

1 Introduced by the Land Use and Zoning Committee:
2

3 **ORDINANCE 2022-151**

4 AN ORDINANCE REZONING APPROXIMATELY 0.66± ACRES,
5 LOCATED IN COUNCIL DISTRICT 6 AT 0 OLD ST.
6 AUGUSTINE ROAD, BETWEEN LIVINGSTON ROAD AND
7 11001-1 OLD ST. AUGUSTINE AP (R.E. NO. 155665-
8 0000), AS DESCRIBED HEREIN, OWNED BY DONNA
9 HELMING AND PAM, L.L.C., FROM PLANNED UNIT
10 DEVELOPMENT (PUD) DISTRICT (90-25-142 AND 90-
11 580-243) TO PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
13 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
14 DESCRIBED IN THE OLD ST. AUGUSTINE ROAD
15 COMMERCIAL PUD, PURSUANT TO THE FUTURE LAND USE
16 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5662-22C; PROVIDING A
18 DISCLAIMER THAT THE REZONING GRANTED HEREIN
19 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
20 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
21 DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
25 portions of the Future Land Use Map series (FLUMs) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to the
27 companion land use ordinance for application L-5662-22C; and

28 **WHEREAS,** in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5662-22C, an application to rezone and reclassify from
31 Planned Unit Development (PUD) District (90-25-142 and 90-580-243)

1 to Planned Unit Development (PUD) District was filed by Fred Atwill
2 on behalf of Donna Helming and PAM, L.L.C., the owners of
3 approximately 0.66± acres of certain real property in Council District
4 6, as more particularly described in Section 1; and

5 **WHEREAS**, the Planning and Development Department, in order to
6 ensure consistency of this zoning district with the *2030 Comprehensive*
7 *Plan*, has considered the rezoning and has rendered an advisory
8 opinion; and

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

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

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

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately .66± acres are located in Council District 6 at 0 Old

1 St. Augustine Road, between Livingston Road and 11001-1 Old St.
2 Augustine AP (R.E. No. 155665-0000), as more particularly described
3 in **Exhibit 1**, dated February 8, 2022, and graphically depicted in
4 **Exhibit 2**, both of which are **attached hereto** and incorporated herein
5 by this reference (the "Subject Property")

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Donna Helming and PAM, L.L.C. The applicant is
8 Fred Atwill, 9001 Forest Acres Lane, Jacksonville, Florida 32234;
9 (904) 610-8975.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment L-5662-22C, is
12 hereby rezoned and reclassified from Planned Unit Development (PUD)
13 District (90-25-142 and 90-580-243) to Planned Unit Development (PUD)
14 District. This new PUD district shall generally permit commercial
15 uses, and is described, shown and subject to the following documents,
16 **attached hereto:**

17 **Exhibit 1** - Legal Description dated February 8, 2022.

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

19 **Exhibit 3** - Written Description dated January 27, 2022.

20 **Exhibit 4** - Site Plan dated October 29, 2021.

21 **Section 4. Contingency.** This rezoning shall not become
22 effective until thirty-one (31) days after adoption of the companion
23 Small-Scale Amendment unless challenged by the state land planning
24 agency; and further provided that if the companion Small-Scale
25 Amendment is challenged by the state land planning agency, this
26 rezoning shall not become effective until the state land planning
27 agency or the Administration Commission issues a final order
28 determining the companion Small-Scale Amendment is in compliance with
29 Chapter 163, *Florida Statutes*

30 **Section 5. Disclaimer.** The rezoning granted herein
31 shall **not** be construed as an exemption from any other applicable

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

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

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16 Form Approved:

17
18 /s/ Mary E. Staffopoulos

19 Office of General Counsel

20 Legislation Prepared By: Erin Abney

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