

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-713-E**

5 AN ORDINANCE REZONING APPROXIMATELY 12.16±
6 ACRES, LOCATED IN COUNCIL DISTRICT 1 AT 8300
7 MERRILL ROAD, BETWEEN MERRILL ROAD AND
8 INTERSTATE-295 EXPRESSWAY EAST (R.E. NO. 120735-
9 0040), AS DESCRIBED HEREIN, OWNED BY LAKEVIEW
10 CHRISTIAN FELLOWSHIP, INC., FORMERLY KNOWN AS
11 MERRILL ROAD BAPTIST CHURCH AND CHRISTIAN
12 MINISTRY CENTER, INC., FROM PUBLIC BUILDINGS AND
13 FACILITIES-2 (PBF-2) DISTRICT AND RESIDENTIAL
14 MEDIUM DENSITY-A (RMD-A) DISTRICT TO PLANNED
15 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
17 RESIDENTIAL AND ASSOCIATED RECREATIONAL USES, AS
18 DESCRIBED IN THE MADISON PALMS AFFORDABLE
19 HOUSING PUD; PUD SUBJECT TO CONDITIONS;
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE DATE.
24

25 **WHEREAS**, Lakeview Christian Fellowship, Inc., formerly known as
26 Merrill Road Baptist Church and Christian Ministry Center, Inc., the
27 owner of approximately 12.16± acres located in Council District 1 at
28 8300 Merrill Road, between Merrill Road and Interstate-295 Expressway
29 East (R.E. No. 120735-0040), as more particularly described in **Exhibit**
30 **1**, dated September 19, 2022, and graphically depicted in **Exhibit 2**,
31 both of which are attached hereto (the "Subject Property"), has

1 applied for a rezoning and reclassification of that property from
2 Public Buildings and Facilities-2 (PBF-2) District and Residential
3 Medium Density-A (RMD-A) District to Planned Unit Development (PUD)
4 District, as described in Section 1 below; and

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

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

9 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
10 with the *2030 Comprehensive Plan*; (2) furthers the goals, objectives
11 and policies of the *2030 Comprehensive Plan*; and (3) is not in
12 conflict with any portion of the City's land use regulations; and

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

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

22 **Section 1. Property Rezoned.** The Subject Property is
23 hereby rezoned and reclassified from Public Buildings and Facilities-
24 2 (PBF-2) District and Residential Medium Density-A (RMD-A) District
25 to Planned Unit Development (PUD) District. This new PUD district
26 shall generally permit residential and associated recreational uses,
27 and is described, shown and subject to the following documents,
28 attached hereto:

29 **Exhibit 1** - Legal Description dated September 19, 2022.

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

31 **Revised Exhibit 3** - Revised Written Description dated November 10,

1 2022.

2 **Revised Exhibit 4** - Revised Site Plan dated November 10, 2022.

3 **Section 2. Rezoning Approved Subject to Conditions.** This
4 rezoning is approved subject to the following conditions. Such
5 conditions control over the Written Description and the Site Plan and
6 may only be amended through a rezoning:

7 (1) A traffic study shall be provided at Civil Site Plan Review
8 unless the Chief of the Traffic Engineering Division determines one
9 will not be required. Prior to the commencement of the traffic study,
10 if required, the traffic professional shall conduct a methodology
11 meeting to determine the limits of the study. The methodology meeting
12 shall include the Chief of the Traffic Engineering Division, the
13 Chief of the Transportation Division and the traffic reviewer from
14 Development Services.

15 (2) The location of the access to Merrill Road shall not be
16 relocated from the current site access to Lakeview Fellowship Church,
17 unless otherwise approved by the Planning and Development
18 Department. The access to the RaceTrac shall also remain unchanged
19 and there shall be no other access points to Merrill Road from the
20 site unless otherwise approved by the Planning and Development
21 Department.

22 (3) Provisions for access to Merrill Road to the properties to
23 the south shall be provided, including transportation and utility
24 access.

25 (4) Borrow pits and commercial neighborhood retail sales and
26 services or professional office structurally integrated with a multi-
27 family use are prohibited.

28 (5) The Subject Property shall be developed in accordance with
29 Future Land Use Element Policy 3.1.28 of the *2030 Comprehensive Plan*.

30 **Section 3. Owner and Description.** The Subject Property
31 is owned by Lakeview Christian Fellowship, Inc., formerly known as

1 Merrill Road Baptist Church and Christian Ministry Center, Inc., and
2 is legally described in **Exhibit 1**, attached hereto. The applicant
3 is Steve Diebenow, Esq., One Independent Drive, Suite 1200,
4 Jacksonville, Florida 32202; (904) 301-1269.

5 **Section 4. Disclaimer.** The rezoning granted herein
6 shall not be construed as an exemption from any other applicable
7 local, state, or federal laws, regulations, requirements, permits or
8 approvals. All other applicable local, state or federal permits or
9 approvals shall be obtained before commencement of the development
10 or use and issuance of this rezoning is based upon acknowledgement,
11 representation and confirmation made by the applicant(s), owner(s),
12 developer(s) and/or any authorized agent(s) or designee(s) that the
13 subject business, development and/or use will be operated in strict
14 compliance with all laws. Issuance of this rezoning does not approve,
15 promote or condone any practice or act that is prohibited or
16 restricted by any federal, state or local laws.

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

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22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Erin Abney

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