

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-634**

5 AN ORDINANCE REZONING APPROXIMATELY 92.24±
6 ACRES IN COUNCIL DISTRICT 7 AT 0 MAIN STREET,
7 BETWEEN PECAN PARK ROAD AND MAX LEGGETT
8 PARKWAY (R.E. NO. 108137-0000) OWNED BY THE
9 FRANCINE TRAGER KEMPNER REVOCABLE LIVING TRUST
10 DATED JUNE 18, 1997, THE MICHAEL STEPHEN
11 SETZER REVOCABLE TRUST DATED SEPTEMBER 19,
12 2014, THE BENJAMIN ADAM SETZER AMENDED AND
13 RESTATED REVOCABLE LIVING TRUST DATED JUNE 15,
14 2007, AND PECAN PARK/MAIN STREET LLC, AS
15 DESCRIBED HEREIN, FROM INDUSTRIAL LIGHT (IL)
16 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
17 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
18 ZONING CODE, TO PERMIT SINGLE FAMILY AND
19 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
20 THE PECAN PARK PUD, PURSUANT TO FUTURE LAND
21 USE MAP SERIES (FLUMS) LARGE-SCALE AMENDMENT
22 APPLICATION L-5520-21A; PROVIDING A DISCLAIMER
23 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
24 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
25 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

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

1 5520-21A; and

2 **WHEREAS**, in order to ensure consistency of zoning district
3 with the *2030 Comprehensive Plan* and the adopted companion Large-
4 Scale Amendment L-5520-21A, an application to rezone and reclassify
5 from Industrial Light (IL) District to Planned Unit Development
6 (PUD) District was filed by Paul M. Harden, Esq., on behalf of the
7 Francine Trager Kempner Revocable Living Trust dated June 18, 1997,
8 the Michael Stephen Setzer Revocable Trust dated September 19,
9 2014, the Benjamin Adam Setzer Amended and Restated Revocable
10 Living Trust dated June 15, 2007, and Pecan Park/Main Street LLC,
11 the owners of approximately 92.24± acres of certain real property
12 in Council District 7, as more particularly described in Section 1;
13 and

14 **WHEREAS**, the Planning and Development Department, in order to
15 ensure consistency of this zoning district with the *2030*
16 *Comprehensive Plan*, has considered the rezoning and has rendered an
17 advisory opinion; and

18 **WHEREAS**, the Planning Commission has considered the
19 application and has rendered an advisory opinion; and

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

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

30 **WHEREAS**, the Council finds that the proposed PUD does not
31 affect adversely the orderly development of the City as embodied in

1 the *Zoning Code*; will not affect adversely the health and safety of
2 residents in the area; will not be detrimental to the natural
3 environment or to the use or development of the adjacent properties
4 in the general neighborhood; and the proposed PUD will accomplish
5 the objectives and meet the standards of Section 656.340 (Planned
6 Unit Development) of the *Zoning Code* of the City of Jacksonville;
7 now, therefore

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

9 **Section 1. Subject Property Location and Description.** The
10 approximately 92.24± acres (R.E. No. 108137-0000) are in Council
11 District 7 at 0 Main Street, between Pecan Park Road and Max
12 Leggett Parkway, as more particularly described in **Exhibit 1**, dated
13 January 20, 2021, **attached hereto** and incorporated herein by this
14 reference (the "Subject Property").

15 **Section 2. Owner and Applicant Description.** The subject
16 property is owned by the Francine Trager Kempner Revocable Living
17 Trust dated June 8, 1997, the Michael Stephen Setzer Revocable
18 Trust dated September 19, 2014, the Benjamin Adam Setzer Amended
19 and Restated Revocable Living Trust dated June 15, 2007, and Pecan
20 Park/Main Street LLC. The applicant is Paul M. Harden, Esq., 1431
21 Riverplace Boulevard, Suite 901, Jacksonville, Florida 32207; (904)
22 396-5731.

23 **Section 3. Property Rezoned.** The Subject Property,
24 pursuant to adopted companion Large-Scale Amendment L-5520-21A, is
25 hereby rezoned and reclassified from Industrial Light (IL) District
26 to Planned Unit Development (PUD) District. This new PUD district
27 shall generally permit single family and multi-family residential
28 uses, and is described, shown and subject to the following
29 documents, **attached hereto**:

30 **Exhibit 1** - Legal Description dated January 20, 2021.

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

1 **Exhibit 3** - Written Description dated September 1, 2021.

2 **Exhibit 4** - Site Plan dated May 26, 2021.

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

12 **Section 5. Disclaimer.** The rezoning granted herein shall
13 not be construed as an exemption from any other applicable local,
14 state, or federal laws, regulations, requirements, permits or
15 approvals. All other applicable local, state or federal permits or
16 approvals shall be obtained before commencement of the development
17 or use and issuance of this rezoning is based upon acknowledgement,
18 representation and confirmation made by the applicant(s), owner(s),
19 developer(s) and/or any authorized agent(s) or designee(s) that the
20 subject business, development and/or use will be operated in strict
21 compliance with all laws. Issuance of this rezoning does not
22 approve, promote or condone any practice or act that is prohibited
23 or restricted by any federal, state or local laws.

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

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

6 GC-#1450597-v3-2021-634_(Z-3608_PUD).docx