

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-777-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.82± ACRES
6 LOCATED IN COUNCIL DISTRICT 10 AT 0 RICKER ROAD,
7 BETWEEN OLD MIDDLEBURG ROAD NORTH AND WENDELL
8 DRIVE (R.E. NO. 012507-0020), OWNED BY BCEL 8B,
9 LLC, AS DESCRIBED HEREIN, FROM COMMERCIAL
10 COMMUNITY/GENERAL-1 (CCG-1) DISTRICT TO PLANNED
11 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
12 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
13 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
14 THE RICKER ROAD PUD, PURSUANT TO FUTURE LAND USE
15 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
16 APPLICATION NUMBER L-5603-21C; PROVIDING A
17 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
18 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
19 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMS) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to the
25 companion land use application L-5603-21C; and

26 **WHEREAS**, in order to ensure consistency of zoning district with
27 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5603-21C, an application to rezone and reclassify from
29 Commercial Community/General-1 (CCG-1) District to Planned Unit
30 Development (PUD) District was filed by Curtis L. Hart, on behalf of
31 the owner of approximately 2.82± acres of certain real property in

1 Council District 10, as more particularly described in Section 1; and

2 **WHEREAS**, the Planning and Development Department, in order to
3 ensure consistency of this zoning district with the *2030 Comprehensive*
4 *Plan*, has considered the rezoning and has rendered an advisory
5 opinion; and

6 **WHEREAS**, the Planning Commission has considered the application
7 and has rendered an advisory opinion; and

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

11 **WHEREAS**, the City Council, after due notice, held a public
12 hearing, and taking into consideration the above recommendations as
13 well as all oral and written comments received during the public
14 hearings, the Council finds that such rezoning is consistent with the
15 *2030 Comprehensive Plan* adopted under the comprehensive planning
16 ordinance for future development of the City of Jacksonville; and

17 **WHEREAS**, the Council finds that the proposed PUD does not affect
18 adversely the orderly development of the City as embodied in the
19 *Zoning Code*; will not affect adversely the health and safety of
20 residents in the area; will not be detrimental to the natural
21 environment or to the use or development of the adjacent properties
22 in the general neighborhood; and the proposed PUD will accomplish the
23 objectives and meet the standards of Section 656.340 (Planned Unit
24 Development) of the *Zoning Code* of the City of Jacksonville; now,
25 therefore

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

27 **Section 1. Subject Property Location and Description.** The
28 approximately 2.82± acres are located in Council District 10, at 0
29 Ricker Road, between Old Middleburg Road North and Wendell Drive
30 (R.E. No. 012507-0020), as more particularly described in **Exhibit 1**,
31 dated August 11, 2021, and graphically depicted in **Exhibit 2**, both

1 of which are **attached hereto** and incorporated herein by this reference
2 (the "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject
4 Property is owned by BCEL 8B, LLC. The applicant is Curtis L. Hart,
5 8051 Tara Lane, Jacksonville, Florida 32216; (904) 993-5008.

6 **Section 3. Property Rezoned.** The Subject Property,
7 pursuant to adopted companion Small-Scale Amendment L-5603-21C, is
8 hereby rezoned and reclassified from Commercial Community/General-1
9 (CCG-1) District to Planned Unit Development (PUD) District. This new
10 PUD district shall generally permit multi-family residential uses,
11 and is described, shown and subject to the following documents,
12 **attached hereto:**

13 **Exhibit 1** - Legal Description dated August 11, 2021.

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

15 **Exhibit 3** - Written Description dated September 30, 2021.

16 **Exhibit 4** - Site Plan dated August 3, 2021.

17 **Section 4. Contingency.** This rezoning shall not become
18 effective until 31 days after adoption of the companion Small-Scale
19 Amendment unless challenged by the state land planning agency; and
20 further provided that if the companion Small-Scale Amendment is
21 challenged by the state land planning agency, this rezoning shall not
22 become effective until the state land planning agency or the
23 Administration Commission issues a final order determining the
24 companion Small-Scale Amendment is in compliance with Chapter 163,
25 *Florida Statutes*.

26 **Section 5. Disclaimer.** The rezoning granted herein
27 shall not be construed as an exemption from any other applicable
28 local, state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development
31 or use and issuance of this rezoning is based upon acknowledgement,

1 representation and confirmation made by the applicant(s), owner(s),
2 developer(s) and/or any authorized agent(s) or designee(s) that the
3 subject business, development and/or use will be operated in strict
4 compliance with all laws. Issuance of this rezoning does not approve,
5 promote or condone any practice or act that is prohibited or
6 restricted by any federal, state or local laws.

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

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12 Form Approved:

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14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation Prepared By: Erin Abney

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