Introduced and substituted by the Land Use and Zoning Committee:

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ORDINANCE 2019-801

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

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

WHEREAS, the Planning Commission has considered the

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application and has rendered an advisory opinion; and

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

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

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

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

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

- Exhibit 1 Legal Description dated October 14, 2019.
- Exhibit 2 Subject Property per P&DD.
- Exhibit 3 Written Description dated December 23, 2019.
- Exhibit 4 Site Plan dated December 18, 2019.

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

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21 /s/ Shannon K. Eller

Form Approved:

22 Office of General Counsel

Legislation Prepared By: Bruce Lewis

24 GC-#1343352-v1-2019-801 Sub & Rerefer enrolled.docx

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

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

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