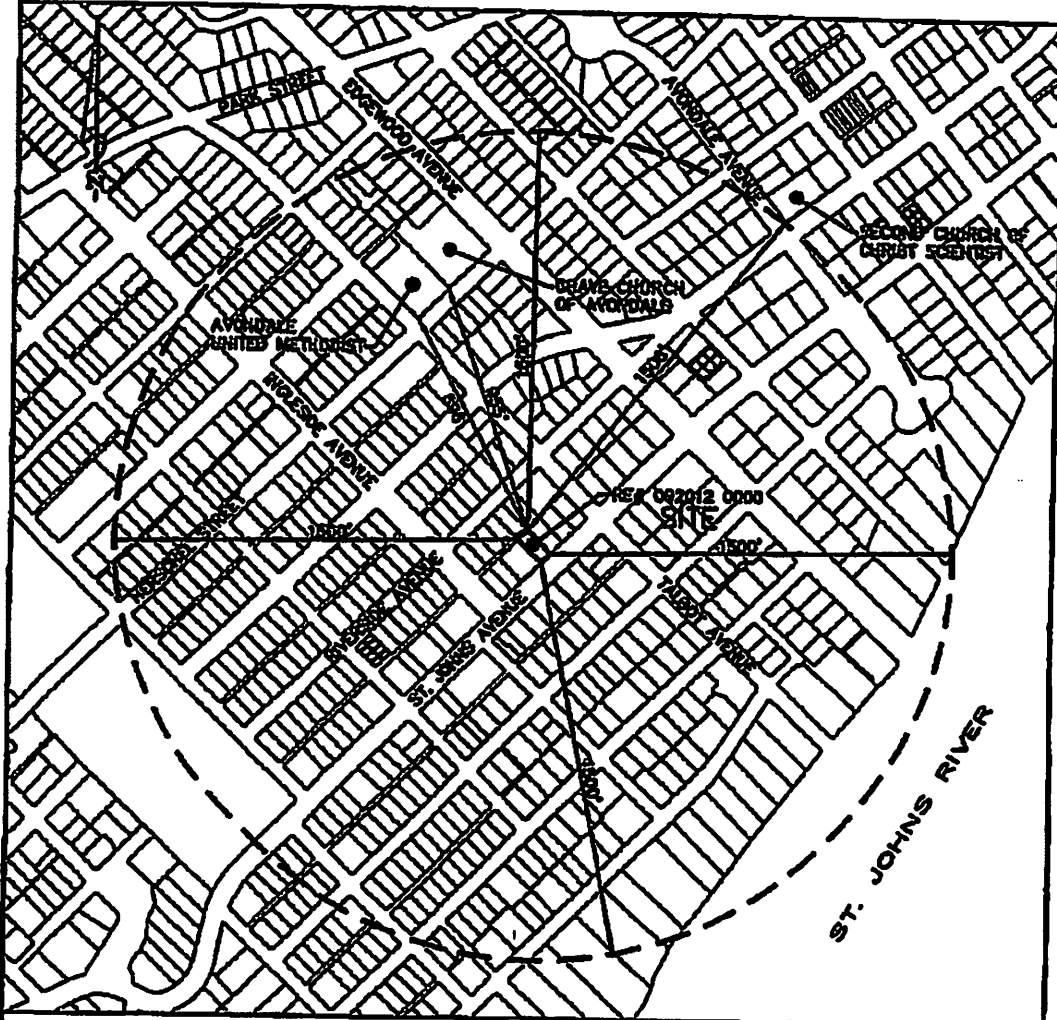
NORTH

0' 5' 10'

MAP SHOWING

3563 ST. JOHNS AVENUE RE# 092012 0000
 LOT 10, BLOCK 1, ST. JOHNS HEIGHTS, AS RECORDED IN
 PLAT BOOK 3, PAGE 22 OF THE CURRENT PUBLIC RECORDS OF
 DUVAL COUNTY, FLORIDA.

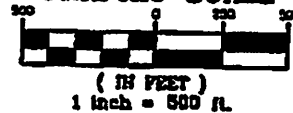
FOR: DRIVER, McAFEE, PEEK & HAWTHORNE, P.L.



GENERAL NOTES

1. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THIS SURVEY WAS MADE IN ACCORDANCE WITH CITY OF JACKSONVILLE ZONING CODE, SECTION 858.804, AND SHOWS THE LOCATION OF ALL CHURCHES, SCHOOLS, ADULT ENTERTAINMENT OR SERVICES FACILITIES (AS DEFINED IN SECTIONS 856.802 AND 856.1101) WITHIN A 1500' RADIUS FROM THE LIMITS OF THE SITE.

GRAPHIC SCALE



JOB NO. 2018-335
 DRAFTER WJC
 DATE 5-04-18
 SCALE 1"=500'

THIS MAP OR SERVICE MEETS THE CURRENT FEDERAL STANDARDS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND FORESTRY OFFICES, IN CHAPTER 38-12, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 475.027, FLORIDA STATUTES, UNDER CHAPTERS 3809 AND 3810, F.S.

THIS DRAWING, SECTION, PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND/OR ORIGINAL BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 38-12, FLORIDA ADMINISTRATIVE CODE).

Gregory B. Clary
GREGORY B. CLARY, P.S.M. CERT. NO. 3377

Clary & Associates
 PROFESSIONAL SURVEYORS & MAPPERS
 1818 N.W. 37th
 3850 GREEN PINE ROAD
 JACKSONVILLE, FLORIDA 32217
 (904) 248-3743
 WWW.CLARYASSOCIATES.COM

CHECKED BY MTN

CHAPTER 2016-248

House Bill No. 655

An act relating to the City of Jacksonville, Duval County; amending chapter 87-471, Laws of Florida, as amended; establishing special zones in downtown Jacksonville; providing exceptions for space and seating requirements for liquor licenses for restaurants in the zones, subject to local zoning requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 87-471, Laws of Florida, as amended by chapter 2011-255, Laws of Florida, is amended to read:

Section 1. There ~~are~~ is created a special ~~zones~~ zone in downtown Jacksonville covering the following described areas, known as Northside West, Northside East, and Southbank, Riverside Avondale Urban Transition Area, and Riverside Avondale Commercial Character Areas for the purposes of this act. The areas are described as:

The Northside West area is that part of the City of Jacksonville, Duval County, Florida described as:

Begin at the point of intersection of the West right-of-way line of Main Street, State Road No. 5, with the South right-of-way line of West Bay Street; thence, Westerly along said South right-of-way line of West Bay Street to a line being a Southerly prolongation of the West right-of-way line of Julia Street; thence Northerly along said line and said West right-of-way line of Julia Street to the South right-of-way line of Forsyth Street; thence Westerly along said South right-of-way line of Forsyth Street to the West right-of-way line of Pearl Street; thence Northerly along said West right-of-way line of Pearl Street to the North right-of-way line of State Street; thence Westerly and Northwesterly along said North right-of-way line of State Street to the Northwesterly right-of-way of Interstate 95 and State Road No. 9; thence Southwesterly along said Northwesterly and Westerly right-of-way line to an intersection with a line being a Westerly prolongation of the Northeasterly right-of-way line of that portion of Interstate 95 leading to and from the Fuller Warren Bridge over the St. Johns River; thence Southeasterly along said line and Northeasterly right-of-way line to the center line of the St. Johns River; thence Northeasterly and Easterly along said center line to the West right-of-way line of the John T. Alsop (Main Street) Bridge; thence Northerly along said West right-of-way line of the John T. Alsop (Main Street) Bridge to the Point of Beginning.

The Northside East area is that part of the City of Jacksonville, Duval County, Florida described as:

1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Begin on the west, Pearl Street extending from State on the north to Forsyth Street on the south and Julia Street from Forsyth on the north to Bay Street on the south, and Main Street beginning at Bay Street on the north and extending south to the St. Johns River. The northern boundary is State Street, beginning at Pearl Street, and extends eastward to Liberty Street at which point the boundary extends eastward along the Jacksonville Expressway to a point where the Jacksonville Expressway intersects with the Haines Street Expressway. Then north along the Haines Street Expressway to Marshall Street, and then eastward along Marshall Street to Talleyrand Avenue. North along Talleyrand Avenue to Fairway Street, and then eastward along Fairway Street to the St. Johns River. The eastern and southern boundaries are the St. Johns River, beginning at Fairway Street and extending southward to a point beyond the Hart Bridge, then westward to Main Street at a point running north to Bay Street and then west along Bay Street to Julia Street, then north along Julia Street to Forsyth Street, then extending west to Pearl Street.

The Southbank area is that part of the City of Jacksonville, Duval County, Florida described as:

Begin at the point of intersection of the North right-of-way line of Gulf Life Drive with the West right-of-way line of South Main Street, State Road No. 5; thence westerly along said North right-of-way line of Gulf Life Drive to the Northeasterly right-of-way line of that portion of the Jacksonville Expressway leading to and from the Acosta Bridge over the St. Johns River; thence Southeasterly along said Northeasterly right-of-way line to an intersection with a Northeasterly prolongation of a line lying 60 feet Southeasterly from, when measured at right angles to, the Southeasterly face of the Prudential Building; thence Southwesterly along said line and a Southwesterly prolongation thereof to an intersection with the South right-of-way line of Prudential Drive; then Easterly along said South right-of-way line of Prudential Drive to an intersection with a Northeasterly prolongation of the Westerly edge of the Easternmost Baptist Medical Center driveway; thence Southwesterly along said line and Westerly edge of driveway and Southwesterly prolongation thereof to an intersection with the Northerly right-of-way line of Interstate 95, State Road No. 9; thence Easterly along said Northerly right-of-way line to a point of intersection with the Southwesterly edge of the Southbound roadway of South Main Street; thence Northeasterly along a line drawn straight from the last described point to the Northwesterly corner of Lot 18, Block 1, Bostwick's Subdivision of Block 46 in South Jacksonville, as shown on plat recorded in Plat Book 3, Page 68 of the Current Public Records of said County, said Northwest corner being located in the Northeasterly right-of-way line of the Northbound approach to said South Main Street from said Interstate 95; thence Southeasterly and Easterly along said Northeasterly right-of-way line and Northerly right-of-way line of Interstate 95 to an intersection with the Southeasterly right-of-way

line of Vine Street; thence Northeasterly along said Southeasterly right-of-way line of Vine Street to the Northeasterly line of that certain alley running Southeasterly through Block 17, Reeds Fourth Subdivision of South Jacksonville, as shown on plat recorded in Plat Book 1, Page 46 of the former public records of said County; thence Southeasterly along said Northeasterly alley line to an intersection with the Northwesterly right-of-way line of Alamo Street; thence Northeasterly along said Northwesterly right-of-way line of Alamo Street and a Northeasterly prolongation thereof to an intersection with the mean high water line of the St. Johns River; thence Northwesterly along said mean high water line to an intersection with a line being a Northerly prolongation of the West face of the Gulf Life Insurance Company's parking garage; thence Southerly along said line, said West garage face, and a Southerly prolongation thereof to an intersection with the North right-of-way line of Gulf Life Drive; thence Westerly along said North right-of-way line to the Northerly prolongation of the Easterly right-of-way line of Flagler Avenue; thence Northerly along said prolongation of the Easterly right-of-way line of Flagler Avenue to an intersection with a line being the Easterly prolongation of the South face of the multistory Hilton Hotel building; thence Westerly along said line, the said South face of the Hilton Hotel to the Westerly right-of-way line of South Main Street; thence Southerly along said Westerly right-of-way line of South Main Street to the Point of Beginning.

The Riverside Avondale Urban Transition Area is that part of the Riverside Avondale Historic District of the City of Jacksonville, Duval County, Florida described as:

The area bound by Margaret Street to the west, Dallwood Avenue and Interstate 95 to the north and northeast, and the St. Johns River to the east and south.

The Riverside Avondale Commercial Character Areas are those parts of the Riverside/Avondale Historic District of the City of Jacksonville, Duval County, Florida described as:

Riverside Avondale Commercial Character Area #1: Lot 22, Arden, according to the plat thereof as recorded in Plat Book 5 Page 89 of the Current Public Records of Duval County, Florida. Block 22, Lots 3, 4, 5, and 6 Block 16, Fishweir Park, according to the plat thereof as recorded in Plat Book 3 Page 84 of the Current Public Records of Duval County, Florida. A part of the George Atkinson Grant, Section 58, Township 2 South, Range 26 East Duval County, Florida as recorded in Official Records: Book 10027 Page 872, Book 8723 Page 91, Book 14566 Page 1943, Book 8284 Page 171, Book 17088 Page 1988, Book 3153 Page 846, and Book 8558 Page 222

Riverside Avondale Commercial Character Area #2: Lots 10, 11, and 12 Block 104, Lots 7, 8, and 9 Block 121, Riverside Heights, according to the plat thereof as recorded in Plat Book 2 Page 61 of the Current Public

Records of Duval County, Florida. Lots 1, 2, 3, and 4 of BJ Skinner's Subdivision of Block 3 of Diterich's Subdivision of part of the Hutchinson Grant according to the plat thereof as recorded in Plat Book 8 Page 14 of the Current Public Records of Duval County, Florida. Lots 7, 8, 9, 10, 11, and 12 Block 2, Lots 6, 7, 8, 9, and 10 Block 1, St Johns Heights, according to the plat thereof as recorded in Plat Book 3 Page 22 of the Current Public Records of Duval County, Florida. Lots 1, 2, 3, 10, 11, and 12 Block 1 Diterich's Subdivision of Lot 4 of the Hutchinson Grant, Northwestern 65 feet of Lots 1 and 2, all of Lot 3 Diterich's Replat of Lot 1 Block 8, Edgewood, according to the plat thereof as recorded in Plat Book 2 Page 86 of the Current Public records of Duval County, Florida. Lots 130, 131, and 132, Avondale, according to the plat thereof as recorded in Plat Book 7 Page 31 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #3: Lot 1 (Except any portion taken by the City of Jacksonville for right of way purposes) Block A, North Riverside Heights, according to the plat thereof as recorded in Plat Book 2 Page 99 of the Current Public Records of Duval County, Florida. Lots 4 and 5 Block 13, Lots 1, 2, 3, 4, 5, the North ½ of a closed alley lying Southeasterly of said lots, and Lot 6 Block 14, Lots 1 and 2 Block 15, Lots 1, 36, 37, and 38 Block 16, St Johns Heights, according to the plat thereof as recorded in Plat Book 3 Page 22 of the Current Public Records of Duval County, Florida. Lots 7, 8, and 9 Block 49, Riverside Heights, according to the plat thereof as recorded in Plat Book 2 Page 61 of the Current Public Records of Duval County, Florida. A portion of Eloise St closed and vacated by Ordinance No. BB-153 of the City of Jacksonville, Florida.

Riverside Avondale Commercial Character Area #4: Lots 2, 3, 6, and part of Lot 7 recorded in Official Record Book 9501 Page 290 Block 16. Lots 1, 4, 5, and part of Lot 8 recorded in Official Record Book 9501 Page 292 Block 17, Ingleside Park, according to the plat thereof as recorded in Plat Book 2 Page 77 of the current Public Records of Duval County, Florida. Lots 9, 10, 11, 12, 13, 14, and 15 Block 3, Lots 6, 7 (except part in right of way), 8, 9, 10, 11, 12, 13, 14, and 15 Block 6, Lots 1, 2, and 3 Block 7, Willow Brook Terrace, according to the plat thereof as recorded in Plat Book 8 Page 36 of the Current Public records of Duval County, Florida.

Riverside Avondale Commercial Character Area #5: Lot 7, Lots 8, 9, 10, and 11 (except parts in right of way) Block 18, Central Addition to Riverside, according to the plat thereof as recorded in Plat Book 6 Page 6 of the Current Public Records of Duval County, Florida. Part of Lot 7 recorded in Official Record Book 14809 Page 682, Lots 8, 9, and 10, Lot 11 and 12 (except parts in right of way), and Lot 13 Block 1, Lot 8 (except part in right of way), Lots 9, 10, 11, 12, 13, 14, 15, and part of Lots 16, 17, and 18 recorded in Official Record Book 15097 Page 1955 Block 2, Riverside Extension, according to the plat thereof as recorded in Plat Book 6 Page 11 of the Current Public Records of Duval County, Florida.

