

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-651-E**

5 AN ORDINANCE REZONING APPROXIMATELY 139.35±
6 ACRES, LOCATED IN COUNCIL DISTRICT 14 AT 0
7 ROOSEVELT BOULEVARD, 4811 COLLINS ROAD AND 4837
8 COLLINS ROAD, BETWEEN ROOSEVELT BOULEVARD AND
9 ORTEGA BLUFF PARKWAY (R.E. NOS. 098422-0000,
10 099140-0000, 099140-0020, 099151-0000 AND
11 105562-0010), AS DESCRIBED HEREIN, OWNED BY
12 EDWARD L. TONEY AND JOAN M. TONEY, AS CO-
13 TRUSTEES OF THE JOAN M. TONEY REVOCABLE TRUST
14 DATED JULY 28, 2017, AND JEMSET LLC, FROM
15 INDUSTRIAL LIGHT (IL) DISTRICT, INDUSTRIAL
16 BUSINESS PARK (IBP) DISTRICT, COMMERCIAL OFFICE
17 (CO) DISTRICT, PUBLIC BUILDINGS AND FACILITIES-
18 1 (PBF-1) DISTRICT, RESIDENTIAL MEDIUM DENSITY-
19 A (RMD-A) DISTRICT AND RESIDENTIAL MEDIUM
20 DENSITY-B (RMD-B) DISTRICT TO PLANNED UNIT
21 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
22 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
23 SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL AND
24 COMMERCIAL USES, AS DESCRIBED IN THE COLLINS
25 ROAD PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
26 (FLUMS) LARGE-SCALE AMENDMENT APPLICATION
27 NUMBER L-5778-22A; PUD SUBJECT TO CONDITION;
28 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
29 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
30 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
31 EFFECTIVE DATE.

1 **WHEREAS**, the City of Jacksonville adopted a Large-Scale
2 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
3 portions of the Future Land Use Map series (FLUMs) in order to ensure
4 the accuracy and internal consistency of the plan, pursuant to
5 companion application L-5778-22A; and

6 **WHEREAS**, in order to ensure consistency of zoning district with
7 the *2045 Comprehensive Plan* and the adopted companion Large-Scale
8 Amendment L-5778-22A, an application to rezone and reclassify from
9 Industrial Light (IL) District, Industrial Business Park (IBP)
10 District, Commercial Office (CO) District, Public Buildings and
11 Facilities-1 (PBF-1) District, Residential Medium Density-A (RMD-A)
12 District and Residential Medium Density-B (RMD-B) District to Planned
13 Unit Development (PUD) District was filed by M. Hayden Phillips, Esq.
14 on behalf of the owners of approximately 139.35± acres of certain
15 real property in Council District 14, as more particularly described
16 in Section 1; and

17 **WHEREAS**, the Planning and Development Department, in order to
18 ensure consistency of this zoning district with the *2045 Comprehensive*
19 *Plan*, has considered the rezoning and has rendered an advisory
20 opinion; and

21 **WHEREAS**, the Planning Commission has considered the application
22 and has rendered an advisory opinion; and

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

25 **WHEREAS**, the City Council, after due notice, held a public
26 hearing, and taking into consideration the above recommendations as
27 well as all oral and written comments received during the public
28 hearings, the Council finds that such rezoning is consistent with the
29 *2045 Comprehensive Plan* adopted under the comprehensive planning
30 ordinance for future development of the City of Jacksonville; and

31 **WHEREAS**, based on the staff report of the Planning and

1 Development and other competent and substantial evidence received at
2 the public hearings, the Council finds that the proposed PUD does not
3 affect adversely the orderly development of the City as embodied in
4 the *Zoning Code*; will not affect adversely the health and safety of
5 residents in the area; will not be detrimental to the natural
6 environment or to the use or development of the adjacent properties
7 in the general neighborhood; and the proposed PUD will accomplish the
8 objectives and meet the standards of Section 656.340 (Planned Unit
9 Development) of the *Zoning Code* of the City of Jacksonville; now,
10 therefore

