

1 Introduced by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2024-13**

5 AN ORDINANCE REZONING APPROXIMATELY 0.21± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 1509 HENDRICKS
7 AVENUE, BETWEEN CEDAR STREET AND LASALLE STREET
8 (R.E. NO. 080517-0000), AS DESCRIBED HEREIN,
9 OWNED BY WBT PROPERTY LLC, FROM COMMERCIAL
10 COMMUNITY/GENERAL-1 (CCG-1) DISTRICT TO PLANNED
11 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
12 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
13 COMMERCIAL USES, INCLUDING THE SALE AND SERVICE
14 OF ALL ALCOHOLIC BEVERAGES, INCLUDING LIQUOR,
15 BEER AND WINE, FOR ON-PREMISES AND OFF-PREMISES
16 CONSUMPTION ON PROPERTY LOCATED LESS THAN 1,500
17 FEET FROM SEVERAL CHURCHES AND SCHOOLS WITHOUT
18 THE REQUIREMENT TO OBTAIN A WAIVER OF MINIMUM
19 DISTANCE FOR A LIQUOR LICENSE LOCATION PURSUANT
20 TO SECTION 656.805, *ORDINANCE CODE*, AS DESCRIBED
21 IN THE 1509 HENDRICKS PUD; FINDING THAT THERE IS
22 COMPETENT, SUBSTANTIAL EVIDENCE IN THE RECORD TO
23 SUPPORT THE NEED FOR RELIEF FROM THE REQUIREMENT
24 FOR A WAIVER OF MINIMUM DISTANCE FOR LIQUOR
25 LICENSE LOCATION; PROVIDING A DISCLAIMER THAT THE
26 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
27 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
28 PROVIDING AN EFFECTIVE DATE.
29

30 **WHEREAS**, WBT Property LLC, the owner of approximately 0.21±
31 acres located in Council District 5 at 11509 Hendricks Avenue, between

1 Cedar Street and Lasalle Street (R.E. No. 080517-0000), as more
2 particularly described in **Exhibit 1**, dated May 12, 2023, and
3 graphically depicted in **Exhibit 2**, both of which are attached hereto
4 (the "Subject Property"), has applied for a rezoning and
5 reclassification of the Subject Property from Commercial
6 Community/General-1 (CCG-1) District to Planned Unit Development
7 (PUD) District, as described in Section 1 below; and

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

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

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

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

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

27 **Section 1. Property Rezoned.** The Subject Property is
28 hereby rezoned and reclassified from Commercial Community/General-1
29 (CCG-1) District to Planned Unit Development (PUD) District. This new
30 PUD district shall generally permit commercial uses, including the
31 sale and service of all alcoholic beverages, including liquor, beer

1 and wine, for on-premises and off-premises consumption on property
2 located less than 1,500 feet from several churches and schools without
3 the requirement to obtain a waiver of minimum distance from liquor
4 license location pursuant to Section 656.805, *Ordinance Code*, and is
5 described, shown and subject to the following documents, attached
6 hereto:

7 **Exhibit 1** - Legal Description dated May 12, 2023.

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

9 **Exhibit 3** - Written Description dated November 13, 2023.

10 **Exhibit 4** - Site Plan dated October 28, 2023.

11 **Section 2. Owner and Description.** The Subject Property is
12 owned by WBT Property LLC, and is legally described in **Exhibit 1**,
13 attached hereto. The applicant is Cyndy Trimmer, Esq., One Independent
14 Drive, Suite 1200, Jacksonville, Florida 32202; (904) 807-0185.

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

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

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

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

11
12 Form Approved:

13
14 /s/ Jason Teal

15 Office of General Counsel

16 Legislation Prepared By: Connor Corrigan

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