

1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor of Council:

3
4
5 **ORDINANCE 2023-7-D**

6 AN ORDINANCE REZONING APPROXIMATELY 1.01± ACRES,
7 LOCATED IN COUNCIL DISTRICT 5 AT 1004 HENDRICKS
8 AVENUE, 0 PRUDENTIAL DRIVE, 1454 PRUDENTIAL
9 DRIVE AND 0 HOME STREET, BETWEEN PRUDENTIAL
10 DRIVE AND HENDRICKS AVENUE (R.E. NOS. 080288-
11 0000, 080289-0000, 080290-0000 AND 080297-
12 0000), AS DESCRIBED HEREIN, OWNED BY G.I.S.
13 HOLDINGS, INC. AND KAREN R. HIRSHBERG,
14 INDIVIDUALLY AND AS TRUSTEE OF THE A. WALTER
15 HIRSHBERG FAMILY TRUST, FROM COMMERCIAL CENTRAL
16 BUSINESS DISTRICT (CCBD) TO PLANNED UNIT
17 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
18 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
19 COMMERCIAL USES, AS DESCRIBED IN THE DOWNTOWN
20 SOUTHBANK MIXED-USE PUD; PUD SUBJECT TO
21 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
22 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
23 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
24 PROVIDING AN EFFECTIVE DATE.

25
26 **WHEREAS,** G.I.S. Holdings, Inc. and Karen R. Hirshberg,
27 individually and as Trustee of the A. Walter Hirshberg Family Trust,
28 the owners of approximately 1.01± acres located in Council District
29 5 at 1004 Hendricks Avenue, 0 Prudential Drive, 1454 Prudential Drive
30 and 0 Home Street, between Prudential Drive and Hendricks Avenue
31 (R.E. Nos. 080288-0000, 080289-0000, 080290-0000, and 080297-0000),

1 as more particularly described in **Exhibit 1**, dated October 18, 2022,
2 and graphically depicted in **Exhibit 2**, both of which are attached
3 hereto (the "Subject Property"), have applied for a rezoning and
4 reclassification of the Subject Property from Commercial Central
5 Business District (CCBD) to Planned Unit Development (PUD) District,
6 as described in Section 1 below; and

7 **WHEREAS**, the Planning Commission has considered the application
8 and has rendered an advisory opinion; and

9 **WHEREAS**, the Land Use and Zoning Committee, after due notice and
10 public hearing, has made its recommendation to the Council; and

11 **WHEREAS**, the Council finds that such rezoning: (1) is consistent
12 with the *2045 Comprehensive Plan*; (2) furthers the goals, objectives
13 and policies of the *2045 Comprehensive Plan*; and (3) is not in
14 conflict with any portion of the City's land use regulations; and

15 **WHEREAS**, the Council finds the proposed rezoning does not
16 adversely affect the orderly development of the City as embodied in
17 the Zoning Code; will not adversely affect the health and safety of
18 residents in the area; will not be detrimental to the natural
19 environment or to the use or development of the adjacent properties
20 in the general neighborhood; and will accomplish the objectives and
21 meet the standards of Section 656.340 (Planned Unit Development) of
22 the Zoning Code; now, therefore

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

24 **Section 1. Property Rezoned.** The Subject Property is
25 hereby rezoned and reclassified from Commercial Central Business
26 District (CCBD) to Planned Unit Development (PUD) District. This new
27 PUD district shall generally permit commercial uses, and is described,
28 shown and subject to the following documents, attached hereto:

29 **Exhibit 1** - Legal Description dated October 18, 2022.

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

31 **Revised Exhibit 3** - Revised Written Description dated June 20, 2023.

1 **Revised Exhibit 4** - Revised Site Plan dated June 15, 2023.

2 **Section 2. Rezoning Approved Subject to Conditions.** This
3 rezoning is approved subject to the following conditions. Such
4 conditions control over the Written Description and the Site Plan and
5 may only be amended through a rezoning:

6 (1) Except for the self-storage office, no personal property
7 self-storage uses shall be located at the ground level.

8 (2) The ground level self-storage office space shall have
9 frontage on Home Street and not on Prudential Drive or Hendricks
10 Avenue.

11 (3) Nothing in the Site Plan, Written Description or any other
12 provision of this Ordinance supersedes the requirements for closing
13 of a street, alley, or public right-of-way in Chapter 744, *Ordinance*
14 *Code*, or other applicable requirements in the City of Jacksonville
15 Ordinance Code or Florida Statutes. Failure to close any street,
16 alley, or public right-of-way within the project area does not relieve
17 the developer of any design or other requirement imposed by the
18 Downtown Development Review Board (DDRB) and does not relieve the
19 developer of any potential requirement for additional review by DDRB
20 if the project is redesigned due to the failure to close any street,
21 alley, or public right-of-way within the project area.

22 (4) Nothing in the Written Description or Site Plan supersedes
23 the required review by DDRB, pursuant to Chapter 656, Part 3, Subpart
24 H, *Ordinance Code*.

25 (5) The total amount of ground floor retail shall not be less
26 than 19,127 square feet. Ground floor building facades that front
27 public streets shall be devoted to functional space for at least one
28 primary use unrelated to, and not accessory to, the personal property
29 self-storage facility. Functional space does not include vehicle use
30 areas, open space, or other non-activation activities, but does
31 include uses such as professional and medical offices, commercial

1 retail sales and services, eating and drinking establishments, and
2 art galleries. In addition to the required square footage of ground
3 floor retail, at least 36,609 square feet of residential uses and
4 5,741 square feet of roof top uses shall be included in the building.
5 The above square footages may vary by up to ten percent.

6 (6) A minimum of 20 multi-family residential units shall be
7 provided. The total square footage for such uses shall not be less
8 than 36,609 square feet. Residential uses shall be located on the
9 uppermost floor(s) of the structure, above self-storage uses. The
10 above square footage may vary by up to ten percent.

11 (7) Roof top uses may include bars or restaurants, as may be
12 approved by DDRB, all of which shall be open to the public.

13 (8) The minimum height requirement of three-stories shall be
14 removed. Ground floor retail and upper floor residential uses shall
15 be preserved regardless of any reduction in building height.

16 (9) Tractor trailers shall be prohibited from serving the
17 personal property self-storage use.

18 **Section 3. Owner and Applicant Description.** The Subject
19 Property is owned by G.I.S. Holdings, Inc. and Karen R. Hirshberg,
20 individually and as Trustee of the A. Walter Hirshberg Family Trust,
21 and is legally described in **Exhibit 1**, attached hereto. The applicant
22 is Steve Diebenow, Esq., One Independent Drive, Suite 1200,
23 Jacksonville, Florida 32202; (904) 301-1269.

24 **Section 4. Disclaimer.** The rezoning granted herein
25 shall not be construed as an exemption from any other applicable
26 local, state, or federal laws, regulations, requirements, permits or
27 approvals. All other applicable local, state or federal permits or
28 approvals shall be obtained before commencement of the development
29 or use and issuance of this rezoning is based upon acknowledgement,
30 representation and confirmation made by the applicant(s), owner(s),
31 developer(s) and/or any authorized agent(s) or designee(s) that the

