

1 Introduced and amended by the Land Use and Zoning Committee and  
2 amended on the Floor of Council:

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**ORDINANCE 2023-856-E**

AN ORDINANCE REZONING APPROXIMATELY 1.39± ACRES  
LOCATED IN COUNCIL DISTRICT 8 AT 0 BRADLEY COVE  
ROAD AND 0 LADY LAKE ROAD, BETWEEN LADY LAKE  
ROAD AND DUVAL STATION ROAD (R.E. NOS.  
106606-0000 AND 106606-5037), AS DESCRIBED  
HEREIN, OWNED BY RBSSSS, LLC, FROM PLANNED UNIT  
DEVELOPMENT (PUD) DISTRICT (2008-514-E AND  
2015-49-E) TO PLANNED UNIT DEVELOPMENT (PUD)  
DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
ZONING CODE, TO PERMIT COMMERCIAL USES, AS  
DESCRIBED IN THE NORTHCREEK COMMERCIAL OUTPARCEL  
PUD; PUD SUBJECT TO CONDITIONS; PROVIDING A  
DISCLAIMER THAT THE REZONING GRANTED HEREIN  
SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
DATE.

**WHEREAS**, RBSSSS, LLC, the owner of approximately 1.39± acres,  
located in Council District 8 at 0 Bradley Cove Road and 0 Lady Lake  
Road, between Lady Lake Road and Duval Station Road (R.E. Nos.  
106606-0000 and 106606-5037), as more particularly described in  
**Exhibit 1**, dated August 31, 2023, and graphically depicted in **Exhibit**  
**2**, both of which are attached hereto (the "Subject Property"), has  
applied for a rezoning and reclassification of the Subject Property  
from Planned Unit Development (PUD) District (2008-514-E and  
2015-49-E) to Planned Unit Development (PUD) District, as described

1 in Section 1 below; and

2 **WHEREAS,** the Planning Commission has considered the  
3 application and has rendered an advisory opinion; and

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

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

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

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

20 **Section 1. Property Rezoned.** The Subject Property is  
21 hereby rezoned and reclassified from Planned Unit Development (PUD)  
22 District (2008-514-E and 2015-49-E) to Planned Unit Development (PUD)  
23 District. This new PUD district shall generally permit commercial  
24 uses, and is described, shown and subject to the following documents,  
25 attached hereto:

26 **Exhibit 1** - Legal Description dated August 31, 2023.

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

28 **Exhibit 3** - Written Description dated December 1, 2023.

29 **Exhibit 4** - Site Plan dated November 10, 2023.

30 **Section 2. 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) All sag lenses, drop lenses and convex lenses shall be  
4 prohibited. Illumination levels at all property lines shall not exceed  
5 one-half (.5) foot candles. All lighting lamp sources within the  
6 parking and pedestrian areas shall be metal halide, compact  
7 fluorescent or LED. An exterior lighting design plan, including a  
8 photometrics plan, pole and fixtures schedules shall be submitted at  
9 the time of Verification of Substantial Compliance for review and  
10 approval by the Planning and Development Department.

11 (2) For a Chick-fil-A restaurant, walk-up windows for purposes  
12 of serving pedestrian traffic are prohibited.

13 (3) Trees within the ten-foot westerly landscaped buffer shall  
14 be preserved or planted such that trees are located on seven (7) foot  
15 centers, having a caliper of at least 3.5 inches at the time of  
16 planting.

17 (4) No monument signs shall be placed along the western  
18 property line of the Subject Property adjacent to the North Creek  
19 entrance. For a fast-food restaurant, the monument sign placed along  
20 Duval Station Road shall not exceed eight (8) feet in height and  
21 shall be located at least one hundred (100) feet from the  
22 northeasterly corner of the intersection of Bradley Cove Road and  
23 Duval Station Road.

24 (5) A new traffic light shall be installed and operational at  
25 the intersection of Bradley Cove Road and Duval Station Road prior  
26 to a Chick-fil-A restaurant opening for business on the Subject  
27 Property.

28 **Section 3. Owner and Applicant Description.** The Subject  
29 Property is owned by RBSSSS, LLC, and is legally described in **Exhibit**  
30 **1**, attached hereto. The applicant is Thomas Ingram, Esq., 233 E. Bay  
31 Street, Suite 1113, Jacksonville, Florida 32202; (904) 612-9179.

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

13           **Section 5.           Effective Date.** The enactment of this Ordinance  
14 shall be deemed to constitute a quasi-judicial action of the City  
15 Council and shall become effective upon signature by the Council  
16 President and the Council Secretary.

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18 Form Approved:

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20 \_\_\_\_\_ /s/ Mary E. Staffopoulos

21 Office of General Counsel

22 Legislation Prepared By: Caroline Fulton

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