

1 The Land Use and Zoning Committee offers the following substitute to  
2 File No. 2019-801:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2019-801**

8 AN ORDINANCE REZONING APPROXIMATELY 0.48± OF AN  
9 ACRE, LOCATED IN COUNCIL DISTRICT 5 AT 3838  
10 ST. AUGUSTINE ROAD AND 3838 BROOKER ROAD,  
11 BETWEEN BREWSTER ROAD AND BROOKER ROAD (R.E.  
12 NOS. 070292-0000 AND 070319-0000), AS  
13 DESCRIBED HEREIN, OWNED BY SNACK & GAS INC.,  
14 FROM COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)  
15 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)  
16 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
17 ZONING CODE, TO PERMIT COMMERCIAL USES, AS  
18 DESCRIBED IN THE ST. AUGUSTINE ROAD AUTO SALES  
19 PUD; PROVIDING A DISCLAIMER THAT THE REZONING  
20 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
21 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
22 PROVIDING AN EFFECTIVE DATE.

23  
24 **WHEREAS**, Snack & Gas Inc., the owner of approximately 0.48± of  
25 an acre, located in Council District 5 at 3838 St. Augustine Road  
26 and 3838 Brooker Road, between Brewster Road and Brooker Road (R.E.  
27 Nos. 070292-0000 and 070319-0000), as more particularly described  
28 in **Exhibit 1**, dated October 14, 2019, and graphically depicted in  
29 **Exhibit 2**, both of which are **attached hereto** (Subject Property),  
30 has applied for a rezoning and reclassification of that property  
31 from Commercial Community/General-1 (CCG-1) District to Planned

1 Unit Development (PUD) District, as described in Section 1 below;  
2 and

3 **WHEREAS,** the Planning Commission has considered the  
4 application and has rendered an advisory opinion; and

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

7 **WHEREAS,** the Council finds that such rezoning is: (1)  
8 consistent with the *2030 Comprehensive Plan*; (2) furthers the  
9 goals, objectives and policies of the *2030 Comprehensive Plan*; and  
10 (3) is not in conflict with any portion of the City's land use  
11 regulations; and

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

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

21 **Section 1. Property Rezoned.** The Subject Property is  
22 hereby rezoned and reclassified from Commercial Community/General-1  
23 (CCG-1) District to Planned Unit Development (PUD) District. This  
24 new PUD district shall generally permit commercial uses, and is  
25 described, shown and subject to the following documents, **attached**  
26 **hereto:**

27 **Exhibit 1** - Legal Description dated October 14, 2019.

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

29 **Exhibit 3** - Written Description dated December 23, 2019.

30 **Exhibit 4** - Site Plan dated December 18, 2019.

31 **Section 2. Owner and Description.** The Subject Property

1 is owned by Snack & Gas, Inc., and is described in **Exhibit 1,**  
2 **attached hereto.** The agent is Kamal Yazji, 5488 River Trail Road  
3 South, Jacksonville, Florida 32277; (904) 465-3215.

4 **Section 3. Disclaimer.** The rezoning granted herein  
5 shall **not** be construed as an exemption from any other applicable  
6 local, state, or federal laws, regulations, requirements, permits  
7 or approvals. All other applicable local, state or federal permits  
8 or approvals shall be obtained before commencement of the  
9 development or use and issuance of this rezoning is based upon  
10 acknowledgement, representation and confirmation made by the  
11 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
12 or designee(s) that the subject business, development and/or use  
13 will be operated in strict compliance with all laws. Issuance of  
14 this rezoning does **not** approve, promote or condone any practice or  
15 act that is prohibited or restricted by any federal, state or local  
16 laws.

17 **Section 4. Effective Date.** The enactment of this  
18 Ordinance shall be deemed to constitute a quasi-judicial action of  
19 the City Council and shall become effective upon signature by the  
20 Council President and the Council Secretary.

21  
22 Form Approved:

23  
24 /s/ Shannon K. Eller

25 Office of General Counsel

26 Legislation Prepared By: Bruce Lewis

27 GC-#1343127-v1-2019-801\_Sub\_&\_Rerefer