

1 Introduced by the Land Use and Zoning Committee:  
2  
3

4 **ORDINANCE 2019-431**

5 AN ORDINANCE REZONING APPROXIMATELY 2.15±  
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 2465  
7 NEW BERLIN ROAD, BETWEEN NEW BERLIN ROAD AND  
8 ELMAR ROAD (R.E. NO. 106509-0100), AS  
9 DESCRIBED HEREIN, OWNED BY AL CENTURY, LLC,  
10 FROM COMMERCIAL OFFICE (CO) AND COMMERCIAL  
11 COMMUNITY/GENERAL-1 (CCG-1) DISTRICTS TO  
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,  
14 TO PERMIT COMMERCIAL USES, AS DESCRIBED IN THE  
15 NEW BERLIN ROAD @ DUNN CREEK ROAD COMMERCIAL  
16 PUD; PROVIDING A DISCLAIMER THAT THE REZONING  
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
20

21 **WHEREAS**, AL Century, LLC, the owner of approximately 2.15±  
22 acres, located in Council District 2 at 2465 New Berlin Road,  
23 between New Berlin Road and Elmar Road (R.E. No. 106509-0100), as  
24 more particularly described in **Exhibit 1**, dated May 3, 2019, and  
25 graphically depicted in **Exhibit 2**, both of which are **attached**  
26 **hereto** and incorporated herein by this reference (Subject  
27 Property), has applied for a rezoning and reclassification of that  
28 property from Commercial Office (CO) and Commercial  
29 Community/General-1 (CCG-1) Districts to Planned Unit Development  
30 (PUD) District, as described in Section 1 below; and

31 **WHEREAS**, the Planning Commission has considered the

1 application and has rendered an advisory opinion; 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 *2030 Comprehensive Plan*; (2) furthers the  
6 goals, objectives and policies of the *2030 Comprehensive Plan*; and  
7 (3) is not in conflict with any portion of the City's land use  
8 regulations; 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 Office (CO) and  
20 Commercial Community/General-1 (CCG-1) Districts to Planned Unit  
21 Development (PUD) District. This new PUD district shall generally  
22 permit commercial uses, and is described, shown and subject to the  
23 following attached documents:

24 **Exhibit 1** - Legal Description dated May 3, 2019.

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

26 **Exhibit 3** - Written Description dated May 21, 2019.

27 **Exhibit 4** - Site Plan dated May 3, 2019.

28 **Section 2. Owner and Description.** The Subject Property  
29 is owned by AL Century, LLC, and is legally described in **Exhibit 1**,  
30 **attached hereto**. The agent is Robert K. Riley, 7350 Cumbria  
31 Boulevard, Jacksonville, Florida 32219; (904) 699-1050.

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

14           **Section 4.           Effective Date.**       The enactment of this  
15 Ordinance shall be deemed to constitute a quasi-judicial action of  
16 the City Council and shall become effective upon signature by the  
17 Council President and the Council Secretary.

18  
19 Form Approved:

20  
21           /s/ Shannon K. Eller          

22 Office of General Counsel

23 Legislation Prepared By: Bruce Lewis

24 GC-#1285174-v1-New\_Berlin\_Dunn\_Creek\_PUD\_Z-2373