Part of Lot 6 recorded in Official Records Book 6984 Page 1451, Lots 7, 8, 9, and 10, Riverside Pines, according to the plat thereof as recorded in Plat Book 17 Page 18 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #6: Lots 7, 8, 9, 10, 11, and 12 of re-plat of Block 2, Lighthold's Subdivision, according to the plat thereof as recorded in Plat Book 6 Page 1 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, and 4 Block 3, Lighthold's Subdivision, according to the plat thereof as recorded in Plat Book 8 Page 95 of the Current Public records of Duval County, Florida. Lots 12 and 13, Re-plat of Lots 12 & 13 Block 8 Riverside Annex, according to the plat thereof as recorded in Plat Book 9 Page 8 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 25, Shackelton's Subdivision of Block 8 Riverside Annex, according to the plat thereof as recorded in Plat Book 2 Page 67 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, East 15FT Lot 10, West 35FT Lot 11 Block 5, Lots 1, 2, 3, 4, 5, and 6 Block 6, Riverside Annex, according to the plat thereof as recorded in Plat Book 1 Page 106 of the Current Public records of Duval County, Florida. Lots 1, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, Duval Company's Re-plat of Block 7 Riverside Annex, according to the plat thereof as recorded in Plat Book 2 Page 90 of the Current Public records of Duval County, Florida. That fractional part of Park St located Southeasterly of lots 16 and 17 Duval Company's Re-plat of Block 7 Riverside Annex known as Parcel C recorded in Official Record Book 16195 Page 2011. Closed alley within Plat Book 2 Page 90 closed by City of Jacksonville Ordinance No. 82-314-147. Tracts D and E, Lots 1, 2, 3, 4, 5, and 6 Block 6, Lots 1, 2, 3, and 4 Block 7, Lots 1, 2, 3, 4, 5, 6, 7, and 8 Block 8, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and closed alley recorded in Official Record Book 11597-1171 Block 9, Lots 18, 19, 20, 21, 22, and 23 Block 12, Lots 14 and part closed street lying South thereof, 15, 16, 17, 18, and 19 Block 13, New Riverside, according to the plat thereof as recorded in Plat Book 3 Page 54 of the Current Public records of Duval County, Florida. Lots 1, 2, and 3, Valz & Yerkes Subdivision, according to the plat thereof as recorded in Plat Book 7 Page 32 of the Current Public records of Duval County, Florida. Parcels of land being part of Government Lot 4 in Section 22, Township 2 South, Range 26 East, Duval County Florida as described in Deed Book 127 Page 177, Deed Book 127 Page 178, Official record Book 754 Page 176, Official Record Book 1140 Page 279, Official Record Book 2314 Page 183, and Official Record Book 4024 Page 200.

Riverside Avondale Commercial Character Area #7: Lot 6 Block 83, Riverside, according to the plat thereof as recorded in Plat Book 4 Page 6 of the Current Public records of Duval County, Florida. The West 60FT and the North 25FT of the East 10FT of Lot 7 and the North 25FT of the West ½ of Lot 6, Block 83, Riverside, according to the plat thereof as recorded in Plat Book 2 Page 24 of the Current Public records of Duval

County, Florida. The East 50FT of the common area parcel of the John Gorrie Condominium described in Official record Book 15698 Page 444 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #8: All of Lots 2 through 8, together with that portion of a 15FT alley (closed by ordinance 2002-393) lying Southerly of said lots 7 and 8, Lots 1, 2, 3, 4, 5, 6, 7, 20, 21, 22 and part of a closed alley lying southerly to Lots 6 and 7 and Easterly to Lots 6, 7, and 22 Block 9, Fractional Lot 1 Block 11, Lots 1, 2, 3, 4, 5 and closed alley lying Easterly of Lots 6 & 26 Block 12 (except any part in right of way), R I CO's addition to Riverside, according to the plat thereof as recorded in Plat Book 5 Page 47 of the Current Public Records of Duval County, Florida. Part of Lot 4, Riverside, according to the plat thereof as recorded in Plat Book 1 Page 109 of the Current Public Records of Duval County, Florida. West ½ Lot 5, fractional Lot 6, and the West ½ of Lot 7 Block 102, Riverside, according to the plat thereof as recorded in Plat Book 4 Page 6 of the Current Public Records of Duval County, Florida.

Riverside Avondale Commercial Character Area #9: Lots 1 through 10 Block 51, Lots 1, 2, 3, and part of Lot 4 recorded in Official Record Book 11528 Page 2845 Block 52, Riverside, according to the plat thereof as recorded in Plat Book 1 Page 109 of the Current Public Records of Duval County, Florida. A part of Oak Street North of Block 51, plat of Riverside, as recorded in Official record Book 9853 Page 1080 of the Public Records of Duval County, Florida.

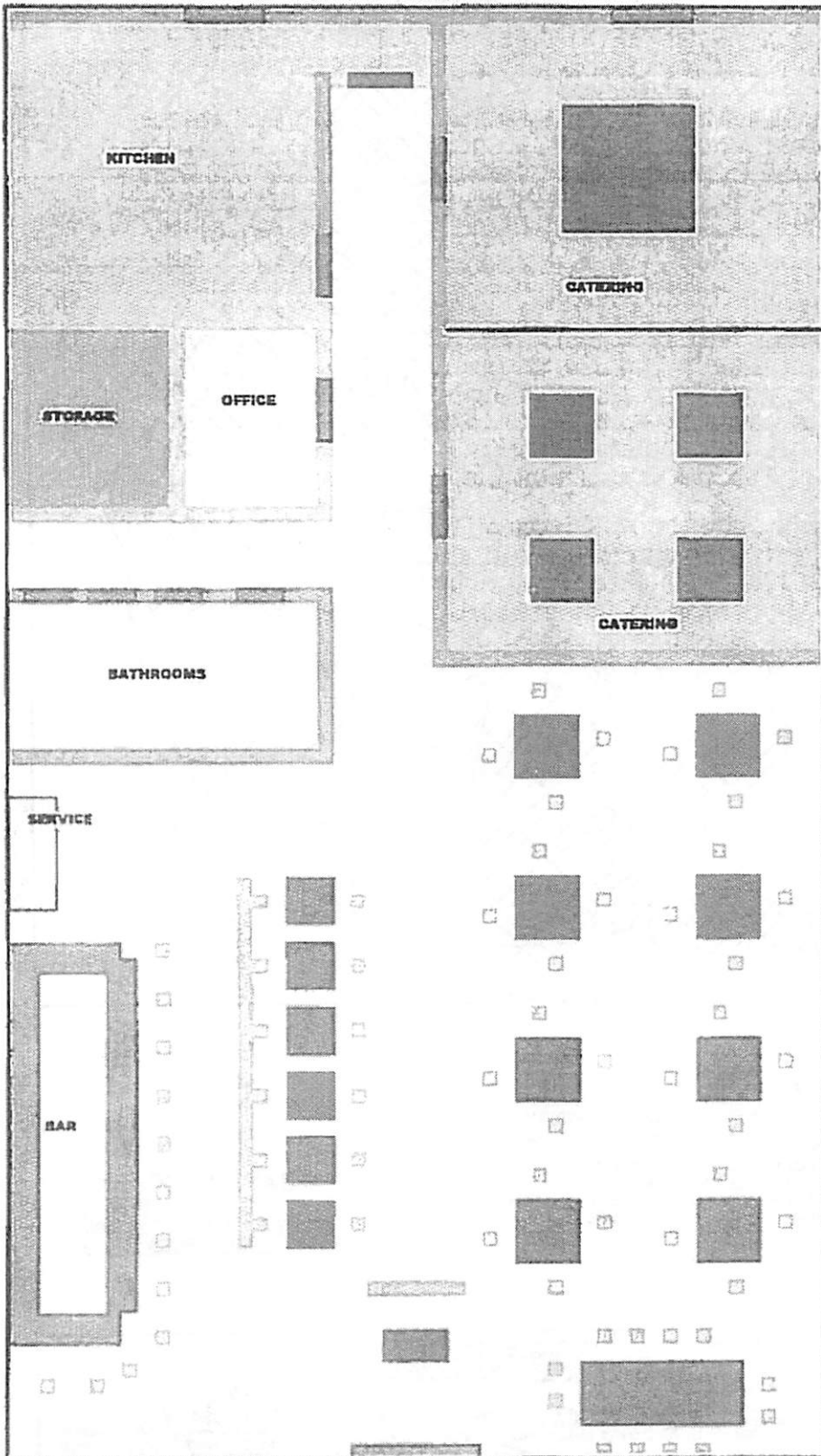
Section 2. Notwithstanding the ~~provisions of s. 561.20(1), Florida Statutes, in the areas herein described as Northside West, Northside East, Southbank, Riverside Avondale and Urban Transition Area, and Riverside Avondale Commercial Character Areas, the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation may issue a special alcoholic beverage license to any bona fide restaurant containing all necessary equipment and supplies for and serving full course meals regularly and having accommodations at all times for service of 100 or more patrons at tables and occupying not less than 1,800 square feet of floor space which derive no less than 51 percent of gross income per annum from the sale of food consumed on the premises; provided that such licenses shall be subject to local zoning requirements setting distance requirements between liquor serving establishments and churches and schools and to any provision of the alcoholic beverage laws of the state and rules of the division not inconsistent herewith.~~

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.

3563 St. Johns Avenue

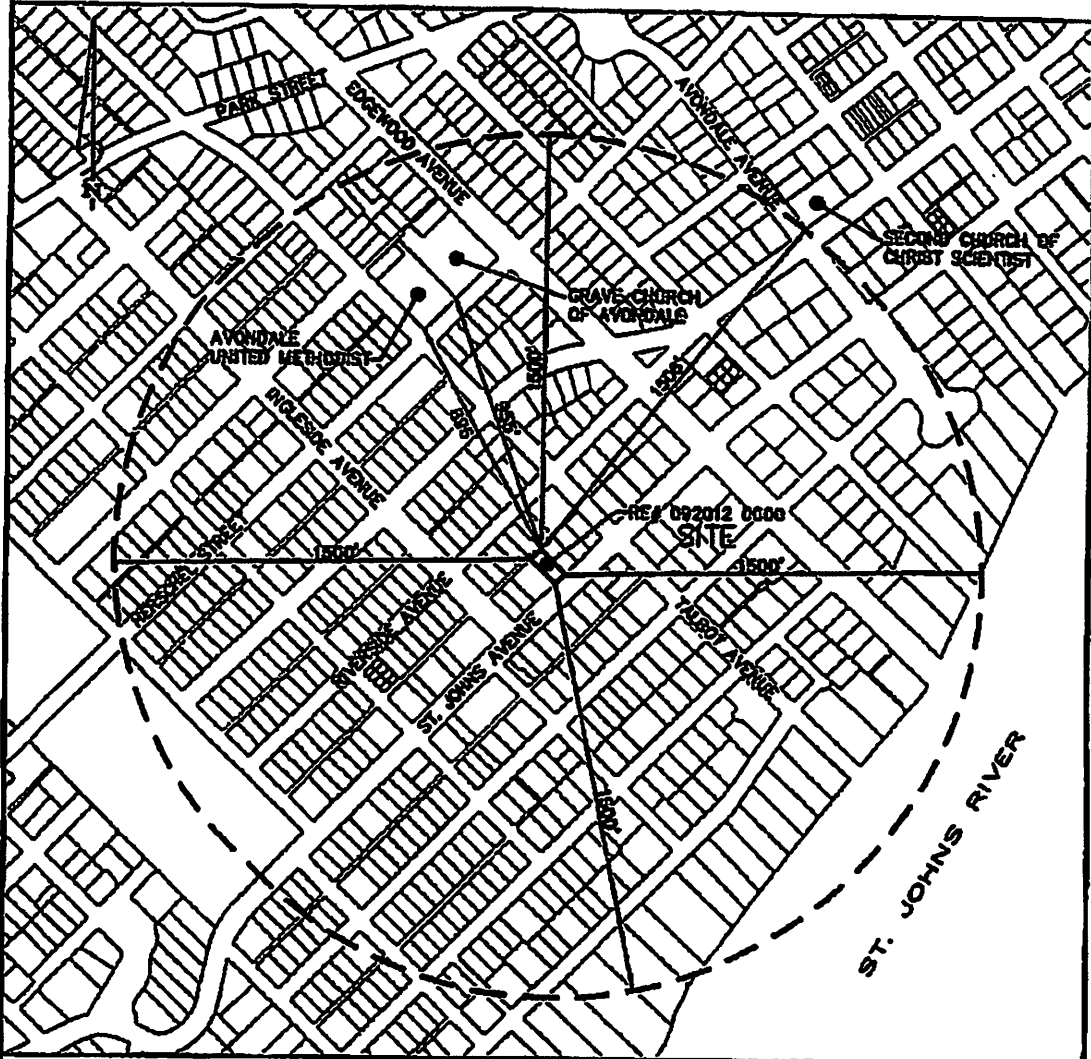


20 outside seats (may be relocated to interior space at any time)

MAP SHOWING

3563 ST. JOHNS AVENUE RE# 092012 0000
 LOT 10, BLOCK 1, ST. JOHNS HEIGHTS, AS RECORDED IN
 PLAT BOOK 3, PAGE 22 OF THE CURRENT PUBLIC RECORDS OF
 DUVAL COUNTY, FLORIDA.

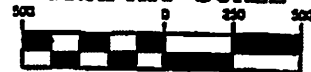
FOR: DRIVER, McAFEE, PEEK & HAWTHORNE, P.L.



GENERAL NOTES

1. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THIS SURVEY WAS MADE IN ACCORDANCE WITH CITY OF JACKSONVILLE ZONING CODE, SECTION 656.804, AND SHOWS THE LOCATION OF ALL CHURCHES, SCHOOLS, ADULT ENTERTAINMENT OR SERVICES FACILITIES (AS DEFINED IN SECTIONS 656.802 AND 656.1101) WITHIN A 1500' RADIUS FROM THE LIMITS OF THE SITE.

GRAPHIC SCALE



(IN FEET)
 1 inch = 500 ft.

JOB NO. 2018-335

DRAFTER MJC

DATE 6-04-16

SCALE 1"=500'

CHECKED BY *MTN*

THIS MAP OR SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 34-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 412.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

THIS DRAWING, SPECIFIC PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RINGED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 34-17, FLORIDA ADMINISTRATIVE CODE).

Gregory B. Clary
 GREGORY B. CLARY, P.S.M. CERT. NO. 3377

7/11/2016

Sailer, Scott

To: iwalker@dmpnlaw.com
Cc: Kelly, Sean; Glick, Aaron; Charles, Brenda
Subject: Application for an Exception and Administrative Deviation Review Comments for 3563 St. Johns Avenue
Attachments: 3563 St. Johns Avenue Review #1.pdf

Leah:

Please see the attachment containing Review Comments that require remedies for the deficiencies.
Please contact Sean Kelly at 904.255.8300 with any questions.

Regards,

Scott Sailer
Planning and Development Department
City of Jacksonville

Kelly, Sean

From: Glick, Aaron
Sent: Wednesday, July 13, 2016 2:04 PM
To: Kelly, Sean
Subject: FW: Revisions to Richard Rapp AD
Attachments: Application for AD - revised application for AD p. 1 (00075707xAF098).pdf

From: Leah Walker [<mailto:lwalker@dmpflaw.com>]
Sent: Wednesday, July 13, 2016 2:03 PM
To: Glick, Aaron
Cc: Steve Diebenow
Subject: RE: Revisions to Richard Rapp AD

Aaron,

Thanks for the clarification. I finally understand.

Attached please find a revised page 1 of our AD application. Note that I did not amend the request with regard to off-street parking. We understand that you will publish notices for this AD stating that a request to reduce # of parking spaces from 18 to 8 has been made, but think that we need to be clear that we are not providing any off-street parking. I did add the request for a reduction in the off-street loading spaces required from 1 to 0.

Let us know if you have any questions or if you need any additional information from us.

Thank you,

Leah A. Walker
Driver, McAfee, Peek & Hawthorne, P.L.
One Independent Drive, Suite 1200
Jacksonville, FL 32202
Phone: (904) 301-1269
Fax: (904) 301-1279
Direct: (904) 807-8213
lwalker@dmpflaw.com

From: Glick, Aaron [<mailto:AGlick@coi.net>]
Sent: Tuesday, July 12, 2016 5:31 PM
To: Leah Walker <lwalker@dmpflaw.com>
Cc: Steve Diebenow <SDiebenow@dmpflaw.com>
Subject: RE: Revisions to Richard Rapp AD

Based on a 120 seat restaurant with 12 employees (I had previously used 10), x 50% parking credit = 18 required spaces per the Overlay standard.

Parking that is vested for previous commercial use, also per the Overlay standard, is 3/1000 x .50 5450 sq. ft. = 8
On-street parking should not be counted, although you may explain it is available.

The request should read a reduction from 18 spaces to 8. Both of these numbers are based on applied Overlay standards.

Please add the request to reduce the loading space as well.

Thank you,

Aaron

From: Leah Walker [<mailto:lwalker@dmphlaw.com>]
Sent: Tuesday, July 12, 2016 1:39 PM
To: Glick, Aaron
Cc: Steve Diebenow
Subject: RE: Revisions to Richard Rapp AD

Yep. See attached.

Leah A. Walker
Driver, McAfee, Peek & Hawthorne, P.L.
One Independent Drive, Suite 1200
Jacksonville, FL 32202
Phone: (904) 301-1269
Fax: (904) 301-1279
Direct: (904) 807-8213
lwalker@dmphlaw.com

From: Glick, Aaron [<mailto:AGlick@coi.net>]
Sent: Tuesday, July 12, 2016 1:36 PM
To: Leah Walker <lwalker@dmphlaw.com>
Cc: Steve Diebenow <SDiebenow@dmphlaw.com>
Subject: RE: Revisions to Richard Rapp AD

Can you send me the comments sheet? I believe the calculation was 16 required with the Overlay credit minus 8 vested with the Overlay credit for commercial sales, so you would be seeking relief from 8 spaces.

From: Leah Walker [<mailto:lwalker@dmphlaw.com>]
Sent: Tuesday, July 12, 2016 12:27 PM
To: Glick, Aaron
Cc: Steve Diebenow
Subject: FW: Revisions to Richard Rapp AD
Importance: High

Aaron,

My mind is dense and not following how you got to 19 spaces required for some reason. Please let me know where I am misunderstanding...

