

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-721-E**

5 AN ORDINANCE REZONING APPROXIMATELY 10.10±  
6 ACRES LOCATED IN COUNCIL DISTRICT 2 AT 0  
7 MERRILL ROAD, BETWEEN WOMPI DRIVE AND FT.  
8 CAROLINE ROAD (PORTION OF R.E. NO. 112982-  
9 0025), AS DESCRIBED HEREIN, OWNED BY BUCK  
10 BUSINESS PARK, LLC, FROM COMMERCIAL  
11 COMMUNITY/GENERAL-1 (CCG-1) AND RESIDENTIAL  
12 MEDIUM DENSITY-D (RMD-D) DISTRICTS TO PLANNED  
13 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED  
14 AND CLASSIFIED UNDER THE ZONING CODE, TO  
15 PERMIT MULTI-FAMILY RESIDENTIAL USES, AS  
16 DESCRIBED IN THE MERRILL ROAD PUD, PURSUANT TO  
17 FUTURE LAND USE MAP SERIES (FLUMS) LARGE-SCALE  
18 AMENDMENT APPLICATION L-5357-19A; PUD SUBJECT  
19 TO CONDITIONS; PROVIDING A DISCLAIMER THAT THE  
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE  
22 LAWS; PROVIDING AN EFFECTIVE DATE.  
23

24 **WHEREAS,** the City of Jacksonville adopted a Large-Scale  
25 Amendment to the *2030 Comprehensive Plan* for the purpose of  
26 revising portions of the Future Land Use Map series (FLUMs) in  
27 order to ensure the accuracy and internal consistency of the plan,  
28 pursuant to application L-5357-19A and companion land use Ordinance  
29 2019-720; and

30 **WHEREAS,** in order to ensure consistency of zoning district

1 with the *2030 Comprehensive Plan* and the adopted companion Large-  
2 Scale Amendment L-5357-19A, an application to rezone and reclassify  
3 from Commercial Community/General-1 (CCG-1) and Residential Medium  
4 Density-D (RMD-D) Districts to Planned Unit Development (PUD)  
5 District was filed by Curtis Hart, on behalf of Buck Business Park,  
6 LLC, the owner of approximately 10.10± acres of certain real  
7 property in Council District 2, as more particularly described in  
8 Section 1; and

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

13       **WHEREAS**, the Planning Commission has considered the  
14 application and has rendered an advisory opinion; and

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

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

25       **WHEREAS**, the Council finds that the proposed PUD does not  
26 affect adversely the orderly development of the City as embodied in  
27 the *Zoning Code*; will not affect adversely the health and safety of  
28 residents in the area; will not be detrimental to the natural  
29 environment or to the use or development of the adjacent properties  
30 in the general neighborhood; and the proposed PUD will accomplish  
31 the objectives and meet the standards of Section 656.340 (Planned

1 Unit Development) of the *Zoning Code* of the City of Jacksonville;  
2 now, therefore

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

4 **Section 1. Subject Property Location and Description.** The  
5 approximately 10.10± acres (portion of R.E. No. 112982-0025) are  
6 located in Council District 2 at 0 Merrill Road, between Wompi  
7 Drive and Ft. Caroline Road, as more particularly described in  
8 **Exhibit 1**, dated August 13, 2019, **attached hereto** and incorporated  
9 herein by this reference (Subject Property).

10 **Section 2. Owner and Applicant Description.** The subject  
11 property is owned by Buck Business Park, LLC. The applicant is  
12 Curtis L. Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904)  
13 993-5008.

14 **Section 3. Property Rezoned.** The Subject Property,  
15 pursuant to adopted companion Large-Scale Amendment L-5357-19A, is  
16 hereby rezoned and reclassified from Commercial Community/General-1  
17 (CCG-1) and Residential Medium Density-D (RMD-D) Districts to  
18 Planned Unit Development (PUD) District. This new PUD district  
19 shall generally permit multi-family residential uses, and is  
20 described, shown and subject to the following documents, **attached**  
21 **hereto:**

22 **Exhibit 1** - Legal Description dated August 13, 2019.

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

24 **Exhibit 3** - Written Description dated August 27, 2019.

25 **Exhibit 4** - Site Plan dated August 27, 2019.

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

30 (1) The project shall be developed in accordance with the  
31 following comments from the Traffic Engineering Division:

1 (a) Business Drive is a private road. All the proposed  
2 roads accessing shall be private also.

3 (b) Provide street name signs meeting City standards at  
4 the intersections of Business Drive with Wompi Drive, Business  
5 Place, and Fort Caroline Road.

6 (c) All stabilized drives shown on the plans shall be  
7 paved.

8 (2) In the recorded covenants, conditions and restrictions  
9 for the subdivision, the developer shall include a restriction  
10 limiting rental units for the original sales from the developer to  
11 10 percent of the total number of units.

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

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

1 act that is prohibited or restricted by any federal, state or local  
2 laws.

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

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8 Form Approved:

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10                     /s/ Shannon K. Eller          

11 Office of General Counsel

12 Legislation Prepared By: Erin Abney

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