

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-864-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.9± ACRES  
6 LOCATED IN COUNCIL DISTRICT 8 AT 3046 CAPPER  
7 ROAD, BETWEEN MAIDSTONE COVE DRIVE AND LEM TURNER  
8 ROAD (R.E. NO(S). 020394-0000), AS DESCRIBED  
9 HEREIN, OWNED BY SPA SMILEY TRUCKING, INC., FROM  
10 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT  
11 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
13 PERMIT OUTDOOR STORAGE AND PARKING, LIGHT  
14 MANUFACTURING AND OFFICE AND COMMERCIAL USES, AS  
15 DESCRIBED IN THE CAPPER RD PUD; PUD SUBJECT TO  
16 CONDITIONS; PROVIDING A DISCLAIMER THAT THE  
17 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
18 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
20

21 **WHEREAS,** SPA Smiley Trucking, Inc., the owner of approximately  
22 0.09± acres located in Council District 8 at 3046 Capper Road, between  
23 Maidstone Cove Drive and Lem Turner Road (R.E. No(s). 020394-0000),  
24 as more particularly described in **Exhibit 1**, dated September 6, 2024,  
25 and graphically depicted in **Exhibit 2**, both of which are attached  
26 hereto (the "Subject Property"), has applied for a rezoning and  
27 reclassification of the Subject Property from Commercial  
28 Community/General-1 (CCG-1) District to Planned Unit Development  
29 (PUD) District, as described in Section 1 below; and

30 **WHEREAS,** the Planning Commission, acting as the local planning  
31 agency, has reviewed the application and made an advisory

1 recommendation to the Council; and

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

4 **WHEREAS,** the Council finds that such rezoning is: (1)  
5 consistent with the *2045 Comprehensive Plan*; (2) furthers the goals,  
6 objectives and policies of the *2045 Comprehensive Plan*; and (3) is  
7 not in conflict with any portion of the City's land use regulations;  
8 and

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

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

18 **Section 1. Property Rezoned.** The Subject Property is  
19 hereby rezoned and reclassified from Commercial Community/General-1  
20 (CCG-1) District to Planned Unit Development (PUD) District. This new  
21 PUD district shall generally permit outdoor storage and parking,  
22 light manufacturing and office and commercial uses, and is described,  
23 shown and subject to the following documents, attached hereto:

24 **Exhibit 1** - Legal Description dated September 6, 2024.

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

26 **Revised Exhibit 3** - Revised Written Description dated December 21,  
27 2024.

28 **Exhibit 4** - Site Plan dated September 6, 2024.

29 **Section 2. Rezoning Approved Subject to Condition.** This  
30 rezoning is approved subject to the following condition. Such  
31 condition controls over the Written Description and the Site Plan and

1 may only be amended through a rezoning:

2 (1) All sag lenses, drop lenses and convex lenses shall be  
3 prohibited. Illumination levels at the property lines shall not exceed  
4 one (1.0) f.c. All lighting lamp sources within parking and pedestrian  
5 areas shall be metal halide, compact fluorescent or LED. The maximum  
6 light pole height in all parking areas shall not exceed twenty (20)  
7 feet. An exterior lighting design plan, including a photometrics  
8 plan, pole and fixtures schedules shall be submitted at the time of  
9 Verification of Substantial Compliance for review and approval by the  
10 Planning and Development Department.

11 **Section 3. Owner and Description.** The Subject Property is  
12 owned by SPA Smiley Trucking, Inc., and is legally described in  
13 **Exhibit 1**, attached hereto. The applicant is Michael Herzberg, 12483  
14 Aladdin Road, Jacksonville, Florida, 32223; (904) 731-8806.

15 **Section 4. Disclaimer.** The rezoning granted herein shall  
16 **not** be construed as an exemption from any other applicable local,  
17 state, or federal laws, regulations, requirements, permits or  
18 approvals. All other applicable local, state or federal permits or  
19 approvals shall be obtained before commencement of the development  
20 or use and issuance of this rezoning is based upon acknowledgement,  
21 representation and confirmation made by the applicant(s), owners(s),  
22 developer(s) and/or any authorized agent(s) or designee(s) that the  
23 subject business, development and/or use will be operated in strict  
24 compliance with all laws. Issuance of this rezoning does **not** approve,  
25 promote or condone any practice or act that is prohibited or  
26 restricted by any federal, state or local laws.

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

1 Form Approved:

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3           /s/ Dylan Reingold          

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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