Required parking for proposed 5,450 sqft restaurant with no credits applied = $[(120 \text{ seats}/4) + (12 \text{ employees}/2)] = 30 + 6 = 36$

Parking required for historic retail use = $(5,450 \text{ sqft}/1,000) \times 3 = 16.35$ (round down to 16) = 16

Parking required after applying Part 6 credit for historic use = $36 - 16 = 20$

Parking required after applying Overlay 50% credit for restaurants over 2,500 sqft = $36 \times .50 = 18$

Based on the calculations above, it is my understanding that we should apply for an AD to reduce required off-street parking from 20 (use less favorable credit to be conservative) to 0. Please advise.

Also, do we need to add a request to reduce required loading spaces from 1 to 0 (technically, 1 off-street loading space is required because the restaurant is over 5,000 sqft, right?)? Do we also need an AD for landscaping?

Thank you,

**Leah A. Walker
Driver, McAfee, Peek & Hawthorne, P.L.
One Independent Drive, Suite 1200
Jacksonville, FL 32202
Phone: (904) 301-1269
Fax: (904) 301-1279
Direct: (904) 807-8213
lwalkcr@dmpnlaw.com**

Sailer, Scott

To: Leah Walker
Cc: Kelly, Sean; Glick, Aaron; Charles, Brenda
Subject: RE: Application for an Exception and Administrative Deviation Review Comments for 3563 St. Johns Avenue

Leah,

The applications for Zoning Exception and Administrative Deviation are complete and ready to file. Please pick up the invoice from Zoning, in the amount of \$2,407.00, pay the Tax collector and return to Zoning for the signs to be posted on the property.

Thank you.
Scott Sailer

From: Leah Walker [mailto:lwalker@dmpnlaw.com]
Sent: Tuesday, July 12, 2016 12:40 PM
To: Sailer, Scott
Cc: Kelly, Sean; Glick, Aaron; Charles, Brenda
Subject: RE: Application for an Exception and Administrative Deviation Review Comments for 3563 St. Johns Avenue
Importance: High

Good morning,

The following information should be sufficient to allow you to issue invoices for these applications:

- (1) Liquor distance survey is attached and originals were attached to initial applications (application package, as submitted, is attached for your reference).
- (2) Seating chart is also included in the attached application package (see p. 32 of 32 of the PDF). 120 seats (including indoor and outdoor seats) are proposed to be located at the site. 12 employees per peak hour shift.
- (3) I am working with Aaron to confirm parking calcs and will send a revised p. 1 of the AD application as soon as we work through the calculations.

Thank you,

Leah A. Walker
Driver, McAfee, Peek & Hawthorne, P.L.
One Independent Drive, Suite 1200
Jacksonville, FL 32202
Phone: (904) 301-1269
Fax: (904) 301-1279
Direct: (904) 807-8213
lwalker@dmpnlaw.com

From: Sailer, Scott [mailto:SSailer@col.net]
Sent: Monday, July 11, 2016 9:49 AM
To: Leah Walker <lwalker@dmpnlaw.com>

Cc: Kelly, Sean <SKELLY@coi.net>; Glick, Aaron <AGlick@coi.net>; Charles, Brenda <BCHARLES@coi.net>
Subject: Application for an Exception and Administrative Deviation Review Comments for 3563 St. Johns Avenue

Leah:

**Please see the attachment containing Review Comments that require remedies for the deficiencies.
Please contact Sean Kelly at 904.255.8300 with any questions.**

Regards,

**Scott Saller
Planning and Development Department
City of Jacksonville**

13

1 category.

2 We also note that this is in an industrial
3 situation compatibility zone. So an
4 intensification of the -- to a more intense
5 commercial district would be supported.

6 With that, we have reviewed it, we feel
7 that it is consistent with the surrounding
8 uses, and we are recommending that you approve.

9 Thank you.

10 THE CHAIRMAN: Thank you, Folks.

11 Ms. Hipps, thank you for being here. If
12 you will give us your name and address for the
13 record, please.

14 AUDIENCE MEMBER: Alberta Hipps, 1650
15 Margaret Street, 32204.

16 THE CHAIRMAN: Ms. Tropia is going to
17 swear you in.

18 THE REPORTER: Do you affirm that the
19 testimony you are about to give will be the
20 truth, the whole truth, and nothing but the
21 truth?

22 MS. HIPPS: I do.

23 THE REPORTER: Thank you.

24 THE CHAIRMAN: We're extra cautious,
25 because I believe it's a recommendation.

Diane M. Tropia, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

14

1 Please go ahead.

2 MS. HIPPS: Thank you so much.

3 As you heard, the Planning Department has
4 a report of approval. We also went with the
5 property owner-to-be to the North CPAC, their
6 zoning committee, and to the full CPAC, and had
7 unanimous approval from the community.

8 This is going to be a wholesale tire
9 company that they're doing so well at the
10 location where they are, on the north side,
11 they are expanding their business to this
12 location.

13 I appreciate your approval.

14 THE CHAIRMAN: Great. Thank you.

15 Anybody else in the audience that wishes
16 to speak on 2016-473?

17 AUDIENCE MEMBERS: (No response.)

18 THE CHAIRMAN: Seeing none, I will close
19 the public hearing and bring it back to the
20 Commission.

21 COMMISSIONER BLANCHARD: Mr. Chairman, I
22 move approval of 2016-473.

23 COMMISSIONER HARDING: Second.

24 THE CHAIRMAN: I have a motion and a
25 second for approval of 2016-473.

Diane M. Tropia, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

15

1 Discussion from the Commission?

2 COMMISSION MEMBERS: (No response.)

3 THE CHAIRMAN: Seeing none, all those in
4 favor?

5 COMMISSION MEMBERS: Aye.

6 THE CHAIRMAN: Opposed?

7 COMMISSION MEMBERS: (No response.)

8 THE CHAIRMAN: That motion passes.

9 MS. HIPPS: Thank you very much.

10 THE CHAIRMAN: Thank you for being here.

11 All right. The moment we've all been
12 waiting for, Page 4, E-16-48 and AD-16-51.
13 Staff.

14 MR. LEWIS: Thank you, Mr. Chairman.

15 This is application for exception E-16-48.

16 It seeks the approval for the sale and service
17 of all alcoholic beverages in conjunction with
18 a restaurant with outside sales and service.

19 The location will be a conversion from a
20 former commercial retail location to that of a
21 new restaurant in the Shoppes of Avondale.

22 The site is located in the Riverside
23 Avondale Zoning Overlay. The subject is a
24 large commercial space, and the applicant
25 proposes a 120-seat restaurant. A recent

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(904) 821-0300

16

1 change to the State law lowered the threshold
2 for SRX licenses, reducing the required number
3 of seats below 150, and this location would
4 qualify for that reduced threshold.

5 The property is located in the commercial
6 character area of the overlay and will qualify
7 for a reduction in the required number of
8 spaces needed to comply with the zoning code.
9 Based on the credits allowed by the overlay,
10 the applicant would be required to provide ten
11 off-street parking spaces.

12 There is a companion administrative
13 deviation, which is to request -- which is to
14 request to reduce the required number of spaces
15 from ten to zero.

16 Staff has reviewed this application. We
17 find it is consistent with the standards and
18 criteria. We feel that the use is appropriate
19 there.

20 We did have some concerns about the
21 parking reduction and, therefore, we added two
22 conditions to that. One, this talks about the
23 outside seating meeting the requirements for
24 ADA accessibility; and the second is to limit
25 the size of the restaurant to 2,500 square

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(904) 821-0300

17

1 feet. As I said, we're recommending approval
2 with those two conditions.

3 With the AD, again, we've looked at that
4 application and find -- we are concerned about
5 the lack of parking spaces in the area, and we
6 are recommending denial of AD-16-51.

7 If -- as I mentioned earlier, the
8 restaurant, if it's approved at the lower
9 square footage, then there is no parking
10 requirements at that time. So we would
11 recommend approval of the zoning exception and
12 denial of the AD.

13 THE CHAIRMAN: Thank you, Bruce.
14 (Mr. Diebenow approaches the podium.)

15 THE CHAIRMAN: Before -- Mr. Diebenow,
16 before we get started, I am going to ask for
17 any ex-parte communication that you've had.

18 Members that weren't here at the last
19 meeting, it will be ex-parte communication;
20 members that were here, additional ex-parte
21 communication. So why don't we start at the
22 end.

23 Commissioner Friley -- I want to go down
24 the line -- do you have any ex-parte
25 communication?

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1 COMMISSIONER FRILEY: Thank you. Thank
2 you, Mr. Chairman.

3 I did receive a call from Mrs. Richards,
4 just before the meeting today, asking that we
5 support the Planning Department's
6 recommendation.

7 THE CHAIRMAN: Go ahead.

8 COMMISSIONER BLANCHARD: Thank you,
9 Mr. Chairman.

10 I had a brief phone conversation with
11 Mr. Diebenow, a day or two ago. And also,
12 we've received many, many e-mails from
13 different folks which would qualify as ex-parte
14 communication, but I believe that the City
15 staff was copied on those, so they should be a
16 matter of public record.

17 COMMISSIONER HARDING: Thank you,
18 Mr. Chair.

19 I actually had some ex- -- I was not here
20 at the last meeting, which I was happy to
21 inform those when they called for ex-parte
22 communication previously, but it looks like I
23 am here today.

24 So I did speak with Mr. Diebenow briefly
25 about the topic, and I appear to have been the

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1 subject of an intensive e-mail campaign that
2 were only to me. So I will forward those so
3 that they will be part of the public record as
4 well.

5 COMMISSIONER PADGETT: Thank you,
6 Mr. Chairman.

7 I also spoke with Mr. Steve Diebenow
8 yesterday regarding this application. And I
9 also spoke with Iva Keyworth, the owner of
10 Gottahaveit. Actually, I didn't speak with
11 her. It was via e-mail communication yesterday
12 as well.

13 And I received a letter that was mailed to
14 my house, which I will give to Patricia for
15 public record.

16 COMMISSIONER MOTES: Mr. Chairman, I also
17 had a communication with Mr. Diebenow on
18 Tuesday, the 16th of this week, in reference to
19 the same. Everything else that I received was
20 part of the Commission's e-mail. And anything
21 separately, I forwarded on.

22 Thank you.

23 THE CHAIRMAN: Thank you all for that.

24 And I did have ex-parte communication with
25 Mr. Diebenow, briefly, speaking about -- more

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1 about legislation that was recently passed.

2 And the parking credits, I did receive all
3 of the e-mails and did get a call today from a
4 young lady, but I don't remember -- I didn't
5 catch her name. It may have been Commissioner
6 Richards, like Commissioner -- I mean,
7 Ms. Richards, like -- Commissioner Friley had
8 the same conversation.

9 So with that being said, Mr. Diebenow, if
10 you will give us your name and address for the
11 record, Ms. Tropa will not swear you in.

12 MR. DIEBENOW: Sure.

13 It's Steve Diebenow, One Independent
14 Drive, Suite 1200.

15 I'm here on behalf of the applicant and
16 the landowner.

17 And I think that most of you heard the
18 transcript from before, so I'm not going to go
19 back and repeat everything that I said
20 previously, but I do want to correct a couple
21 of things.

22 First of all, I mentioned at the last
23 meeting that the landlord for this building was
24 the same as the landlord for Biscotti's. That
25 wasn't correct. So our landlord and the owner

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1 of the building across the street are two
 2 different entities. I was mistaken when I said
 3 that.
 4 Also, I wanted you to know that I think
 5 that when we spoke last time, I had talked
 6 about the possibility of doing two restaurants.
 7 And for some reason, I think people interpreted
 8 that as being a threat or being -- I don't
 9 know, but we were upset.
 10 And I -- nothing could be further from the
 11 truth. I think what I was trying to convey
 12 and, obviously, didn't do a really good job, is
 13 that the landowner and the tenant -- right now,
 14 the tenant has a lease for all 5,000 square
 15 feet, which is what the landlord had requested.
 16 And if -- depending on what this Planning
 17 Commission does, we will adjust our plans
 18 accordingly. So it's not a threat. It's just
 19 the economic reality. If something happens
 20 here that prevents the use or something happens
 21 here that encourages a different use, then we
 22 will -- then we'll react accordingly.
 23 So I apologize if anyone took that as
 24 anything other than just a statement of our
 25 intention to deal with the situation however

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1 it's presented, you know, by this body.
 2 The last thing I would add is,
 3 Mr. Chairman, when we're going through,
 4 procedurally, I think it would be beneficial
 5 for you to vote on the administrative deviation
 6 first and then the exception after that.
 7 Following our last meeting, we filed a
 8 second exception application for a 100-seat
 9 restaurant so that this space would actually be
 10 able to have two 100-seat restaurants in it.
 11 And again, we will react accordingly based
 12 on -- really, the administrative deviation is
 13 what's going to determine how the tenant and
 14 the landlord move forward. So I would just
 15 ask, Mr. Chairman, when we're done, that we --
 16 that the Commission consider voting on the
 17 administrative deviation first and then the
 18 exception after that.
 19 THE CHAIRMAN: Okay.
 20 MR. DIEBENOW: Just getting to the -- I
 21 want to just speak to a couple of highlights.
 22 First of all, this property is zoned
 23 CCG-1. A restaurant is permitted by right. So
 24 we're not here talking about a use. And for
 25 those of you that are -- you know, that follow

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1 things on the Internet or in the newspaper or
 2 the blogs or whatever, this isn't an approval
 3 for -- and you all know this, but I want the
 4 folks in the audience to know, this is not an
 5 approval for a restaurant. This, what we're
 6 asking for, is an administrative deviation for
 7 parking, which I will go into in a minute, and
 8 then an exception to be able to serve alcohol.
 9 As the Planning Department reported in
 10 their staff report, this stretch of the Shoppes
 11 of Avondale was approved by the State
 12 legislature to allow smaller restaurants. And
 13 that is that restaurants less than 150 seats,
 14 as small as 100 seats, are allowed to get an
 15 SRX license, which is an -- which is an
 16 exception to a 4-COP license. In other words,
 17 they can sell liquor even though they only have
 18 a hundred seats.
 19 So the restaurant use is permitted. The
 20 liquor use is permitted by state statute, but
 21 obviously you have to conform with the zoning
 22 requirements. And the zoning requirement we
 23 have to conform with is an exception. So that
 24 is the -- that is one of the things that we're
 25 seeking today. This isn't a vote on whether or

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1 not a restaurant is permitted or not.
 2 As to the administrative deviation, this
 3 is going to be a little bit repetitive from
 4 what I said previously, but the highlights of
 5 what I said at our last hearing were that this
 6 is not a situation that was created by the
 7 applicant or by the -- by the tenant.
 8 The staff report indicates that this is a
 9 self-created hardship. And I think that they
 10 have misinterpreted the -- what a self-created
 11 hardship is. This building has no parking.
 12 It's built from corner to corner. And there is
 13 no place to physically park a car.
 14 So whether we're asking for one car or to
 15 park a hundred cars, there's nowhere to put a
 16 car on this site. And that is the definition
 17 of a hardship that isn't self-imposed. When
 18 the building was built, the parking
 19 requirements didn't exist.
 20 In addition, there were questions about
 21 whether or not this approval for the
 22 administrative deviation would be in the best
 23 of public interest. And as I went into great
 24 detail at the last hearing, the reason that
 25 this would be beneficial is that currently,

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1 under our code today, we could do two 100-seat
2 restaurants in this building, and we would not
3 be talking about parking at all. We would just
4 be talking about the exceptions, and there
5 would be no conversation about parking.

6 And that is because the City Council
7 deemed that smaller restaurants were
8 appropriate. And to encourage the reuse of
9 buildings that had been historically built in a
10 way similar to this, where there wasn't enough
11 parking, that it was acceptable for smaller
12 restaurants to be -- fit into these buildings
13 without addressing the parking situation.
14 That's not a piece of legislation that we
15 lobbied for. That's not something that we
16 pushed. That's something that was adopted
17 three or four years ago.

18 So the way that this causes something in
19 the public interest is -- we're asking to take
20 up all 5,000 square feet and to put in 120
21 seats. Our alternative would be to do two
22 restaurants, for a total of 200 seats, in the
23 same 500 -- in the same 5,000 square feet. And
24 so we believe that we're reducing the number of
25 seats in this area by approving this

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1 administrative deviation.

2 And then, finally, you know -- well, I
3 will leave the rest of my comments that I had
4 at the last hearing before --

5 AUDIENCE MEMBER: (Inaudible.)

6 MR. DIEBENOW: I'm sorry. Hold on just
7 one second.

8 Can I -- is there something -- can I help
9 you with something?

10 AUDIENCE MEMBER: Yeah. I thought this
11 was limited to a three-minute --

12 THE CHAIRMAN: That's up to me.

13 AUDIENCE MEMBER: Okay.

14 THE CHAIRMAN: That's up to me.

15 AUDIENCE MEMBER: All right. All right.

16 THE CHAIRMAN: We cannot have any more
17 comments from the audience.

18 AUDIENCE MEMBER: That's fine. I just
19 thought this was limited to the three minutes.

20 THE CHAIRMAN: Yes, most presentations
21 are, but I know this has got a lot of
22 controversy to it. So I want to hear
23 everything everybody has to say. Okay?

24 AUDIENCE MEMBER: All right.

25 Thank you.

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1 MR. DIEBENOW: So, Mr. Chairman, I guess,
2 in summation, it's a -- it's a pretty
3 straightforward request. We're requesting 120
4 seats inside the 5,000-square-foot building.

