

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-873-E**

5 AN ORDINANCE REZONING APPROXIMATELY 12.23±
6 ACRES LOCATED IN COUNCIL DISTRICT 10 AT 1121
7 SUEMAC ROAD, BETWEEN SUEMAC ROAD AND SANDYMAC
8 ROAD (R.E. NO. 005119-7600), OWNED BY N.G. WADE
9 INVESTMENT COMPANY, AS DESCRIBED HEREIN, FROM
10 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2012-
11 646-E) TO PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
13 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
14 DESCRIBED IN THE 1121 SUEMAC ROAD: N.G. WADE
15 INVESTMENT COMPANY TRACT V PUD, PURSUANT TO
16 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5405-19C; PUD
18 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER
19 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of
25 revising portions of the Future Land Use Map series (FLUMs) in
26 order to ensure the accuracy and internal consistency of the plan,
27 pursuant to application L-5405-19C and companion land use Ordinance
28 2019-872; and

29 **WHEREAS,** in order to ensure consistency of zoning district
30 with the *2030 Comprehensive Plan* and the adopted companion Small-
31 Scale Amendment L-5405-19C, an application to rezone and reclassify

1 from Planned Unit Development (PUD) District (2012-646-E) to
2 Planned Unit Development (PUD) District was filed by Fred Atwill,
3 on behalf of the owner of approximately 12.23± acres of certain
4 real property in Council District 10, as more particularly
5 described in Section 1; and

6 **WHEREAS**, the Planning and Development Department, in order to
7 ensure consistency of this zoning district with the 2030
8 *Comprehensive Plan*, has considered the rezoning and has rendered an
9 advisory opinion; and

10 **WHEREAS**, the Planning Commission has considered the
11 application and has rendered an advisory opinion; and

12 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
13 notice, held a public hearing and made its recommendation to the
14 Council; and

15 **WHEREAS**, the City Council, after due notice, held a public
16 hearing, and taking into consideration the above recommendations as
17 well as all oral and written comments received during the public
18 hearings, the Council finds that such rezoning is consistent with
19 the 2030 *Comprehensive Plan* adopted under the comprehensive
20 planning ordinance for future development of the City of
21 Jacksonville; and

22 **WHEREAS**, the Council finds that the proposed PUD does not
23 affect adversely the orderly development of the City as embodied in
24 the *Zoning Code*; will not affect adversely the health and safety of
25 residents in the area; will not be detrimental to the natural
26 environment or to the use or development of the adjacent properties
27 in the general neighborhood; and the proposed PUD will accomplish
28 the objectives and meet the standards of Section 656.340 (Planned
29 Unit Development) of the *Zoning Code* of the City of Jacksonville;
30 now, therefore

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 12.23± acres (R.E. No. 005119-7600) are located in
3 Council District 10, at 1121 Suemac Road, between Suemac Road and
4 Sandymac Road, as more particularly described in **Exhibit 1**, dated
5 October 24, 2019, and graphically depicted in **Exhibit 2**, both of
6 which are **attached hereto** and incorporated herein by this reference
7 (Subject Property).

8 **Section 2. Owner and Applicant Description.** The Subject
9 Property is owned by N.G. Wade Investment Company. The applicant
10 is Fred Atwill, 9001 Forest Acres Lane, Jacksonville, Florida
11 32234; (904) 610-8975.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Small-Scale Amendment L-5405-19C, is
14 hereby rezoned and reclassified from Planned Unit Development (PUD)
15 District (2012-646-E) to Planned Unit Development (PUD) District.
16 This new PUD district shall generally permit commercial uses, and
17 is described, shown and subject to the following documents,
18 **attached hereto:**

19 **Exhibit 1** - Legal Description dated October 24, 2019.

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

21 **Exhibit 3** - Written Description dated October 24, 2019.

22 **Exhibit 4** - Site Plan dated October 24, 2019.

23 **Section 4. Rezoning Approved Subject to Condition.** This
24 rezoning is approved subject to the following condition. Such
25 condition controls over the Written Description and the Site Plan
26 and may only be amended through a rezoning.

27 (1) If a church is located within the PUD, the distance
28 limitations set forth in Part 8 of the Zoning Code for on-premises
29 consumption of alcohol, including beer, wine and/or liquor shall
30 not apply when measuring the distance from any church located
31 within the PUD to any hotel or restaurant that does not qualify as

1 a nightclub pursuant to Section 656.1601, *Ordinance Code*.

2 **Section 5. Contingency.** This rezoning shall not become
3 effective until 31 days after adoption of the companion Small-Scale
4 Amendment unless challenged by the state land planning agency; and
5 further provided that if the companion Small-Scale Amendment is
6 challenged by the state land planning agency, this rezoning shall
7 not become effective until the state land planning agency or the
8 Administration Commission issues a final order determining the
9 companion Small-Scale Amendment is in compliance with Chapter 163,
10 *Florida Statutes*.

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

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

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

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