

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-476**

5 AN ORDINANCE REZONING APPROXIMATELY 1.0± ACRES
6 LOCATED IN COUNCIL DISTRICT 6 AT 5050 SUNBEAM
7 ROAD, BETWEEN PHILIPS HIGHWAY AND SAN JOSE
8 BOULEVERD (R.E. NO. 149085-0020), OWNED BY
9 RIMOUN N. SAFAR, AS DESCRIBED HEREIN, FROM
10 COMMERCIAL NEIGHBORHOOD (CN) DISTRICT TO
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
13 TO PERMIT RESIDENTIAL AND COMMERCIAL USES, AS
14 DESCRIBED IN THE 5050 SUNBEAM ROAD PUD,
15 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
16 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
17 5384-19C; PROVIDING A DISCLAIMER THAT THE
18 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of
24 revising portions of the Future Land Use Map series (FLUMs) in
25 order to ensure the accuracy and internal consistency of the plan,
26 pursuant to application L-5384-19C and companion land use Ordinance
27 2020-475; and

28 **WHEREAS,** in order to ensure consistency of zoning district
29 with the *2030 Comprehensive Plan* and the adopted companion Small-
30 Scale Amendment L-5384-19C, an application to rezone and reclassify
31 from Commercial Neighborhood (CN) District to Planned Unit

1 Development (PUD) District was filed by Rimoun N. Safar, the owner
2 of approximately 1.0± acres of certain real property in Council
3 District 6, as more particularly described in Section 1; and

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

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

10 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
11 notice, held a public hearing and made its recommendation to the
12 Council; and

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

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 1.0± acres (R.E. No. 149085-0020) are located in

1 Council District 6, at 5050 Sunbeam Road, between Philips Highway
2 and San Jose Boulevard, as more particularly described in **Exhibit**
3 **1**, dated April 9, 2020, and graphically depicted in **Exhibit 2**, both
4 of which are **attached hereto** and incorporated herein by this
5 reference (Subject Property).

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Rimoun N. Safar. The applicant is Rimoun N.
8 Safar, 2340 Saragossa Avenue, Jacksonville, Florida 32217; (904)
9 333-5786.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment L-5384-19C, is
12 hereby rezoned and reclassified from Commercial Neighborhood (CN)
13 District to Planned Unit Development (PUD) District. This new PUD
14 district shall generally permit residential and commercial uses,
15 and is described, shown and subject to the following documents,
16 **attached hereto:**

17 **Exhibit 1** - Legal Description dated April 9, 2020.

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

19 **Exhibit 3** - Written Description dated April 10, 2019.

20 **Exhibit 4** - Site Plan dated August 1, 2016.

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

30 **Section 5. Disclaimer.** The rezoning granted herein
31 shall not be construed as an exemption from any other applicable

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

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

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17 Form Approved:

18
19 /s/ Shannon K. Eller

20 Office of General Counsel

21 Legislation Prepared By: Connor Corrigan

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