

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-97-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.58± OF AN
6 ACRE, LOCATED IN COUNCIL DISTRICT 5 AT 4621
7 EMERSON STREET, BETWEEN THE EMERSON EXPRESSWAY
8 AND EMERSON STREET (R.E. NO. 135936-0010), AS
9 DESCRIBED HEREIN, OWNED BY JOSE MARCEL-NETO
10 D/B/A NEW VIEW GRANITE JAX, LLC, FROM
11 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
12 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
15 DESCRIBED IN THE NEW VIEW GRANITE PUD;
16 PROVIDING A DISCLAIMER THAT THE REZONING
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, Jose Marcel-Neto d/b/a New View Granite Jax, LLC,
22 the owner of approximately 0.58± of an acre, located in Council
23 District 5 at 4621 Emerson Street, between the Emerson Expressway
24 and Emerson Street (R.E. No. 135936-0010), as more particularly
25 described in **Exhibit 1**, dated December 18, 2019, and graphically
26 depicted in **Exhibit 2**, both of which are **attached hereto** (Subject
27 Property), has applied for a rezoning and reclassification of that
28 property from Commercial Community/General-1 (CCG-1) District to
29 Planned Unit Development (PUD) District, as described in Section 1
30 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 Commercial Community/General-1
21 (CCG-1) District to Planned Unit Development (PUD) District. This
22 new PUD district shall generally permit commercial uses, and is
23 described, shown and subject to the following documents, **attached**
24 **hereto:**

25 **Exhibit 1** - Legal Description dated December 18, 2019.

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

27 **Exhibit 3** - Written Description dated July 23, 2019.

28 **Exhibit 4** - Site Plan dated July 22, 2019.

29 **Section 2. Owner and Description.** The Subject Property
30 is owned by Jose Marcel-Neto d/b/a New View Granite Jax, LLC, and
31 is legally described in **Exhibit 1, attached hereto.** The agent is

1 Roberta Gibbs, 10365 South Hood Road, #206, Jacksonville, Florida
2 32257; (904) 425-6711.

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

16 **Section 4. Effective Date.** The enactment of this
17 Ordinance shall be deemed to constitute a quasi-judicial action of
18 the City Council and shall become effective upon signature by the
19 Council President and the Council Secretary.

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21 Form Approved:

22
23 /s/ Shannon K. Eller

24 Office of General Counsel

25 Legislation Prepared By: Erin Abney

26 GC-#1338454-v1-New_View_PUD_Z-2566