

1 Introduced and amended by the Land Use and Zoning Committee:  
2  
3

4 **ORDINANCE 2019-688-E**

5 AN ORDINANCE REZONING APPROXIMATELY 9.11±  
6 ACRES, LOCATED IN COUNCIL DISTRICT 6 AT 0  
7 MARBON ROAD AND 3011 MARBON ROAD, BETWEEN SAN  
8 JOSE BOULEVARD AND MARBON ESTATES LANE (R.E.  
9 NOS. 158156-0000 AND 158161-0100), AS  
10 DESCRIBED HEREIN, OWNED BY FIRST COAST ENERGY,  
11 LLP, FROM PLANNED UNIT DEVELOPMENT (PUD)  
12 DISTRICT (2017-493-E) TO PLANNED UNIT  
13 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
15 COMMERCIAL USES, AS DESCRIBED IN THE 3011  
16 MARBON ROAD PUD; PUD SUBJECT TO CONDITIONS;  
17 PROVIDING A DISCLAIMER THAT THE REZONING  
18 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
19 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
20 PROVIDING AN EFFECTIVE DATE.  
21

22 **WHEREAS**, First Coast Energy, LLP, the owner of approximately  
23 9.11± acres, located in Council District 6 at 0 Marbon Road and  
24 3011 Marbon Road, between San Jose Boulevard and Marbon Estates  
25 Lane (R.E. Nos. 158156-0000 and 158161-0100), as more particularly  
26 described in the **Exhibit 1**, dated August 9, 2019, and graphically  
27 depicted in the **Exhibit 2**, both of which are **attached hereto**  
28 (Subject Property), has applied for a rezoning and reclassification  
29 of that property from Planned Unit Development (PUD) District  
30 (2017-493-E) to Planned Unit Development (PUD) District, as

1 described in Section 1 below; and

2 **WHEREAS,** the Planning Commission has considered the  
3 application and has rendered an advisory opinion; and

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

6 **WHEREAS,** the Council finds that such rezoning is: (1)  
7 consistent with the *2030 Comprehensive Plan*; (2) furthers the  
8 goals, objectives and policies of the *2030 Comprehensive Plan*; and  
9 (3) is not in conflict with any portion of the City's land use  
10 regulations; and

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

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

20 **Section 1. Property Rezoned.** The Subject Property is  
21 hereby rezoned and reclassified from Planned Unit Development (PUD)  
22 District (2017-493-E) to Planned Unit Development (PUD) District.  
23 This new PUD district shall generally permit commercial uses, and  
24 is described, shown and subject to the following documents,  
25 **attached hereto:**

26 **Exhibit 1** - Legal Description dated August 9, 2019.

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

28 **Exhibit 3** - Written Description dated September 4, 2019.

29 **Revised Exhibit 4** - Revised Site Plan dated November 5, 2019.

30 **Section 2. Rezoning Approved Subject to Conditions.** This  
31 rezoning is approved subject to the following conditions. Such

1 conditions control over the Written Description and the Site Plan  
2 and may only be amended through a rezoning.

3 (1) Traffic to the residential portions of the property shall  
4 be controlled to manage or reduce cut through traffic through the  
5 use of components such as entrance gates and/or speedbumps, at the  
6 developer's discretion.

7 (2) Prior to the first final inspection within any phase of  
8 development, the owner or their agent shall submit to the Planning  
9 and Development Department for its review and approval either: (a)  
10 an affidavit documenting that all conditions to the development  
11 order have been satisfied, or (b) a detailed agreement for the  
12 completion of all conditions to the development order.

13 **Section 3. Owner and Description.** The Subject Property  
14 is owned by First Coast Energy, LLP, and is legally described in  
15 the **Exhibit 1, attached hereto.** The agent is Steve Diebenow, Esq.,  
16 One Independent Drive, Suite 1200, Jacksonville, Florida 32202;  
17 (904) 301-1269.

18 **Section 4. Disclaimer.** The rezoning granted herein  
19 shall **not** be construed as an exemption from any other applicable  
20 local, state, or federal laws, regulations, requirements, permits  
21 or approvals. All other applicable local, state or federal permits  
22 or approvals shall be obtained before commencement of the  
23 development or use and issuance of this rezoning is based upon  
24 acknowledgement, representation and confirmation made by the  
25 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
26 or designee(s) that the subject business, development and/or use  
27 will be operated in strict compliance with all laws. Issuance of  
28 this rezoning does **not** approve, promote or condone any practice or  
29 act that is prohibited or restricted by any federal, state or local  
30 laws.

31 **Section 5. Effective Date.** The enactment of this

1 Ordinance shall be deemed to constitute a quasi-judicial action of  
2 the City Council and shall become effective upon signature by the  
3 Council President and the Council Secretary.

4

5 Form Approved:

6

7 /s/ Shannon K. Eller

8 Office of General Counsel

9 Legislation Prepared By: Bruce Lewis

10 GC-#1319684-v1-2019-688-E