

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

5 AN ORDINANCE APPROVING 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 A  
19 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL  
20 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
22

23 **WHEREAS**, an application for a waiver of minimum distance  
24 requirements for a liquor license location, **On File** with the City  
25 Council Legislative Services Division, was filed by Earl Dennis for  
26 Atlantis Event Center & Lounge, Inc. on behalf of the owner of  
27 property located in Council District 1 at 926 Arlington Road North,  
28 between Arlington Road North and the Arlington Expressway (R.E. No.  
29 136545-0000) (the "Subject Property"), requesting to reduce the  
30 minimum distance for a liquor license location from a church or school  
31 from 1500 feet to 469 feet for Atlantis Event Center & Lounge, Inc.,

1 in current zoning district Community Commercial/General-1 (CCG-1);  
2 and

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

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

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

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

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

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

30 (4) The alcoholic beverage use is not directly visible along the  
31 line of measurement defined in Section 656.806 and is physically

1 separated from the church or school, thereby negating the distance  
2 requirement as a result of the extra travel time; or

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

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

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

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

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

30 **Section 4. Disclaimer.** The waiver granted herein shall **not**  
31 be construed as an exemption from any other applicable local, state,

1 or federal laws, regulations, requirements, permits or approvals.  
2 All other applicable local, state or federal permits or approvals  
3 shall be obtained before commencement of the development or use and  
4 issuance of this waiver of road frontage is based upon  
5 acknowledgement, representation and confirmation made by the  
6 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
7 or designee(s) that the subject business, development and/or use will  
8 be operated in strict compliance with all laws. Issuance of this  
9 waiver does **not** approve, promote or condone any practice or act that  
10 is prohibited or restricted by any federal, state or local laws.

11 **Section 5. Effective Date.** The enactment of this Ordinance  
12 shall be deemed to constitute a quasi-judicial action of the City  
13 Council and shall become effective upon signature by the Council  
14 President and Council Secretary. Failure to exercise the waiver, if  
15 herein granted, by the commencement of the use or action herein  
16 approved within one (1) year of the effective date of this legislation  
17 shall render this waiver invalid and all rights arising therefrom  
18 shall terminate.

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20 Form Approved:

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22           /s/ Shannon K. Eller  

23 Office of General Counsel

24 Legislation Prepared By: Kaysie Cox

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