

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-389**

5 AN ORDINANCE REZONING APPROXIMATELY 8.60± ACRES
6 LOCATED IN COUNCIL DISTRICT 8 AT 1882 DUNN
7 AVENUE AND 2028 DUNN AVENUE, BETWEEN DUNN AVENUE
8 AND LEONID ROAD (R.E. NOS. 044184-0050 AND
9 044183-0000), OWNED BY RICHARD WILSON AND
10 DOLORES J. WILSON, AS TRUSTEES OF THE WILSON
11 FAMILY REVOCABLE LIVING TRUST DATED APRIL 4,
12 2019, AS DESCRIBED HEREIN, FROM PLANNED UNIT
13 DEVELOPMENT (PUD) DISTRICT (1989-956-E) TO
14 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
16 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE DUNN
17 AVENUE COMMERCIAL PUD, PURSUANT TO FUTURE LAND
18 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
19 APPLICATION NUMBER L-5646-21C; PROVIDING A
20 DISCLAIMER THAT THE REZONING GRANTED HEREIN
21 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
22 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
23 DATE.
24

25 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to the
29 companion land use application L-5646-21C; and

30 **WHEREAS**, in order to ensure consistency of zoning district with
31 the *2030 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5646-21C, an application to rezone and reclassify from
2 Planned Unit Development (PUD) District (1989-956-E) to Planned Unit
3 Development (PUD) District was filed by Paul Harden, Esq., on behalf
4 of the owners of approximately 8.60± acres of certain real property
5 in Council District 8, as more particularly described in Section 1;
6 and

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

11 **WHEREAS**, the Planning Commission has considered the application
12 and has rendered an advisory opinion; and

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

16 **WHEREAS**, the City Council, after due notice, held a public
17 hearing, and taking into consideration the above recommendations as
18 well as all oral and written comments received during the public
19 hearings, the Council finds that such rezoning is consistent with the
20 *2030 Comprehensive Plan* adopted under the comprehensive planning
21 ordinance for future development of the City of Jacksonville; and

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

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 8.60± acres are located in Council District 8 at 1882
3 Dunn Avenue and 2028 Dunn Avenue, between Dunn Avenue and Leonid Road
4 (R.E. Nos. 044184-0050 and 044183-0000), as more particularly
5 described in **Exhibit 1**, dated December 10, 2021 , and graphically
6 depicted in **Exhibit 2**, both of which are **attached hereto** and
7 incorporated herein by this reference (the "Subject Property").

8 **Section 2. Owner and Applicant Description.** The Subject
9 Property is owned by Richard Wilson and Dolores J. Wilson, as Trustees
10 of the Wilson Family Revocable Living Trust dated April 4, 2019. The
11 applicant is Paul Hardin, Esq., 1431 Riverplace Boulevard, Suite 901,
12 Jacksonville, Florida 32207; (904) 396-5731.

13 **Section 3. Property Rezoned.** The Subject Property,
14 pursuant to adopted companion Small-Scale Amendment L-5646-21C, is
15 hereby rezoned and reclassified from Planned Unit Development (PUD)
16 District (1989-956-E) to Planned Unit Development (PUD) District.
17 This new PUD district shall generally permit commercial uses uses,
18 and is described, shown and subject to the following documents,
19 **attached hereto:**

20 **Exhibit 1** - Legal Description dated December 10, 2021.

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

22 **Exhibit 3** - Written Description dated April 29, 2022.

23 **Exhibit 4** - Site Plan dated April 29, 2022.

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

1 Chapter 163, *Florida Statutes*.

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

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

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19 Form Approved:

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21 /s/ Mary E. Staffopoulos

22 Office of General Counsel

23 Legislation Prepared By: Arimus Wells

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