

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-689-E**

5 AN ORDINANCE REZONING APPROXIMATELY 11.36± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 HARTS ROAD,
7 BETWEEN BISCAYNE BOULEVARD AND THE I-295
8 EXPRESSWAY (R.E. NOS. 044140-0300 AND 044147-
9 0000), OWNED BY CLDG LAND V, LLC, AS DESCRIBED
10 HEREIN, FROM COMMERCIAL COMMUNITY/GENERAL-1
11 (CCG-1) DISTRICT AND PLANNED UNIT DEVELOPMENT
12 (PUD) DISTRICT (1989-0751-E) TO PLANNED UNIT
13 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
15 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
16 THE HARTS ROAD PUD, PURSUANT TO FUTURE LAND USE
17 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
18 APPLICATION NUMBER L-5599-21C; PUD SUBJECT TO
19 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
25 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
26 portions of the Future Land Use Map series (FLUMs) in order to ensure
27 the accuracy and internal consistency of the plan, pursuant to the
28 companion land use application L-5599-21C; and

29 **WHEREAS**, in order to ensure consistency of zoning district with
30 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5599-21C, an application to rezone and reclassify from

1 Commercial Community/General-1 (CCG-1) District and Planned Unit
2 Development (PUD) District to Planned Unit Development (PUD) District
3 was filed by Paul Harden, Esq., on behalf of the owner of
4 approximately 11.36± acres of certain real property in Council
5 District 7, as more particularly described 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 11.36± acres are located in Council District 7, at 0
2 Harts Road, between Biscayne Boulevard and the I-295 Expressway (R.E.
3 Nos. 044140-0300 and 044147-0000), as more particularly described in
4 **Exhibit 1**, dated July 16, 2021, and graphically depicted in **Exhibit**
5 **2**, both of which are **attached hereto** and incorporated herein by this
6 reference (the "Subject Property").

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by CLDG Land V, LLC. The applicant is Paul Harden,
9 Esq., 1431 Riverplace Blvd, Suite 901, Jacksonville, Florida 32218;
10 (904) 396-5731.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5599-21C, is
13 hereby rezoned and reclassified from Commercial Community/General-1
14 (CCG-1) District and Planned Unit Development (PUD) District (1989-
15 0751-E) to Planned Unit Development (PUD) District. This new PUD
16 district shall generally permit multi-family residential uses, and
17 is described, shown and subject to the following documents, **attached**
18 **hereto:**

19 **Exhibit 1** - Legal Description dated July 16, 2021.

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

21 **Exhibit 3** - Written Description dated September 7, 2021.

22 **Revised Exhibit 4** - Revised Site Plan dated March 1, 2022.

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

27 (1) The developer shall provide a northbound left turn lane on
28 Harts Road. Dimensions and striping shall be reviewed in the Civil
29 Site Plan.

30 (2) Unless directed otherwise by the City's Traffic Engineer,
31 the developer shall remove the existing southbound left-turn lane on

1 Harts Road.

2 (3) The entrance for the site east of Harts Road shall be right
3 in/right out.

4 (4) If the internal roads are to be public, the standard cross
5 section shall match the City of Jacksonville Standard Residential
6 Local Subdivision Street Details (P-127) dated February 21, 2020, or
7 later.

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

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

29 **Section 7. Effective Date.** The enactment of this Ordinance
30 shall be deemed to constitute a quasi-judicial action of the City
31 Council and shall become effective upon signature by the Council

1 President and the Council Secretary.

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3 Form Approved:

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5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Connie Quinto

8 GC-#1487072-v1-2021-689-E