

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

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; PUD SUBJECT TO
23 CONDITIONS; FINDING THAT THERE IS COMPETENT,
24 SUBSTANTIAL EVIDENCE IN THE RECORD TO SUPPORT THE
25 NEED FOR RELIEF FROM THE REQUIREMENT FOR A WAIVER
26 OF MINIMUM DISTANCE FOR LIQUOR LICENSE LOCATION;
27 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
28 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
29 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
30 EFFECTIVE DATE.
31

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

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

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

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

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

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

29 **Section 1. Property Rezoned.** The Subject Property is
30 hereby rezoned and reclassified from Planned Unit Development (PUD)
31 District (2017-752-E) to Planned Unit Development (PUD) District.

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

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

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

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

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

13 **Section 2. Rezoning Approved Subject to Conditions.** This
14 rezoning is approved subject to the following conditions. Such
15 conditions control over the Written Description and the Site Plan and
16 may only be amended through a rezoning:

17 (1) Americans with Disabilities Act (ADA) compliant sidewalk
18 shall be provided on the frontage on Craven Road.

19 (2) Traffic studies meeting the requirements of Section 1.1.11
20 of the Land Development Procedures Manual (January 2024 edition)
21 shall be required for the individual parcels at the Civil Site Plan
22 Review depending on the final uses.

23 (3) The deviation from the requirement for a Waiver of Minimum
24 Distance for Liquor License Location granted pursuant to this
25 Ordinance shall only pertain to waivers from the church use being
26 developed on Parcel A of the Subject Property. A liquor survey and
27 Waiver of Minimum Distance for Liquor License Location shall still
28 be required for any churches or schools located within 1500 feet of
29 the Subject Property prior to commencing a liquor use on the site.

30 **Section 3. Owner and Description.** The Subject Property is
31 owned by Aterro, LLC and Jeremy's Hill, LLC, and is legally described

1 in **Exhibit 1**, attached hereto. The applicant is Jeremy Hill, 751 Oak
2 Street, #620, Jacksonville, Florida 32204; (904) 962-0992.

3 **Section 4. Findings Regarding Deviation from Waiver of**
4 **Minimum Distance for Liquor License Location.** Pursuant to Section
5 656.341(c)(2)(ii)(B), *Ordinance Code*, when a PUD Written Description
6 includes a request for a deviation or waiver from various Zoning Code
7 requirements, including waivers of liquor distances from churches and
8 schools, the Council is required to determine that the requested
9 deviation or waiver is necessary. The Council hereby finds that there
10 is competent and substantial evidence in the record to support the
11 need for relief from the requirement for a waiver of minimum distance
12 for liquor license location as requested in **Exhibit 3** for the reasons
13 articulated by the Land Use and Zoning Committee.

14 **Section 5. Disclaimer.** The rezoning granted herein shall
15 **not** be construed as an exemption from any other applicable local,
16 state, or federal laws, regulations, requirements, permits or
17 approvals. All other applicable local, state or federal permits or
18 approvals shall be obtained before commencement of the development
19 or use and issuance of this rezoning is based upon acknowledgement,
20 representation and confirmation made by the applicant(s), owners(s),
21 developer(s) and/or any authorized agent(s) or designee(s) that the
22 subject business, development and/or use will be operated in strict
23 compliance with all laws. Issuance of this rezoning does **not** approve,
24 promote or condone any practice or act that is prohibited or
25 restricted by any federal, state or local laws.

26 **Section 6. Effective Date.** The enactment of this Ordinance
27 shall be deemed to constitute a quasi-judicial action of the City
28 Council and shall become effective upon signature by the Council
29 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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