

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

4 **ORDINANCE 2019-799-E**

5 AN ORDINANCE REZONING APPROXIMATELY 4.33±  
6 ACRES, IN COUNCIL DISTRICT 5, GENERALLY  
7 LOCATED IN THE SOUTHEAST QUADRANT OF THE  
8 INTERSECTION OF HENDRICKS AVENUE AND ATLANTIC  
9 BOULEVARD, AND OFF OF ALFORD PLACE, IN SAN  
10 MARCO, AS DESCRIBED HEREIN, OWNED BY EAST SAN  
11 MARCO, LLC, FROM PLANNED UNIT DEVELOPMENT  
12 (PUD) DISTRICT (2014-131-E) TO PLANNED UNIT  
13 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
15 MIXED USE DEVELOPMENT, AS DESCRIBED IN THE  
16 EAST SAN MARCO (PARCELS A, C, D & E) 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**, East San Marco, LLC, the owner of approximately 4.33±  
23 acres, in Council District 5, generally located in the southeast  
24 quadrant of the intersection of Hendricks Avenue and Atlantic  
25 Boulevard, and off of Alford Place, in San Marco, as more  
26 particularly described in **Revised Exhibit 1**, dated November 21,  
27 2019, and graphically depicted in **Exhibit 2**, both of which are  
28 **attached hereto** (Subject Property), has applied for a rezoning and  
29 reclassification of that property from Planned Unit Development  
30 (PUD) District (2014-131-E) to Planned Unit Development (PUD)  
31 District, as described in Section 1 below; and

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

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

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

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

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

19           **Section 1. Property Rezoned.** The Subject Property is  
20 hereby rezoned and reclassified from Planned Unit Development (PUD)  
21 District (2014-131-E) to Planned Unit Development (PUD) District.  
22 This new PUD district shall generally permit mixed use development,  
23 and is described, shown and subject to the following documents,  
24 **attached hereto:**

25 **Revised Exhibit 1** - Revised Legal Description dated November 21,  
26 2019.

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

28 **Revised Exhibit 3** - Revised Written Description dated December 30,  
29 2019.

30 **Revised Exhibit 4** - Revised Site Plan dated October 14, 2019.

31           **Section 2. Rezoning Approved Subject to Conditions.** This

1 rezoning is approved subject to the following conditions. Such  
2 conditions control over the Written Description and the Site Plan  
3 and may only be amended through a rezoning.

4 (1) East San Marco, LLC shall commence construction (or cause  
5 to be commenced construction) of a left turn lane on Atlantic  
6 Boulevard at Mango Place at the time of horizontal construction of  
7 Parcel A, as described in the Revised Legal Description dated  
8 November 21, 2019 (the "Turn Lane"). The configuration of the Turn  
9 Lane will be determined by the City Traffic Engineer during the  
10 Parcel A construction/engineering plan (10-set plan) approval  
11 process. A traffic study was completed for this PUD and no other  
12 traffic study or transportation improvement shall be required for  
13 development of the PUD.

14 (2) East San Marco, LLC shall pay (or caused to be paid)  
15 \$10,000.00 to the City of Jacksonville toward the construction  
16 and/or installation by the City of Jacksonville of a crosswalk  
17 crossing Atlantic Boulevard between Mango Place and Arcadia Place  
18 (the "Crosswalk Contribution"). The Crosswalk Contribution shall be  
19 payable and delivered to the Public Works Department upon approval  
20 by the City of Jacksonville of final construction/engineering plans  
21 (10-set plans) for Parcel A, as described in the Revised Legal  
22 Description dated November 21, 2019. The Crosswalk Contribution  
23 shall be placed by the City of Jacksonville into a City of  
24 Jacksonville revenue account to be determined at the time of  
25 payment by the Public Works Department. The Public Works Department  
26 will use the Crosswalk Contribution in constructing and/or  
27 installing the crosswalk described herein. The City shall refund  
28 the Crosswalk Contribution to East San Marco, LLC in the event the  
29 first building permit for Parcel A is not issued by the City within  
30 five years of the effective date of this Ordinance.

31 **Section 3. Owner and Description.** The Subject Property

1 is owned by East San Marco, LLC, and is legally described in  
2 **Revised Exhibit 1, attached hereto.** The agent is Staci Rewis,  
3 Esq., 225 Water Street, Suite 1750, Jacksonville, Florida 32202;  
4 (904) 354-1980.

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

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

22  
23 Form Approved:

24  
25 /s/ Shannon K. Eller

26 Office of General Counsel

27 Legislation Prepared By: Erin Abney

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