

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2021-136-E**

5 AN ORDINANCE REZONING APPROXIMATELY 10.30± ACRES  
6 IN COUNCIL DISTRICT 8 AT 0 TROUT RIVER BOULEVARD  
7 AND 10042 NEW KINGS ROAD, BETWEEN TROUT RIVER  
8 BOULEVARD AND BARTH ROAD, OWNED BY LARRY'S 1ST  
9 STOP AUTO PARTS, INC., AS DESCRIBED HEREIN, FROM  
10 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT AND  
11 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) DISTRICT  
12 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
14 PERMIT INDUSTRIAL USES, AS DESCRIBED IN THE  
15 LARRY'S 1<sup>ST</sup> STOP PUD, PURSUANT TO FUTURE LAND USE  
16 MAP SERIES (FLUMS) LARGE-SCALE AMENDMENT  
17 APPLICATION L-5427-19A; PUD SUBJECT TO  
18 CONDITIONS; PROVIDING A DISCLAIMER THAT THE  
19 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
21 PROVIDING AN EFFECTIVE DATE.  
22

23 **WHEREAS**, the City of Jacksonville adopted a Large-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  
27 application L-5427-19A and companion land use Ordinance 2021-135; and

28 **WHEREAS**, in order to ensure consistency of zoning district with  
29 the *2030 Comprehensive Plan* and the adopted companion Large-Scale  
30 Amendment L-5427-19A, an application to rezone and reclassify from

1 Residential Rural-Acre (RR-Acre) District and Commercial  
2 Community/General-2 (CCG-2) District to Planned Unit Development  
3 (PUD) District was filed by D. Chris Hagan, on behalf of Larry's 1st  
4 Stop Auto Parts, Inc., the owner of approximately 10.30± acres of  
5 certain real property in Council District 8, as more particularly  
6 described in Section 1; and

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

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

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

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

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 10.30± acres are in Council District 8 at 0 Trout River  
2 Boulevard and 10042 New Kings Road, between Trout River Boulevard and  
3 Barth Road, as more particularly described in **Exhibit 1**, dated  
4 November 20, 2019, **attached hereto** and incorporated herein by this  
5 reference (Subject Property).

6 **Section 2. Owner and Applicant Description.** The Subject  
7 Property is owned by Larry's 1st Stop Auto Parts, Inc. The applicant  
8 is D. Chris Hagan, 800 West Monroe Street, Jacksonville, Florida  
9 32202; (904) 219-9842.

10 **Section 3. Property Rezoned.** The Subject Property,  
11 pursuant to adopted companion Large-Scale Amendment L-5427-19A, is  
12 hereby rezoned and reclassified from Residential Rural-Acre (RR-Acre)  
13 District and Commercial Community/General-2 (CCG-2) District to  
14 Planned Unit Development (PUD) District. This new PUD district shall  
15 generally permit industrial uses, and is described, shown and subject  
16 to the following documents, **attached hereto**:

17 **Exhibit 1** - Legal Description dated November 20, 2019.

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

19 **Exhibit 3** - Written Description dated November 3, 2020.

20 **Exhibit 4** - Site Plan dated January 13, 2021.

21 **Section 4. Rezoning Approved Subject to Conditions.** This  
22 rezoning is approved subject to the following conditions. Such  
23 conditions control over the Written Description and the Site Plan and  
24 may only be amended through a rezoning.

25 (1) A minimum six (6) foot high, 65% opaque fence shall be  
26 placed along the Subject Property line along New Kings Road.

27 (2) All vehicles must be located behind the fence along New  
28 Kings Road, except during business hours.

29 (3) There shall be a 20 foot undisturbed landscape buffer where  
30 adjacent to residential uses and zoning districts.

31 (4) The Subject Property shall comply with Part 12, Chapter

1 656, *Ordinance Code*.

2 (5) Vehicles shall not be stacked over 20 feet in height.

3 (6) Vehicles shall not be stacked within 150 feet of New Kings  
4 Road

5 (7) Vehicles shall not be parked in the City right-of-way.

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

15 **Section 6. Disclaimer.** The rezoning granted herein  
16 shall not be construed as an exemption from any other applicable  
17 local, 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), owner(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 7. 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 the Council Secretary.

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1 Form Approved:

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3           /s/ Kealey A. West          

4 Office of General Counsel

5 Legislation Prepared By: Connie Quinto

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