

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

4 **ORDINANCE 2019-717-E**

5 AN ORDINANCE REZONING APPROXIMATELY 450.33±
6 ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0
7 NEWCOMB ROAD, BETWEEN NEW KINGS ROAD AND LEM
8 TURNER ROAD (PORTION OF R.E. NO. 019449-0000),
9 AS DESCRIBED HEREIN, OWNED BY SUNCAP SOUTHEAST
10 INDUSTRIAL JOINT VENTURE, LLC, FROM PLANNED
11 UNIT DEVELOPMENT (PUD) DISTRICT (2013-648-E)
12 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT,
13 AS DEFINED AND CLASSIFIED UNDER THE ZONING
14 CODE, TO PERMIT SINGLE FAMILY RESIDENTIAL
15 USES, AS DESCRIBED IN THE 2019 LT RESIDENTIAL
16 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
17 (FLUMS) LARGE-SCALE AMENDMENT APPLICATION L-
18 5298-18A; PUD SUBJECT TO CONDITIONS; PROVIDING
19 A DISCLAIMER THAT THE REZONING GRANTED HEREIN
20 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
21 ANY OTHER APPLICABLE LAWS; PROVIDING AN
22 EFFECTIVE DATE.
23

24 **WHEREAS,** the City of Jacksonville adopted a Large-Scale
25 Amendment to the *2030 Comprehensive Plan* for the purpose of
26 revising portions of the Future Land Use Map series (FLUMs) in
27 order to ensure the accuracy and internal consistency of the plan,
28 pursuant to application L-5298-18A and companion land use Ordinance
29 2019-716; and

30 **WHEREAS,** in order to ensure consistency of zoning district

1 with the *2030 Comprehensive Plan* and the adopted companion Large-
2 Scale Amendment L-5298-18A, an application to rezone and reclassify
3 from Planned Unit Development (PUD) District (2013-648-E) to
4 Planned Unit Development (PUD) District was filed by Paul Harden,
5 Esq., on behalf of Sunicap Southeast Industrial Joint Venture, LLC,
6 the owner of approximately 450.33± acres of certain real property
7 in Council District 8, as more particularly described in Section 1;
8 and

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

13 **WHEREAS**, the Planning Commission has considered the
14 application and has rendered an advisory opinion; and

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

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

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

1 Unit Development) of the *Zoning Code* of the City of Jacksonville;
2 now, therefore

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

4 **Section 1. Subject Property Location and Description.** The
5 approximately 450.33± acres (portion of R.E. No. 019449-0000) are
6 located in Council District 8 at 0 Newcomb Road, between New Kings
7 Road and Lem Turner Road, as more particularly described in **Exhibit**
8 **1**, dated September 24, 2019, **attached hereto** and incorporated
9 herein by this reference (Subject Property).

10 **Section 2. Owner and Applicant Description.** The subject
11 property is owned by SunCap Southeast Industrial Joint Venture,
12 LLC. The applicant is Paul Harden, Esq., 501 Riverside Avenue,
13 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

14 **Section 3. Property Rezoned.** The Subject Property,
15 pursuant to adopted companion Large-Scale Amendment L-5298-18A, is
16 hereby rezoned and reclassified from Planned Unit Development (PUD)
17 District (2013-648-E) to Planned Unit Development (PUD) District.
18 This new PUD district shall generally permit single family
19 residential uses, and is described, shown and subject to the
20 following documents, **attached hereto**:

21 **Exhibit 1** - Legal Description dated September 24, 2019.

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

23 **Exhibit 3** - Written Description dated September 6, 2019.

24 **Exhibit 4** - Site Plan dated September 6, 2019.

25 **Section 4. Rezoning Approved Subject to Conditions.** This
26 rezoning is approved subject to the following conditions. Such
27 conditions control over the Written Description and the Site Plan
28 and may only be amended through a rezoning.

