

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-487-E**

5 AN ORDINANCE REZONING APPROXIMATELY 19.13± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 14055 PHILIPS
7 HIGHWAY, BETWEEN RACE TRACK ROAD AND STATE ROAD
8 9B (R.E. NO. 168124-0000) OWNED BY MASTERFIT GOLF
9 TEACHING AND FITTING ACADEMY, INC., AS DESCRIBED
10 HEREIN, FROM COMMERCIAL COMMUNITY/GENERAL-1 (CCG-
11 1) DISTRICT TO COMMERCIAL RESIDENTIAL OFFICE
12 (CRO) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
13 THE ZONING CODE, PURSUANT TO FUTURE LAND USE MAP
14 SERIES (FLUMS) LARGE-SCALE AMENDMENT APPLICATION
15 NUMBER L-5323-18A; PROVIDING A DISCLAIMER THAT
16 THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, the City of Jacksonville adopted a Large-Scale land use
21 amendment to the *2030 Comprehensive Plan* for the purpose of revising
22 portions of the Future Land Use Map series (FLUMs) in order to ensure
23 the accuracy and internal consistency of the plan, pursuant to
24 application L-5323-18A and companion land use Ordinance 2019-486; and

25 **WHEREAS**, in order to ensure consistency of zoning district with
26 the *2030 Comprehensive Plan* and the adopted companion Large-Scale land
27 use amendment L-5323-18A, an application to rezone and reclassify from
28 Commercial Community/General-1 (CCG-1) District to Commercial
29 Residential Office (CRO) District was filed by Steve Diebenow, Esq., on
30 behalf of Masterfit Golf Teaching and Fitting Academy, Inc., the owner
31 of approximately 19.13± acres of certain real property in Council

1 District 11, as more particularly described in Section 1; and

2 **WHEREAS**, the Planning and Development Department, in order to
3 ensure consistency of this zoning district with the *2030 Comprehensive*
4 *Plan*, has considered the rezoning and has rendered an advisory opinion;
5 and

6 **WHEREAS**, the Planning Commission has considered the application
7 and has rendered an advisory opinion; and

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

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

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

17 **Section 1. Subject Property Location and Description.** The
18 approximately 19.13± acres (R.E. No. 168124-0000) is located in Council
19 District 11 at 14055 Philips Highway, between Race Track Road and State
20 Road 9B, as more particularly described in **Exhibit 1**, dated June 13,
21 2019, and graphically depicted in **Exhibit 2**, both of which are **attached**
22 **hereto** and incorporated herein by this reference (Subject Property).

23 **Section 2. Owner and Applicant Description.** The Subject
24 Property is owned by Masterfit Golf Teaching and Fitting Academy, Inc.
25 The applicant is Steve Diebenow, Esq., One Independent Drive, Suite
26 1200, Jacksonville, Florida 32202; (904) 301-1269.

27 **Section 3. Property Rezoned.** The Subject Property, pursuant
28 to adopted companion Large-Scale land use amendment application L-5323-
29 18A, is hereby rezoned and reclassified from Commercial
30 Community/General-1 (CCG-1) District to Commercial Residential Office
31 (CRO) District.

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

13 **Section 5. Contingency.** This rezoning shall not become
14 effective until 31 days after adoption of the companion Large-Scale
15 land use amendment unless challenged by the state land planning agency;
16 and further provided that if the companion Large-Scale land use
17 amendment is challenged by the state land planning agency, this
18 rezoning shall not become effective until the state land planning
19 agency or the Administration Commission issues a final order
20 determining the companion Large-Scale land use amendment is in
21 compliance with Chapter 163, *Florida Statutes*.

22 **Section 6. Effective Date.** The enactment of this Ordinance
23 shall be deemed to constitute a quasi-judicial action of the City
24 Council and shall become effective upon signature by the Council
25 President and the Council Secretary.

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27 Form Approved:

28 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Arimus Wells