5 There was discussion at the last meeting
6 about trash and about grease traps. We would
7 renew our offer to bring those inside the
8 building so that they weren't outside.

9 There was debate about garbage pickup,
10 which we show being off the back of the
11 building. And that would be -- again, we'd
12 have to pay more for it, but there is a way to
13 get -- there's an alley behind the building.
14 And there's a way to get a pickup truck down
15 there to pick up grease traps and pick up the
16 trash.

17 It wouldn't be, you know, a Waste
18 Management truck or one of the big, you know,
19 front-end loaders that would come down the
20 alley. There's probably not enough room for
21 that. So we have a plan for -- that will
22 address, I think, the concerns on trash and on
23 the grease traps by keeping those inside the
24 building and, again, reducing the total number
25 of seats, you know, from a potential of 200 to

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1 the 120 that we've requested.

2 I think we meet the criteria of the
3 administrative deviation. The staff obviously
4 agrees with us on the exception with the
5 limitations they have put in. And we don't
6 have a problem, of course, with the ADA
7 requirement that they have put on the seats in
8 front of the building, but, obviously, we
9 disagree with the 2,500-square-foot limitation.

10 But we'll talk about that, I guess, whenever
11 you guys get to the exception, but for now I'll
12 leave it there and, again, make myself
13 available for questions, if you have any.

14 THE CHAIRMAN: Okay. And I've got -- I
15 believe I've got four cards. Do I only have
16 four speakers? Because I only have four cards.

17 AUDIENCE MEMBER: I have a card.

18 THE CHAIRMAN: Okay. Please -- if you
19 have a speaker card, please fill it out. And
20 just so everybody knows that -- generally how
21 we do this -- and maybe I should have done a
22 better job explaining this.

23 The applicant will get an opportunity over
24 the three minutes, and then he will get an
25 opportunity to speak to address any of the

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1 concerns afterwards, as all --
 2 AUDIENCE MEMBER: Thank you very much.
 3 THE CHAIRMAN: You're welcome.
 4 So each -- each speaker card I have will
 5 have three minutes to speak. If the timer
 6 goes -- are you doing the timer?
 7 COMMISSIONER PADGETT: I've got it.
 8 THE CHAIRMAN: Okay. So when the timer
 9 goes off, you don't have to stop what you're
 10 saying, just start wrapping your comments up.
 11 AUDIENCE MEMBER: Thank you.
 12 THE CHAIRMAN: That's kind of what I would
 13 appreciate.
 14 Okay. So I do have a handful or more.
 15 All right. So let's start with Rick May,
 16 followed by John Winkler, followed by Dianne
 17 Garcia.
 18 (Audience member approaches the podium.)
 19 THE CHAIRMAN: If you will give us your
 20 name and address for the record, and Ms. Tropa
 21 will swear you in.
 22 AUDIENCE MEMBER: My name is Rick May.
 23 I'm -- my address is 7367 Secret Woods Trail,
 24 Jacksonville, 32216.
 25 THE REPORTER: Do you affirm that the
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1 testimony you are about to give will be the
 2 truth, the whole truth, and nothing but the
 3 truth?
 4 MR. MAY: Yes, ma'am.
 5 THE REPORTER: Thank you.
 6 THE CHAIRMAN: Great. Go ahead.
 7 MR. MAY: Committee members, I was here
 8 last week. I gave you a package. I hope
 9 everyone got that package and had time to read
 10 it. I just want to sum up.
 11 I own the building exactly up against the
 12 building in question. I own 7367 -- I mean
 13 3567, 3569, 3571. I have 9,000 square feet
 14 there, all retail space. Within 100 feet of my
 15 property, we have five restaurants, right now,
 16 seating 650 people.
 17 Avondale needs to keep a balance of retail
 18 and restaurants. This restaurant, really --
 19 this building in question is not 5,000 square
 20 feet per my measurement. I could have made an
 21 error, but -- and I have -- if you'll look on
 22 my pictures, I have, back there, a survey
 23 that's actually 5,400 square feet that we're
 24 speaking of that would actually seat 200-plus
 25 people.
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1 And if -- you know, the biggest business
 2 problem in the state of Florida is restaurants.
 3 They go bad worse than anything. If this
 4 restaurant goes bad, the next person that's
 5 going to come before you and say this is
 6 already a restaurant, it's already got the hood
 7 system, it's already got floor drains, and it's
 8 going to be hard not to approve it for a
 9 200-seat restaurant.
 10 The parking over there is full. You don't
 11 get fuller. It's going out into the
 12 neighborhood now. We're having neighbors just
 13 complain, complain, complain. Parking can't
 14 keep getting pushed back into the neighborhood.
 15 I said 100 feet from my stores, there is a
 16 total of 600 -- five restaurants, 650 feet.
 17 There's also only 36 parking spaces. In front
 18 of this said building that we're in question
 19 here is only four parking spaces. So it is not
 20 just as simple as passing it.
 21 I would have no problem with a 60-seat
 22 restaurant over there, but I would want the
 23 building cut in that respect. I wouldn't want
 24 all the other space, because it -- the space is
 25 there. I have built four kitchens in my life.
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1 If I have the space, I'm going to use it, if I
 2 have customers come in. Plus, if any of you
 3 have ever been in the restaurant business, you
 4 know how -- what turning tables means. You
 5 have to turn tables.
 6 In Avondale, you can't turn tables. The
 7 reason being is, the parking is such, you're
 8 lucky to get that first seating. And they
 9 come, and it's all packed, and they go
 10 somewhere else. And therefore, I know the
 11 investment that's going to be involved here
 12 tearing up the floor with floor drains, putting
 13 the venting system through the roof and --
 14 THE CHAIRMAN: Okay. I need you to wrap
 15 it up.
 16 MR. MAY: -- I don't think -- and I know
 17 what the rent will be. I don't think it will
 18 make it on 120 seats. I don't see how he can
 19 pay his bills. And it's going to be back down
 20 here again. And it's going to be hard for you
 21 to disapprove a 200-seat restaurant if it's
 22 already a kitchen.
 23 THE CHAIRMAN: Thank you for your time.
 24 MR. MAY: By the way, I'm against this.
 25 THE CHAIRMAN: All right. Mr. John
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1 Winkler, followed by Dianne Garcia, followed by
2 Karin Tucker.

3 (Audience member approaches the podium.)
4 THE CHAIRMAN: Mr. Winkler, if you will
5 give us your name and address for the record,
6 and Ms. Tropia will swear you in.

7 AUDIENCE MEMBER: Certainly.
8 John Winkler, 2935 Oak Street, 32204.
9 I --

10 THE CHAIRMAN: One second, Mr. Winkler.
11 She's going to swear you in.

12 MR. WINKLER: Oh, okay. Fine.

13 THE REPORTER: Would you raise your right
14 hand for me, please.

15 MR. WINKLER: Yes.
16 (Complies.)

17 THE REPORTER: Do you affirm that the
18 testimony you are about to give will be the
19 truth, the whole truth, and nothing but the
20 truth?

21 MR. WINKLER: I do.

22 THE REPORTER: Thank you.

23 THE CHAIRMAN: Great. Please go ahead.

24 MR. WINKLER: When I purchased the
25 property that is directly behind the Cowford
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1 Traders Building -- this is a duplex that's
2 located on Riverside Avenue. Roughly a decade
3 ago, at that time, there was already a parking
4 problem in existence in the residential areas
5 around the Avondale shopping area.

6 Obviously, the influx of restaurants in
7 the interim has exacerbated the problem.
8 Whereas, it was -- it used to be only at peak
9 hours we would find streams of vehicles that
10 were coming down Riverside Avenue. Now, it's
11 virtually all the time that the restaurants are
12 open.

13 I am an attorney. So I understand that by
14 law, one or two restaurants can go into this
15 space. And to me, that truly is Hobson's
16 choice because, obviously, one way or the
17 other, we're talking about an additional impact
18 on the residential areas that are there. Then
19 I don't know how economically sustainable,
20 either for the -- on the part of the restaurant
21 owners or for the people who have -- who have
22 residential property there.

23 Obviously, success can, in fact, destroy
24 an area. And I think we're on the verge of
25 that reality. If I had to make a choice, I

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1 would go along with the recommendations of
2 staff and insist that this building be divided,
3 that you deny the deviation so that, in fact,
4 you wind up with, conceivably, two 100-seat
5 restaurants. That way, they can both go down
6 as a miserable failure because nobody can find
7 a parking space in order to go and use those
8 facilities.

9 There is an alley behind it. And I think
10 a use has been proposed for that 10-foot alley
11 which I abut, is probably an overenthusiastic
12 appreciation of just the condition of that
13 alley.

14 I do want to assure you all that right
15 now, roughly 6 feet or so of my lot is
16 available on the side of that alley, but by the
17 time any action takes place, I will have that
18 fully fenced all the way up to the 3 inches
19 that I can get to on the side of the alley. So
20 it will be as narrow a conceivable space as it
21 can be.

22 So yes, I'm -- I'm -- I don't know if I'm
23 for or opposed to what you have to do, but
24 given the choices, two 100-seat restaurants,
25 with a firewall, with separate grease pits,

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1 with separate kitchens would be a more
2 appropriate response here than allowing one
3 larger restaurant.

4 Thank you.

5 THE CHAIRMAN: Thank you for your time.

6 Before I call the next person up, just
7 because I think we may run into this, I believe
8 we have to stop and switch the tapes at
9 75 minutes.

10 Is that correct?

11 THE REPORTER: Yes.

12 THE CHAIRMAN: Okay. So we may have to
13 stop in the middle. We may have to take a
14 five-minute break for Ms. Tropia to switch the
15 CDs over, but then as soon as that's done,
16 we'll get started back on this and make sure
17 everybody is heard.

18 Ms. Dianne Garcia, Karin Tucker, and Amy
19 Hyde.

20 (Audience member approaches the podium.)

21 THE CHAIRMAN: Ms. Garcia, if you will
22 give us your name and address for the record,
23 please, Ms. Tropia will swear you in.

24 AUDIENCE MEMBER: Dianne Garcia, 3590
25 St. Johns Avenue, Jacksonville, 32205.

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1 THE REPORTER: Would you raise your right
2 hand for me, please.

3 MS. GARCIA: (Complies.)

4 THE REPORTER: Do you affirm that the
5 testimony you are about to give will be the
6 truth, the whole truth, and nothing but the
7 truth?

8 MS. GARCIA: Yes, ma'am.

9 THE REPORTER: Thank you.

10 THE CHAIRMAN: Great. Please go ahead.

11 MS. GARCIA: I am Dianne Garcia. I am --

12 THE CHAIRMAN: Can I get you -- I'm sorry.
13 Can I get you to scoot up a little bit to the
14 microphone?

15 MS. GARCIA: Dianne Garcia. I am the
16 owner of J. Ashley, a small retail shop in
17 Avondale. I'm also the Avondale Merchants
18 president. And we, the merchants, have sent a
19 letter and, hopefully, everybody got the letter
20 that was e-mailed yesterday.

21 And we -- I guess, basically, the main
22 thing that I can say is, there's already zoning
23 in place for the -- that restricts the parking
24 and that that basically needs to be abided by,
25 besides the fact that -- what the impact of

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1 this extra parking will do to the residents
2 that are around us and that are our patrons.

3 So the main thing the merchants would like
4 is -- there are laws in place right now that
5 say it has to be a hundred-seat restaurant or
6 25- -- and 2,500 square feet. And that's what
7 needs to be set.

8 THE CHAIRMAN: Thank you. Thank you for
9 your time.

10 All right. Karin Tucker, followed by Amy
11 Hyde, and then Adrienne Burke.

12 (Audience member approaches the podium.)

13 AUDIENCE MEMBER: Sir, I'm Karin Tucker.
14 And she pretty much said everything I was going
15 to say.

16 THE CHAIRMAN: Okay.

17 MS. TUCKER: Do you still want me to come
18 up?

19 THE CHAIRMAN: It's completely up to you.
20 I can just say that Ms. Tucker is in
21 opposition.

22 MS. TUCKER: Yes. Thank you.

23 THE CHAIRMAN: Amy Hyde.

24 (Audience member approaches the podium.)

25 THE CHAIRMAN: If you will give us your
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1 name and address for the record, then

2 Ms. Tropa, right here, will swear you in.

3 AUDIENCE MEMBER: My name's Amy Hyde. I
4 live at 1722 Canterbury Street, Jacksonville,
5 Florida 32205.

6 THE REPORTER: Would you raise your right
7 hand for me, please.

8 MS. HYDE: (Complies.)

9 THE REPORTER: Do you affirm that the
10 testimony you are about to give will be the
11 truth, the whole truth, and nothing but the
12 truth?

13 MS. HYDE: I do.

14 THE REPORTER: Thank you.

15 THE CHAIRMAN: Great. Please go ahead.

16 MS. HYDE: I own Willie's clothing shop,
17 directly next door to the building at 3567
18 St. Johns Avenue.

19 I believe Rick May, my landlord, gave you
20 a packet that looks like this (indicating). If
21 you all will open your packet so you can refer
22 to the pictures that I am going to discuss, the
23 first picture is on Page 6, a view looking down
24 the alleyway. And if you see that blue wall
25 with two recycle bins in front of it, that is

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1 where my back door is. And that is where I
2 park my car and my employees park their car
3 every day.

4 And then if you go to Page 7, you see the
5 area of the back of the building where they're
6 wanting to put the restaurant in. That is
7 where their back door is. So my cars, when we
8 angle park in there, they come out from that
9 back door, all the way out, to the back of the
10 building, leaving -- if you go to Page 8 --
11 only the area from -- on Page 8, where that
12 back door -- you see the stoop -- at that back
13 door, out across that alleyway.

14 So my question to you, when we have
15 deliveries, and they have their deliveries,
16 where are they going to make their deliveries
17 and not block my car in when I'm at work?

18 It is already bad enough trying to get in
19 and out of the alley. There's a fence at the
20 far end of this alleyway that I cannot drive
21 through and get my car out at the far end of
22 that alley. My car is blocked in on a daily
23 basis. When I need to make errands, to go to
24 the bank, to mail packages for my customers, I
25 am blocked in by deliveries for Mellow

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1 Mushroom, Mojo's, The Brick restaurant, and for
2 the Fox restaurant.

3 There are trucks, there are beer vendors,
4 there are beer trucks. There are vendors
5 everywhere up and down Ingleside Street [sic],
6 making deliveries, that I cannot get my car out
7 of this alleyway, trying to run my business,
8 bring things in and to try to get things done
9 during the daily basis because I am blocked in
10 this alleyway.

11 Now, how are they going to get their
12 deliveries in this back door? You're talking
13 about them having their grease traps picked up;
14 where are they going to park the truck that's
15 going to pick up those grease traps? If my car
16 is parked right there, how are they going to
17 get their truck back down the alley and not
18 block my car and pick up those things? Have
19 y'all figured that one out?

20 Thank you very much.

21 THE CHAIRMAN: Thank you for your time.

22 All right. Ms. Burke, followed by one of
23 my favorites, Alicia Grant.

24 (Audience member approaches the podium.)

25 THE CHAIRMAN: Name and address for the
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1 record, please.

2 AUDIENCE MEMBER: Good afternoon.

3 Adrienne Burke, on behalf of Riverside
4 Avondale Preservation, which is at 2623
5 Herschel Street, Jacksonville, Florida 32204.

6 THE REPORTER: Would you raise your right
7 hand for me, please.

8 MS. BURKE: (Complies.)

9 THE REPORTER: Do you affirm that the
10 testimony you are about to give will be the
11 truth, the whole truth, and nothing but the
12 truth?

13 MS. BURKE: I do.

14 THE REPORTER: Thank you.

15 MS. BURKE: Thank you.

16 Again, good afternoon.

17 I will be brief, because we did speak on
18 this topic at the last Commission meeting, but
19 I am basically here just to reiterate our
20 position on behalf of RAP's Zoning Committee to
21 please agree to the staff report and uphold the
22 existing regulations.

23 And we had mentioned last time, we do not
24 have an issue with the alcohol and outdoor
25 sales portion, but we would request that we

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1 uphold the hundred seat, 2,500-square-foot
2 limit.

3 THE CHAIRMAN: Thank you. Thank you for
4 your time.

5 Ms. Grant.

6 (Audience member approaches the podium.)

7 THE CHAIRMAN: And I see what you tried to
8 do here. You fill out two speaker cards and
9 you can get six minutes. I understand. I
10 understand where you're at.

11 AUDIENCE MEMBER: Whatever it takes.

12 THE CHAIRMAN: If you will give us your
13 name and address for the record, please.

14 AUDIENCE MEMBER: Alicia Grant, 3575
15 Riverside Avenue, Jacksonville, Florida 32205.

16 THE REPORTER: Do you affirm that the
17 testimony you are about to give will be the
18 truth, the whole truth, and nothing but the
19 truth?

20 MS. GRANT: I do.

21 THE REPORTER: Thank you.

22 MS. GRANT: So we're here again. I want
23 to thank those who opposed the applications
24 last month. I hope those of you who -- or two
25 weeks ago. I hope those of you who voted for

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1 it will have reconsideration and change your
2 mind. And the two new members who weren't here
3 last time, I hope that you will vote in favor
4 of the residents.

