

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-541**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-36 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 11 AT 8532 BAYMEADOWS ROAD
8 BETWEEN BAYBERRY ROAD AND BAYMEADOWS WAY (R.E.
9 NO(S). 152690-0130), AS DESCRIBED HEREIN, OWNED
10 BY ILLYRIA PROPERTIES 2, LLC, REQUESTING (1) AN
11 ESTABLISHMENT OR FACILITY WHICH INCLUDES THE
12 RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
13 BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-
14 PREMISES CONSUMPTION, (2) PERMANENT OR
15 RESTRICTED OUTSIDE SALE AND SERVICE, MEETING THE
16 PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA
17 SET FORTH IN PART 4, AND (3) A RESTAURANT WITH
18 THE OUTSIDE SALE AND SERVICE OF FOOD MEETING THE
19 PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA
20 SET FORTH IN PART 4, FOR DUA 1, INC. IN THE
21 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
22 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
23 ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND
24 CONCLUSIONS OF THE LAND USE AND ZONING
25 COMMITTEE; PROVIDING FOR DISTRIBUTION;
26 PROVIDING AN EFFECTIVE DATE.

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28 **WHEREAS,** an application for a zoning exception, **On File** with
29 the City Council Legislative Services Division, was filed by Juliano
30 Lukaj with Dua 1, Inc. on behalf of the owner of property located in
31 Council District 11 at 8532 Baymeadows Road between Bayberry Road and

1 Baymeadows Way (R.E. No(s). 152690-0130) (the "Subject Property"),
2 requesting (1) an establishment or facility which includes the retail
3 sale and service of all alcoholic beverages including liquor, beer
4 or wine for on-premises consumption, (2) permanent or restricted
5 outside sale and service, meeting the performance standards and
6 development criteria set forth in Part 4, and a restaurant with the
7 outside sale and service of food meeting the performance standards
8 and development criteria set forth in Part 4, for Dua 1, Inc. in the
9 Commercial Community/General-1 (CCG-1) District; and

10 **WHEREAS,** the Planning and Development Department has
11 considered the application and all attachments thereto and has
12 rendered an advisory recommendation; and

13 **WHEREAS,** the Land Use and Zoning Committee, after due notice,
14 held a public hearing and having duly considered both the testimonial
15 and documentary evidence presented at the public hearing, has made
16 its recommendation to the Council; now therefore

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

18 **Section 1. Adoption of Findings and Conclusions.** The
19 Council has considered the recommendation of the Land Use and Zoning
20 Committee and reviewed the Staff Report of the Planning and
21 Development Department concerning application for zoning exception
22 E-24-36. Based upon the competent, substantial evidence contained in
23 the record, the Council hereby determines that the requested zoning
24 exception meets each of the following criteria required to grant the
25 request pursuant to Section 656.131(c), *Ordinance Code*, as
26 specifically identified in the Staff Report of the Planning and
27 Development Department:

28 (1) Will be consistent with the Comprehensive Plan, including
29 any subsequent plan adopted by the Council pursuant thereto;

30 (2) Will be compatible with the existing contiguous uses or
31 zoning and compatible with the general character of the area,

1 considering population density, design, scale and orientation of
2 structures to the area, property values, and existing similar uses
3 or zoning;

4 (3) Will not have an environmental impact inconsistent with the
5 health, safety and welfare of the community;

6 (4) Will not have a detrimental effect on vehicular or pedestrian
7 traffic, or parking conditions, and will not result in the generation
8 or creation of traffic inconsistent with the health, safety and
9 welfare of the community;

10 (5) Will not have a detrimental effect on the future development
11 of contiguous properties or the general area, according to the
12 Comprehensive Plan, including any subsequent amendment to the plan
13 adopted by the Council;

14 (6) Will not result in the creation of objectionable or
15 excessive noise, lights, vibrations, fumes, odors, dust or physical
16 activities, taking into account existing uses or zoning in the
17 vicinity;

18 (7) Will not overburden existing public services and facilities;

19 (8) Will be sufficiently accessible to permit entry onto the
20 property by fire, police, rescue and other services; and

21 (9) Will be consistent with the definition of a zoning
22 exception, and will meet the standards and criteria of the zoning
23 classification in which such use is proposed to be located, and all
24 other requirements for such particular use set forth elsewhere in the
25 Zoning Code, or otherwise adopted by the Planning Commission or
26 Council.

27 Therefore, zoning exception application E-24-36 is hereby
28 approved.

29 **Section 2. Owner and Description.** The Subject Property is
30 owned by Illyria Properties 2, LLC, and is described in **Exhibit 1**,
31 dated June 17, 2024, and graphically depicted in **Exhibit 2**, both

1 attached hereto. The applicant is Juliano Lukaj with Dua 1, Inc.,
2 8532 Baymeadows Road, Jacksonville, Florida, 32256 (904) 614-6342.

3 **Section 3. Distribution by Legislative Services.**

4 Legislative Services is hereby directed to mail a copy of this
5 legislation, as enacted, to the applicant and any other parties to
6 this matter who testified before the Land Use and Zoning Committee
7 or otherwise filed a qualifying written statement as defined in
8 Section 656.140(c), *Ordinance Code*.

9 **Section 4. Effective Date.** The enactment of this Ordinance

10 shall be deemed to constitute a quasi-judicial action of the City
11 Council and shall become effective upon signature by the Council
12 President and Council Secretary. Failure to exercise the zoning
13 exception, if herein granted, by the commencement of the use or action
14 herein approved within one (1) year of the effective date of this
15 legislation shall render this zoning exception invalid and all rights
16 arising therefrom shall terminate.

17 Form Approved:

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19 /s/ Dylan Reingold

20 Office of General Counsel

21 Legislation Prepared By: Madeline Read

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