

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-230**

5 AN ORDINANCE REZONING APPROXIMATELY 3.33± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 0 LUCE STREET
7 AND 3434 ATLANTIC BOULEVARD, BETWEEN BEACH
8 BOULEVARD AND HART BRIDGE EXPRESSWAY (R.E. NOS.
9 145888-0010 AND 145888-0040), AS DESCRIBED
10 HEREIN, OWNED BY RENE U. PULIDO, AS TRUSTEE OF
11 THE RENE URIEL PULIDO REVOCABLE LIVING TRUST,
12 DATED FEBRUARY 19, 2021, AND MARK F. MOSS,
13 ESQUIRE, AS TRUSTEE UNDER TRUST NO. THREE
14 THOUSAND FOUR HUNDRED THIRTY-FOUR ATLANTIC
15 BOULEVARD, DATED THE 19TH DAY OF FEBRUARY, 2021,
16 FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
17 (2022-310-E) TO PLANNED UNIT DEVELOPMENT (PUD)
18 DISTRICT, TO PERMIT COMMERCIAL USES, AS
19 DESCRIBED IN THE AMENDED 3434 ATLANTIC BLVD PUD;
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE DATE.
24

25 **WHEREAS**, Rene U. Pulido, as Trustee of the Rene Uriel Pulido
26 Revocable Living Trust, dated February 19, 2021, and Mark F. Moss,
27 Esquire, as Trustee under Trust No. Three Thousand Four Hundred
28 Thirty-Four Atlantic Boulevard, dated the 19th day of February, 2021,
29 the owners of approximately 3.33± acres located in Council District
30 5 at 0 Luce Street and 3434 Atlantic Boulevard, between Beach
31 Boulevard and Hart Bridge Expressway (R.E. Nos. 145888-0010 and

1 145888-0040), as more particularly described in **Exhibit 1**, dated
2 February 23, 2022, and graphically depicted in **Exhibit 2**, both of
3 which are attached hereto (the "Subject Property"), have applied for
4 a rezoning and reclassification of the Subject Property from Planned
5 Unit Development (PUD) District (2022-310-E) to Planned Unit
6 Development (PUD) District, as described in Section 1 below; and

7 **WHEREAS**, the Planning Commission has considered the application
8 and has rendered an advisory opinion; and

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

11 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
12 with the *2030 Comprehensive Plan*; (2) furthers the goals, objectives
13 and policies of the *2030 Comprehensive Plan*; and (3) is not in
14 conflict with any portion of the City's land use regulations; and

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

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

24 **Section 1. Property Rezoned.** The Subject Property is
25 hereby rezoned and reclassified from Planned Unit Development (PUD)
26 District (2022-310-E) to Planned Unit Development (PUD) District.
27 This new PUD district shall generally permit commercial uses, and is
28 described, shown and subject to the following documents, attached
29 hereto:

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

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

1 **Exhibit 3** - Written Description dated February 16, 2023.

2 **Exhibit 4** - Site Plan dated October 24, 2022.

3 **Section 2. Owner and Description.** The Subject Property
4 is owned by Rene U. Pulido, as Trustee of the Rene Uriel Pulido
5 Revocable Living Trust, dated February 19, 2021, and Mark F. Moss,
6 Esquire, as Trustee under Trust No. Three Thousand Four Hundred
7 Thirty-Four Atlantic Boulevard, dated the 19th day of February, 2021,
8 and is legally described in **Exhibit 1**, attached hereto. The applicant
9 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
10 Jacksonville, Florida 32207; (904) 396-5731.

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

23 **Section 4. Effective Date.** The enactment of this Ordinance
24 shall be deemed to constitute a quasi-judicial action of the City
25 Council and shall become effective upon signature by the Council
26 President and the Council Secretary.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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