

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2023-365-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.89± ACRES
6 LOCATED IN COUNCIL DISTRICT 14 AT 2220 OAK
7 STREET, 2242 OAK STREET AND 2246 OAK STREET,
8 BETWEEN OAK STREET AND RIVERSIDE AVENUE (R.E.
9 NOS. 090661-0000, 090662-0000 AND 090663-0000),
10 AS DESCRIBED HEREIN, OWNED BY SALEEBAS-2216 OAK
11 STREET, LLC, FROM PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT (2016-55-E) TO PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, TO PERMIT COMMERCIAL AND MULTI-
15 FAMILY RESIDENTIAL USES, AS DESCRIBED IN THE
16 ROOST PUD; PUD SUBJECT TO CONDITIONS; PROVIDING
17 A DISCLAIMER THAT THE REZONING GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
20 DATE.

21
22 **WHEREAS**, Saleebas-2216 Oak Street, LLC, the owner of
23 approximately 0.89± acres located in Council District 14 at 2220 Oak
24 Street, 2242 Oak Street and 2246 Oak Street, between Oak Street and
25 Riverside Avenue (R.E. Nos. 090661-0000, 090662-0000 and 090663-
26 0000), as more particularly described in **Exhibit 1**, dated January 1,
27 2023, and graphically depicted in **Exhibit 2**, both of which are
28 attached hereto (the "Subject Property"), has applied for a rezoning
29 and reclassification of the Subject Property from Planned Unit
30 Development (PUD) District (2016-55-E) to Planned Unit Development
31 (PUD) District, as described in Section 1 below; and

1 **WHEREAS**, the Planning Commission, acting as the local planning
2 agency, has reviewed the application and made an advisory
3 recommendation to the Council; and

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

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

10 **WHEREAS**, the Council finds the proposed rezoning does not
11 adversely affect the orderly development of the City as embodied in
12 the Zoning Code; will not adversely affect the health and safety of
13 residents in the area; will not be detrimental to the natural
14 environment or to the use or development of the adjacent properties
15 in the general neighborhood; and will accomplish the objectives and
16 meet the standards of Section 656.340 (Planned Unit Development) of
17 the Zoning Code; now, therefore

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

19 **Section 1. Property Rezoned.** The Subject Property is
20 hereby rezoned and reclassified from Planned Unit Development (PUD)
21 District (2016-55-E) to Planned Unit Development (PUD) District. This
22 new PUD district shall generally permit commercial and multi-family
23 residential uses, and is described, shown and subject to the following
24 documents, attached hereto:

25 **Exhibit 1** - Legal Description dated January 1, 2023.

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

27 **Revised Exhibit 3** - Revised Written Description dated August 31,
28 2023.

29 **Revised Exhibit 4** - Revised Site Plan dated August 25, 2023.

30 **Section 2. Rezoning Approved Subject to Conditions.** This
31 rezoning is approved subject to the following conditions. Such

1 conditions control over the Written Description and the Site Plan and
2 may only be amended through a rezoning:

3 (1) The restaurant is limited to a maximum of 150 seats total,
4 inclusive of interior and exterior.

5 (2) The patio shall be limited to a maximum of 24 seats.

6 (3) Hours of operation for the restaurant shall be limited to
7 6:30 a.m. to 12:00 a.m., Thursday through Saturday, and 6:30 a.m. to
8 11:00 p.m., Sunday through Wednesday.

9 (4) All live entertainment shall cease at 10:30 p.m. on Sundays
10 through Wednesdays and at 11:30 p.m. on Thursdays through Saturdays.

11 (5) All commercial deliveries and dumpster pick-ups shall be
12 between the hours of 8:00 a.m. and 8:00 p.m.

13 (6) Landscaping shall be developed in accordance with the Janet
14 O. Whitmill Landscape Plan, attached hereto as **Exhibit 5**, dated May
15 4, 2016.

16 (7) The owner/developer shall ensure drivers exiting the
17 driveway can see vehicles on Oak Street in both directions. The on-
18 street parking and landscaping may be a sight obstruction,
19 particularly the proposed spaces. Therefore, the developer shall
20 show lines of clear sight for drivers exiting the driveway as
21 described in Section 804.617, *Ordinance Code*. There shall be no
22 sight obstructions as defined in FDOT Design Manual, Section 212.11,
23 Clear Sight Triangles.

24 **Section 3. Owner and Description.** The Subject Property is
25 owned by Saleebas-2216 Oak Street, LLC and is legally described in
26 **Exhibit 1**, attached hereto. The applicant is Jason Gabriel, Esq.,
27 50 North Laura Street, Suite 3000, Jacksonville, Florida 32202; (904)
28 232-7211.

29 **Section 4. Disclaimer.** The rezoning granted herein shall
30 **not** be construed as an exemption from any other applicable local,
31 state, or federal laws, regulations, requirements, permits or

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

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

14
15 Form Approved:

16
17 /s/ Mary E. Staffopoulos

18 Office of General Counsel

19 Legislation Prepared By: Bruce Lewis

20 GC-#1590682-v1-2023-365-E.docx