5 We have a critical mass situation with
6 parking in Avondale. And one of the issues
7 when we were fighting the Mellow Mushroom
8 applications was the parking and what was going
9 to happen with the parking.

10 A hundred thousand dollar parking study
11 was done at the expense of the taxpayers of
12 Duval County. Nothing basically has come out
13 of that parking study, which has alleviated the
14 parking drama and the dilemma that the
15 residents have, those residents of us that have
16 spent millions of dollars renovating our
17 houses, trying to enjoy the quality of life in
18 that neighborhood, which has basically been
19 destroyed.

20 You know, at one time, Avondale was
21 considered to be one of the premiere places to
22 live. Well, I can tell you that the residents
23 and the living conditions around the Shoppes of
24 Avondale is no longer premiere. The street
25 that I live on is the street immediately behind

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1 where this is going to be going in. I face the
 2 back of that building, so -- except for the
 3 houses in front of me.
 4 However, my street is already clogged with
 5 cars and with parking. So what this is going
 6 to do is create a domino effect where it's
 7 going to go to Oak Street, it's going to go to
 8 Herschel, it's going to go beyond Pine. It's
 9 going to go to Hedrick. It's going to go to
 10 Richmond. And it's going to go to all of the
 11 intervening streets from basically Dancy, or
 12 Van Wert to Edgewood.
 13 (Timer interruption.)
 14 MS. GRANT: Seriously?
 15 THE CHAIRMAN: No. That's not for you.
 16 MS. GRANT: Okay. So all I can say is,
 17 the zoning overlay --
 18 COMMISSIONER PADGETT: Sorry.
 19 (Inaudible.)
 20 MS. GRANT: That's okay.
 21 The zoning overlay allows for a
 22 hundred-seat restaurant, 200 -- 2,500 square
 23 feet. Make them comply with that. They're
 24 saying they want to have an additional 20 seats
 25 with no parking on the sidewalk or inside. And
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1 they want to take up the banquet room, the
 2 other 3,200 square feet.
 3 No. Parking really is not free. At this
 4 point, all the residents are paying for the
 5 parking in our quality of life, and our ability
 6 to not have guests come over and park in front
 7 of our houses because all the restaurant
 8 patrons and others are there at night, late at
 9 night 2, 3 o'clock.
 10 Y'all have heard my spiel before. It's
 11 been going on for a couple of years. Make them
 12 comply. Parking is not free. If they want to
 13 put 200 -- two restaurants in there, we're
 14 going to -- as residents, we're going to have
 15 200 additional seats one way or the other.
 16 Make them put two restaurants in and absorb the
 17 costs that go with it.
 18 Thank you.
 19 THE CHAIRMAN: Thank you for coming.
 20 MS. GRANT: I am opposed to this,
 21 obviously.
 22 THE CHAIRMAN: Yes. Thank you for your
 23 time.
 24 Mr. Frank Gallo.
 25 (Audience member approaches the podium.)
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1 THE CHAIRMAN: If you will give us your
 2 name and address for the record, Ms. Tropia is
 3 going to swear you in.
 4 AUDIENCE MEMBER: Frank Gallo, 3551
 5 St. Johns Avenue, Jacksonville, Florida 32205.
 6 THE REPORTER: Do you affirm that the
 7 testimony you are about to give will be the
 8 truth, the whole truth, and nothing but the
 9 truth?
 10 MR. GALLO: Yes, I do.
 11 THE REPORTER: Thank you.
 12 THE CHAIRMAN: Great. Please go ahead.
 13 MR. GALLO: I'm opposed to it. I was here
 14 on the 4th, two weeks ago, and three members
 15 chose to basically say that it's not a big
 16 deal.
 17 I own the property right next door,
 18 including the parking lot. I had to give up my
 19 parking lot in order to have a
 20 5,800-square-foot restaurant to Mellow
 21 Mushroom. I wasn't -- I was not opposed to
 22 Mellow Mushroom. I'm not opposed to people
 23 coming in, but I am opposed to people just
 24 changing the law.
 25 We have an issue with parking in Avondale.
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1 I had people all the time, ex-customers of
 2 mine -- because I no longer own the restaurant,
 3 but I do own the properties. I have customers,
 4 ex-customers, telling me that they're not
 5 coming into the neighborhood anymore because
 6 they can't find a place to park.
 7 I was at a roofing contractor, Gulf Eagle
 8 Supply, yesterday, and I just mentioned that
 9 I'm going to a zoning meeting. And a lady said
 10 to me, You know, I used to go to Avondale to
 11 shop. She said, I don't go anymore. She said,
 12 I just avoid the place, because it's too long
 13 for her to take a 15-minute lunch break to get
 14 into Avondale.
 15 I owned the parking lot, as I said. I'm
 16 not opposed to change. I know I have been
 17 touted as being difficult through the years,
 18 but we're at a point, right now, that it has
 19 gotten to be oversaturated.
 20 And like Ms. Motes said last time at the
 21 meeting, which was probably the most logical
 22 thing I've heard, is, if you're going to go
 23 ahead and just let this happen without taking
 24 into consideration, in two, three, four months
 25 from now, it's going to happen again because
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1 you're going to be here with someone else
2 opening another restaurant.
3 And the significance of that is that until
4 there is a resolution to take care of the
5 parking that we have now -- I mean, I have made
6 suggestions, Barbara from Biscotti's and I,
7 when Jim Love was doing the parking study, we
8 went through the neighborhood and said there is
9 a tract of property that stretches through
10 Ingleside, right next to the Brick, take that
11 out and put on-street parking in. No, we don't
12 want to do that because it's historical.

13 There's an area, right now, that you
14 cannot park on each side of the street. I
15 believe it's from Talbot to Edgewood. You're
16 not allowed to park on either side of the
17 street. Well, there are medians there that
18 don't match. Well, actually, not medians, but
19 from the curb to the sidewalk that don't match
20 the rest of the neighborhood. I mean, they are
21 probably another 7 feet on each side longer.

22 I suggested, well, if we're changing this
23 and putting all these people into the
24 neighborhood and we're not doing anything to
25 change parking, why are we letting more and

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1 more businesses come in, i.e. restaurants that
2 do take up -- and I know, I've been in the
3 business a long time, a banquet space, you can
4 have 30 people in there or you can push the
5 chairs out and do 150 people in there.

6 And I'm not going to run around policing
7 who is and who isn't to code. It's just not --
8 a burden on the merchants and people that pay
9 taxes to live in the neighborhood. I live -- I
10 have six properties one-half mile from my
11 building on St. Johns Avenue. In either
12 direction, three. In either direction, three
13 on St. Johns Avenue.

14 I pay a lot of money in property taxes;
15 i.e., you have nice property, you pay property
16 taxes, but there comes a time when it's so
17 oversaturated. I agree, it should have been
18 changed years ago. I agree that the overlay
19 needed some improvements. I've been there for
20 30 years. I was there when it was a ghost
21 town. It's changed and commerce has done well
22 for it, but there's got to be a limit on what
23 we do.

24 You know, I sat up here, and three
25 gentlemen voted in favor of it. You don't live

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1 in the neighborhood. You don't -- probably
2 don't drive through there as much as probably
3 people who are going into the neighborhood. So
4 you really are not affected by what we see
5 every day.

6 My street, St. Johns Avenue, has become
7 literally a highway. Okay. If you go down
8 St. Johns Avenue -- anytime I get into my
9 truck -- I park my truck on St. Johns, because
10 I don't have a driveway, I have access through
11 an alleyway -- you literally take your life in
12 your hands trying to open up that door any
13 given time during the day from St. Vincent's
14 traffic to Avondale traffic.

15 So I'm just saying be responsible. And
16 before you decide to put another restaurant in
17 it, let's address the problem of parking. We
18 had a study done. It showed there was not
19 enough parking for what we have now. Figured
20 in these 171 spaces that this gentleman, Rick
21 May, showed you last time, there are 1,100
22 seats in Avondale now. That excludes the
23 yogurt shop that went in or was going in next
24 door to the custard shop. That excludes the
25 bakery across the street. And that excludes

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1 the sushi place that has opened up since Mellow
2 Mushroom has gone in.

3 Like I said, I'm not -- I don't have a
4 problem with it, but to change the law when it
5 states 2,500 square feet or less to accommodate
6 100 seats, if that's the law, that's what we
7 need to stick at. We don't need to change it
8 to accommodate people coming in, because I'm
9 telling you, it's going to happen again.

10 THE CHAIRMAN: Okay. I need you -- I need
11 you to wrap it up. I'm sorry.

12 MR. GALLO: I'm done. Thank you very much
13 for your consideration. I'm sorry, I go off
14 the beaten path, that's how I am, but I hope
15 that you oppose it with me.

16 And like I said, Ms. Motes was pretty much
17 dead on when you said, before we put another
18 restaurant in here, we do have to address the
19 parking situation before that restaurant comes
20 in.

21 Thank y'all very much.

22 THE CHAIRMAN: Phillips. I think it's
23 Dylan?

24 AUDIENCE MEMBER: Yes.
25 (Audience member approaches the podium.)

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1 THE CHAIRMAN: Did I pronounce that
 2 correctly?
 3 AUDIENCE MEMBER: Works for me.
 4 THE CHAIRMAN: All right. If you will
 5 give us your name and address for the record,
 6 Ms. Tropia will swear you in.
 7 AUDIENCE MEMBER: Sure.
 8 Dylan Christopher Phillips, 3889 Boone
 9 Park Avenue, Jacksonville, Florida 32205.
 10 (Pause.)
 11 AUDIENCE MEMBER: Dylan C. Phillips, 3889
 12 Boone Park Avenue, Jacksonville, Florida.
 13 THE CHAIRMAN: She's going to swear you
 14 in.
 15 THE REPORTER: Would you raise your right
 16 hand for me, please.
 17 MR. PHILLIPS: Sure.
 18 (Complies.)
 19 THE REPORTER: Do you affirm that the
 20 testimony you are about to give will be the
 21 truth, the whole truth, and nothing but the
 22 truth?
 23 MR. PHILLIPS: Yes.
 24 THE REPORTER: Thank you.
 25 MR. PHILLIPS: Thanks.
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1 So I'm a resident in the neighborhood. As
 2 a matter of fact, I've been an advocate for
 3 creative solutions for parking. When I was on
 4 the RAP board, I started the Riverside Avondale
 5 Trolley. I do think it's very important to
 6 understand the nature of the density of the
 7 bars and restaurants. Very big restaurants do
 8 have a very big parking impact for the
 9 residents.
 10 And I would agree, I think -- you know,
 11 I've worked very hard personally and spent a
 12 lot of my own money to create creative
 13 solutions for parking, but I would urge this
 14 Commission to not make any deviations until we
 15 understand and have a realistic model for how
 16 we're going to address the parking problems in
 17 the neighborhood.
 18 It's a real problem. I encourage
 19 development, but I also feel like, we already
 20 have an overlay for reduced parking, and any
 21 additional deviations really exacerbate the
 22 problem.
 23 Just as a citizen, I'm working hard to
 24 create creative solutions. I think as the
 25 councilmen and members of our government, you
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1 should also acknowledge that you have such a
 2 parking problem that citizens like myself are
 3 spending our time and money trying to create
 4 creative solutions, but any additional
 5 deviation is not for the benefit of anyone.
 6 Thank you.
 7 THE CHAIRMAN: Thank you for your time.
 8 That is the end of the speakers' cards
 9 that I have. Is there anybody else in the
 10 audience that wishes to speak on this item, or
 11 these items?
 12 AUDIENCE MEMBERS: (No response.)
 13 (Mr. Diebenow approaches the podium.)
 14 THE CHAIRMAN: Seeing none, Steve, as you
 15 come up, let me just check with Diane, see how
 16 we're doing on time.
 17 (The chairman and the court reporter
 18 confer off the record.)
 19 THE CHAIRMAN: Okay. So here's what we're
 20 going to do: I'm going to let Steve address
 21 some of the concerns that he heard, and then
 22 before we close the public hearing, then we'll
 23 take a ten-minute break, and that will be the
 24 break.
 25 THE REPORTER: Okay.
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1 THE CHAIRMAN: That will be the break.
 2 So Steve, if you will address some of
 3 those comments and concerns you heard, and then
 4 we'll take a ten-minute break.
 5 MR. DIEBENOW: Okay. Thank you,
 6 Mr. Chairman.
 7 I think we're all saying the same thing,
 8 but I want to back up one -- what you heard
 9 Mr. Gallo say is, before you put another
 10 restaurant in, and then he led into a lot of
 11 things. Again, this isn't a vote about whether
 12 or not a restaurant goes in. A restaurant is
 13 permitted by right.
 14 So to the nice lady who talked about the
 15 alley; and to Mr. Winkler, who is going to take
 16 advantage of every square inch that he owns,
 17 which I expect him to fully, knowing him,
 18 there's a 10-foot alley back there. A
 19 restaurant is a permitted use. Ten feet is
 20 more than enough room for a car to get back and
 21 do deliveries.
 22 There's also a 3-foot easement on the side
 23 of the property between the Blue Fish parking
 24 lot and the building itself. So there are ways
 25 to do deliveries. We're not -- I know that --
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1 I know that Ms. Hyde isn't suggesting that
2 nothing should be allowed in there because they
3 need to do deliveries. I mean, if we took her
4 argument to the extreme, she wouldn't want
5 anything next door that required deliveries
6 because then nothing would ever be able to be
7 in the alley to block her in. So -- and I'm
8 not sure that's what she's saying.

9 I think -- I think that the bottom line
10 is, look, there's a 10-foot alley behind it.
11 There's a 3-foot easement behind, on the side.
12 There's plenty of room for deliveries. Even
13 when Mr. Winkler builds his fence all the way
14 to the edge of his property line, there's --
15 there's room for a car to get back there.

16 And again, we're not approving a
17 restaurant. We're here to vote about an
18 exception on liquor. And we're also here to
19 vote about an exception on an administrative
20 deviation.

21 Theoretically -- let's just pretend like
22 there's a hundred thousand square feet in
23 Avondale. Theoretically, a restaurant could go
24 in every single inch of that square footage
25 because restaurants are allowed throughout the

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1 entirety of that zoning district.

2 If someone came in and said, I'll tell you
3 what, I'm going to take all hundred thousand
4 square feet, but instead of putting in the
5 total number of seats I'm allowed, I'm going to
6 put in half as many as what's allowed, or as in
7 this case, 60 percent of what's allowed, that
8 would be a good thing because it wouldn't be
9 maxed out in terms of density.

10 The ironic thing is, I'm here probably for
11 the only time in my career, to date, where I'm
12 asking for less than what the code allows and
13 yet there's still opposition.

14 So look, I know you understand our
15 argument. Our argument is, we could do 200
16 seats and two different applications. We're
17 only asking for 120. It does require an
18 administrative deviation, but, again, there's
19 plenty of room for services. There's plenty of
20 room for deliveries.

21 And the last thing I want to talk about is
22 the precedent issue. Again, you all know that
23 whatever vote you make today doesn't set a
24 precedent for the next application. If the
25 next application comes in and says, I want to

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1 put 140 seats into a space that could fit 200
2 and they had 5,000 square feet, it doesn't mean
3 that you have to approve it. You can do
4 whatever you want to it.

5 Whatever you take -- whatever you vote on
6 today doesn't set a precedent for future
7 approvals or denials. I think you have to
8 judge each one on their -- on their own merits.

9 We have a second application that has been
10 paid for and been filed for that other 2,500
11 square feet. And we think that the common
12 sense approach here is to approve the
13 administrative deviation allowing 120 seats and
14 all 5,000 square feet, or whatever it is on
15 the -- you know, on the survey. Someone
16 mentioned it was closer to 5,400 square feet.
17 Whatever it is on the survey, it's going to be
18 limited according to whatever -- you know,
19 whatever this body does.

20 So in any event, I just wanted to thank
21 you again for your time. I think you
22 understand where we're coming from. And I
23 think we're all saying the same thing. It's
24 just we're looking at the same coin maybe on
25 both sides.

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1 We would ask you to approve the
2 administrative deviation notwithstanding the
3 staff report. And we would ask you to support
4 the staff report and RAP's position on the
5 exception as well.

6 We're available for questions or ready for
7 a break, whatever you determine, Mr. Chairman.

8 THE CHAIRMAN: Great.

9 I think we'll do the quick ten-minute
10 break. And we'll stick to the ten minutes,
11 just so we can get the tapes switched out
12 because I know that we're going to have a lot
13 of comments, and I don't want to interrupt
14 anybody's time.

15 So please, everybody, keep in mind that we
16 are going to take a ten-minute break, but
17 please do not talk to the commissioners. The
18 commissioners cannot talk to you about this
19 item right now.

20 So if y'all will just give us that
21 respect, we'll give y'all the same respect. So
22 see y'all back here in ten minutes.

23 (Brief recess.)

24 THE CHAIRMAN: Let's bring this meeting
25 back to order. We've had lots of public

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1 comment. And so, at this time, I'm going to
2 close the public comment and bring it back to
3 the Commission.

4 Before I ask the Commission to make a
5 motion on this, Paige, we had a request from
6 the applicant to hear the administrative
7 deviation before the exception.

8 Steve, is that correct?

9 MR. DIEBENOW: (Nods head.)

10 THE CHAIRMAN: Okay. He's nodding his
11 head.

12 Is that something that we can do? Or
13 maybe that's a Folks question. I'm not saying
14 that that's what's going to happen, I'm just
15 going to give the Commission an opportunity.

