

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

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; PUD
18 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
19 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
22

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
31 Commercial Community/General-1 (CCG-1) District to Planned Unit

1 Development (PUD) District was filed by William J. Michaelis, on
2 behalf of the owner of approximately 9.48± acres of certain real
3 property in Council District 5, as more particularly described in
4 Section 1; and

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

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

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

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

20 **WHEREAS**, the Council finds that the proposed PUD does not affect
21 adversely the orderly development of the City as embodied in the
22 *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 the
26 objectives and meet the standards of Section 656.340 (Planned Unit
27 Development) of the *Zoning Code* of the City of Jacksonville; now,
28 therefore

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 9.48± acres are located in Council District 5, at 3428

1 Beach Boulevard and 3460 Beach Boulevard, between Schumacher Avenue
2 and Lamee Avenue (R.E. Nos. 125237-0000 and 125539-0000), as more
3 particularly described in **Exhibit 1**, dated July 16, 2021, and
4 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
5 and incorporated herein by this reference (the "Subject Property").

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

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

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

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

19 **Revised Exhibit 3** - Revised Written Description dated October 14,
20 2021.

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

22 **Section 4. Rezoning Approved Subject to Conditions.** This
23 rezoning is approved subject to the following conditions. Such
24 conditions control over the Revised Written Description and the Site
25 Plan and may only be amended through a rezoning.

26 (1) All unused driveways, including the entire frontage of
27 Atherton Street, specifically along the Subject Property frontage,
28 shall be removed and restored with curb and gutter, a five-foot
29 standard sidewalk, and landscaping that complies with the applicable
30 provisions of Chapter 656, *Ordinance Code*. Driveway access from the

1 Subject Property to Atherton Street shall be permitted as generally
2 shown on the Site Plan attached hereto as **Exhibit 4**. Driveway
3 closures, curb and gutter, and sidewalk improvements shall not be
4 required on the south side of Atherton Street or beyond the Subject
5 Property frontage.

6 (2) A twenty (20) foot building setback shall be required along
7 Schumacher Avenue and Atherton Street.

8 (3) Bicycle parking shall be consistent with the requirements
9 outlined in Chapter 656, Part 6, Subpart B, *Ordinance Code*.

10 **Section 5. Contingency.** This rezoning shall not become
11 effective until 31 days after adoption of the companion Small-Scale
12 Amendment unless challenged by the state land planning agency; and
13 further provided that if the companion Small-Scale Amendment is
14 challenged by the state land planning agency, this rezoning shall not
15 become effective until the state land planning agency or the
16 Administration Commission issues a final order determining the
17 companion Small-Scale Amendment is in compliance with Chapter 163,
18 *Florida Statutes*.

19 **Section 6. Disclaimer.** The rezoning granted herein
20 shall not be construed as an exemption from any other applicable
21 local, state, or federal laws, regulations, requirements, permits or
22 approvals. All other applicable local, state or federal permits or
23 approvals shall be obtained before commencement of the development
24 or use and issuance of this rezoning is based upon acknowledgement,
25 representation and confirmation made by the applicant(s), owner(s),
26 developer(s) and/or any authorized agent(s) or designee(s) that the
27 subject business, development and/or use will be operated in strict
28 compliance with all laws. Issuance of this rezoning does not approve,
29 promote or condone any practice or act that is prohibited or
30 restricted by any federal, state or local laws.

1 **Section 7. Effective Date.** The enactment of this Ordinance
2 shall be deemed to constitute a quasi-judicial action of the City
3 Council and shall become effective upon signature by the Council
4 President and the Council Secretary.

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6 Form Approved:

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8 /s/ Mary E. Staffopoulos
9 Office of General Counsel

10 Legislation Prepared By: Bruce Lewis

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