

1 Introduced by the Land Use and Zoning Committee:

2
3 **ORDINANCE 2022-52**

4 AN ORDINANCE REZONING APPROXIMATELY 1,096.57±
5 ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0 LEM
6 TURNER ROAD AND 14158 LEM TURNER ROAD, BETWEEN
7 LEM TURNER ROAD AND BRADDOCK ROAD (R.E. NOS.
8 019270-0050 AND 019273-0000), AS DESCRIBED
9 HEREIN, OWNED BY LEM TURNER ROAD DEVELOPERS,
10 L.L.C., FROM PLANNED UNIT DEVELOPMENT (PUD)
11 DISTRICT (2008-792-E AND 2013-702-E) TO PLANNED
12 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 MIXED USES, AS DESCRIBED IN THE THOMAS CREEK
15 MULTI-USE PUD, PURSUANT TO FUTURE LAND USE MAP
16 SERIES (FLUMS) LARGE-SCALE AMENDMENT
17 APPLICATION NUMBER L-5533-21A AND THE THOMAS
18 CREEK MULTI-USE PARCEL CONCEPTUAL MASTER PLAN
19 APPROVED BY ORDINANCE 2022-51-E; PROVIDING A
20 DISCLAIMER THAT THE REZONING GRANTED HEREIN
21 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
22 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
23 DATE.

24
25 **WHEREAS,** the City of Jacksonville adopted a Large-Scale
26 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to the
29 companion land use application L-5533-21A; and

30 **WHEREAS,** in order to ensure consistency of zoning district with
31 the *2030 Comprehensive Plan* and the adopted companion Large-Scale

1 Amendment L-5533-21A, an application to rezone and reclassify from
2 Planned Unit Development (PUD) District (2008-792-E and 2013-702-E)
3 to Planned Unit Development (PUD) District was filed by Wyman Duggan,
4 Esq., on behalf of Lem Turner Road Developers, L.L.C., owner of
5 approximately 1,096.57± acres of certain real property in Council
6 District 8, as more particularly described in Section 1 below; 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
10 opinion; 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
14 notice, held a public hearing and made its recommendation to the
15 Council; and

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

22 **WHEREAS**, based on the staff report of the Planning and
23 Development Department and other competent and substantial evidence
24 received at the public hearings, the Council finds that the proposed
25 PUD does not affect adversely the orderly development of the City as
26 embodied in the *Zoning Code*; will not affect adversely the health and
27 safety of residents in the area; will not be detrimental to the
28 natural environment or to the use or development of the adjacent
29 properties in the general neighborhood; and the proposed PUD will
30 accomplish the objectives and meet the standards of Section 656.340
31 (Planned Unit Development) of the *Zoning Code* of the City of

1 Jacksonville; now, therefore

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

3 **Section 1. Subject Property Location and Description.** The
4 approximately 1,096.57± acres are located in Council District 8 at 0
5 Lem Turner Road and 14158 Lem Turner Road, between Lem Turner Road
6 and Braddock Road (R.E. Nos. 019270-0050 and 019273-0000), as more
7 particularly described in **Exhibit 1**, dated November 19, 2020, and
8 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
9 and incorporated herein by this reference (the "Subject Property").

10 **Section 2. Owner and Applicant Description.** The Subject
11 Property is owned by Lem Turner Road Developers, L.L.C. The applicant
12 is Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,
13 Jacksonville, Florida 32207; (904) 398-3911.

14 **Section 3. Property Rezoned.** The Subject Property,
15 pursuant to adopted companion Large-Scale Amendment L-5533-21A and
16 the Thomas Creek Multi-Use Parcel Conceptual Master Plan adopted by
17 2022-51-E, is hereby rezoned and reclassified from Planned Unit
18 Development (PUD) District (2008-792-E and 2013-702-E) to Planned
19 Unit Development (PUD) District. This new PUD district shall
20 generally permit mixed uses, and is described, shown and subject to
21 the following documents, **attached hereto**:

22 **Exhibit 1** - Legal Description dated November 19, 2020.

23 **Exhibit 2** - Subject Property Map (prepared by P&DD).

24 **Exhibit 3** - Written Description dated November 24, 2021.

25 **Exhibit 4** - Site Plan dated January 5, 2022.

26 **Section 4. Rezoning Approved Subject to Condition.** This
27 rezoning is approved subject to the following condition. Such
28 condition controls over the Written Description and the Site Plan and
29 may only be amended through a rezoning.

30 (1) Development of the Subject Property shall be consistent with
31 and in compliance with the Conceptual Master Plan approved in

1 Ordinance 2022-51-E.

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

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

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

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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