

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-310**

5 AN ORDINANCE REZONING APPROXIMATELY 3.33± ACRES,
6 LOCATED IN COUNCIL DISTRICT 5 AT 0 LUCE STREET
7 AND 3434 ATLANTIC BOULEVARD, BETWEEN SPRING PARK
8 ROAD AND HART EXPRESSWAY (R.E. NOS. 145888-0010
9 AND 145888-0040), OWNED BY RENE U. PULIDO, AS
10 TRUSTEE OF THE RENE URIEL PULIDO REVOCABLE
11 LIVING TRUST DATED FEBRUARY 19, 2021, AND MARK
12 F. MOSS, ESQUIRE, AS TRUSTEE UNDER TRUST NO.
13 THREE THOUSAND FOUR HUNDRED THIRTY-FOUR ATLANTIC
14 BOULEVARD DATED THE 19TH DAY OF FEBRUARY, 2021,
15 AS DESCRIBED HEREIN, FROM COMMERCIAL OFFICE (CO)
16 DISTRICT AND COMMERCIAL, RESIDENTIAL AND OFFICE
17 (CRO) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
18 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
19 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
20 DESCRIBED IN THE 3434 ATLANTIC BLVD PUD,
21 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
22 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
23 5692-22C; PROVIDING A DISCLAIMER THAT THE
24 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
25 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
26 PROVIDING AN EFFECTIVE DATE.

27
28 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
29 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
30 portions of the Future Land Use Map series (FLUMS) in order to ensure
31 the accuracy and internal consistency of the plan, pursuant to the

1 companion land use ordinance for application L-5692-22C; and

2 **WHEREAS**, in order to ensure consistency of zoning district with
3 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
4 Amendment L-5692-22C, an application to rezone and reclassify from
5 Commercial Office (CO) District and Commercial, Residential and
6 Office (CRO) District to Planned Unit Development (PUD) District was
7 filed by Paul Harden, Esq., on behalf of the owners of approximately
8 3.33± acres of certain real property in Council District 5, as more
9 particularly described in Section 1; and

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

14 **WHEREAS**, the Planning Commission has considered the application
15 and has rendered an advisory opinion; and

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

19 **WHEREAS**, the City Council, after due notice, held a public
20 hearing, and taking into consideration the above recommendations as
21 well as all oral and written comments received during the public
22 hearings, the Council finds that such rezoning is consistent with the
23 *2030 Comprehensive Plan* adopted under the comprehensive planning
24 ordinance for future development of the City of Jacksonville; and

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

1 Development) of the *Zoning Code* of the City of Jacksonville; now,
2 therefore

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

4 **Section 1. Subject Property Location and Description.** The
5 approximately 3.33± acres are located in Council District 5 at 0 Luce
6 Street and 3434 Atlantic Boulevard, between Spring Park Road and Hart
7 Expressway (R.E. Nos. 145888-0010 and 145888-0040), as more
8 particularly described in **Exhibit 1**, dated February 23, 2022, and
9 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
10 and incorporated herein by this reference (the "Subject Property").

11 **Section 2. Owner and Applicant Description.** The Subject
12 Property is owned by Rene U. Pulido, as Trustee of the Rene Uriel
13 Pulido Revocable Living Trust dated February 19, 2021, and Mark F.
14 Moss, Esquire, as Trustee under Trust No. Three Thousand Four Hundred
15 Thirty-Four Atlantic Boulevard dated the 19th day of February, 2021.
16 The applicant is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite
17 901, Jacksonville, Florida 32207; (904) 396-5731.

18 **Section 3. Property Rezoned.** The Subject Property,
19 pursuant to adopted companion Small-Scale Amendment L-5692-22C, is
20 hereby rezoned and reclassified from Commercial Office (CO) District
21 and Commercial, Residential and Office (CRO) District to Planned Unit
22 Development (PUD) District. This new PUD district shall generally
23 permit commercial uses, and is described, shown and subject to the
24 following documents, **attached hereto**:

25 **Exhibit 1** - Legal Description dated February 23, 2022.

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

27 **Exhibit 3** - Written Description dated March 10, 2022.

28 **Exhibit 4** - Site Plan dated January 4, 2022.

29 **Section 4. Contingency.** This rezoning shall not become
30 effective until thirty-one (31) days after adoption of the companion
31 Small-Scale Amendment unless challenged by the state land planning

1 agency; and further provided that if the companion Small-Scale
2 Amendment is challenged by the state land planning agency, this
3 rezoning shall not become effective until the state land planning
4 agency or the Administration Commission issues a final order
5 determining the companion Small-Scale Amendment is in compliance with
6 Chapter 163, *Florida Statutes*.

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

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

23
24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Bruce Lewis

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