

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-682**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-42 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 11 AT 9940 OLD BAYMEADOWS ROAD,
8 BETWEEN SOUTHSIDE BOULEVARD AND BAYMEADOWS ROAD
9 (R.E. NO(S). 148633-1000), AS DESCRIBED HEREIN,
10 OWNED BY DEERWOOD VILLAGE MALL, L.C., REQUESTING
11 1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES
12 THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
13 BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-
14 PREMISES CONSUMPTION, AND 2) PERMANENT OR
15 RESTRICTED OUTSIDE SALE AND SERVICE IN
16 CONJUNCTION WITH A RESTAURANT, MEETING THE
17 PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA
18 SET FORTH IN PART 4, FOR OHJAX5, LLC, D/B/A
19 SCRAMBLERS, IN THE CN DISTRICT, AS DEFINED AND
20 CLASSIFIED UNDER THE ZONING CODE; ADOPTING
21 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND
22 USE AND ZONING COMMITTEE; PROVIDING FOR
23 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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25 **WHEREAS,** an application for a zoning exception, **On File** with
26 the City Council Legislative Services Division, was filed by Lawrence
27 Yancy on behalf of the owner of property located in Council District
28 11 at 9940 Old Baymeadows Road, between Southside Boulevard and
29 Baymeadows Road (R.E. No(s). 148633-1000) (the "Subject Property"),
30 requesting an establishment or facility which includes 1) the retail
31 sale and service of all alcoholic beverages including liquor, beer

1 or wine for on-premises consumption, and 2) permanent or restricted
2 outside sale and service in conjunction with a restaurant, meeting
3 the performance standards and development criteria set forth in Part
4 4, for OHJAX5, LLC, d/b/a Scramblers in the CN District; and

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

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

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

13 **Section 1. Adoption of Findings and Conclusions.** The
14 Council has considered the recommendation of the Land Use and Zoning
15 Committee and reviewed the Staff Report of the Planning and
16 Development Department concerning application for zoning exception
17 E-24-42. Based upon the competent, substantial evidence contained in
18 the record, the Council hereby determines that the requested zoning
19 exception meets each of the following criteria required to grant the
20 request pursuant to Section 656.131(c), *Ordinance Code*, as
21 specifically identified in the Staff Report of the Planning and
22 Development Department:

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

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

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

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

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

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

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

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

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

22 Therefore, zoning exception application E-24-42 is hereby
23 approved.

24 **Section 2. Owner and Description.** The Subject Property is
25 owned by Deerwood Village Mall, L.C., and is described in **Exhibit 1**,
26 dated March 18, 2024, and graphically depicted in **Exhibit 2**, both
27 attached hereto. The applicant is Lawrence Yancy, 1309 St. Johns
28 Bluff Road North, Building A, Suite 2, Jacksonville, Florida, 32225,
29 (904) 568-4317.

30 **Section 3. Distribution by Legislative Services.**
31 Legislative Services is hereby directed to mail a copy of this

1 legislation, as enacted, to the applicant and any other parties to
2 this matter who testified before the Land Use and Zoning Committee
3 or otherwise filed a qualifying written statement as defined in
4 Section 656.140(c), *Ordinance Code*.

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

13 Form Approved:

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15 /s/ Dylan Reingold

16 Office of General Counsel

17 Legislation Prepared By: Madeline Read

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