

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-575-E**

5 AN ORDINANCE REZONING APPROXIMATELY 9.90± ACRES
6 LOCATED IN COUNCIL DISTRICT 8 AT 901 KENNARD
7 STREET, BETWEEN KENNARD STREET AND EDGEWOOD
8 AVENUE WEST, OWNED BY THE SCHOOL BOARD OF DUVAL
9 COUNTY, FLORIDA, A BODY POLITIC AND CORPORATE,
10 AS DESCRIBED HEREIN, FROM PUBLIC BUILDINGS AND
11 FACILITIES-1 (PBF-1) DISTRICT TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
15 THE LAKE FOREST PUD, PURSUANT TO FUTURE LAND USE
16 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5587-21C; PUD SUBJECT TO
18 CONDITION; PROVIDING A DISCLAIMER THAT THE
19 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
25 portions of the Future Land Use Map series (FLUMS) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to the
27 companion land use application L-5587-21C; and

28 **WHEREAS,** in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5587-21C, an application to rezone and reclassify from

1 Public Buildings and Facilities-1 (PBF-1) District to Planned Unit
2 Development (PUD) District was filed by Elizabeth M. Rothenberg,
3 Esq., on behalf of the owner of approximately 9.90± acres of certain
4 real property in Council District 8, as more particularly described
5 in Section 1; and

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

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

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

15 **WHEREAS**, the City Council, after due notice, held a public
16 hearing, and taking into consideration the above recommendations as
17 well as all oral and written comments received during the public
18 hearings, the Council finds that such rezoning is consistent with the
19 *2030 Comprehensive Plan* adopted under the comprehensive planning
20 ordinance for future 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
23 *Zoning Code*; will not affect adversely the health and safety of
24 residents in the area; will not be detrimental to the natural
25 environment or to the use or development of the adjacent properties
26 in the general neighborhood; and the proposed PUD will accomplish the
27 objectives and meet the standards of Section 656.340 (Planned Unit
28 Development) of the *Zoning Code* of the City of Jacksonville; now,
29 therefore

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 9.90± acres are located in Council District 8, at 901
2 Kennard Street, between Kennard Street and Edgewood Avenue West, as
3 more particularly described in **Exhibit 1**, dated June 28, 2021, and
4 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
5 and incorporated herein by this reference (the "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by The School Board of Duval County, Florida, a
8 body politic and corporate. The applicant is Elizabeth M. Rothenberg,
9 Esq., 233 East Bay Street, Suite 1113, Jacksonville, Florida 32202;
10 (904) 479-6425.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5587-21C, is
13 hereby rezoned and reclassified from Public Buildings and Facilities-
14 1 (PBF-1) District to Planned Unit Development (PUD) District. This
15 new PUD district shall generally permit multi-family residential
16 uses, and is described, shown and subject to the following documents,
17 **attached hereto:**

18 **Exhibit 1** - Legal Description dated June 28, 2021.

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

20 **Revised Exhibit 3** - Revised Written Description dated September 28,
21 2021.

22 **Revised Exhibit 4** - Revised Site Plan dated August 30, 2021.

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

27 (1) As part of redevelopment of the property to multifamily
28 use, the redevelopment shall include enclosed space and an outdoor
29 play area suitable for use as an early learning center. Such enclosed
30 space and play area shall be designed to meet requirements of the
31 Department of Children and Families applicable to early learning

1 centers.

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

27 Form Approved:

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29 _____
30 /s/ Mary E. Staffopoulos

31 Office of General Counsel

Legislation Prepared By: Connie Quinto

