

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2018-442**

5 AN ORDINANCE REZONING APPROXIMATELY 9.94± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 0 GATE PARKWAY,
7 BETWEEN INTERSTATE 295 AND SOUTHSIDE BOULEVARD (A
8 PORTION OF R.E. NO. 167741-0700), AS DESCRIBED
9 HEREIN, OWNED BY THE ARTHUR CHESTER SKINNER, III,
10 TRUST, ET AL, FROM PLANNED UNIT DEVELOPMENT (PUD)
11 DISTRICT (ORDINANCE 2006-1204-E) TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT A GAS
14 FACILITY WITH CONVENIENCE STORE, AND OTHER
15 COMMERCIAL, RETAIL, OR OFFICE USES, AS DESCRIBED
16 IN THE NWC GATE PARKWAY & POINT MEADOWS PUD,
17 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
18 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5299-
19 18C; PROVIDING A DISCLAIMER THAT THE REZONING
20 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
21 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, the City of Jacksonville adopted a Small-Scale land use
25 amendment to the *2030 Comprehensive Plan* for the purpose of revising
26 portions of the Future Land Use Map series (FLUMs) in order to ensure
27 the accuracy and internal consistency of the plan, pursuant to
28 application L-5299-18C and companion land use Ordinance 2018-441; and

29 **WHEREAS**, in order to ensure consistency of zoning district with
30 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5299-18C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (Ordinance 2006-1204-E) to
2 Planned Unit Development (PUD) District was filed by Paul M. Harden,
3 Esq., on behalf of the Arthur Chester Skinner, III, Trust, et al, the
4 owners of approximately 9.94± acres of certain real property in Council
5 District 11, as more particularly described in Section 1 and referenced
6 therein as the "Subject Property"; and

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

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

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

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

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 9.94± acres of land (a portion of R.E. No. 167741-0700)

1 is located in Council District 11 at 0 Gate Parkway, between Interstate
2 295 and Southside Boulevard, as more particularly described in **Exhibit**
3 **1**, dated May 2, 2018, **attached hereto** and incorporated herein by this
4 reference (Subject Property).

5 **Section 2. Owner and Applicant Description.** The subject
6 property is owned by the Arthur Chester Skinner, III, Trust, et al.
7 The applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,
8 Jacksonville, FL 32202; (904) 396-5731.

9 **Section 3. Property Rezoned.** The Subject Property, pursuant
10 to adopted companion Small-Scale Amendment L-5299-18C, is hereby
11 rezoned and reclassified from Planned Unit Development (PUD) District
12 (Ordinance 2006-1204-E) to Planned Unit Development (PUD) District.
13 This new PUD district shall generally permit a gas facility with
14 convenience store, and other commercial, retail, and office uses, and
15 is described, shown and subject to the following attached documents:

16 **Exhibit 1** - Legal Description dated May 2, 2018.

17 **Exhibit 2** - Subject Property per P&D D.

18 **Exhibit 3** - Written Description dated July 13, 2018.

19 **Exhibit 4** - Site Plan dated February 21, 2018.

20 **Section 4. Contingency.** This ordinance shall not become
21 effective until 31 days after adoption of the companion Small-Scale
22 land use amendment unless challenged by the state land planning agency;
23 and further provided that if the companion Small-Scale land use
24 amendment is challenged by the state land planning agency, this
25 rezoning shall not become effective until the state land planning
26 agency or the Administration Commission issues a final order
27 determining the companion Small-Scale land use amendment is in
28 compliance with Chapter 163, *Florida Statutes*.

29 **Section 5. Disclaimer.** The rezoning granted herein shall
30 not be construed as an exemption from any other applicable local,
31 state, or federal laws, regulations, requirements, permits or

1 approvals. All other applicable local, state or federal permits or
2 approvals shall be obtained before commencement of the development or
3 use and issuance of this rezoning is based upon acknowledgement,
4 representation and confirmation made by the applicant(s), owner(s),
5 developer(s) and/or any authorized agent(s) or designee(s) that the
6 subject business, development and/or use will be operated in strict
7 compliance with all laws. Issuance of this rezoning does not approve,
8 promote or condone any practice or act that is prohibited or restricted
9 by any federal, state or local laws.

10 **Section 6. Effective Date.** The adoption of this ordinance
11 shall be deemed to constitute a quasi-judicial action of the City
12 Council and shall become effective upon signature by the Council
13 President and the Council Secretary.

14
15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Bruce Lewis

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