

1 Introduced and amended by the Land Use and Zoning Committee:

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3
4 **ORDINANCE 2023-826-E**

5 AN ORDINANCE REZONING APPROXIMATELY 13.56± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 10880 ANGEL
7 FISH WAY, BETWEEN GATE PARKWAY AND BURNT MILL
8 ROAD (R.E. NO. 167742-0480), AS DESCRIBED HEREIN,
9 OWNED BY DFI ARELIA, LLC, FROM PLANNED UNIT
10 DEVELOPMENT (PUD) DISTRICT (2007-28-E) TO
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
13 PERMIT ADDITIONAL MULTI-FAMILY RESIDENTIAL USES,
14 AS DESCRIBED IN THE ARELIA JAMES ISLAND PUD; PUD
15 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
16 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

19
20 **WHEREAS,** DFI Arelia, LLC, the owner of approximately 13.56±
21 acres located in Council District 11 at 10880 Angel Fish Way, between
22 Gate Parkway and Burnt Mill Road (R.E. No. 167742-0480), as more
23 particularly described in **Exhibit 1**, dated August 18, 2023, and
24 graphically depicted in **Exhibit 2**, both of which are attached hereto
25 (the "Subject Property"), has applied for a rezoning and
26 reclassification of the Subject Property from Planned Unit
27 Development (PUD) District (2007-28-E) to Planned Unit Development
28 (PUD) District, as described in Section 1 below; and

29 **WHEREAS,** the Planning Commission, acting as the local planning
30 agency, has reviewed the application and made an advisory
31 recommendation to the Council; and

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

3 **WHEREAS**, the Council finds that such rezoning is: (1)
4 consistent with the *2045 Comprehensive Plan*; (2) furthers the goals,
5 objectives and policies of the *2045 Comprehensive Plan*; and (3) is
6 not in conflict with any portion of the City's land use regulations;
7 and

8 **WHEREAS**, the Council finds the proposed rezoning does not
9 adversely affect the orderly development of the City as embodied in
10 the Zoning Code; will not adversely affect the health and safety of
11 residents in the area; will not be detrimental to the natural
12 environment or to the use or development of the adjacent properties
13 in the general neighborhood; and will accomplish the objectives and
14 meet the standards of Section 656.340 (Planned Unit Development) of
15 the Zoning Code; now therefore

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

17 **Section 1. Property Rezoned.** The Subject Property is
18 hereby rezoned and reclassified from Planned Unit Development (PUD)
19 District (2007-28-E) to Planned Unit Development (PUD) District. This
20 new PUD district shall generally permit multi-family residential uses
21 and provides for conversion of garage structures to create 30
22 additional carriage (apartment) units and 75 garage parking spaces,
23 and is described, shown and subject to the following documents,
24 attached hereto:

25 **Exhibit 1** - Legal Description dated August 18, 2023.

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

27 **Exhibit 3** - Written Description dated June 5, 2023.

28 **Exhibit 4** - Site Plan dated September 29, 2023.

29 **Section 2. Rezoning Approved Subject to Conditions.** This
30 rezoning is approved subject to the following conditions. Such
31 conditions control over the Written Description and the Site Plan and

1 may only be amended through a rezoning:

2 (1) The landscape/tree buffer between the project and Oxford
3 Chase shall meet the standards provided in Section 656.1216 of the
4 Zoning Code; provided, however, that the landscape/tree buffer shall
5 be at least twenty (20) feet in width and shall include a visual
6 screen such that one tree, a minimum of four (4) inches diameter at
7 breast height (DBH), is planted every twenty-five (25) feet along the
8 perimeter of the site abutting Oxford Chase.

9 (2) The maximum height of any building on the site shall be
10 thirty-five (35) feet measured from the bottom of the eaves from the
11 finished floor of the building.

12 **Section 3. Owner and Description.** The Subject Property is
13 owned by DFI Arelia, LLC and is legally described in **Exhibit 1**,
14 attached hereto. The applicant is Steve Diebenow, Esq., One
15 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
16 301-1269.

17 **Section 4. Disclaimer.** The rezoning granted herein shall
18 **not** be construed as an exemption from any other applicable local,
19 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), owners(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 5. 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 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: Connor Corrigan

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