

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **RESOLUTION 2022-446-A**

5 A RESOLUTION GRANTING THE APPEAL FILED BY YAHYA
6 SHABAZZ OF THE FINAL ORDER APPROVING, SUBJECT TO
7 ONE CONDITION, APPLICATION FOR ZONING WAIVER OF
8 MINIMUM DISTANCE REQUIREMENTS FOR LIQUOR LICENSE
9 LOCATION WLD-22-13 REQUESTING TO REDUCE THE
10 REQUIRED MINIMUM DISTANCE BETWEEN A LIQUOR
11 LICENSE LOCATION AND A CHURCH OR SCHOOL FROM 500
12 FEET TO 401 FEET ON PROPERTY LOCATED IN
13 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) ZONING
14 DISTRICT AT 5522 SOUTEL DRIVE (R.E. NO. 042013-
15 0000), PURSUANT TO SECTION 656.141, *ORDINANCE*
16 *CODE*; ADOPTING RECOMMENDED FINDINGS AND
17 CONCLUSIONS OF THE LAND USE AND ZONING
18 COMMITTEE; PROVIDING FOR NOTICE; PROVIDING AN
19 EFFECTIVE DATE.
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21 **WHEREAS**, Anwar's Properties Inc., the owner of property at 5522
22 Soutel Drive (R.E. No. 042013-0000), applied to the Planning
23 Commission for a Zoning Waiver of Minimum Distance Requirements for
24 a Liquor License Location (Application WLD-22-13) to reduce the
25 required minimum distance between a liquor license location and a
26 church or school from 500 feet to 401 feet, on property located at
27 5522 Soutel Drive, in the Commercial Community/General-2 (CCG-2)
28 Zoning District; and

29 **WHEREAS**, the Planning Commission approved Application WLD-22-
30 13, subject to one condition, by Final Order dated April 21, 2022;
31 and

1 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, Yahya
2 Shabazz filed a notice of appeal; and

3 **WHEREAS**, such appeal was timely filed, and the appellant has
4 standing to appeal; now, therefore

5 **BE IT RESOLVED** by the Council of the City of Jacksonville:

6 **Section 1. Adoption of recommended findings and**
7 **conclusions.** The Council has reviewed the record of proceedings
8 regarding Zoning Waiver of Minimum Distance Requirements for a Liquor
9 License Location Application WLD-22-13, **On File** in the Office of
10 Legislative Services and the Planning and Development Department, and
11 has considered the recommended findings and conclusions of the Land
12 Use and Zoning Committee. The recommended findings and conclusions
13 of the Land Use and Zoning Committee are hereby adopted. Based on
14 the competent, substantial evidence in the record of proceedings, the
15 appeal is granted. The Planning Commission Final Order Approving
16 with Condition Application for Waiver of Minimum Distance
17 Requirements for Liquor License Location WLD-22-13 is overturned, and
18 Application for Waiver of Minimum Distance Requirements for Liquor
19 License Location WLD-22-13 is denied. Pursuant to Section 166.033(2),
20 *Florida Statutes*, the Council hereby finds:

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

25 (2) Based on the competent, substantial evidence in the record
26 of proceedings, the City Council has determined that Application for
27 Waiver of Minimum Distance Requirements for Liquor License Location
28 WLD-22-13 fails to meet the requirements set forth in Section 656.133,
29 *Ordinance Code*, in that there are not circumstances that exist that
30 negate the necessity for compliance with the distance requirements
31 of Chapter 656, *Ordinance Code*. Specifically, consideration was

1 given to proximity of the proposed liquor license location to the
2 Friendship Missionary Baptist Church located at 7141 New Kings Road,
3 where competent, substantial evidence on the record reflects that
4 church services and other church-related activities are conducted
5 within an area less than 500 feet from the proposed liquor license
6 location. In addition, testimony received from both residents of the
7 area and officials from Duval County Public Schools regarding the
8 proximity of the proposed liquor license location to a bus stop and
9 the path of pedestrian travel for students attending the nearby S.A.
10 Hull Elementary School, and the negative impact the proposed business
11 would have on the students and residents in the immediate surrounding
12 area, was compelling. Based on the above and the additional reasons
13 stated on the record during the Land Use and Zoning Committee's public
14 hearing on this matter, Application for Waiver of Minimum Distance
15 Requirements for Liquor License Location WLD-22-13 is hereby denied.

16 **Section 2. Notice.** Legislative Services is hereby directed
17 to mail a copy of this Resolution, as adopted, to the applicant for
18 Waiver of Minimum Distance Requirements for Liquor License Location
19 WLD-22-13, Anwar's Properties Inc., and the appellant, Yahya Shabazz,
20 and any other parties who testified before the Land Use and Zoning
21 Committee, or who otherwise filed a qualifying written statement as
22 defined in Section 656.140(c), *Ordinance Code*.

23 **Section 3. Effective Date.** The adoption of this
24 Resolution shall be deemed to constitute a quasi-judicial action of
25 the City Council and shall become effective upon signature by the
26 Council President and Council Secretary.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared by: Mary E. Staffopoulos

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