16 MR. HUXFORD: They bylaws and the City
17 ordinance does not dictate which order you take
18 it up in. It's up to you.

19 THE CHAIRMAN: Okay. All right. That
20 being said, is there a motion on the table,
21 vice Chairman?

22 COMMISSIONER BLANCHARD: Mr. Chairman, I'd
23 like a microphone that works. And I also move
24 approval of AD-16-51.

25 Mr. Chairman, can you hear me, sir? I
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1 move approval of AD-16-51.

2 COMMISSIONER HARDING: Second.

3 THE CHAIRMAN: All right. I have a motion
4 and a second for approval of AD-16-51. Is that
5 correct? 16-51.

6 Discussion from the Commission?

7 I believe -- Commissioner Padgett, do you
8 want to make comments first?

9 COMMISSIONER PADGETT: Through the Chair,
10 my questions are actually for Mr. Diebenow.

11 (Mr. Diebenow approaches the podium.)

12 COMMISSIONER PADGETT: I actually am very
13 close to this site. And I went out there
14 during the day and in the evening yesterday --
15 yesterday. And I took everybody's opposition
16 letters, e-mails into consideration as I did
17 that. And I read every word of the -- of this
18 application.

19 Now, do we know what type of restaurant
20 that this is going to be and what hours it's
21 going to operate?

22 MR. DIEBENOW: Yeah, it's a -- primarily,
23 it's called a kitchen and wine bar.

24 COMMISSIONER PADGETT: Okay.

25 MR. DIEBENOW: They have several other
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1 similar restaurants, not here in the area, but
2 primarily in New York and the northeast. As to
3 the hours of the operation, I'll have to check
4 with you on that, but I'll get that answer for
5 you here in just a moment.

6 COMMISSIONER PADGETT: Okay. That's --
7 the reason I'm asking is, if it's going to be
8 more of an evening place or more -- or both.

9 MR. DIEBENOW: Well, it's primarily lunch
10 and dinner.

11 COMMISSIONER PADGETT: Okay.

12 MR. DIEBENOW: And in terms of the
13 specific, you know, hours, that's something
14 we're willing to talk about, but I don't think
15 in the area that there's any requirement for
16 closing it at any particular time.

17 COMMISSIONER PADGETT: No, I don't
18 disagree. I was just ...

19 MR. DIEBENOW: But I'll find out in just a
20 moment.

21 COMMISSIONER PADGETT: Okay. And the
22 shop -- okay. I guess -- I'm sorry. My
23 question would be to anyone who owns a shop.

24 Thank you, Mr. Diebenow.

25 MS. HYDE: I'm a businessowner.
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1 COMMISSIONER PADGETT: That would be
2 great.

3 (Ms. Hyde approaches the podium.)

4 COMMISSIONER PADGETT: Do you know, by
5 chance, typically, what the hours are of the
6 shops?

7 MS. HYDE: Most of the shops open at
8 10:00. We stay open until 6:00 p.m.

9 COMMISSIONER PADGETT: Okay. And are you
10 the same -- is that generally --

11 MS. HYDE: Yes, Monday through Saturday.

12 COMMISSIONER PADGETT: Yes, ma'am.

13 MS. HYDE: And then on Sundays, 10:00
14 until 4:00. And that's typical of most of the
15 stores.

16 COMMISSIONER PADGETT: Okay. Thank you
17 very much.

18 So the way that I'm -- that I perceive
19 this -- and someone -- Mr. Diebenow, you can
20 correct me if I'm wrong. And, Commissioner
21 Hagan, you can also correct me if I'm wrong --
22 is that it states that right now, this
23 restaurant, they can -- they wouldn't even have
24 an issue if they did two restaurants at 2,500
25 feet apiece with a hundred seats in it. And

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1 from what I'm understanding, that's what they
2 will do if necessary.

3 And I don't think that this restaurant
4 should be the one that suffers based off of the
5 parking because the parking is not the fault of
6 the shop owners or the restaurants. It's a
7 problem of the City. And the lack of space
8 for more parking spaces.

9 So if Mr. Diebenow is -- if his client is
10 willing to go down to 120 seats instead of
11 having two restaurants at 200 seats, I can't --
12 I would -- if I was a business owner, I
13 would -- I would rather have 120 seats rather
14 than 200.

15 And if -- I don't understand. I don't
16 know why anybody wouldn't want that, I guess is
17 my question because right now, from the way
18 that the law reads, he is -- he is -- he can
19 have two restaurants right now with 200 seats
20 and this wouldn't even be an issue. So if his
21 client's willing to take a concession to go
22 down to 120 seats, that's going to eliminate 80
23 seats of parking problems.

24 AUDIENCE MEMBER: Who would open two
25 restaurants next door to each other?

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1 AUDIENCE MEMBER: I mean, that's just --

2 THE CHAIRMAN: Stop. Hey, stop, stop,
3 stop, stop. We're not going to have these
4 comments like that. If you're at the
5 microphone, you can speak.

6 I believe Mr. Diebenow -- do you have any
7 questions for Mr. Diebenow?

8 COMMISSIONER PADGETT: I do.

9 My question to Mr. Diebenow is, is that
10 your client has the intention of filling up
11 that 5,000 square feet. Whether it is two
12 restaurants or one restaurant, he was willing
13 to make the concession of turning it into one
14 and taking a seat cut to 120; is that correct?

15 MR. DIEBENOW: Yes. And I also want to
16 answer your question about the hours. It is a
17 lunch and dinner place. And we wouldn't be
18 open past 1:00 a.m. So we would take that as a
19 additional condition if the Commission wanted
20 to do that as well.

21 COMMISSIONER PADGETT: So in my
22 experience, we -- I work in Riverside. I own a
23 building in Riverside. Fortunately, for us, we
24 are blessed with lots of parking, but that's
25 very rare. And restaurants, in the evenings,

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1 that would not conflict with businesses during
2 the day. And I think that's a thought that
3 people need to consider as well because
4 honestly, right now, he has the right to open
5 two restaurants at -- with 200 seats.

6 So if he takes -- if his client is willing
7 to take a concession to 120 seats, I -- if it
8 were me, which it's not, you guys have the
9 right to your opinion, but I think that that is
10 a much better solution for parking than a
11 200-seat restaurant.

12 That's all I've got.

13 THE CHAIRMAN: Commissioner Blanchard.

14 COMMISSIONER BLANCHARD: Thank you,
15 Mr. Chairman.

16 Commissioner Padgett stole a few of the
17 comments that I had. I actually didn't even
18 realize that she was here until she started
19 speaking, but, you know -- and Steve, if you
20 could approach, if you would just briefly.

21 (Mr. Diebenow approaches the podium.)

22 COMMISSIONER BLANCHARD: So by right,
23 okay -- and I think this is where we get
24 confused a lot. We don't get to decide whether
25 or not a restaurant goes in there. They can do

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1 that today by right.

2 COMMISSIONER PADGETT: Right.

3 COMMISSIONER BLANCHARD: So that's not in
4 our purview. That's their right based on the
5 current zoning.

6 In strip malls and things, you tend to see
7 landlords where they limit, you know, one
8 restaurant or one bank or one dry cleaner, or
9 whatever, so they can mitigate competition and
10 keep the tenants happy. You don't necessarily
11 have that in this situation. So by right, if
12 they want a restaurant, they can do that. We
13 don't get that vote.

14 The open market decides that, but if you
15 were to have two restaurants that were a
16 hundred seats each, which would be 200, we
17 would not need the administrative deviation.

18 Folks, is that correct?

19 MR. HUXFORD: Yes, sir.

20 COMMISSIONER PADGETT: Right.

21 COMMISSIONER BLANCHARD: And I think
22 there's also some gray area about the
23 definition of a restaurant and whether that
24 would mean two kitchens or can you use the one
25 next door. And so I don't know that that's

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1 really our business either. That would be some
2 unusual gray area that would just complicate
3 and increase expenses.

4 So I think that -- I agree that traffic
5 is -- or parking is a concern there. Perhaps
6 there are more restaurants there than there
7 need to be. I don't know. We don't get to
8 vote on that, but what we are voting on is
9 whether this makes sense from -- you know, to
10 combine, essentially, two potential restaurants
11 that are a hundred seats each into one that's
12 120.

13 And I think Commissioner Padgett said it
14 right, that essentially, you know, be careful
15 what you're asking for because you're
16 essentially limiting the entitlement rights by
17 80 seats that you're taking away, to go down to
18 120, and that's a pretty good consolation.

19 Had it -- had he been going the other way
20 and said, hey, we have the right to do 200, but
21 we want 220, that's a tougher argument, but,
22 you know, these buildings were built a long
23 time ago. They don't have the parking that we
24 see in newer sites.

25 I don't think it is fair to penalize the
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1 last guy in. And I think that he's doing
2 something right, in a way, by reducing the
3 potential impact from 200 seats to 120.

4 So based on that, I would tend to support
5 it. And thanks for the clarity on
6 administrative deviation as well.

7 THE CHAIRMAN: I know Commissioner Padgett
8 wants to speak. I want to maybe look for
9 first-timers.

10 COMMISSIONER PADGETT: I'm sorry. I just
11 wanted to -- thank you, Commissioner.

12 Okay. When I -- when I declared ex-parte
13 communication with Mr. Steve Diebenow, I had
14 questions for him in concern of the shop owners
15 and the residents. And when I asked him about
16 the garbage and those types of things, he did
17 tell me that his client was also willing to pay
18 a pickup truck to come and pick up the trash so
19 that it was not contaminating the alleyways or
20 so forth. And it seems -- and Commissioner
21 Blanchard was right. It's not fair to penalize
22 the last person in when there are restaurants
23 that were allowed to do this by right.

24 And Mr. Diebenow's client has the right to
25 open two restaurants at 2,500 square feet
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1 apiece and 200 seats. So I -- and Commissioner
2 Blanchard was also right when he said be
3 careful what you ask for, because if he does
4 that, it's -- that's his right. And we
5 wouldn't even be here today.

6 And -- is that correct, Mr. Diebenow?
7 MR. DIEBENOW: Yes, that's the way we
8 understand the law. Yes.

9 COMMISSIONER PADGETT: I'm done.

10 THE CHAIRMAN: Commissioner Davis.

11 COMMISSIONER DAVIS: Thank you, Mr. Chair.

12 My feeling hasn't changed since the last
13 meeting. I agree that, you know, arguments
14 have been made that it's not an issue of if
15 it's a -- a restaurant can come in the space or
16 not. I don't believe -- excuse me -- it's an
17 issue of how they manage their trash, if the
18 alleyway is big enough.

19 What is in front of us is a request for
20 relief from parking. It's an issue of parking.
21 And, I mean, there really isn't -- I try to
22 walk as much as I can there when I go to Mellow
23 Mushroom and drink beer, but this time of
24 year --

25 THE CHAIRMAN: You like beer?
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1 COMMISSIONER DAVIS: I like beer.

2 So anyway -- and I know somebody probably
3 might not care about beer, but anyway, again, I
4 am in support of the staff's recommendation for
5 denial.

6 THE CHAIRMAN: Commissioner Friley, are
7 you ready for comments?

8 COMMISSIONER FRILEY: Yes.

9 THE CHAIRMAN: Go right ahead.

10 COMMISSIONER FRILEY: Thank you,
11 Mr. Chair.

12 I guess a couple of things I want to say
13 first. One, I know we sometimes use language
14 where we're saying we're penalizing the last
15 man in. And I guess I kind of disagree with
16 that in a sense that we do have ordinances. We
17 do have laws. We do have things that are on
18 the books, that no matter if you come in last
19 or first, those things exist. So penalizing
20 the last man in will always happen because
21 there's always going to be a last man in.

22 The other thing that I want to say is, I
23 kind of disagree with us taking up the
24 deviation first simply because of how the
25 Planning Commission -- I mean, the Planning
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1 Department has structured their conditions.
2 Their conditions kind of lead into whether
3 or not the deviation should even exist, but
4 we're kind of flip-flopping that. And I know
5 we've already taken it up and we'll go along
6 with it, but I just want to go on record as
7 saying that I think we should take up the
8 exception first.

9 Having said all that, I do agree with
10 Commissioner Davis. My comments and feelings,
11 based on the testimony, based on the
12 documentation and everything that we've heard
13 the last two times, hasn't changed.

14 And I think we have a clear set of
15 guidelines and rules that we should follow. I
16 think we're not prohibiting the owner from
17 doing what they want to do, which is a
18 restaurant. We're just asking them to adhere
19 to the laws and the rules that are on the
20 books. That's simply what it is. They're
21 asking for an exception.

22 We know that there's a problem that exists
23 in Avondale. Knowing that problem is why
24 they're here looking for an exception.

25 So with that being said, I -- I support
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1 the Planning Commission's recommendation for
2 denial of the deviation.

3 THE CHAIRMAN: Commissioner Notes.

4 COMMISSIONER NOTES: Thank you.

5 Mr. Diebenow, will you please step back
6 up?

7 (Mr. Diebenow approaches the podium.)

8 COMMISSIONER NOTES: It was mentioned
9 earlier that there was a case study, if you
10 will, a parking study done. What was the
11 outcome of that?

12 MR. DIEBENOW: Well, I think that what was
13 being referred to was a study that was
14 undertaken after Mellow Mushroom. I have not
15 read the study, but I know one of the outcomes
16 was that they striped all the street spaces.
17 There were -- there has been some concern
18 historically that some of the streets were too
19 narrow for parking on both sides, and then that
20 there were occasionally cars that parked in
21 front of the driveways or alleyways.

22 And so what the City did is they undertook
23 some analysis and then painted and striped
24 spots. And then also changed signage in the
25 neighborhood so that there were -- on the more

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1 narrow streets, there's only parking on one
2 side. And on the streets, obviously, with
3 driveways or curb-cuts, they striped the
4 streets so that they wouldn't -- you know, the
5 parking would be clearly delineated so you
6 wouldn't park in front of anybody's access to
7 their homes.

8 As for the other recommendations -- I
9 don't know what else Ms. Grant was talking
10 about. I think they looked at alternatives,
11 but I don't know what the conclusions were, you
12 know, what was reached in terms of conclusions.

13 COMMISSIONER NOTES: It appears it hasn't
14 been enforced or -- a resolution to the
15 parking. Again, yes, it is the City, but we
16 are here representing the City, if you will, in
17 what we're trying to achieve.

18 I don't think it's a matter of anyone's
19 right here today. I think it has to do with
20 coming down, back to the parking situation.

21 And again, I'm probusiness, and I think
22 another restaurant is wonderful, but we've got
23 to bring a solution to the table for parking
24 and accommodating the traffic. And I know
25 we're butting heads. I won't be on your

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1 Christmas card list this year, I know, and I --
2 it pains me, but I'm going to have to support
3 our staff recommendations to deny this. As it
4 is, I'm going to have to support them because
5 we still have not come to a resolution of
6 parking.

7 THE CHAIRMAN: Thank you.
8 Commissioner Adkison.

9 COMMISSIONER ADKISON: Since Steve is
10 sitting there, through the Chair, I'm going to
11 ask him a question. One is, I was going to ask
12 about the parking study, but I don't believe
13 you brought that up. I think it was another
14 individual in the back.

15 And I do want to grab him before he
16 leaves, but before you get up, you were
17 involved with Mellow Mushroom before my time.
18 What type of parking consideration -- I know
19 they have their -- they've got their own
20 parking there, but how much extra parking was
21 added in when they were allowed in and what
22 type exception was given for that?

23 MR. DIEBENOW: I'll give you just a
24 quick -- a very quick summary.

25 Before -- I did represent Mellow Mushroom.

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1 Before Mellow Mushroom was approved, Mojo's
2 located into the neighborhood. And the rule at
3 the time was that in historic or contributing
4 structures, even if there was a change in use,
5 parking did not have to be complied with.

6 And so Mojo's went into the building,
7 which is a contributing structure, they did not
8 have to comply with parking. Shortly
9 thereafter, within about a year, Mellow
10 Mushroom made an application similar to this
11 one, and the law got changed. And what the law
12 got changed to, it said basically, if you're a
13 restaurant, you have to comply with 50 percent
14 of the parking unless you're a small
15 restaurant.

16 So the rule we're talking about right now
17 was actually adopted in response to Mellow
18 Mushroom. So we went from a building that if
19 it's contributing, it doesn't have to deal with
20 parking, to if a restaurant exists or a
21 restaurant comes into this particular area of
22 the overlay, they have to provide 50 percent of
23 the required parking, to now, where we are
24 today, which is that same 50 percent rule
25 applies, but if you're less than 2,500 square

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1 feet or you're a hundred seats or less, you do
2 not have to comply with parking.

3 Mellow Mushroom met their parking on site
4 because they had 22 parking spaces. Their
5 parking lot and Blue Fish's parking lot are,
6 essentially, almost the same dimensions. So to
7 answer your question, Mellow Mushroom met their
8 parking by providing 22 on site.

9 COMMISSIONER ADKISON: This was done a
10 year ago, you said?

11 MR. DIEBENOW: Mellow Mushroom was
12 approved, I think, in 2012.

13 COMMISSIONER ADKISON: And when was that?
14 You said the law had changed a year ago?

15 MR. DIEBENOW: No. The law changed, the
16 year -- the months before Mellow Mushroom was
17 approved. They actually changed the law before
18 the application was filed.

