

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-395-W**

5 AN ORDINANCE REZONING APPROXIMATELY 16.72± ACRES
6 LOCATED IN COUNCIL DISTRICT 12 AT 13525 WEST
7 BEAVER STREET, BETWEEN OTIS ROAD AND WINN DIXIE
8 PARKWAY (R.E. NO. 001735-0060 (PORTION)), AS
9 DESCRIBED HEREIN, OWNED BY CARLOS R. MENENDEZ AND
10 SHIRLA R. MENENDEZ, FROM COMMERCIAL
11 COMMUNITY/GENERAL-1 (CCG-1) DISTRICT TO PLANNED
12 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 COMMERCIAL USES, AS DESCRIBED IN BEAVER STREET
15 BUSINESS PARK PUD; PROVIDING A DISCLAIMER THAT
16 THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, Carlos R. Menendez and Shirla R. Menendez, the owners
21 of approximately 16.72± acres located in Council District 12 at 13525
22 West Beaver Street, between Otis Street and Winn Dixie Parkway (R.E.
23 No. 001735-0060 (portion)), as more particularly described in **Exhibit**
24 **1**, dated April 10, 2023, and graphically depicted in **Exhibit 2**, both
25 of which are attached hereto (the "Subject Property"), have applied
26 for a rezoning and reclassification of the Subject Property from
27 Commercial Community/General-1 (CCG-1) District to Planned Unit
28 Development (PUD) District, as described in Section 1 below; and

29 **WHEREAS**, the Planning Commission, acting as the local planning
30 agency, has reviewed the application and made an advisory
31 recommendation to the Council; and

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

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

7 **WHEREAS**, the Council finds the proposed rezoning does not
8 adversely affect the orderly development of the City as embodied in
9 the Zoning Code; will not adversely affect the health and safety of
10 residents in the area; will not be detrimental to the natural
11 environment or to the use or development of the adjacent properties
12 in the general neighborhood; and will accomplish the objectives and
13 meet the standards of Section 656.340 (Planned Unit Development) of
14 the Zoning Code; now, therefore

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

16 **Section 1. Property Rezoned.** The Subject Property is
17 hereby rezoned and reclassified from Commercial Community/General-1
18 (CCG-1) District to Planned Unit Development (PUD) District. This
19 new PUD district shall generally permit commercial uses, and is
20 described, shown and subject to the following documents, attached
21 hereto:

22 **Exhibit 1** - Legal Description dated April 10, 2023.

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

24 **Exhibit 3** - Written Description dated May 16, 2023.

25 **Exhibit 4** - Site Plan dated October 13, 2022.

26 **Section 2. Owner and Description.** The Subject Property is
27 owned by Carlos R. Menendez and Shirla R. Menendez and is legally
28 described in **Exhibit 1**, attached hereto. The applicant is Michael
29 Herzberg, 12483 Aladdin Road, Jacksonville, Florida 32223; (904) 731-
30 8806.

31 **Section 3. Disclaimer.** The rezoning granted herein shall

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

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

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17 Form Approved:

18
19 /s/ Shannon K. Eller

20 Office of General Counsel

21 Legislation Prepared By: Bruce Lewis

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