

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-432**

5 AN ORDINANCE REZONING APPROXIMATELY 16.43±
6 ACRES, LOCATED IN COUNCIL DISTRICT 7 AT 0 DUVAL
7 ROAD AND 12963 DUVAL ROAD, BETWEEN INTERSTATE-
8 295 AND DUVAL ROAD (R.E. NOS. 019544-0300 AND
9 019544-0010), OWNED BY FKP. LTD. AND HELEN J.
10 GAY, AS TRUSTEE OF THE HELEN J. GAY REVOCABLE
11 LIVING TRUST DATED MAY 2, 2008, AS DESCRIBED
12 HEREIN, FROM INDUSTRIAL LIGHT (IL) DISTRICT TO
13 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
15 PERMIT MULTI-FAMILY RESIDENTIAL AND COMMERCIAL
16 USES, AS DESCRIBED IN THE DUVAL POWELL PUD,
17 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
18 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
19 5685-22C; 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 ordinance for application L-5685-22C; 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-5685-22C, an application to rezone and reclassify from

1 Industrial Light (IL) District to Planned Unit Development (PUD)
2 District was filed by Paul Harden, Esq., on behalf of the owners of
3 approximately 16.43± acres of certain real property in Council
4 District 7, as more particularly described in Section 1; and

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

9 **WHEREAS**, the Planning Commission has considered the application
10 and has rendered an advisory opinion; and

11 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
12 notice and public hearing, has made its recommendation to the Council;
13 and

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

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 16.43± acres are located in Council District 7 at 0

1 Duval Road and 12963 Duval Road, between Interstate-295 and Duval
2 Road (R.E. Nos. 019544-0300 and 019544-0010), as more particularly
3 described in **Exhibit 1**, dated March 1, 2021, and graphically depicted
4 in **Exhibit 2**, both of which are attached hereto and incorporated
5 herein by this reference (the "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by FKP. LTD. and Helen J. Gay, as Trustee of the
8 Helen J. Gay Revocable Living Trust dated May 2, 2008. The applicant
9 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
10 Jacksonville, Florida 32207; (904) 396-5731.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5685-22C, is
13 hereby rezoned and reclassified from Industrial Light (IL) District
14 to Planned Unit Development (PUD) District. This new PUD district
15 shall generally permit multi-family residential and commercial uses,
16 and is described, shown and subject to the following documents,
17 attached hereto:

18 **Exhibit 1** - Legal Description dated March 1, 2021.

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

20 **Exhibit 3** - Written Description dated February 24, 2022.

21 **Exhibit 4** - Site Plan dated December 9, 2021.

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

31 **Section 5. Disclaimer.** The rezoning granted herein

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

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

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17 Form Approved:

18
19 /s/ Mary E. Staffopoulos

20 Office of General Counsel

21 Legislation Prepared By: Erin Abney

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