

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-378**

5 AN ORDINANCE APPROVING, AND AUTHORIZING THE
6 MAYOR AND CORPORATION SECRETARY TO EXECUTE AND
7 DELIVER, THE SECOND AMENDMENT TO DEVELOPMENT
8 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND
9 PUBLIX SUPER MARKETS, INC., AS APPROVED BY
10 ORDINANCE 2015-746-E, EXTENDING THE DURATION
11 OF THE DEVELOPMENT AGREEMENT TO SEPTEMBER 28,
12 2031, CONCERNING DEVELOPMENT NOW KNOWN AS
13 "PATTILLO - PUBLIX" (CCAS NO. 24048), CONSISTING
14 OF APPROXIMATELY 33.95± ACRES OF VACANT
15 INDUSTRIAL LAND, LOCATED ON BEAVER STREET
16 BETWEEN BLAIR ROAD AND WHEELER ROAD IN COUNCIL
17 DISTRICT 12, PURSUANT TO PART 2, CHAPTER 655,
18 *ORDINANCE CODE*; PROVIDING AN EFFECTIVE DATE.
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20 **WHEREAS**, Part 2, Chapter 655, *Ordinance Code*, authorizes
21 Development Agreements, subject to the procedures and requirements
22 set forth therein; and

23 **WHEREAS**, on or about September 7, 2001, the City entered into
24 a Development Agreement with Pattillo Industrial Construction Co.,
25 Inc. ("Pattillo"), as approved by Resolution 2001-561-A, concerning
26 the development of approximately 96 acres located on Beaver Street
27 between Blair Road and Morgan Avenue, more particularly described
28 therein (the "Development Agreement"); and

29 **WHEREAS**, the Development Agreement provided Pattillo with
30 development rights for 1,080,000 enclosed square feet of warehouse
31 distribution facilities use and related improvements, for a 10-year

1 term; and

2 **WHEREAS**, on or about January 5, 2005, Pattillo assigned its
3 entire interest in the Development Agreement to R.L.R. Investments,
4 LLC ("R.L.R."); and

5 **WHEREAS**, on or about August 24, 2011, R.L.R. requested and
6 received an automatic 4-year extension of the Development Agreement
7 pursuant to the Community Planning Act, 2010-147 Laws of Florida; and

8 **WHEREAS**, on or about November 19, 2012, following approval
9 from the City, R.L.R. bifurcated and partially assigned its interest
10 in the Development Agreement to Publix Super Markets, Inc. ("Publix"),
11 so that R.L.R. retained approximately 342,528.75 enclosed square feet
12 of development rights and approximately 133,788 enclosed square feet
13 already developed (R.E. No. 006829-9200, approximately 22.62 acres
14 and R.E. No. 006829-9500, approximately 25.46 acres) and Publix
15 received 603,683 enclosed square feet of development rights (R.E. No.
16 006829-9100, approximately 33.95 acres, located on Beaver Street
17 between Blair Road and Wheeler Road); and

18 **WHEREAS**, on or about August 24, 2015, Publix amended and
19 extended the Development Agreement's expiration date as to all parties
20 to September 7, 2020, described in the First Amendment to Development
21 Agreement, as approved by Ordinance 2015-746-E; and

22 **WHEREAS**, Publix's Development Agreement was further extended
23 to September 12, 2024, by operation of Florida law and gubernatorial
24 declarations of emergency; and

25 **WHEREAS**, Publix has submitted its request for a second
26 amendment to the Development Agreement, requesting a seven (7) year
27 extension of the duration of the Development Agreement, pursuant to
28 Section 655.205(h), *Ordinance Code*, (the "Second Amendment"); and

29 **WHEREAS**, the Planning and Development Department has recommended
30 approval of the Second Amendment; and

31 **WHEREAS**, Publix has proposed to construct an approximately

1 369,780 square foot cold storage facility, which comports with the
2 ITE Code 110 of warehouse distribution. The new facility will be
3 similar to Publix's existing warehouse, which abuts and is immediately
4 east of the existing warehouse; and

5 **WHEREAS,** Publix requests a seven (7) year extension of the
6 Development Agreement to continue its good faith effort to construct
7 and utilize its rights under the Agreement and continue its efforts
8 to develop in the future; and

9 **WHEREAS,** the required Planning and Development Department
10 informative workshop was held, and the required public hearings were
11 held by the Land Use and Zoning Committee and the City Council, all
12 with public notice provided, pursuant to Section 655.206, *Ordinance*
13 *Code*; now therefore

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

15 **Section 1. Approval of the Second Amendment to Development**
16 **Agreement.** The Second Amendment to the Development Agreement between
17 the City of Jacksonville and Publix Super Markets, Inc., extending
18 the duration of the Development Agreement to September 28, 2031,
19 regarding a development known as "Pattillo - Publix" and more
20 particularly described therein, is hereby approved in substantially
21 the same form as **Exhibit 1, attached hereto.** The Mayor and Corporation
22 Secretary are authorized to execute the Second Amendment to
23 Development Agreement on behalf of the City.

24 **Section 2. Effective Date.** This Ordinance shall become
25 effective upon the signature by the Mayor or upon becoming effective
26 without the Mayor's Signature.

1 Form Approved:

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3 /s/ Terrence L. Harvey

4 Office of General Counsel

5 Legislation Prepared By: Terrence L. Harvey

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