

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

4 **ORDINANCE 2024-918-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.74± ACRES
6 LOCATED IN COUNCIL DISTRICT 9 AT 5311 BRANNON
7 AVENUE, 8215, 8225, 8249, AND 8275 103RD STREET,
8 AND 8226 FIRETOWER ROAD, BETWEEN BRANNON AVENUE
9 AND OLD MIDDLEBURG ROAD N. (R.E. NO(S). 013490-
10 0000, 013486-0000, 013489-0015, 013493-0000,
11 013498-0000, 013499-0000), AS DESCRIBED HEREIN,
12 OWNED BY STONEY BROOK TRAIL, LLC, ONE TOUCH
13 HEATING AND COOLING, INC., SIGNATURE REALTY AND
14 MANAGEMENT, INC., AND CLINT DURRENCE, FROM
15 COMMERCIAL OFFICE (CO) DISTRICT AND COMMERCIAL
16 COMMUNITY/GENERAL-2 (CCG-2) DISTRICT TO PLANNED
17 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
18 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
19 COMMERCIAL AND OFFICE USES; AS DESCRIBED IN THE
20 103RD STREET COMMERCIAL REDEVELOPMENT PUD; PUD
21 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
22 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
23 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, Stoney Brook Trail, LLC, One Touch Heating and
27 Cooling, Inc., Signature Realty and Management, Inc., and Clint
28 Durrence, the owners of approximately 2.74± acres located in Council
29 District 9 at 5311 Brannon Avenue, 8215, 8225, 8249, and 8275 103rd
30 Street, and 8226 Firetower Road, between Brannon Avenue and Old
31 Middleburg Road N. (R.E. No(s). 013490-0000, 013486-0000, 013489-

1 0015, 013493-0000, 013498-0000, 013499-0000), as more particularly
2 described in **Exhibit 1**, dated August 16, 2024, and graphically
3 depicted in **Exhibit 2**, both of which are attached hereto (the "Subject
4 Property"), has applied for a rezoning and reclassification of the
5 Subject Property from Commercial Office (CO) District and Commercial
6 Community/General-2 (CCG-2) District to Planned Unit Development
7 (PUD) District, as described in Section 1 below; and

8 **WHEREAS**, the Planning Commission, acting as the local planning
9 agency, has reviewed the application and made an advisory
10 recommendation to the Council; and

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

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

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

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

27 **Section 1. Property Rezoned.** The Subject Property is
28 hereby rezoned and reclassified from Commercial Office (CO) District
29 and Commercial Community/General-2 (CCG-2) District to Planned Unit
30 Development (PUD) District. This new PUD district shall generally
31 permit commercial and office uses, and is described, shown and subject

1 to the following documents, attached hereto:

2 **Exhibit 1** - Legal Description dated August 16, 2024.

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

4 **Exhibit 3** - Written Description dated October 8, 2024.

5 **Revised Exhibit 4** - Revised Site Plan dated December 6, 2024.

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

10 (1) All sag lenses, drop lenses and convex lenses shall be
11 prohibited. Illumination levels at all property lines shall not exceed
12 one-half (0.5) foot candles ("f.c.") when the building or parking
13 areas are located adjacent to residential areas, and shall not exceed
14 one (1.0) f.c. when abutting other non-residential properties. All
15 lighting lamp sources within parking and pedestrian areas shall be
16 metal halide, compact fluorescent or LED. An exterior lighting design
17 plan, including a photometrics plan, pole and fixtures schedules
18 shall be submitted at the time of Verification of Substantial
19 Compliance for review and approval by the Planning and Development
20 Department.

21 (2) Filling station light fixtures on canopies shall be mounted
22 so that the lens cover is recessed or flush with the bottom surface
23 (ceiling) of the canopy.

24 (3) There shall be one tree located within 25 feet of the right
25 of way for each 25 linear feet or fraction thereof of street frontage
26 of Firetower Road.

27 (4) The driveway to Brannon Avenue shall meet the requirements
28 of City of Jacksonville Code of Ordinance 654.115(b).

29 (5) At no time shall the vehicles queued at a drive through
30 block a public street. A queuing analysis shall be required for any
31 drive through.

1 **Section 3. Owner and Description.** The Subject Property is
2 owned by Stoney Brook Trail, LLC, One Touch Heating and Cooling,
3 Inc., Signature Realty and Management, Inc., and Clint Durrence, and
4 is legally described in **Exhibit 1**, attached hereto. The applicant is
5 Mark Shelton, 12740 Gran Bay Parkway West, Suite 2350, Jacksonville,
6 Florida, 32258; (904) 828-3933.

7 **Section 4. Disclaimer.** The rezoning granted herein shall
8 **not** be construed as an exemption from any other applicable local,
9 state, or federal laws, regulations, requirements, permits or
10 approvals. All other applicable local, state or federal permits or
11 approvals shall be obtained before commencement of the development
12 or use and issuance of this rezoning is based upon acknowledgement,
13 representation and confirmation made by the applicant(s), owners(s),
14 developer(s) and/or any authorized agent(s) or designee(s) that the
15 subject business, development and/or use will be operated in strict
16 compliance with all laws. Issuance of this rezoning does **not** approve,
17 promote or condone any practice or act that is prohibited or
18 restricted by any federal, state or local laws.

19 **Section 5. Effective Date.** The enactment of this Ordinance
20 shall be deemed to constitute a quasi-judicial action of the City
21 Council and shall become effective upon signature by the Council
22 President and Council Secretary.

23
24 Form Approved:

25
26 /s/ Dylan Reingold

27 Office of General Counsel

28 Legislation Prepared By: Bruce Lewis

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