

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-434-E**

5 AN ORDINANCE DENYING THE WAIVER OF MINIMUM
6 DISTANCE REQUIREMENTS FOR LIQUOR LICENSE
7 LOCATION WLD-23-10, FOR PROPERTY LOCATED IN
8 COUNCIL DISTRICT 1 AT 926 ARLINGTON ROAD NORTH,
9 BETWEEN ARLINGTON ROAD NORTH AND THE ARLINGTON
10 EXPRESSWAY (R.E. NO. 136545-0000), AS DESCRIBED
11 HEREIN, OWNED BY ARLINGTON CARDINAL PLAZA LLC,
12 REQUESTING TO REDUCE THE MINIMUM DISTANCE FOR A
13 LIQUOR LICENSE LOCATION FROM A CHURCH OR SCHOOL
14 FROM 1500 FEET TO 469 FEET FOR ATLANTIS EVENT
15 CENTER & LOUNGE, INC., IN CURRENT ZONING
16 DISTRICT COMMUNITY COMMERCIAL/GENERAL-1 (CCG-
17 1), AS DEFINED AND CLASSIFIED UNDER THE ZONING
18 CODE; PROVIDING FOR DISTRIBUTION; PROVIDING AN
19 EFFECTIVE DATE.
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21 **WHEREAS**, an application for a waiver of minimum distance
22 requirements for a liquor license location, **On File** with the City
23 Council Legislative Services Division, was filed by Earl Dennis for
24 Atlantis Event Center & Lounge, Inc. on behalf of the owner of
25 property located in Council District 1 at 926 Arlington Road North,
26 between Arlington Road North and the Arlington Expressway (R.E. No.
27 136545-0000) (the "Subject Property"), requesting to reduce the
28 minimum distance for a liquor license location from a church or school
29 from 1500 feet to 469 feet for Atlantis Event Center & Lounge, Inc.,
30 in current zoning district Community Commercial/General-1 (CCG-1);
31 and

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

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

8 **WHEREAS**, taking into consideration the above recommendations and
9 all other evidence entered into the record and testimony taken at the
10 public hearings, the Council finds that the waiver for minimum
11 distance requirements from a church or school for a liquor license
12 location may be granted if there exist one or more circumstances
13 which negate the necessity for compliance with the distance
14 requirements, including, but not limited to the following, and that
15 application WLD-23-10 fails to meet one or more of the following, or
16 as otherwise stated in the record:

17 (1) The commercial activity associated with the alcoholic
18 beverage use is of a lesser intensity than the commercial activity
19 associated with the alcoholic beverage use which previously existed;
20 e.g., there has been a reduction in the number of seats or square
21 footage or the type of license; or

22 (2) The alcoholic beverage use is designed to be an integral
23 part of a mixed planned unit development; or

24 (3) The alcoholic beverage use is located within a shopping
25 center with an aggregate gross leasable area of 50,000 square feet
26 or more, inclusive of all outparcels and meets the definition of a
27 "bona fide restaurant", as defined in Section 656.805(c); or

28 (4) The alcoholic beverage use is not directly visible along the
29 line of measurement defined in Section 656.806 and is physically
30 separated from the church or school, thereby negating the distance
31 requirement as a result of the extra travel time; or

1 (5) There are other existing liquor license locations of a
2 similar nature in the immediate vicinity of the proposed location;
3 provided, however, that no waiver shall be granted pursuant to this
4 criterion if the proposed liquor license location is closer to the
5 church or school than other existing locations; now, therefore

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

7 **Section 1. Adoption of Findings and Conclusions.** The
8 Council has reviewed the record of proceedings and the Staff Report
9 of the Planning and Development Department and held a public hearing
10 concerning application for waiver of minimum distance requirements
11 for liquor license location WLD-23-10. Based upon the competent,
12 substantial evidence contained in the record, the Council hereby
13 determines that the requested waiver fails to meet the criteria for
14 granting a waiver contained in Chapter 656, *Ordinance Code*. Therefore,
15 Application WLD-23-10 is hereby denied.

16 **Section 2. Owner and Description.** The Subject Property is
17 owned by Atlantic Cardinal Plaza LLC and is legally described in
18 **Exhibit 1**, dated May 25, 2023, and graphically depicted in **Exhibit**
19 **2**, both of which are attached hereto. The applicant is Earl Dennis
20 of Atlantis Event Center & Lounge, Inc., 926 Arlington Road North,
21 Jacksonville, Florida 32211; (904) 444-4115.

22 **Section 3. Distribution by Legislative Services.**
23 Legislative Services is hereby directed to mail a copy of this
24 legislation, as enacted, to the applicant and any other parties to
25 this matter who testified before the Land Use and Zoning Committee
26 or otherwise filed a qualifying written statement as defined in
27 Section 656.140(c), *Ordinance Code*.

28 **Section 4. Effective Date.** The enactment of this Ordinance
29 shall be deemed to constitute a quasi-judicial action of the City
30 Council and shall become effective upon signature by the Council
31 President and Council Secretary.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Kaysie Cox

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