

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-687**

5 AN ORDINANCE REZONING APPROXIMATELY 9.48± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 3428 BEACH
7 BOULEVARD AND 3460 BEACH BOULEVARD, BETWEEN
8 SCHUMACHER AVENUE AND LAMEE AVENUE (R.E. NOS.
9 125237-0000 AND 125539-0000), OWNED BY SOUTHGATE
10 SHOPPING CENTER, LLC, AS DESCRIBED HEREIN, FROM
11 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT
12 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
14 PERMIT MULTI-FAMILY RESIDENTIAL USES, AS
15 DESCRIBED IN THE SOUTHGATE PLAZA PUD, PURSUANT
16 TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5600-21C;
18 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
21 EFFECTIVE DATE.

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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 application L-5600-21C; 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-5600-21C, an application to rezone and reclassify from

1 Commercial Community/General-1 (CCG-1) District to Planned Unit
2 Development (PUD) District was filed by William J. Michaelis, on
3 behalf of the owner of approximately 9.48± acres of certain real
4 property in Council District 5, as more particularly described in
5 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, held a public hearing and made its recommendation to the
14 Council; 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 9.48± acres are located in Council District 5, at 3428
2 Beach Boulevard and 3460 Beach Boulevard, between Schumacher Avenue
3 and Lamee Avenue (R.E. Nos. 125237-0000 and 125539-0000), as more
4 particularly described in **Exhibit 1**, dated July 16, 2021, and
5 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
6 and incorporated herein by this reference (the "Subject Property").

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Southgate Shopping Center, LLC. The applicant
9 is William J. Michaelis, Esq., 1301 Riverplace Boulevard, Suite 1500,
10 Jacksonville, Florida 32207; (904) 346-5914.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5600-21C, is
13 hereby rezoned and reclassified from Commercial Community/General-1
14 (CCG-1) District to Planned Unit Development (PUD) District. This
15 new PUD district shall generally permit multi-family residential
16 uses, and is described, shown and subject to the following documents,
17 **attached hereto:**

18 **Exhibit 1** - Legal Description dated July 16, 2021.

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

20 **Exhibit 3** - Written Description dated July 16, 2021.

21 **Exhibit 4** - Site Plan dated July 16, 2021.

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

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

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

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18 Form Approved:

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20 /s/ Mary E. Staffopoulos

21 Office of General Counsel

22 Legislation Prepared By: Bruce Lewis

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