

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-310-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.33± ACRES,  
6 LOCATED IN COUNCIL DISTRICT 5 AT 0 LUCE STREET  
7 AND 3434 ATLANTIC BOULEVARD, BETWEEN SPRING PARK  
8 ROAD AND HART EXPRESSWAY (R.E. NOS. 145888-0010  
9 AND 145888-0040), OWNED BY RENE U. PULIDO, AS  
10 TRUSTEE OF THE RENE URIEL PULIDO REVOCABLE  
11 LIVING TRUST DATED FEBRUARY 19, 2021, AND MARK  
12 F. MOSS, ESQUIRE, AS TRUSTEE UNDER TRUST NO.  
13 THREE THOUSAND FOUR HUNDRED THIRTY-FOUR ATLANTIC  
14 BOULEVARD DATED THE 19TH DAY OF FEBRUARY, 2021,  
15 AS DESCRIBED HEREIN, FROM COMMERCIAL OFFICE (CO)  
16 DISTRICT AND COMMERCIAL, RESIDENTIAL AND OFFICE  
17 (CRO) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)  
18 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
19 ZONING CODE, TO PERMIT COMMERCIAL USES, AS  
20 DESCRIBED IN THE 3434 ATLANTIC BLVD PUD,  
21 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)  
22 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-  
23 5692-22C; PUD SUBJECT TO CONDITIONS; PROVIDING  
24 A DISCLAIMER THAT THE REZONING GRANTED HEREIN  
25 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
26 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
27 DATE.  
28

29 **WHEREAS,** the City of Jacksonville adopted a Small-Scale  
30 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
31 portions of the Future Land Use Map series (FLUMs) in order to ensure

1 the accuracy and internal consistency of the plan, pursuant to the  
2 companion land use ordinance for application L-5692-22C; and

3 **WHEREAS**, in order to ensure consistency of zoning district with  
4 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
5 Amendment L-5692-22C, an application to rezone and reclassify from  
6 Commercial Office (CO) District and Commercial, Residential and  
7 Office (CRO) District to Planned Unit Development (PUD) District was  
8 filed by Paul Harden, Esq., on behalf of the owners of approximately  
9 3.33± acres of certain real property in Council District 5, as more  
10 particularly described in Section 1; and

11 **WHEREAS**, the Planning and Development Department, in order to  
12 ensure consistency of this zoning district with the *2030 Comprehensive*  
13 *Plan*, has considered the rezoning and has rendered an advisory  
14 opinion; and

15 **WHEREAS**, the Planning Commission has considered the application  
16 and has rendered an advisory opinion; and

17 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due  
18 notice and public hearing, has made its recommendation to the Council;  
19 and

20 **WHEREAS**, the City Council, after due notice, held a public  
21 hearing, and taking into consideration the above recommendations as  
22 well as all oral and written comments received during the public  
23 hearings, the Council finds that such rezoning is consistent with the  
24 *2030 Comprehensive Plan* adopted under the comprehensive planning  
25 ordinance for future development of the City of Jacksonville; and

26 **WHEREAS**, the Council finds that the proposed PUD does not affect  
27 adversely the orderly development of the City as embodied in the  
28 *Zoning Code*; will not affect adversely the health and safety of  
29 residents in the area; will not be detrimental to the natural  
30 environment or to the use or development of the adjacent properties  
31 in the general neighborhood; and the proposed PUD will accomplish the

1 objectives and meet the standards of Section 656.340 (Planned Unit  
2 Development) of the *Zoning Code* of the City of Jacksonville; now,  
3 therefore

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

5 **Section 1. Subject Property Location and Description.** The  
6 approximately 3.33± acres are located in Council District 5 at 0 Luce  
7 Street and 3434 Atlantic Boulevard, between Spring Park Road and Hart  
8 Expressway (R.E. Nos. 145888-0010 and 145888-0040), as more  
9 particularly described in **Exhibit 1**, dated February 23, 2022, and  
10 graphically depicted in **Exhibit 2**, both of which are **attached hereto**  
11 and incorporated herein by this reference (the "Subject Property").

12 **Section 2. Owner and Applicant Description.** The Subject  
13 Property is owned by Rene U. Pulido, as Trustee of the Rene Uriel  
14 Pulido Revocable Living Trust dated February 19, 2021, and Mark F.  
15 Moss, Esquire, as Trustee under Trust No. Three Thousand Four Hundred  
16 Thirty-Four Atlantic Boulevard dated the 19th day of February, 2021.  
17 The applicant is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite  
18 901, Jacksonville, Florida 32207; (904) 396-5731.

19 **Section 3. Property Rezoned.** The Subject Property,  
20 pursuant to adopted companion Small-Scale Amendment L-5692-22C, is  
21 hereby rezoned and reclassified from Commercial Office (CO) District  
22 and Commercial, Residential and Office (CRO) District to Planned Unit  
23 Development (PUD) District. This new PUD district shall generally  
24 permit commercial uses, and is described, shown and subject to the  
25 following documents, **attached hereto**:

26 **Exhibit 1** - Legal Description dated February 23, 2022.

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

28 **Revised Exhibit 3** - Revised Written Description dated May 4, 2022.

29 **Exhibit 4** - Site Plan dated January 4, 2022.

30 **Section 4. 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 and  
2 may only be amended through a rezoning:

3 (1) No development shall occur in the Coastal High Hazard Area  
4 (CHHA).

5 (2) Developer shall provide Americans with Disabilities Act  
6 (ADA) compliant sidewalk on the frontage of Luce Street and Linden  
7 Avenue, or as otherwise approved by the Planning and Development  
8 Department.

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

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

30 **Section 7. Effective Date.** The enactment of this Ordinance  
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council  
2 President and the Council Secretary.

3

4 Form Approved:

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6           /s/  Mary E. Staffopoulos          

7 Office of General Counsel

8 Legislation Prepared By: Bruce Lewis

9 GC-#1503853-v1-2022-310-E