

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-3-E**

5 AN ORDINANCE REZONING APPROXIMATELY 19.11±
6 ACRES, LOCATED IN COUNCIL DISTRICT 12 AT 0 103RD
7 STREET, 10880 103RD STREET, 0 ARROW LANE AND
8 5400 ARROW LANE, BETWEEN CECIL COMMERCE CENTER
9 PARKWAY AND PIPER GLEN BOULEVARD (R.E. NOS.
10 015403-0000, 015404-0000, 015405-0000 AND
11 015405-0010), AS DESCRIBED HEREIN, OWNED BY
12 FLYING R ENTERPRISES, INC. (FORMERLY KNOWN AS
13 103RD STREET AUTO PARTS, INC.), DANIEL GROSU AND
14 STEFAN DANIEL COSA, FROM COMMERCIAL
15 COMMUNITY/GENERAL-2 (CCG-2) DISTRICT AND
16 COMMERCIAL OFFICE (CO) DISTRICT TO PLANNED UNIT
17 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
18 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
19 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
20 THE 103RD STREET MULTI-FAMILY PUD, PURSUANT TO
21 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
22 AMENDMENT APPLICATION NUMBER L-5766-22C;
23 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
24 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
25 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
26 EFFECTIVE DATE.

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

1 companion application L-5766-22C; and

2 **WHEREAS**, in order to ensure consistency of zoning district with
3 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
4 Amendment L-5766-22C, an application to rezone and reclassify from
5 Commercial Community/General-2 (CCG-2) District and Commercial Office
6 (CO) District to Planned Unit Development (PUD) District was filed
7 by William Michaelis, Esq., on behalf of the owners of approximately
8 19.11± acres of certain real property in Council District 12, as more
9 particularly described in Section 1; and

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

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

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

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

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

1 therefore

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

3 **Section 1. Subject Property Location and Description.** The
4 approximately 19.11± acres are located in Council District 12 at 0
5 103rd Street, 10880 103rd Street, 0 Arrow Lane and 5400 Arrow Lane,
6 between Cecil Commerce Center Parkway and Piper Glen Boulevard (R.E.
7 Nos. 015403-0000, 015404-0000, 015405-0000 and 015405-0010), as more
8 particularly described in **Exhibit 1**, dated October 31, 2022, and
9 graphically depicted in **Exhibit 2**, both of which are attached hereto
10 and incorporated herein by this reference (the "Subject Property").

11 **Section 2. Owner and Applicant Description.** The Subject
12 Property is owned by Flying R Enterprises, Inc. (formerly known as
13 103rd Street Auto Parts, Inc.), Daniel Grosu and Stefan Daniel Cosa.
14 The applicant is William Michaelis, Esq., 1301 Riverplace Boulevard,
15 Suite 1500, Jacksonville, Florida 32207; (904) 346-5914.

16 **Section 3. Property Rezoned.** The Subject Property,
17 pursuant to adopted companion Small-Scale Amendment Application L-
18 5766-22C, is hereby rezoned and reclassified from Commercial
19 Community/General-2 (CCG-2) District and Commercial Office (CO)
20 District to Planned Unit Development (PUD) District. This new PUD
21 district shall generally permit multi-family residential uses and is
22 described, shown and subject to the following documents, attached
23 hereto:

24 **Exhibit 1** - Legal Description dated October 31, 2022.

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

26 **Exhibit 3** - Written Description dated November 23, 2022.

27 **Exhibit 4** - Site Plan dated August 15, 2022.

28 **Section 4. Contingency.** This rezoning shall not become
29 effective until thirty-one (31) days after adoption of the companion
30 Small-Scale Amendment; and further provided that if the companion
31 Small-Scale Amendment is challenged by the state land planning agency,

1 this rezoning shall not become effective until the state land planning
2 agency or the Administration Commission issues a final order
3 determining the companion Small-Scale Amendment is in compliance with
4 Chapter 163, *Florida Statutes*.

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

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

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22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Erin Abney

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