

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-499-E**

5 AN ORDINANCE REZONING APPROXIMATELY 7.12±
6 ACRES, LOCATED IN COUNCIL DISTRICT 10 AT 7097
7 RAMPART ROAD, BETWEEN MORSE AVENUE AND GREY
8 FOX LANE (PORTION OF R.E. NO. 015835-0000), AS
9 DESCRIBED HEREIN, OWNED BY W. SMITH
10 ENTERPRISES, LLC, FROM PLANNED UNIT
11 DEVELOPMENT (PUD) DISTRICT (2012-256-E) TO
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
14 TO PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
15 RAMPART ROAD II PUD; PUD SUBJECT TO
16 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
17 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
18 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
19 LAWS; PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, W. Smith Enterprises, LLC, the owner of approximately
22 7.12± acres, located in Council District 10 at 7097 Rampart Road,
23 between Morse Avenue and Grey Fox Lane (portion of R.E. No. 015835-
24 0000), as more particularly described in **Exhibit 1**, dated April 18,
25 2019, and graphically depicted in **Exhibit 2**, both of which are
26 **attached hereto** and incorporated herein by this reference (Subject
27 Property), has applied for a rezoning and reclassification of that
28 property from Planned Unit Development (PUD) (2012-256-E) District
29 to Planned Unit Development (PUD) District, as described in Section
30 1 below; and

31 **WHEREAS**, the Planning Commission has considered the

1 application and has rendered an advisory opinion; and

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

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

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

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

18 **Section 1. Property Rezoned.** The Subject Property is
19 hereby rezoned and reclassified from Planned Unit Development (PUD)
20 District (2012-256-E) to Planned Unit Development (PUD) District.
21 This new PUD district shall generally permit commercial uses, and
22 is described, shown and subject to the following attached
23 documents:

24 **Exhibit 1** - Legal Description dated April 18, 2019.

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

26 **Revised Exhibit 3** - Revised Written Description dated July 16,
27 2019.

28 **Revised Exhibit 4** - Revised Site Plan dated July 16, 2019.

29 **Section 2. Rezoning Approved Subject to Conditions.** This
30 rezoning is approved subject to the following conditions. Such
31 conditions control over the Written Description and the Site Plan

1 and may only be amended through a rezoning.

2 (1) The existing sidewalk on Rampart Road shall be extended
3 northward to the Subject Property line.

4 (2) In accordance with Section 656.153 of the Zoning Code
5 (Ordinance 2005-1355-E), the applicant shall apply for, and obtain,
6 a valid Certificate of Use from the Planning and Development
7 Department.

8 (3) All sag lenses, drop lenses and convex lenses shall be
9 prohibited. Illumination levels at all property lines shall not
10 exceed one-half (0.5) foot candles (f.c.) when the building or
11 parking areas are located adjacent to residential areas, and shall
12 not exceed (1.0) f.c. when abutting other non-residential
13 properties. All lighting lamp sources within parking and pedestrian
14 areas shall be metal halide or compact fluorescent. The maximum
15 light pole height in all parking areas shall not exceed thirty feet
16 (30'- 0"). An exterior lighting design plan for each project,
17 including a photometrics plan, and pole and fixtures schedules,
18 shall be submitted at the time of Verification of Substantial
19 Compliance for review and approval by the Planning and Development
20 Department.

21 (4) There shall be no audio speakers or external P.A. system.

22 (5) The area of the Subject Property that is otherwise
23 encumbered by a twenty foot natural undisturbed buffer per Section
24 III.D.1. of the Revised Written Description dated July 16, 2019,
25 along Rampart Road, shall be screened with a six (6) foot high, 85%
26 opaque vinyl fence.

27 (6) Prior to the first final inspection within any phase of
28 development, the owner or their agent shall submit to the Planning
29 and Development Department for its review and approval either: (a)
30 an affidavit documenting that all conditions to the development
31 order have been satisfied, or (b) a detailed agreement for the

1 completion of all conditions to the development order.

2 **Section 3. Owner and Description.** The Subject Property
3 is owned by W. Smith Enterprises, LLC, and is legally described in
4 **Exhibit 1, attached hereto.** The agent is L. Charles Mann, 165
5 Arlington Road, Jacksonville, Florida 32211; (904) 721-1546.

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

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

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24 Form Approved:

25
26 /s/ Shannon K. Eller

27 Office of General Counsel

28 Legislation Prepared By: Arimus Wells

29 GC-#1304223-v2-2019-499-E