

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-788-E**

5 AN ORDINANCE REZONING APPROXIMATELY 38.47± ACRES
6 LOCATED IN COUNCIL DISTRICT 12 AT 0 MONCRIEF ROAD
7 W. AND 6739 UTSEY ROAD, BETWEEN GARDEN STREET,
8 IMESON ROAD, UTSEY ROAD AND MONCRIEF ROAD W.
9 (R.E. NO(S). 002966-0000 AND 002942-0000), AS
10 DESCRIBED HEREIN, OWNED BY STONE MOUNTAIN
11 INDUSTRIAL PARK, INC. AND TOPO CHICO, LLC, FROM
12 AGRICULTURE (AGR) DISTRICT TO PLANNED UNIT
13 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
15 PARKING, STORAGE AND OTHER LIGHT INDUSTRIAL USES,
16 AS DESCRIBED IN THE WESTSIDE DEVELOPMENT PUD,
17 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
18 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5971-
19 24C; PROVIDING A DISCLAIMER THAT THE REZONING
20 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
21 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
25 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
26 portions of the Future Land Use Map series (FLUMs) in order to ensure
27 the accuracy and internal consistency of the plan, pursuant to the
28 companion land use application L-5971-24C; and

29 **WHEREAS,** in order to ensure consistency of zoning district
30 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5971-24C, an application to rezone and reclassify from

1 Agriculture (AGR) to Planned Unit Development (PUD) District was
2 filed by Cyndy Trimmer, Esq., on behalf of the owners, Stone Mountain
3 Industrial Park, Inc. and Topo Chico, LLC, owners of approximately
4 38.47± acres of certain real property in Council District 12, as more
5 particularly described in Section 1 below; and

6 **WHEREAS,** the Planning and Development Department, in order to
7 ensure consistency of this zoning district with the *2045 Comprehensive*
8 *Plan*, has considered the rezoning and has rendered an advisory
9 opinion; and

10 **WHEREAS,** the Planning Commission has considered the
11 application and has rendered an advisory opinion; and

12 **WHEREAS,** the Land Use and Zoning (LUZ) Committee, after due
13 notice, held a public hearing and made its recommendation to the
14 Council; and

15 **WHEREAS,** the City Council, after due notice, held a public
16 hearing, and taking into consideration the above recommendations as
17 well as all oral and written comments received during the public
18 hearings, the Council finds that such rezoning is consistent with the
19 *2045 Comprehensive Plan* adopted under the comprehensive planning
20 ordinance for future development of the City of Jacksonville; and

21 **WHEREAS,** based on the staff report of the Planning and
22 Development Department and other competent and substantial evidence
23 received at the public hearings, the Council finds that the proposed
24 PUD does not affect adversely the orderly development of the City as
25 embodied in the *Zoning Code*; will not affect adversely the health and
26 safety of residents in the area; will not be detrimental to the
27 natural environment or to the use or development of the adjacent
28 properties in the general neighborhood; and the proposed PUD will
29 accomplish the objectives and meet the standards of Section 656.340
30 (Planned Unit Development) of the *Zoning Code* of the City of
31 Jacksonville; now therefore

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 38.47± acres are located in Council District 12 at 0
4 Moncrief Road W. and 6739 Utsey Road, between Garden Street, Imeson
5 Road, Utsey Road and Moncrief Road W. (R.E. No(s). 002966-0000 and
6 002942-0000), as more particularly described in **Exhibit 1**, dated
7 September 4, 2024, and graphically depicted in **Exhibit 2**, both of
8 which are attached hereto and incorporated herein by this reference
9 (the "Subject Property").

10 **Section 2. Owner and Applicant Description.** The Subject
11 Property is owned by Stone Mountain Industrial Park, Inc. and Topo
12 Chico, LLC. The applicant is Cyndy Trimmer, Esq., 1 Independent Drive,
13 Suite 1200, Jacksonville, Florida, 32202; (904) 807-0185.

14 **Section 3. Property Rezoned.** The Subject Property,
15 pursuant to adopted companion Small-Scale Amendment L-5971-24C, is
16 hereby rezoned and reclassified from Agriculture (AGR) District to
17 Planned Unit Development (PUD) District. This new PUD district shall
18 generally permit parking, storage and other light industrial uses,
19 and is described, shown and subject to the following documents,
20 attached hereto:

21 **Exhibit 1** - Legal Description dated September 4, 2024.

22 **Exhibit 2** - Subject Property Map (prepared by P&DD).

23 **Revised Exhibit 3** - Written Description dated October 14, 2024.

24 **Exhibit 4** - Site Plan dated February 27, 2023.

25 **Section 4. Contingency.** This rezoning shall not become
26 effective until thirty-one (31) days after adoption of the companion
27 Small-Scale Amendment; and further provided that if the companion
28 Small-Scale Amendment is challenged by the state land planning agency,
29 this rezoning shall not become effective until the state land planning
30 agency or the Administration Commission issues a final order
31 determining the companion Small-Scale Amendment is in compliance with

1 Chapter 163, *Florida Statutes*.

2 **Section 5. Disclaimer.** The rezoning granted herein shall
3 not be construed as an exemption from any other applicable local,
4 state, or federal laws, regulations, requirements, permits or
5 approvals. All other applicable local, state or federal permits or
6 approvals shall be obtained before commencement of the development
7 or use, and issuance of this rezoning is based upon acknowledgement,
8 representation and confirmation made by the applicant(s), owner(s),
9 developer(s) and/or any authorized agent(s) or designee(s) that the
10 subject business, development and/or use will be operated in strict
11 compliance with all laws. Issuance of this rezoning does not approve,
12 promote or condone any practice or act that is prohibited or
13 restricted by any federal, state or local laws.

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

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19 Form Approved:

20
21 /s/ Dylan Reingold

22 Office of General Counsel

23 Legislation Prepared By: Connor Corrigan

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