

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

4 **ORDINANCE 2022-151-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.66± ACRES,  
6 LOCATED IN COUNCIL DISTRICT 6 AT 0 OLD ST.  
7 AUGUSTINE ROAD, BETWEEN LIVINGSTON ROAD AND  
8 11001-1 OLD ST. AUGUSTINE AP (R.E. NO. 155665-  
9 0000), AS DESCRIBED HEREIN, OWNED BY DONNA  
10 HELMING AND PAM, L.L.C., FROM PLANNED UNIT  
11 DEVELOPMENT (PUD) DISTRICT (90-25-142 AND 90-  
12 580-243) TO PLANNED UNIT DEVELOPMENT (PUD)  
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
14 ZONING CODE, TO PERMIT COMMERCIAL USES, AS  
15 DESCRIBED IN THE OLD ST. AUGUSTINE ROAD  
16 COMMERCIAL PUD, PURSUANT TO THE FUTURE LAND USE  
17 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT  
18 APPLICATION NUMBER L-5662-22C; PUD SUBJECT TO  
19 CONDITIONS; PROVIDING A DISCLAIMER THAT THE  
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
22 PROVIDING AN EFFECTIVE DATE.  
23

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

29 **WHEREAS,** in order to ensure consistency of zoning district with  
30 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
31 Amendment L-5662-22C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (90-25-142 and 90-580-243)  
2 to Planned Unit Development (PUD) District was filed by Fred Atwill  
3 on behalf of Donna Helming and PAM, L.L.C., the owners of  
4 approximately 0.66± acres of certain real property in Council District  
5 6, as more particularly described in Section 1; and

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

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

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

15 **WHEREAS**, the City Council, after due notice, held a public  
16 hearing, and taking into consideration the above recommendations as  
17 well as all oral and written comments received during the public  
18 hearings, the Council finds that such rezoning is consistent with the  
19 *2030 Comprehensive Plan* adopted under the comprehensive planning  
20 ordinance 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 .66± acres are located in Council District 6 at 0 Old  
2 St. Augustine Road, between Livingston Road and 11001-1 Old St.  
3 Augustine AP (R.E. No. 155665-0000), as more particularly described  
4 in **Exhibit 1**, dated February 8, 2022, and graphically depicted in  
5 **Exhibit 2**, both of which are **attached hereto** and incorporated herein  
6 by this reference (the "Subject Property")

7 **Section 2. Owner and Applicant Description.** The Subject  
8 Property is owned by Donna Helming and PAM, L.L.C. The applicant is  
9 Fred Atwill, 9001 Forest Acres Lane, Jacksonville, Florida 32234;  
10 (904) 610-8975.

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

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

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

20 **Revised Exhibit 3** - Revised Written Description dated April 7, 2022.

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

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

26 (1) The driveway shown on the Site Plan will not function as a  
27 right in/right out driveway. The median depicted in the Site Plan  
28 shall be removed and the proposed driveway shall align with the  
29 existing driveway across Old St. Augustine Road. If this cannot be  
30 done, a professional traffic engineer shall conduct a meeting to  
31 determine a safe access prior to Civil Site Plan Review. The meeting

1 shall include the Chief of the Traffic Engineering Division, the  
2 Chief of the Transportation Division, and the traffic reviewer from  
3 Development Services.

4 (2) Unless otherwise approved by the Planning and Development  
5 Department, a queuing analysis shall be performed and included with  
6 the Civil Site Plan Review showing that vehicles will never queue  
7 onto Old St. Augustine Road.

8 (3) There shall be no interior or exterior seating for the  
9 restaurant.

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

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

31 **Section 7. Effective Date.** The enactment of this Ordinance

1 shall be deemed to constitute a quasi-judicial action of the City  
2 Council and shall become effective upon signature by the Council  
3 President and the Council Secretary.

4

5 Form Approved:

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7           /s/  Mary E. Staffopoulos          

8 Office of General Counsel

9 Legislation Prepared By: Erin Abney

10 GC-#1495891-v1-2022-151-E