

1 Introduced and amended by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2019-432-E**

5 AN ORDINANCE REZONING APPROXIMATELY 7.06±
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 0
7 STARRATT ROAD AND 418 STARRATT ROAD, BETWEEN
8 NEW BERLIN ROAD AND STARRATT ROAD (R.E. NOS.
9 106635-0000 AND 106636-0010), AS DESCRIBED
10 HEREIN, OWNED BY 389 ASSOCIATES GENERAL
11 PARTNERSHIP, FROM PLANNED UNIT DEVELOPMENT
12 (PUD) DISTRICT (ORDINANCE 1999-703-E) TO
13 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
15 TO PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
16 PULASKI ROAD RETAIL COMMERCIAL PUD; PUD
17 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
18 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
19 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
20 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, 389 Associates General Partnership, the owner of
23 approximately 7.06± acres, located in Council District 2 at 0
24 Starratt Road and 418 Starratt Road, between New Berlin Road and
25 Starratt Road (R.E. Nos. 106635-0000 and 106636-0010), as more
26 particularly described in **Exhibit 1**, dated May 30, 2019, and
27 graphically depicted in **Exhibit 2**, both of which are **attached**
28 **hereto** and incorporated herein by this reference (Subject
29 Property), has applied for a rezoning and reclassification of that
30 property from Planned Unit Development (PUD) District (Ordinance
31 1999-703-E) to Planned Unit Development (PUD) District, as

1 described 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 *2030 Comprehensive Plan*; (2) furthers the
8 goals, objectives and policies of the *2030 Comprehensive Plan*; and
9 (3) is not in conflict with any portion of the City's land use
10 regulations; 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 (Ordinance 1999-703-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 attached
25 documents:

26 **Exhibit 1** - Legal Description dated May 30, 2019.

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

28 **Exhibit 3** - Written Description dated May 14, 2019.

29 **Exhibit 4** - Site Plan dated May 13, 1999.

30 **Section 2. Rezoning Approved Subject to Conditions.** This
31 rezoning is approved subject to the following conditions. Such

1 conditions shall control over the Written Description and the Site
2 Plan and may only be amended through a rezoning.

3 (1) All signage shall be ground mounted not to exceed twenty
4 (20) feet in height and twenty-four (24) square feet in area, with
5 wall mounted signs at five percent (5%) of the total square footage
6 of the building face.

7 (2) The perimeter of the property shall include a buffer that
8 is an average of fifteen (15) feet wide, minimum ten (10) feet
9 wide, to include existing trees, a two foot high landscaped berm,
10 and additional trees, if required, to account for 1 tree per thirty
11 (30) linear feet, as approved by the Planning and Development
12 Department.

13 (3) All dumpsters shall be located toward the rear of all
14 proposed structures and shall be enclosed by a masonry wall.

15 (4) Any modification of access points existing as of August
16 2019, shall be subject to review and approval by the Planning and
17 Development Department and City Traffic Engineer.

18 **Section 3. Owner and Description.** The Subject Property
19 is owned by 389 Associates General Partnership, and is legally
20 described in **Exhibit 1, attached hereto.** The agent is T.R.
21 Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500,
22 Jacksonville, Florida 32207; (904) 346-5531.

23 **Section 4. Disclaimer.** The rezoning granted herein
24 shall **not** be construed as an exemption from any other applicable
25 local, state, or federal laws, regulations, requirements, permits
26 or approvals. All other applicable local, state or federal permits
27 or approvals shall be obtained before commencement of the
28 development or use and issuance of this rezoning is based upon
29 acknowledgement, representation and confirmation made by the
30 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
31 or designee(s) that the subject business, development and/or use

1 will be operated in strict compliance with all laws. Issuance of
2 this rezoning does **not** approve, promote or condone any practice or
3 act that is prohibited or restricted by any federal, state or local
4 laws.

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

9
10 Form Approved:

11
12 /s/ Shannon K. Eller

13 Office of General Counsel

14 Legislation Prepared By: Connie Patterson

15 GC-#1299877-v1-2019-432-E