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

12 **Section 1. Subject Property Location and Description.** The
13 approximately 139.35± acres are located in Council District 14 at 0
14 Roosevelt Boulevard, 4811 Collins Road and 4837 Collins Road, between
15 Roosevelt Boulevard and Ortega Bluff Parkway (R.E. Nos. 098422-0000,
16 099140-0000, 099140-0020, 099151-0000 and 105562-0010), as more
17 particularly described in **Exhibit 1**, dated August 4, 2023, and
18 graphically depicted in **Exhibit 2**, both of which are attached hereto
19 and incorporated herein by this reference (the "Subject Property").

20 **Section 2. Owner and Applicant Description.** The Subject
21 Property is owned by Edward L. Toney and Joan M. Toney, as Co-Trustees
22 of the Joan M. Toney Revocable Trust dated July 28, 2017, and Jemset
23 LLC. The applicant is M. Hayden Phillips, Esq., 1301 Riverplace
24 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 346-5535.

25 **Section 3. Property Rezoned.** The Subject Property,
26 pursuant to adopted companion Large-Scale Amendment Application L-
27 5778-22A, is hereby rezoned and reclassified from Industrial Light
28 (IL) District, Industrial Business Park (IBP) District, Commercial
29 Office (CO) District, Public Buildings and Facilities-1 (PBF-1)
30 District, Residential Medium Density-A (RMD-A) District and
31 Residential Medium Density-B (RMD-B) District to Planned Unit

1 Development (PUD) District. This new PUD district shall generally
2 permit single-family and multi-family residential and commercial uses
3 and is described, shown and subject to the following documents,
4 attached hereto:

5 **Exhibit 1** - Legal Description dated August 4, 2023.

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

7 **Revised Exhibit 3** - Revised Written Description dated October 18,
8 2023.

9 **Exhibit 4** - Site Plan dated August 2, 2023.

10 **Section 4. Rezoning Approved Subject to Condition.** This
11 rezoning is approved subject to the following condition. Such
12 condition controls over the Written Description and the Site Plan and
13 may only be amended through a rezoning:

14 (1) The project site is accessible via Collins Road, a City
15 right-of-way. A traffic study and operational analysis will be
16 required prior to the submittal of the civil plan set. Prior to the
17 commencement of the traffic study, the traffic professional shall
18 conduct a methodology meeting to determine the limits of the study.
19 The methodology meeting shall include the City's Chief of the Traffic
20 Engineering Division, the Chief of the Transportation Division, and
21 the traffic reviewer from Development Services. Also, currently, the
22 project site is not accessible to Roosevelt Boulevard (US 17), a
23 Florida Department of Transportation (FDOT) right-of-way, due to
24 intervening railroad tracks, although an unpaved and un-signalized
25 railroad crossing is used for property maintenance vehicles with the
26 permission of the railroad. The PUD permits such access and use and
27 identifies the access as "Potential Access". In the event and at
28 such time as the railroad permits regular access for passenger
29 vehicles at the crossing and the crossing is proposed for improvement
30 and signalization, permitting of such access shall be through FDOT,
31 and a traffic study and operational analysis will be required prior

1 to the submittal of the civil plan set for any related improvements.
2 The methodology meeting for such a study shall include the FDOT
3 Planner/Coordinator and the above-listed City officials.

4 **Section 5. Contingency.** This rezoning shall not become
5 effective until thirty-one (31) days after adoption of the companion
6 Large-Scale Amendment unless challenged by the state land planning
7 agency; and further provided that if the companion Large-Scale
8 Amendment is challenged by the state land planning agency, this
9 rezoning shall not become effective until the state land planning
10 agency or the Administration Commission issues a final order
11 determining the companion Large-Scale Amendment is in compliance with
12 Chapter 163, *Florida Statutes*.

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

25 **Section 7. Effective Date.** The enactment of this Ordinance
26 shall be deemed to constitute a quasi-judicial action of the City
27 Council and shall become effective upon signature by the Council
28 President and the Council Secretary.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

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