

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

3
4
5 **ORDINANCE 2021-232-E**

6 AN ORDINANCE REZONING APPROXIMATELY 37.93±
7 ACRES, LOCATED IN COUNCIL DISTRICT 5 AT 3605
8 PHILIPS HIGHWAY, 3563 PHILIPS HIGHWAY, 0 PHILIPS
9 HIGHWAY AND 0 EMERSON STREET, BETWEEN BELAIR
10 ROAD SOUTH AND EMERSON STREET (R.E. NOS. 126071-
11 0130, 126071-0060, 126071-0140 AND 126071-0010)
12 OWNED BY PSF I JAX METRO, LLC AND JICE, LLC, AS
13 DESCRIBED HEREIN, FROM PLANNED UNIT DEVELOPMENT
14 (PUD) DISTRICT (2008-363-E) TO PLANNED UNIT
15 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
17 MIXED USE DEVELOPMENT, AS DESCRIBED IN THE SAN
18 MARCO EAST PLAZA PUD, PURSUANT TO FUTURE LAND
19 USE MAP SERIES (FLUMS) LARGE-SCALE AMENDMENT
20 APPLICATION L-5458-20A; PUD SUBJECT TO
21 CONDITION; PROVIDING A DISCLAIMER THAT THE
22 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
23 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
24 PROVIDING AN EFFECTIVE DATE.

25
26 **WHEREAS,** the City of Jacksonville adopted a Large-Scale
27 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
28 portions of the Future Land Use Map series (FLUMs) in order to ensure
29 the accuracy and internal consistency of the plan, pursuant to the
30 companion land use ordinance for application L-5458-20A; and

1 **WHEREAS**, in order to ensure consistency of zoning district with
2 the *2030 Comprehensive Plan* and the adopted companion Large-Scale
3 Amendment L-5458-20A, an application to rezone and reclassify from
4 Planned Unit Development (PUD) District (2008-363-E) to Planned Unit
5 Development (PUD) District was filed by Cyndy Trimmer, Esq., on behalf
6 of PSF I Jax Metro, LLC and Jice, LLC, the owners of approximately
7 37.93± acres of certain real property in Council District 5, as more
8 particularly described in Section 1; and

9 **WHEREAS**, the Planning and Development Department, in order to
10 ensure consistency of this zoning district with the *2030 Comprehensive*
11 *Plan*, has considered the rezoning and has rendered an advisory
12 opinion; and

13 **WHEREAS**, the Planning Commission has considered the application
14 and has rendered an advisory opinion; and

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

17 **WHEREAS**, the City Council after due notice held a public hearing,
18 taking into consideration the above recommendations as well as all
19 oral and written comments received during the public hearings, the
20 Council finds that such rezoning is consistent with the *2030*
21 *Comprehensive Plan* adopted under the comprehensive planning ordinance
22 for future development of the City of Jacksonville; and

23 **WHEREAS**, the Council finds that the proposed PUD does not affect
24 adversely the orderly development of the City as embodied in the
25 *Zoning Code*; will not affect adversely the health and safety of
26 residents in the area; will not be detrimental to the natural
27 environment or to the use or development of the adjacent properties
28 in the general neighborhood; and the proposed PUD will accomplish the
29 objectives and meet the standards of Section 656.340 (Planned Unit
30 Development) of the *Zoning Code* of the City of Jacksonville; now,
31 therefore

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 37.93± acres (R.E. Nos. 126071-0130, 126071-0060,
4 126071-0140 and 126071-0010) are in Council District 5 at 3605 Philips
5 Highway, 3563 Philips Highway, 0 Philips Highway and 0 Emerson Street,
6 between Belair Road South and Emerson Street, as more particularly
7 described in **Exhibit 1**, dated November 17, 2020, **attached hereto** and
8 incorporated herein by this reference (the "Subject Property").

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by PSF I Jax Metro, LLC and Jice, LLC. The applicant
11 is Cyndy Trimmer, Esq., One Independent Drive, Suite 1200,
12 Jacksonville, Florida 32202; (904) 807-0185.

13 **Section 3. Property Rezoned.** The Subject Property,
14 pursuant to adopted companion Large-Scale Amendment L-5458-20A, is
15 hereby rezoned and reclassified from Planned Unit Development (PUD)
16 District (2008-636-E) to Planned Unit Development (PUD) District.
17 This new PUD district shall generally permit mixed use development,
18 and is described, shown and subject to the following documents,
19 **attached hereto:**

20 **Exhibit 1** - Legal Description dated November 17, 2020.

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

22 **Exhibit 3** - Written Description dated March 31, 2021.

23 **Exhibit 4** - Site Plan dated January 16, 2021.

24 **Section 4. Rezoning Approved Subject to Condition.** This
25 rezoning is approved subject to the following condition. Such
26 condition controls over the Written Description and the Site Plan and
27 may only be amended through a rezoning.

28 (1) The developer or its successor shall make the drive
29 connection improvements reflected in the Traffic Study dated August
30 2021, to help minimize delay and queuing of vehicles within and
31 outside of the development.

1 **Section 5. Contingency.** This rezoning shall not become
2 effective until 31 days after adoption of the companion Large-Scale
3 Amendment unless challenged by the state land planning agency; and
4 further provided that if the companion Large-Scale Amendment is
5 challenged by the state land planning agency, this rezoning shall not
6 become effective until the state land planning agency or the
7 Administration Commission issues a final order determining the
8 companion Large-Scale Amendment is in compliance with Chapter 163,
9 *Florida Statutes*.

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

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

26
27 Form Approved:

28
29 _____
 /s/ Mary E. Staffopoulos

30 Office of General Counsel

31 Legislation Prepared By: Bruce Lewis

