

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-198-E**

5 AN ORDINANCE REZONING APPROXIMATELY 1.05± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 1ST AVENUE,
7 BETWEEN JOEL LEE ROAD AND PARKWAY BOULEVARD (R.E.
8 NO. 107887-0010), OWNED BY ESQUIRE TRUSTEE
9 SERVICE, LLC, AS TRUSTEE OF THE FIRST AND MAIN
10 LAND TRUST DATED MAY 18, 2021, AS DESCRIBED
11 HEREIN, FROM COMMERCIAL COMMUNITY/GENERAL-2
12 (CCG-2) DISTRICT AND RESIDENTIAL RURAL-ACRE (RR-
13 ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
14 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
16 DESCRIBED IN THE MAIN STREET OFFICE WAREHOUSE
17 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
18 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION NUMBER
19 L-5731-22C; 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 *2045 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
28 companion application L-5731-22C; and

29 **WHEREAS,** in order to ensure consistency of zoning district with
30 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5731-22C, an application to rezone and reclassify from

1 Commercial Community/General-2 (CCG-2) District and Residential
2 Rural-Acre (RR-Acre) District to Planned Unit Development (PUD)
3 District was filed by Evin Herzberg on behalf of the owner of
4 approximately 1.05± acres of certain real property in Council District
5 7, 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 *2045 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 *2045 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 1.05± acres are located in Council District 7 at 0 1st
2 Avenue, between Joel Lee Road and Parkway Boulevard (R.E. No. 107887-
3 0010), as more particularly described in **Exhibit 1**, dated June 6,
4 2022, and graphically depicted in **Exhibit 2**, both of which are
5 attached hereto and incorporated herein by this reference (the
6 "Subject Property").

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Esquire Trustee Service, LLC, as Trustee of the
9 First and Main Land Trust dated May 18, 2021. The applicant is Evin
10 Herzberg, 12483 Aladdin Road, Jacksonville, Florida 32223; (904) 625-
11 7431.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Small-Scale Amendment Application L-
14 5731-22C, is hereby rezoned and reclassified from Commercial
15 Community/General-2 (CCG-2) District and Residential Rural-Acre (RR-
16 Acre) District to Planned Unit Development (PUD) District. This new
17 PUD district shall generally permit commercial uses and is described,
18 shown and subject to the following documents, attached hereto:

19 **Exhibit 1** - Legal Description dated June 6, 2022.

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

21 **Exhibit 3** - Written Description dated March 13, 2023.

22 **Exhibit 4** - Site Plan dated February 8, 2022.

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

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