19 COMMISSIONER ADKISON: And how long has
20 your client owned that property that you're
21 representing?

22 MR. DIEBENOW: For three generations.

23 COMMISSIONER ADKISON: All right.

24 Thank you.

25 Sir, I know you raised your hand. I do

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1 want to talk to you because you were the one
2 who brought up the parking study. And it's not
3 so much that you're going to like to hear what
4 I say. I'd like to know who did the study and
5 who paid for the study. And you mentioned
6 there was no outcome.

7 THE CHAIRMAN: Yeah, I think Ms. Grant
8 probably --

9 MR. GALLO: Alicia knows a little bit
10 more. I just want to say about the parking
11 study.

12 COMMISSIONER ADKISON: I just want to know
13 those questions. I want to stick to mine. I
14 don't want to get off and be long.

15 MR. GALLO: The parking study was set up
16 to see if there could be a situation controlled
17 for the tenants. Basically, for the people
18 that live in the neighborhood.

19 They did the study. What they basically
20 did is, they restriped the streets, taking more
21 street parking away from the restaurants. So
22 not only did they change it to accommodate the
23 neighbors, because that was the issue, they
24 took off probably 50 -- what is it, 50 more?
25 They took off -- they restriped the whole

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1 neighborhood and structured it in favor of the
2 residents.

3 It still didn't make a difference in the
4 neighborhood because they're still parking
5 where they're not supposed to be parking. It's
6 not enforced. And even if it is enforced, she
7 can testify to you that there's still no place
8 to park.

9 How could you do a parking study --

10 COMMISSIONER ADKISON: I'm going to stop
11 you. I don't want to get --

12 MR. GALLO: I just want to ask you --

13 COMMISSIONER ADKISON: No, no. Let me --

14 THE CHAIRMAN: We're asking questions.

15 MR. GALLO: Let me -- can I talk about
16 the --

17 COMMISSIONER ADKISON: I'm going to ask
18 the questions. Hold the comments over. Okay?

19 MR. GALLO: Sorry.

20 COMMISSIONER ADKISON: I want to get down
21 to the point. I think you mentioned something.

22 You said that this study was done for the
23 residents only, not for the businesses.

24 MR. GALLO: It was done for --

25 MS. GRANT: (Indicating.)

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1 COMMISSIONER ADKISON: Yes, ma'am. Go
 2 ahead. Enlighten me.
 3 (Ms. Grant approaches the podium.)
 4 THE CHAIRMAN: Let me jump in. Let me
 5 jump in here, guy, because we need to be very
 6 clear on this. I can only have one person
 7 speaking at a time. So I want to get all these
 8 questions answered, but it has to be very clear
 9 or Ms. Tropa is going to throw that typewriter
 10 at me. So let me be very clear about one
 11 person at a time.
 12 COMMISSIONER ADKISON: So ma'am, let me
 13 explain. I would like to know who paid for it,
 14 what the study was for, was it for residents or
 15 for the whole area, commercial too, and what
 16 was the final outcome. And did we spend money
 17 as a city, if the City paid for it, and it got
 18 no resolution.
 19 MS. GRANT: As I indicated when I
 20 testified before, the study cost a hundred
 21 thousand dollars. It was paid for by the City.
 22 And there was an outside consultant that came
 23 in and did it. They had neighborhood meetings.
 24 It was for -- it was to identify solutions that
 25 would benefit both the merchants as well as the
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1 residents.
 2 The outcomes that actually ended up
 3 resulting from that were, they lowered the
 4 speed limit, in some cases, where it's normally
 5 30 miles an hour, to 15 along some of the
 6 streets because we have cars zipping around the
 7 corner trying to get to the spot that they saw
 8 a half a block away or that was vacated half a
 9 block away.
 10 They striped the streets, which did reduce
 11 some of the parking spots because people were
 12 parking in front of driveways. They were
 13 parking too close and immediately across the
 14 street. You couldn't back out of your driveway
 15 on narrow streets.
 16 COMMISSIONER ADKISON: All right. Let me
 17 stop you real quick. You're saying good
 18 things, but I want to rush this through.
 19 When the meetings were -- and you were in
 20 the meetings? So I'm taking it, you were in
 21 the meetings. Did y'all mention how many
 22 parking spots that they needed, or did you just
 23 look at the area and say this is what we wanted
 24 or what we're going to get?
 25 MS. GRANT: Well, they -- the consultants
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1 looked at everything. They counted the number
 2 of commercial spots that were available in the
 3 two-and-a-half block that represents the
 4 Shoppes of Avondale. They went out and they
 5 looked at the streets, and they decided these
 6 streets are too -- Riverside Avenue, between
 7 Ingles- -- between Talbot and Edgewood has no
 8 parking. It's a very narrow street. No
 9 parking on that street.
 10 Talbot Avenue, like between Riverside and
 11 St. Johns, has parking on one side. My street,
 12 Riverside, between Talbot and Ingleside, has
 13 parking on two sides.
 14 COMMISSIONER ADKISON: I got my answers on
 15 that. Thank you very much.
 16 I'd like Ms. Hyde -- is that right? Amy?
 17 MS. HYDE: Yes.
 18 COMMISSIONER ADKISON: Amy Hyde.
 19 (Ms. Hyde approaches the podium.)
 20 MS. HYDE: Right.
 21 COMMISSIONER ADKISON: I would like to ask
 22 my next question. I don't want to use up my
 23 time.
 24 Thank you very much.
 25 MS. GRANT: Okay. Can I make one comment
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1 about the parking and the seats and everything?
 2 When you're talking --
 3 THE CHAIRMAN: Real quickly, Ms. Grant.
 4 MS. GRANT: When you're talking about the
 5 number of seats that are required, you're only
 6 talking about the number of parking spots that
 7 are required based on restaurant seats, not
 8 vacant space.
 9 If like -- Mellow Mushroom has got a huge
 10 bar. They can have 300 people in there,
 11 possibly. They don't count -- and the cars
 12 that they come in, that doesn't count in
 13 determining what parking is.
 14 COMMISSIONER ADKISON: I understand.
 15 MS. GRANT: They're going to have another
 16 3,000-square-foot banquet room. Doesn't count
 17 into the parking requirement.
 18 COMMISSIONER ADKISON: Yes, ma'am.
 19 MS. GRANT: Thank you.
 20 COMMISSIONER ADKISON: Thank you.
 21 Mine's going to be very quick. Could you
 22 point us to this overlay with the --
 23 MS. HYDE: Deliveries.
 24 COMMISSIONER ADKISON: And here, Page 6,
 25 and when you park -- if you can see this map
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1 here. Did you say this was parking or is this
 2 an easement here for anyone to use?
 3 MS. HYDE: That's --
 4 COMMISSIONER ADKISON: What -- how is
 5 that --
 6 MS. HYDE: That's the --
 7 THE CHAIRMAN: I'm sorry, Ms. Hyde, can
 8 you pull that microphone?
 9 MS. HYDE: Yes.
 10 That's typically where employees are
 11 parking.
 12 COMMISSIONER ADKISON: No, no, no.
 13 My question is real simple. Is this part
 14 of the -- the whole easement for everyone to
 15 use or is this -- like this area right in here
 16 where you said you parked your vehicles, only
 17 for your employees, is it designated or is it
 18 public parking?
 19 MS. HYDE: I would assume that that is
 20 property that is owned by the building --
 21 that's an easement that is owned by the
 22 building -- like -- Rick May is my landlord.
 23 I'm not sure what the easement area is coming
 24 off the back of the building, but that's
 25 typically where all the employees park so that
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1 we're not taking up street parking for --
 2 COMMISSIONER ADKISON: I need to be asking
 3 him the question, if this is an easement,
 4 because you got 30 foot. You said it was 10.
 5 And there is no way I see 20 foot in here. So
 6 I've got a map that's not to scale and I'm
 7 looking at the picture that you referenced and
 8 I'm just trying to figure out --
 9 MS. HYDE: We angle park two cars behind
 10 each -- we're 20 feet of -- each of our stores
 11 are 20 feet across. My building is 20 feet
 12 across. So we angle park two cars behind my
 13 shop, my two employees, and then the shop next
 14 to me, we try to angle park, they try to angle
 15 park their two cars, and then so on and so
 16 forth, so --
 17 COMMISSIONER ADKISON: Let me just go
 18 ahead and ask him the question.
 19 Thank you.
 20 (Mr. May approaches the podium.)
 21 COMMISSIONER ADKISON: Sir, real quick.
 22 All I want to know, is this -- from the
 23 setback here of the first building to the
 24 setback of the building of the -- in
 25 question --
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1 MR. MAY: I own that property.
 2 COMMISSIONER ADKISON: You own that
 3 property? That's on an easement --
 4 MR. MAY: The only easement back there is
 5 a 10-foot alley.
 6 Now, understand, three years ago, three
 7 and a half --
 8 COMMISSIONER ADKISON: Let me stop you.
 9 I've heard all that, but what I'm looking at
 10 is -- everybody keeps telling me it's 10 foot.
 11 MR. MAY: Yes, sir.
 12 COMMISSIONER ADKISON: All right? This
 13 scale shows 40 foot.
 14 MR. MAY: I own that.
 15 COMMISSIONER ADKISON: You own the 30
 16 foot?
 17 MR. MAY: Yes, sir.
 18 COMMISSIONER ADKISON: There's 10 foot
 19 here (indicating). So you're saying the -- the
 20 easement's over here. So you own a full 30
 21 foot back here?
 22 MR. MAY: Yes, sir.
 23 MR. GALLO: In other words, the --
 24 THE CHAIRMAN: Whoa, whoa, you can't --
 25 COMMISSIONER ADKISON: No, sir.
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1 THE CHAIRMAN: No.
 2 COMMISSIONER ADKISON: I'm really confused
 3 on your drawing --
 4 COMMISSIONER PADGETT: I am too.
 5 COMMISSIONER ADKISON: -- because you
 6 said -- you -- this is the back of the
 7 building. You said there's only 10 foot here
 8 and now you tell me it's 30 foot. What is it?
 9 MR. MAY: It's a 10-foot alley, sir.
 10 COMMISSIONER ADKISON: So the 30 foot is
 11 incorrect?
 12 MR. MAY: No, sir.
 13 THE CHAIRMAN: The alley that you don't
 14 own is 10 feet, right?
 15 MR. MAY: The alley that I do not own is
 16 10 feet.
 17 THE CHAIRMAN: Right.
 18 MR. MAY: Now understand, the City took
 19 part of that as electric poles, so it's not
 20 really 10 feet anymore. It's 9 feet.
 21 COMMISSIONER ADKISON: So the City took
 22 it, which would mean that that's public
 23 property back there.
 24 MR. MAY: Ten feet, yes, sir.
 25 COMMISSIONER ADKISON: So 10 feet public
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1 property.

2 MR. MAY: The alley. And it's dirt. It's
3 not concrete or it's not paved.

4 MS. HYDE: Potholes.

5 COMMISSIONER ADKISON: All right. Thank
6 you very much.

7 And my next -- my last question -- I hope
8 I'm not taking up too much time.

9 THE CHAIRMAN: You're fine. Take your
10 time.

11 COMMISSIONER ADKISON: The question is to
12 legal. I'm sorry, Paige.

13 When we're looking at this -- and I'm not
14 sure, maybe I have to refer to Folks -- is
15 there a way to have a restaurant inside a
16 restaurant? So if he wanted to do one
17 restaurant, another restaurant -- and maybe I'm
18 getting into a building code issue -- could he
19 have one restaurant supplying food for the
20 other side via a door, a window, a buffet? I
21 mean, is there a way to get around it and have
22 200 seats versus the 120?

23 MR. HUXFORD: That may affect the -- more
24 of a building code and state licensing type
25 question. Our code is not -- our zoning code

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1 isn't especially clear about that sort of
2 activity.

3 COMMISSIONER ADKISON: All right. Well,
4 then I'm going to end mine real quick.

5 I don't believe that Jacksonville ever
6 meant to be first come, first serve. This is a
7 building that's been owned by this individual
8 for a very long time and he has a right to
9 lease his building.

10 A year ago, we understood that the -- the
11 conditions were set, so I'm going to move in
12 favor of the -- am I for the -- I'm against --
13 I can't remember which it is. I'm for the AD.

14 THE CHAIRMAN: All right. Commissioner
15 Harding, you're up.

16 COMMISSIONER HARDING: Thank you,
17 Mr. Chair.

18 You know, I've sat and I've really tried
19 to approach this with an open -- with an open
20 mind. And I've been, you know, listening to
21 some of the comments that were made, was that I
22 don't live in the neighborhood and therefore I
23 don't know what it's like and shouldn't be
24 weighing in, but obviously we are appointed to
25 this post to do just that.

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1 So, you know, I've heard the arguments. I
2 do spend a lot of time in this neighborhood,
3 particularly in the Shoppes of Avondale. I've
4 shopped at most of the merchants. They got up
5 to speak today. I've been in the jewelry
6 store. I've been in the boutiques. I've been
7 in the art galleries. I've been in Cowford
8 Traders before it closed. And so I certainly
9 am aware that Avondale has a traffic -- a
10 current parking issue.

11 That said, as frequently as I go over
12 there, I'm able to secure a parking spot. And
13 I realize this is anecdotal, it's not data, but
14 I am able to secure a parking spot relatively
15 quickly. Sometimes you do have to drive a few
16 blocks. I don't park in front of people's
17 easements and in front of their right-of-way to
18 get in their homes because, obviously, I lived
19 in a neighborhood with street parking and I
20 understand those frustrations.

21 And so as I've kind of -- as I've listened
22 to the comments, I've kind of separated between
23 the residents and the merchants because I think
24 the residents -- I certainly can understand a
25 lot of the frustration as the area has grown

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1 up, particularly if someone's owned a home
2 for -- for decades. It's gotten very busy.
3 And they maybe didn't necessarily buy into
4 living behind a busy commercial corridor, and
5 so I certainly understand that. So I've kind
6 of separated that.

7 With the merchants, it seems like what I'm
8 hearing is, you know, I don't necess- -- I
9 don't provide parking and therefore -- but the
10 new guy in should.

11 And I understand there's a difference
12 between retail and restaurant, and retail tends
13 to turn over a little more quickly than
14 restaurants, but we've got restaurants who are
15 opposing this, who also do not provide any
16 parking to clients.

17 So it's just -- you know, I'm kind of
18 hearing a multitude of arguments. I'm hearing
19 an argument that, you know, I want to park in
20 that alley. And, you know, maybe there won't
21 be room for my car.

22 So, you know, I'm kind of -- I kind of
23 take all this into consideration.

24 I think -- when it comes to parking in
25 Avondale, I think it's frustrating that a study

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1 was done and the City didn't do anything to
2 seemingly solve the issue. That is not
3 something I think that this commission has the
4 responsibility or the authority to do. That is
5 something that the City Council -- and that is
6 why Jacksonville has district city councilmen.
7 They are supposed to answer to the residents of
8 this district.

9 And so if there was a study done and it
10 was not -- it did not resolve the issue and it
11 was not adhered to, then I think that is an
12 issue that needs to be raised with the city
13 councilman in this district, and I think he's
14 well aware of it. The question is, what is he
15 going to do about it?

16 The parking requirements did not exist
17 when this building was built. I mean, that's
18 just plain and simple. It did not exist.
19 You've got a family that's owned a building for
20 multiple generations. They've had a tenant
21 that's vacated. Do we punish them because
22 their tenant vacated? I guess that's where
23 I'm -- I'm kind of stuck, is, do we punish the
24 last person in the door -- which other people
25 have raised this point. Do we punish the last

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1 person in the door when every business along
2 the strip contributes to the issue that exists
3 today?

4 And, you know -- so that -- that's kind of
5 where I've been hung up for -- for most of the
6 week.

7 We have perhaps a parking issue now. The
8 question is, are we going to have one in a
9 year? As we've moved more and more to Uber, as
10 people take Lyft, as we have a promise -- Ford
11 has promised fully autonomous cars within five
12 years. You know, does that help alleviate some
13 of the issue down the road? We can't say. I
14 don't know, but that's something that I tried
15 to think of as I was taking this into
16 consideration.

17 A very effective argument was made that
18 you could put two restaurants side by side and
19 you would end up with 200 seats, and you have
20 more parking challenges than currently exist.
21 And so that's why when I've -- when I've tried
22 to figure out where to come down on this, it
23 seems that a compromise has been presented.
24 And I think for the neighborhood as a whole and
25 being fair to the property owner, it seems like

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1 a reasonable compromise -- that we would
2 support something that would hopefully lessen
3 the burden of parking, and as we have our fully
4 autonomous cars driving us around in a couple
5 of years, this will take care of a lot of the
6 issues.

7 But going forward, I really think this is
8 an issue for the City to look at. This is
9 the -- and this is an issue for the city
10 councilman in this district to address.

11 Are there ways to reconfigure Ingleside,
12 for example? Are there -- are there other
13 solutions, such as finding parking for
14 employees and offering shuttle services into
15 this district?

16 So I think those are the challenges that
17 this neighborhood is going to have to deal with
18 going forward, but in this particular case, at
19 this particular time, I think this is a
20 reasonable compromise and I'm inclined to
21 support it.

22 THE CHAIRMAN: Thank you, Commissioner
23 Harding.

24 I want to get my comments in real quick
25 and then I'm going to look for other

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1 commissioners -- for additional comments.

