

LAND USE AND ZONING COMMITTEE AMENDMENT

The Land Use and Zoning Committee offers the following amendment to File No. 2022-446:

- (1) On **page 1, line 5, strike** "CONCERNING" and **insert** "GRANTING";
- (2) On **page 1, line 18, after** "COMMITTEE;" **insert** "PROVIDING FOR NOTICE;";
- (3) On **page 2, lines 12-13, strike** "This Resolution is the final action of the Council.";
- (4) On **page 2, line 13, after** "Council." **insert** "Based on the competent, substantial evidence in the record of proceedings, the appeal is granted. The Planning Commission Final Order Approving with Condition Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-22-13 is overturned, and Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-22-13 is denied. Pursuant to Section 166.033(2), *Florida Statutes*, the Council hereby finds:

(1) This Resolution shall serve as written notice to the appellant, Yahya Shabazz, and the applicant for Waiver of Minimum Distance Requirements for Liquor License Location WLD-22-13, Anwar's Properties Inc.

(2) Based on the competent, substantial evidence in the record of proceedings, the City Council has determined that Application for Waiver of Minimum Distance

Requirements for Liquor License Location WLD-22-13 fails to meet the requirements set forth in Section 656.133, *Ordinance Code*, in that there are not circumstances that exist that negate the necessity for compliance with the distance requirements of Chapter 656, *Ordinance Code*. Specifically, consideration was given to proximity of the proposed liquor license location to the Friendship Missionary Baptist Church located at 7141 New Kings Road, where competent, substantial evidence on the record reflects that church services and other church-related activities are conducted within an area less than 500 feet from the proposed liquor license location. In addition, testimony received from both residents of the area and officials from Duval County Public Schools regarding the proximity of the proposed liquor license location to a bus stop and the path of pedestrian travel for students attending the nearby S.A. Hull Elementary School, and the negative impact the proposed business would have on the students and residents in the immediate surrounding area, was compelling. Based on the above and the additional reasons stated on the record during the Land Use and Zoning Committee's public hearing on this matter, Application for Waiver of Minimum Distance Requirements for Liquor License Location WLD-22-13 is hereby denied.";

- (5) On **page 2, line 13^{1/2}**, **insert** a new Section 2 to read as follows:

"Section 2. Notice. Legislative Services is hereby directed to mail a copy of this Resolution, as adopted, to

the applicant for Waiver of Minimum Distance Requirements for Liquor License Location WLD-22-13, Anwar's Properties Inc., and the appellant, Yahya Shabazz, and any other parties who testified before the Land Use and Zoning Committee, or who otherwise filed a qualifying written statement as defined in Section 656.140(c), *Ordinance Code.*";

- (6) Renumber remaining Section accordingly;
- (7) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Mary E. Staffopoulos

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