29 (1) The owner shall record with the Planning and Development
30 Department and the Jacksonville Aviation Authority at the time of
31 verification of substantial compliance, an Airport Notice Zone

1 Acknowledgement Form. The developer shall include, in a prominent
2 place, a reference on the site plan, covenants, deeds and
3 restrictions of the community, and the plat, the following
4 statement "NOTICE: Buildings may be located in an Airport Notice
5 Zone and may be subject to increased noise or hazard levels
6 associated with air traffic operations."

7 (2) If access is allowed through Sunport Industrial Parkway,
8 a traffic study shall be provided to include the impact analysis of
9 Sunport Industrial Parkway at Lem Turner Road. This study shall
10 include the need for a left and right turn lane and a traffic
11 signal warrant analysis. The study shall also determine the roadway
12 cross section needed to ensure an adequate level of service and
13 meet current standards. The improvements needed for Sunport
14 Industrial Parkway and the intersection of Lem Turner Road and
15 Hemlock Street shall be the responsibility of the developer. The
16 traffic study shall include a traffic impact analysis to the
17 interchange ramps of Lem Tuner Road and I-295.

18 (3) If access is allowed through Hemlock Street, a traffic
19 study shall be provided to include the impact analysis of Hemlock
20 Street at Lem Turner Road. This study shall include the need for a
21 left and right turn lane and a traffic signal warrant analysis. The
22 study shall also determine the improvements needed to ensure an
23 adequate level of service on Hemlock Street. Hemlock Street shall
24 be improved as follows: it shall be milled and resurfaced to a
25 pavement width of 24 feet, with road side swales, and a six foot
26 wide sidewalk on one side of the road only. The improvements needed
27 for Hemlock Street and the intersection of Lem Turner Road and
28 Hemlock Street shall be the responsibility of the developer. The
29 traffic study shall include a traffic impact analysis to the
30 interchange ramps of Lem Tuner Road and I-295.

31 (4) If access is allowed through the proposed Dunns Crossing

1 development, a traffic study shall be provided to include the
2 impact analysis of the additional traffic at the intersection of
3 Robert Masters Boulevard and Dunn Avenue. This study shall include
4 the need to lengthen the left and right turn lanes and any other
5 improvements to the traffic signal already warranted from the
6 analysis of Dunns Crossing. The study shall also determine the
7 improvements needed to ensure an adequate level of service on the
8 proposed roads in Dunns Crossing from the border of this
9 subdivision to Dunn Avenue. Any improvements needed for the
10 proposed roads in Dunns Crossing and the intersection of Robert
11 Masters Boulevard and Dunn Avenue caused by the impacts of this
12 subdivision shall be the responsibility of the developer. The
13 traffic study shall also include a traffic impact analysis to the
14 interchange ramps of Dunn Avenue and I-295.

15 (5) The proposed PUD and Angel Lakes PUD shall provide a
16 vehicular connection along their common boundary.

17 (6) Any required traffic study shall be done in conjunction
18 with the 10-set review process, and any development shall comply
19 with such study, or as otherwise approved by the Planning and
20 Development Department.

21 (7) Prior to the first final inspection within any phase of
22 development, the owner or their agent shall submit to the Planning
23 and Development Department for its review and approval either: (a)
24 an affidavit documenting that all conditions to the development
25 order have been satisfied, or (b) a detailed agreement for the
26 completion of all conditions to the development order.

27 **Section 5. Contingency.** This rezoning shall not become
28 effective until 31 days after adoption of the companion Large-Scale
29 Amendment unless challenged by the state land planning agency; and
30 further provided that if the companion Large-Scale Amendment is
31 challenged by the state land planning agency, this rezoning shall

1 not become effective until the state land planning agency or the
2 Administration Commission issues a final order determining the
3 companion Large-Scale Amendment is in compliance with Chapter 163,
4 *Florida Statutes*.

5 **Section 6. 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 7. 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.

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23 Form Approved:

24
25 /s/ Shannon K. Eller

26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

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