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ORDINANCE 2021-232

ORDINANCE REZONING APPROXIMATELY 38.30± ΑN ACRES, LOCATED IN COUNCIL DISTRICT 5 AT 0 EMERSON STREET, 3143 EMERSON STREET, PHILIPS HIGHWAY AND 3605 PHILIPS BETWEEN EMERSON STREET AND BELAIR ROAD SOUTH (R.E. NOS. 126071-0010, 126071-0060, 126071-0100 AND 126071-0120) AS DESCRIBED HEREIN, OWNED BY PSF I JAX METRO, LLC, FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2008-363-E) PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO PERMIT MIXED USE DEVELOPMENT, AS DESCRIBED IN THE SAN MARCO EAST PLAZA PUD; PROVIDING A DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, PSF I Jax Metro, LLC, the owner of approximately 38.30± acres, located in Council District 5 at 0 Emerson Street, 3143 Emerson Street, 3563 Philips Highway and 3605 Philips Highway, between Emerson Street and Belair Road South (R.E. Nos. 126071-0010, 126071-0060, 126071-0100 and 126071-0120), as more particularly described in Exhibit 1, dated November 17, 2020, and graphically depicted in Exhibit 2, both of which are attached hereto (Subject Property), has applied for a rezoning and reclassification of that property from Planned Unit Development (PUD) District (2008-363-E) to Planned Unit

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Development (PUD) District, as described in Section 1 below; and WHEREAS, the Planning Commission has considered the application

and has rendered an advisory opinion; and

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

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

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

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

Section 1. Property Rezoned. The Subject Property is hereby rezoned and reclassified from Planned Unit Development (PUD) District (2008-363-E) to Planned Unit Development (PUD) District. This new PUD district shall generally permit mixed use development, and is described, shown and subject to the following documents, attached hereto:

- Exhibit 1 Legal Description dated November 17, 2020.
- Exhibit 2 Subject Property per P&DD.
- Exhibit 3 Written Description dated March 31, 2021.
- Exhibit 4 Site Plan dated January 16, 2021.
- Section 2. Owner and Description. The Subject Property is owned by PSF I Jax Metro, LLC, and is legally described in Exhibit 1, attached hereto. The applicant is Cyndy Trimmer, Esq., One

Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904) 807-0185.

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

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

Form Approved:

22 /s/ Shannon K. Eller

23 Office of General Counsel

Legislation Prepared By: Bruce Lewis

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