

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-430-E**

5 AN ORDINANCE REZONING APPROXIMATELY 17.88±
6 ACRES, LOCATED IN COUNCIL DISTRICT 3 AT 12210
7 ATLANTIC BOULEVARD, 12220 ATLANTIC BOULEVARD
8 AND 12230 ATLANTIC BOULEVARD, BETWEEN
9 KENSINGTON GARDEN BOULEVARD AND KERNAN
10 BOULEVARD (R.E. NOS. 165265-4000, 165265-4200,
11 165265-4500 AND 165265-4550), AS DESCRIBED
12 HEREIN, OWNED BY THE ATLANTIC KERNAN LAND
13 TRUST, FROM PLANNED UNIT DEVELOPMENT (PUD)
14 DISTRICT (ORDINANCE 89-569-317) TO PLANNED
15 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED
16 AND CLASSIFIED UNDER THE ZONING CODE, TO
17 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
18 ATLANTIC-KERNAN SHOPPES II PUD; PUD SUBJECT TO
19 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
22 LAWS; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS,** the Atlantic Kernan Land Trust, the owner of
25 approximately 17.88± acres, located in Council District 3 at 12210
26 Atlantic Boulevard, 12220 Atlantic Boulevard and 12230 Atlantic
27 Boulevard, between Kensington Garden Bouelvard and Kernan Boulevard
28 (R.E. Nos. 165265-4000, 165265-4200, 165265-4500 and 165265-4550),
29 as more particularly described in **Exhibit 1**, dated May 6, 2019,
30 2019, and graphically depicted in **Exhibit 2**, both of which are
31 **attached hereto** and incorporated herein by this reference (Subject

1 Property), has applied for a rezoning and reclassification of that
2 property from Planned Unit Development (PUD) District (Ordinance
3 89-569-317) to Planned Unit Development (PUD) District, as
4 described in Section 1 below; and

5 **WHEREAS,** the Planning Commission has considered the
6 application and has rendered an advisory opinion; and

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

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

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

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

23 **Section 1. Property Rezoned.** The Subject Property is
24 hereby rezoned and reclassified from Planned Unit Development (PUD)
25 District (Ordinance 89-569-317) to Planned Unit Development (PUD)
26 District. This new PUD district shall generally permit commercial
27 uses, and is described, shown and subject to the following attached
28 documents:

29 **Exhibit 1** - Legal Description dated May 6, 2019.

30 **Exhibit 2** - Subject Property per P&DD.

31 **Exhibit 3** - Written Description dated March 18, 2019.

1 **Exhibit 4** - Site Plan dated May 7, 2019.

2 **Section 2. Rezoning Approved Subject to Conditions.** This
3 rezoning is approved subject to the following conditions. Such
4 conditions shall control over the Written Description and the Site
5 Plan and may only be amended through a rezoning.

6 (1) There shall be a 30 foot and 25 foot landscape setback
7 along Atlantic Boulevard and Kernan Boulevard, respectively. The
8 setbacks shall be composed of existing trees, planting and land
9 berms from 1 foot to 31 feet, and a 25 foot green belt with a
10 visual barrier along the eastern and southern property lines,
11 subject to review and approval of the Planning and Development
12 Department.

13 (2) Prior to the first final inspection within any phase of
14 development, the owner or their agent shall submit to the Planning
15 and Development Department for its review and approval either: (a)
16 an affidavit documenting that all conditions to the development
17 order have been satisfied, or (b) a detailed agreement for the
18 completion of all conditions to the development order.

19 **Section 3. Owner and Description.** The Subject Property
20 is owned by the Atlantic Kernan Land Trust, and is legally
21 described in **Exhibit 1, attached hereto.** The agent is Eric Sloan,
22 1 Sleiman Parkway, Suite 100, Jacksonville, Florida 32216; (904)
23 731-4875.

24 **Section 4. Disclaimer.** The rezoning granted herein
25 shall not be construed as an exemption from any other applicable
26 local, state, or federal laws, regulations, requirements, permits
27 or approvals. All other applicable local, state or federal permits
28 or approvals shall be obtained before commencement of the
29 development or use and issuance of this rezoning is based upon
30 acknowledgement, representation and confirmation made by the
31 applicant(s), owner(s), developer(s) and/or any authorized agent(s)

1 or designee(s) that the subject business, development and/or use
2 will be operated in strict compliance with all laws. Issuance of
3 this rezoning does **not** approve, promote or condone any practice or
4 act that is prohibited or restricted by any federal, state or local
5 laws.

6 **Section 5. Effective Date.** The enactment of this
7 Ordinance shall be deemed to constitute a quasi-judicial action of
8 the City Council and shall become effective upon signature by the
9 Council President and the Council Secretary.

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11 Form Approved:

12
13 /s/ Shannon K. Eller

14 Office of General Counsel

15 Legislation Prepared By: Connor Corrigan

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