

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-792-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-24-48 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 4 AT 9753 DEER LAKE COURT,
8 BETWEEN SOUTHSIDE BOULEVARD AND TOUCHTON ROAD
9 (R.E. NO(S). 146036-1790), AS DESCRIBED HEREIN,
10 OWNED BY ACADIAN ENTERPRISES, INC., REQUESTING
11 1) AN ESTABLISHMENT OR FACILITY WHICH INCLUDES
12 THE RETAIL SALE AND SERVICE OF ALL ALCOHOLIC
13 BEVERAGES INCLUDING LIQUOR, BEER OR WINE FOR ON-
14 PREMISES CONSUMPTION AND 2) PERMANENT OUTSIDE
15 SALE AND SERVICE, MEETING THE PERFORMANCE
16 STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN
17 PART 4 OF CHAPTER 656, ORDINANCE CODE, FOR IAG
18 GROUP, LLC, IN THE PLANNED UNIT DEVELOPMENT
19 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
20 THE ZONING CODE; ZONING EXCEPTION SUBJECT TO
21 CONDITION; ADOPTING RECOMMENDED FINDINGS AND
22 CONCLUSIONS OF THE LAND USE AND ZONING
23 COMMITTEE; PROVIDING FOR DISTRIBUTION;
24 PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, an application for a zoning exception, **On File** with
27 the City Council Legislative Services Division, was filed by Israel
28 Guadarrama, on behalf of the owner of property located in Council
29 District 4 at 9753 Deer Lake Court, Between Southside Boulevard and
30 Touchton Road (R.E. No(s). 146036-1790) (the "Subject Property"),
31 requesting 1) an establishment or facility which includes the retail

1 sale and service of all alcoholic beverages including liquor, beer
2 or wine for on-premises consumption, and 2) permanent outside sale
3 and service, meeting the performance standards and development
4 criteria set forth in Part 4 of Chapter 656, Ordinance Code, for IAG
5 Group, LLC, in the Planned Unit Development (PUD) District; and

6 **WHEREAS**, the Planning and Development Department has
7 considered the application and all attachments thereto and has
8 rendered an advisory recommendation; and

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

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

14 **Section 1. Adoption of Findings and Conclusions.** The
15 Council has considered the recommendation of the Land Use and Zoning
16 Committee and reviewed the Staff Report of the Planning and
17 Development Department concerning application for zoning exception
18 E-24-48. Based upon the competent, substantial evidence contained in
19 the record, the Council hereby determines that the requested zoning
20 exception meets each of the following criteria required to grant the
21 request pursuant to Section 656.131(c), *Ordinance Code*, as
22 specifically identified in the Staff Report of the Planning and
23 Development Department:

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

26 (2) Will be compatible with the existing contiguous uses or
27 zoning and compatible with the general character of the area,
28 considering population density, design, scale and orientation of
29 structures to the area, property values, and existing similar uses
30 or zoning;

31 (3) Will not have an environmental impact inconsistent with the

1 health, safety and welfare of the community;

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

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

10 (6) Will not result in the creation of objectionable or
11 excessive noise, lights, vibrations, fumes, odors, dust or physical
12 activities, taking into account existing uses or zoning in the
13 vicinity;

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

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

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

23 Therefore, zoning exception application E-24-48 is hereby
24 **approved.**

25 **Section 2. Zoning Exception Approved Subject to Condition.**

26 This zoning exception is approved subject to the following condition:

27 (1) The zoning exception Ord. 2024-792 (E-24-48) granted herein
28 shall not be effective unless or until the required Waiver of Minimum
29 Distance Requirements for Liquor License Location (WLD-24-18)
30 pursuant to Section 656.133, Ordinance Code, is issued for the Subject
31 Property.

1 **Section 3. Owner and Description.** The Subject Property is
2 owned by Acadian Enterprises, Inc., and is described in **Exhibit 1**,
3 dated September 20, 2024, and graphically depicted in **Exhibit 2**, both
4 attached hereto. The applicant is Israel Guadarrama, 9753 Deer Lake
5 Court, Jacksonville, Florida, 32246; (864) 389-2961.

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

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

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21 Form Approved:

22
23 /s/ Dylan Reingold

24 Office of General Counsel

25 Legislation Prepared By: Kaysie Cox

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