

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **RESOLUTION 2019-461-A**

5
6 A RESOLUTION DENYING THE APPEAL FILED BY MALIH
7 PROPERTIES, LLC (BANNER LIQUOR, INC.), OF A
8 FINAL ORDER ISSUED BY THE PLANNING COMMISSION
9 DENYING APPLICATION FOR ZONING WAIVER OF
10 MINIMUM DISTANCE REQUIREMENTS FOR LIQUOR
11 LICENSE LOCATION WLD-19-13 REQUESTING TO
12 REDUCE THE REQUIRED MINIMUM DISTANCE BETWEEN A
13 LIQUOR LICENSE LOCATION AND A CHURCH OR SCHOOL
14 FROM 500 FEET TO 400 FEET ON PROPERTY LOCATED
15 AT 4250 MONCRIEF ROAD, PURSUANT TO SECTION
16 656.141, *ORDINANCE CODE*; ADOPTING RECOMMENDED
17 FINDINGS AND CONCLUSIONS OF THE LAND USE AND
18 ZONING COMMITTEE; PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, Malih Properties, LLC (Banner Liquor, Inc.), applied
21 to the Planning Commission for a Zoning Waiver of Minimum Distance
22 Requirements for Liquor License Location (Application WLD-19-13) to
23 reduce the required minimum distance between a liquor license
24 location and a church or school from 500 feet to 400 feet on
25 property located at 4250 Moncrief Road, in the CCG-2 (Commercial
26 Community/General-2) Zoning District; and

27 **WHEREAS**, the Planning Commission denied Application WLD-19-13
28 by Final Order dated May 23, 2019; and

29 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, Malih
30 Properties, LLC (Banner Liquor, Inc.), filed a notice of appeal;

1 and

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

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

5 **Section 1. Adoption of recommended findings and**
6 **conclusions.** The Council has reviewed the record of proceedings
7 regarding Zoning Waiver of Minimum Distance Requirements for Liquor
8 License Location Application WLD-19-13, which is **On File** in the
9 City Council Legislative Services Division and the Planning and
10 Development Department, and has considered the recommended findings
11 and conclusions of the Land Use and Zoning Committee. The
12 recommended findings and conclusions of the Land Use and Zoning
13 Committee are hereby adopted and shall become effective
14 immediately. This Resolution is the final action of the Council.
15 Based on the competent substantial evidence in the record of
16 proceedings, the Appeal is denied, the Planning Commission Final
17 Order denying Application WLD-19-13 is upheld, and Application WLD-
18 19-13 is denied. Pursuant to Section 166.033(2), *Florida Statutes*,
19 the Council hereby finds:

20 (1) This Resolution shall serve as written notice to the
21 appellant, Malih Properties, LLC (Banner Liquor, Inc.).

22 (2) Based on the competent substantial evidence in the record
23 of proceedings, Application WLD-19-13 fails to meet the criteria
24 that one or more circumstances exist which negate the necessity for
25 compliance with the distance requirements pursuant to Section
26 656.133(a), *Ordinance Code*.

27 **Section 2. Notice.** Legislative Services is hereby
28 directed to mail a copy of this Resolution, as adopted, to the
29 appellant/applicant, and any other parties to this matter who
30 testified before the Land Use and Zoning Committee, or otherwise
31 filed a qualifying written statement as defined in Section

1 656.140(c), *Ordinance Code*.

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

6
7 Form Approved:

8
9 /s/ Shannon K. Eller

10 Office of General Counsel

11 Legislation Prepared by: Shannon K. Eller

12 GC-#1306614-v1-2019-461-A