

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-229**

5 AN ORDINANCE REZONING APPROXIMATELY 7.44± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 0 SUNBEAM ROAD,
7 BETWEEN CRAVEN ROAD AND KEVIN ROAD (R.E. NOS.
8 149039-0600 AND 149039-0700 (PORTION)), AS
9 DESCRIBED HEREIN, OWNED BY ATERRO, LLC AND
10 JEREMY'S HILL, LLC, FROM PLANNED UNIT DEVELOPMENT
11 (PUD) DISTRICT (2017-752-E) TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 COMMERCIAL AND RECREATIONAL USES, INCLUDING THE
15 SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES,
16 INCLUDING LIQUOR, BEER AND WINE, FOR ON-PREMISES
17 CONSUMPTION AND OFF-PREMISES CONSUMPTION ON
18 PROPERTY LOCATED LESS THAN 1,500 FEET FROM A
19 CHURCH WITHOUT THE REQUIREMENT TO OBTAIN A WAIVER
20 OF MINIMUM DISTANCE FOR A LIQUOR LICENSE LOCATION
21 PURSUANT TO SECTION 656.805, *ORDINANCE CODE*, AS
22 DESCRIBED IN THE ATERRO PUD; FINDING THAT THERE
23 IS COMPETENT, SUBSTANTIAL EVIDENCE IN THE RECORD
24 TO SUPPORT THE NEED FOR RELIEF FROM THE
25 REQUIREMENT FOR A WAIVER OF MINIMUM DISTANCE FOR
26 LIQUOR LICENSE LOCATION; PROVIDING A DISCLAIMER
27 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
28 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
29 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

30
31 **WHEREAS**, Aterro, LLC and Jeremy's Hill, LLC, the owners of

1 approximately 7.44± acres located in Council District 5 at 0 Sunbeam
2 Road, between Craven Road and Kevin Road (R.E. Nos. 149039-0600 and
3 149039-0700 (portion)), as more particularly described in **Exhibit 1**,
4 dated November 8, 2023, and graphically depicted in **Exhibit 2**, both
5 of which are attached hereto (the "Subject Property"), have applied
6 for a rezoning and reclassification of the Subject Property from
7 Planned Unity Development (PUD) District (2017-752-E) to Planned Unit
8 Development (PUD) District, as described in Section 1 below; and

9 **WHEREAS**, the Planning Commission, acting as the local planning
10 agency, has reviewed the application and made an advisory
11 recommendation to the Council; and

12 **WHEREAS**, the Land Use and Zoning Committee, after due notice
13 and public hearing, has made its recommendation to the Council; and

14 **WHEREAS**, the Council finds that such rezoning is: (1)
15 consistent with the *2045 Comprehensive Plan*; (2) furthers the goals,
16 objectives and policies of the *2045 Comprehensive Plan*; and (3) is
17 not in conflict with any portion of the City's land use regulations;
18 and

19 **WHEREAS**, the Council finds the proposed rezoning does not
20 adversely affect the orderly development of the City as embodied in
21 the Zoning Code; will not adversely affect the health and safety of
22 residents in the area; will not be detrimental to the natural
23 environment or to the use or development of the adjacent properties
24 in the general neighborhood; and will accomplish the objectives and
25 meet the standards of Section 656.340 (Planned Unit Development) of
26 the Zoning Code; now therefore

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

28 **Section 1. Property Rezoned.** The Subject Property is
29 hereby rezoned and reclassified from Planned Unit Development (PUD)
30 District (2017-752-E) to Planned Unit Development (PUD) District.
31 This new PUD district shall generally permit commercial and

1 recreational uses, including the sale and service of all alcoholic
2 beverages, including liquor, beer and wine, for on-premises
3 consumption and off-premises consumption on property located less
4 than 1,500 feet from a church without the requirement to obtain a
5 waiver of minimum distance from liquor license location pursuant to
6 Section 656.805, *Ordinance Code*, and is described, shown and subject
7 to the following documents, attached hereto:

8 **Exhibit 1** - Legal Description dated November 8, 2023.

9 **Exhibit 2** - Subject Property per P&DD.

10 **Exhibit 3** - Written Description dated February 26, 2024.

11 **Exhibit 4** - Site Plan dated September 22, 2023.

12 **Section 2. Owner and Description.** The Subject Property is
13 owned by Aterro, LLC and Jeremy's Hill, LLC, and is legally described
14 in **Exhibit 1**, attached hereto. The applicant is Jeremy Hill, 751 Oak
15 Street, #620, Jacksonville, Florida 32204; (904) 962-0992.

16 **Section 3. Findings Regarding Deviation from Waiver of**
17 **Minimum Distance for Liquor License Location.** Pursuant to Section
18 656.341(c)(2)(ii)(B), *Ordinance Code*, when a PUD Written Description
19 includes a request for a deviation or waiver from various Zoning Code
20 requirements, including waivers of liquor distances from churches and
21 schools, the Council is required to determine that the requested
22 deviation or waiver is necessary. The Council hereby finds that there
23 is competent and substantial evidence in the record to support the
24 need for relief from the requirement for a waiver of minimum distance
25 for liquor license location as requested in **Exhibit 3** for the reasons
26 articulated by the Land Use and Zoning Committee.

27 **Section 4. Disclaimer.** The rezoning granted herein shall
28 **not** be construed as an exemption from any other applicable local,
29 state, or federal laws, regulations, requirements, permits or
30 approvals. All other applicable local, state or federal permits or
31 approvals shall be obtained before commencement of the development

1 or use and issuance of this rezoning is based upon acknowledgement,
2 representation and confirmation made by the applicant(s), owners(s),
3 developer(s) and/or any authorized agent(s) or designee(s) that the
4 subject business, development and/or use will be operated in strict
5 compliance with all laws. Issuance of this rezoning does **not** approve,
6 promote or condone any practice or act that is prohibited or
7 restricted by any federal, state or local laws.

8 **Section 5. Effective Date.** The enactment of this Ordinance
9 shall be deemed to constitute a quasi-judicial action of the City
10 Council and shall become effective upon signature by the Council
11 President and Council Secretary.

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13 Form Approved:

14
15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: Kaysie Cox

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