

1 Introduced, substituted, and amended by the Land Use and Zoning
2 Committee:

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4
5 **ORDINANCE 2019-801-E**

6 AN ORDINANCE DENYING REZONING APPROXIMATELY
7 0.48± OF AN ACRE, LOCATED IN COUNCIL DISTRICT 5
8 AT 3838 ST. AUGUSTINE ROAD AND 3838 BROOKER
9 ROAD, BETWEEN BREWSTER ROAD AND BROOKER ROAD
10 (R.E. NOS. 070292-0000 AND 070319-0000), AS
11 DESCRIBED HEREIN, OWNED BY SNACK & GAS INC.,
12 FROM COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
13 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
14 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
16 DESCRIBED IN THE ST. AUGUSTINE ROAD AUTO SALES
17 PUD; PROVIDING AN EFFECTIVE DATE.

18
19 **WHEREAS**, Snack & Gas Inc., the owner of approximately 0.48± of
20 an acre, located in Council District 5 at 3838 St. Augustine Road
21 and 3838 Brooker Road, between Brewster Road and Brooker Road (R.E.
22 Nos. 070292-0000 and 070319-0000), as more particularly described
23 in **Exhibit 1**, dated October 14, 2019, and graphically depicted in
24 **Exhibit 2**, both of which are **attached hereto** (Subject Property),
25 has applied for a rezoning and reclassification of that property
26 from Commercial Community/General-1 (CCG-1) District to Planned
27 Unit Development (PUD) District, as described in Section 1 below;
28 and

29 **WHEREAS**, the Planning Commission has considered the
30 application and has rendered an advisory opinion; and

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice

1 and public hearing, has made its recommendation to the Council; and

2 **WHEREAS**, the Council finds that such rezoning: (1) is not
3 consistent with the *2030 Comprehensive Plan*; (2) does not further
4 the goals, objectives and policies of the *2030 Comprehensive Plan*;
5 and (3) is in conflict with the City's land use regulations; now,
6 therefore

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

8 **Section 1. Rezoning Denied.** Based on the competent
9 substantial evidence in the record, including the Staff Report of
10 the Planning and Development Department and the findings of the
11 Land Use and Zoning Committee, the Council hereby finds:

12 (1) This Ordinance shall serve as written notice to the
13 property owner, Snack & Gas, Inc.; Kamal Yazji, 5488 River Trail
14 Road South, Jacksonville, Florida 32277.

15 (2) The Council adopts the findings and conclusions in the
16 Staff Report of the Planning and Development Department dated March
17 19, 2020, and located in the file in the City Council Legislative
18 Services Division and the Planning and Development Department.

19 (3) The application for rezoning and reclassification of the
20 Subject Property from Commercial Community/General-1 (CCG-1)
21 District to Planned Unit Development (PUD) District does not meet
22 the criteria for rezoning in Section 656.125, *Ordinance Code*, and
23 Section 656.341, *Ordinance Code*, and maintaining the current zoning
24 district accomplishes a legitimate public purpose, as defined in
25 Section 656.125, *Ordinance Code*.

26 Therefore, the application to rezone and reclassify the
27 Subject Property from Commercial Community/General-1 (CCG-1)
28 District to Planned Unit Development (PUD) District is hereby
29 **denied**.

30 **Section 2. Owner and Description.** The Subject Property
31 is owned by Snack & Gas, Inc., and is described in **Exhibit 1**,

1 **attached hereto.** The agent is Kamal Yazji, 5488 River Trail Road
2 South, Jacksonville, Florida 32277; (904) 465-3215.

3 **Section 3. Notice.** Legislative Services is hereby
4 directed to mail a certified copy of this Ordinance, as enacted, to
5 the applicant/owner, and any other person who testified before the
6 City Council or the Land Use and Zoning Committee.

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

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12 Form Approved:

13
14 /s/ Shannon K. Eller

15 Office of General Counsel

16 Legislation Prepared By: Bruce Lewis

17 GC-#1384551-v1-2019-801-E