2 But, you know, I believe a lot of y'all
3 were here two weeks ago. My position is
4 generally the same. I think a lot of what
5 Commissioner Harding said really made a lot of
6 sense and really resonated with my initial
7 thoughts.

8 Let's say this restaurant doesn't go in
9 and let's say we don't approve it and let's say
10 they don't put two restaurants in and it just
11 stays empty, is there going to be a parking
12 problem? Yes, there's a parking problem.

13 And my thought on this whole thing is,
14 while we've done studies and all that, our
15 solution to the parking problem should not be
16 to stop restaurants or anything else coming
17 into Avondale. That is a terrible solution for
18 solving a parking problem because there is a
19 parking issue. And no matter -- if there's not
20 another restaurant, you're always going to have
21 the issue.

22 I wish Mr. Gallo was able to stick around
23 for this, but I think he got frustrated and ran
24 out of energy, but I understand the passion
25 that is coming from this group. And I would

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1 just encourage everyone that -- if you're going
2 to be passionate about it and you're going to
3 make comments, just make sure they're factual
4 because I got labeled as the guy that voted
5 against -- or voted for the restaurant and
6 don't live in the neighborhood. Unfortunately,
7 that is completely incorrect.

8 The two guys that live within walking
9 distance on this commission, one voted for it,
10 one voted against it. So -- and the fact
11 that -- you know, I heard comments being made
12 about, well, we don't care about it because we
13 don't live in the area. I mean, that is
14 just -- that is -- that is distasteful to try
15 to say that this body sits up here and doesn't
16 care about what happens.

17 So I get the passion, I enjoy the passion.
18 I live in the area. I live in walking distance
19 of this proposed restaurant, and so I would
20 just make sure -- if you're going to be
21 passionate about it, great. I love the passion
22 because I love that my neighborhood is
23 passionate about something, but just make sure
24 everything you say is factual because it really
25 just kind of -- I would -- I promise you, rubs

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1 this commission wrong.

2 But I think that -- you know, that being
3 said, I -- I totally get what everybody is
4 saying. I know there's a parking issue. I
5 would love to be on a parking committee, if we
6 could try to solve something like this. I
7 would love to be on the parking committee
8 because I promise what's not -- what's going to
9 come out of the parking committee is not, okay,
10 here's how you solve it, stop putting more
11 restaurants in. That's terrible. It's going
12 to be, this is what we want to do. And there's
13 a lot of ways that we can -- that we can go
14 after this.

15 But in front of us right now is -- and I
16 think that -- some of the comments that are
17 being made that I want to address was, if they
18 do two restaurants at 100 seats, 2,500 square
19 feet, they will not need a parking
20 administrative deviation. They will need an
21 exception if they want alcohol. So they would
22 be in front of us for the -- for two
23 exceptions, for each of the restaurants, so --

24 But, yeah, you think that 120 seats is
25 going to be a problem. Two hundred seats is

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1 going to be a big problem, and then -- and then
2 there's nothing that this body or any body can
3 do to -- to require them to provide parking
4 spaces.

5 So my position remains the same as it did
6 two weeks ago. I support the application
7 because I think it's a great compromise to what
8 they could do.

9 And, you know, I think that -- again, you
10 know, everybody that lives in the area needs to
11 get together, and we need to -- instead of
12 trying to make comments that may not -- may or
13 may not be factual at a public meeting, we need
14 to come up with a solution to solve this
15 because Avondale is a great area, it's a great
16 problem to have, that everybody wants to be --
17 that everybody wants to move in there, but
18 we've got to find a solution, and I -- I want
19 to work with RAP, I want to work with any other
20 organization within the area to solve this
21 problem, but right now we're faced with this
22 issue here. And as this is presented to us,
23 I -- I support the application as it stands.

24 Commissioner Padgett, did you have more
25 comments?

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1 COMMISSIONER PADGETT: Yes.

2 Thank you.

3 Through the Chair, on the record I just
4 want everybody to know that I left my iPad in
5 the car. So when I'm on my cell phone, I am
6 actually researching things. I do -- regarding
7 this application. I'm not just on my phone. I
8 was looking up the parking analysis and the
9 whole area and everything else.

10 Mr. Diebenow, I'm sorry.

11 THE CHAIRMAN: Do you have a Fitbit on?
12 Are you getting --

13 COMMISSIONER PADGETT: I have one question
14 for you.

15 MR. DIEBENOW: Yes.

16 COMMISSIONER PADGETT: If there is an
17 issue with deliveries and that and so forth --
18 I'm not -- I'm not asking you to commit to
19 anything, but would you -- would your clients
20 be in -- would they be interested or would they
21 go for a -- other solution in order to get your
22 deliveries to this facility?

23 MR. DIEBENOW: Well, I think -- I think
24 there's a lot of options on deliveries. I'm
25 not quite sure what the -- what the request is,

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1 but, obviously, you can do hand deliveries to
2 the --
3 COMMISSIONER PADGETT: That's what I was
4 referring to.

5 (Simultaneous speaking.)

6 MR. DIEBENOW: -- (inaudible) or you can
7 do hand deliveries in the front of the
8 building. And I know, like a lot of the
9 restaurants, they park the big trucks on the
10 street and then bring them in, you know,
11 earlier in the morning, before the cars park up
12 the neighborhood. So that's probably the
13 practice that they'll use as well.

14 I don't think deliveries -- you know,
15 look, we've got to meet fire code standards,
16 we've got to meet health code regulations,
17 we've got to, you know, meet -- people have to
18 be able to evacuate the space, so we're not --
19 we have a long way to go even if this is
20 approved today. We've got a lot of other
21 agencies we have to satisfy. Anyway ...

22 COMMISSIONER PADGETT: Okay. The last
23 thing, I just -- I'm going to say is that,
24 after hearing everyone and looking at all the
25 information in front of me, it looks like

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1 Mr. Diebenow's clients have earned the right
2 and have been there for multiple generations
3 and should be able to be upheld to the same
4 laws as -- as everybody else, and they should
5 not have to -- just because they are -- their
6 tenant left and they are the last one in,
7 there's -- it's not fair to them. And if they
8 are willing to give up 80 seats -- because
9 believe me when I tell you, if a client can
10 have 200 seats and get away with two
11 restaurants, they're going to do it, and so
12 I'm --

13 I'm for this application because I truly
14 believe that 120 seats is a lot better for a
15 parking issue than 200. And it is my opinion
16 that there's going to be 200 if we do not -- if
17 we do not fix this -- or, I mean, I'm sorry, if
18 we don't approve this.

19 That is, I promise, it. That's it.

20 THE CHAIRMAN: Commissioner Motes.

21 COMMISSIONER MOTES: With all due respect
22 to my fellow commissioners, because you will
23 still all get a Christmas card from me -- you
24 will also, Mr. Diebenow.

25 We're not the wardens up here. We are not
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1 here to punish anyone. It's not about the law.
2 It's about reality here, that there are not
3 enough parking spaces.

4 At the end of the day, we still -- we're
5 not trying to stop progress; we're trying to
6 perfect it. So by pushing forward and adding
7 to an additional problem, I don't think
8 that we're -- we're solving anything here.

9 So, with that, I will turn it over to our
10 chairman.

11 THE CHAIRMAN: Did you have a quick
12 comment?

13 COMMISSIONER PADGETT: I'm sorry, my last
14 comment is going to be -- thank you, through
15 the Chair -- is that, I agree with -- with
16 Commissioner Motes; however, I don't think that
17 that responsibility falls on Mr. Diebenow's
18 client. I think that responsibility falls on
19 City Council and our City.

20 THE CHAIRMAN: Thank you.

21 Any other comments from the Commission?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: Seeing none, I have a
24 motion and a second for approval of AD-16-51.

25 All those in favor?

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1 Aye.

2 COMMISSIONER BLANCHARD: Aye.

3 COMMISSIONER HARDING: Aye.

4 COMMISSIONER ADKISON: Aye.

5 COMMISSIONER PADGETT: Aye.

6 THE CHAIRMAN: Opposed?

7 COMMISSIONER FRILEY: Aye.

8 COMMISSIONER DAVIS: Aye.

9 COMMISSIONER MOTES: Aye.

10 THE CHAIRMAN: Do you want me to read the
11 names?

12 THE REPORTER: Yes, please.

13 THE CHAIRMAN: In opposition or in favor?

14 THE REPORTER: In opposition, please.

15 THE CHAIRMAN: Opposition are Friley,
16 Davis and Motes.

17 COMMISSIONER BLANCHARD: Mr. Chairman, I
18 move approval of E-16-48 with Condition 1 as
19 stated in the staff report that relates to ADA
20 compliance.

21 COMMISSIONER HARDING: Second.

22 THE CHAIRMAN: I've got a motion and a
23 second for approval of E-16-48 as conditioned
24 in the staff report.

25 Ms. Johnston.

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1 MS. JOHNSTON: Through the Chair, I just
 2 wanted to point out to the Commission, there is
 3 also a condition related to grease traps and
 4 dumpsters. I wasn't sure if you wanted that
 5 included or if you wanted to discuss --
 6 COMMISSIONER BLANCHARD: No, ma'am.
 7 THE CHAIRMAN: No, ma'am, you do not want
 8 it included in your motion --
 9 COMMISSIONER BLANCHARD: It is what it is.
 10 THE CHAIRMAN: Okay. I just want to make
 11 sure we got the motion right.
 12 I've got a motion and a second for
 13 approval of E-16-48 as conditioned with the
 14 ADA-compliant parking spaces, which is
 15 Condition Number 1.
 16 COMMISSIONER MOTES: I don't think we're
 17 reading the correct -- at least not what I
 18 have.
 19 Paige, would you please revisit that?
 20 COMMISSIONER BLANCHARD: My motion was for
 21 approval of E-16-48 with Condition 1, which is
 22 on Page 5 of the staff report, which says, "The
 23 outside seating shall meet all requirements for
 24 ADA accessibility on the sidewalk and shall not
 25 obstruct pedestrian traffic." I'm not
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1 insinuating or recommending any other
 2 conditions at this time.
 3 MS. JOHNSTON: I think there was some
 4 confusion. I think my staff who prepared the
 5 order might have incorporated another condition
 6 from a prior order. So that's my mistake. I
 7 was looking at the final order that was
 8 predrafted.
 9 THE CHAIRMAN: Okay. So -- comments from
 10 the Commission?
 11 COMMISSIONER FRILEY: I have comments.
 12 THE CHAIRMAN: Commissioner Friley.
 13 COMMISSIONER FRILEY: And this is along
 14 those same lines. I believe Mr. Diebenow
 15 suggested the grease trap condition. So if
 16 you're agreeable to the grease trap condition,
 17 I think it's only fair to the residents that
 18 you adhere to that.
 19 MR. DIEBENOW: Yeah, sure. We are. We
 20 brought that up in response to those
 21 neighborhood concerns and we stand by it, yes.
 22 THE CHAIRMAN: Jerry, will you turn that
 23 into a motion for an amendment to the Blanchard
 24 condition?
 25 COMMISSIONER FRILEY: Well, I would like
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1 Mr. Diebenow to state what he's actually
 2 offering.
 3 MR. DIEBENOW: Sure.
 4 Since you already have it written, Paige,
 5 why don't you write -- just read what you have
 6 written and I'll let you know if I have any
 7 problems with it.
 8 MS. JOHNSTON: From the conversation
 9 before, we had discussed, grease traps and
 10 dumpsters shall be located inside the building.
 11 THE CHAIRMAN: Okay. Jerry, is that your
 12 motion?
 13 MR. DIEBENOW: Yeah, the grease traps and
 14 trash. I mean, it may or may not be a
 15 dumpster. It might be garbage cans, but the
 16 intent is grease traps and trash are stored
 17 inside the building. We're fine with that,
 18 until pickup.
 19 COMMISSIONER FRILEY: Okay. So I would
 20 like to make a motion to -- to Mr. Blanchard's
 21 motion, for a condition as read into the record
 22 by Paige, but I think Mr. Huxford --
 23 MR. HUXFORD: Instead of using the term
 24 "trash," the City's term is "solid waste." Can
 25 you just call it that?
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1 COMMISSIONER FRILEY: With the
 2 substitution of the word "solid waste" for
 3 "trash."
 4 MR. DIEBENOW: We'd agree to that,
 5 Mr. Chairman.
 6 THE CHAIRMAN: I've got a motion -- I've
 7 got a motion and a second to amend the -- you
 8 can accept that as a friendly amendment if you
 9 want or we can just move to approve that
 10 amendment.
 11 COMMISSIONER BLANCHARD: Thank you,
 12 Mr. Chairman.
 13 No. Respectfully, I would not accept that
 14 as an amendment. If Mr. Diebenow wants to do
 15 that and agree to do that, great. I don't
 16 think they should. I don't think anybody else
 17 in this entire area does that. It would be an
 18 undue burden. And if they want to do that in
 19 good faith with the community, that's great,
 20 but I don't think it's reasonable that we
 21 require them to do that.
 22 THE CHAIRMAN: Okay. Thank you.
 23 I do have a motion and a second for the
 24 Friley amendment.
 25 Discussion from the Commission? Any other
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1 comments?
 2 Commissioner Padgett.
 3 COMMISSIONER PADGETT: I agree with both,
 4 actually. I think that Mr. Diebenow's clients
 5 are going to do the right thing, but,
 6 however -- for the record, Commissioner
 7 Blanchard is correct. He shouldn't be held to
 8 any different standards than anybody else in
 9 that neighborhood, but I believe that
 10 Mr. Diebenow's clients will do what's best for
 11 that area.
 12 THE CHAIRMAN: I would support the
 13 amendment, Commissioner Friley, because the
 14 applicant is agreeing with it. And if the
 15 applicant is no longer there, it's peace of
 16 mind for the residents and know that it would
 17 be taken care of. So I would support it as
 18 well.
 19 Any other comments from the Commission?
 20 Commissioner Davis.
 21 COMMISSIONER DAVIS: Thank you,
 22 Mr. Chair.
 23 Mr. Diebenow, this was a condition for
 24 Mellow Mushroom, correct, too, where they
 25 had -- or not?
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1 Blanchard and Padgett against it, and everybody
 2 else was for it.
 3 So that motion is passed.
 4 Any other comments on the original bill?
 5 COMMISSION MEMBERS: (No response.)
 6 THE CHAIRMAN: Any more amendments that we
 7 want to add? Now is the time to do it.
 8 COMMISSION MEMBERS: (No response.)
 9 THE CHAIRMAN: I have a motion and a
 10 second for approval of E-16-48 with Condition 1
 11 in the staff report and the additional
 12 condition given by Commissioner Friley.
 13 All those in favor?
 14 Aye.
 15 COMMISSIONER BLANCHARD: Aye.
 16 COMMISSIONER HARDING: Aye.
 17 COMMISSIONER ADKISON: Aye.
 18 COMMISSIONER DAVIS: Aye.
 19 COMMISSIONER PADGETT: Aye.
 20 COMMISSIONER MOTES: Aye.
 21 THE CHAIRMAN: Opposed?
 22 COMMISSIONER FRILEY: Aye.
 23 THE CHAIRMAN: Is Friley the only one in
 24 opposition?
 25 COMMISSIONER FRILEY: This is for the
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1 MR. DIEBENOW: I don't think they do
 2 inside -- I don't think they do inside
 3 anything. It wasn't a condition there.
 4 THE CHAIRMAN: I do believe they do use
 5 the carts for the trash. They don't use a
 6 dumpster.
 7 MR. DIEBENOW: They do, but it wasn't a
 8 condition of the approval.
 9 THE CHAIRMAN: Okay. Any other comments
 10 from the Commission on the Friley amendment?
 11 COMMISSION MEMBERS: (No response.)
 12 THE CHAIRMAN: Seeing none, I have a
 13 motion and a second for approval of the Friley
 14 amendment.
 15 All those in favor?
 16 Aye.
 17 COMMISSIONER HARDING: Aye.
 18 COMMISSIONER FRILEY: Aye.
 19 COMMISSIONER DAVIS: Aye.
 20 COMMISSIONER MOTES: Aye.
 21 THE CHAIRMAN: Opposed?
 22 COMMISSIONER ADKISON: Aye.
 23 COMMISSIONER BLANCHARD: Aye.
 24 COMMISSIONER PADGETT: Aye.
 25 THE CHAIRMAN: We've got Adkison,
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1 entire --
 2 THE CHAIRMAN: Yeah, it is for the entire
 3 one, correct.
 4 COMMISSIONER FRILEY: Okay.
 5 THE CHAIRMAN: Okay. Friley is the only
 6 one.
 7 So that motion is passed.
 8 MR. DIEBENOW: Thank you, Chairman.
 9 THE CHAIRMAN: Thank you all for being
 10 here.
 11 All right. We're going to push everything
 12 out for two weeks and we'll see you -- thank
 13 you all for being here, everybody.
 14 All right. Let's start again. Page 2,
 15 E-16-39 and AD-16-41, 6561 San Juan Avenue.
 16 Why don't we do this: Greg, you might
 17 want this too. A five-minute break real quick,
 18 just to flip the tape.
 19 Okay. Five-minute break.
 20 (Brief recess.)
 21 (Ms. Johnston exits the proceedings and
 22 Ms. Fetner enters the proceedings.)
 23 THE CHAIRMAN: All right. Let's bring
 24 this meeting back to order. I know that we're
 25 waiting on a couple more -- one commissioner to
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