

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-239-E**

5 AN ORDINANCE REZONING APPROXIMATELY 27.40± ACRES
6 LOCATED IN COUNCIL DISTRICT 2 AT 4100 HECKSCHER
7 DRIVE, BETWEEN HECKSCHER DRIVE AND INTERSTATE-
8 295 (R.E. NOS. 108876-0020 AND 108876-0050),
9 OWNED BY GATE PETROLEUM COMPANY, AS DESCRIBED
10 HEREIN, FROM PLANNED UNIT DEVELOPMENT (PUD)
11 DISTRICT (2006-595-E) AND INDUSTRIAL WATER (IW)
12 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
15 AND COMMERCIAL USES, AS DESCRIBED IN THE
16 HECKSCHER VILLAGE PUD, PURSUANT TO FUTURE LAND
17 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
18 APPLICATION NUMBER L-5632-21C; PUD SUBJECT TO
19 CONDITION; 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 application L-5632-21C; 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-5632-21C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (2006-595-E) and Industrial
2 Water (IW) District to Planned Unit Development (PUD) District was
3 filed by T.R. Hainline, Esq., on behalf of the owner of approximately
4 27.40± acres of certain real property in Council District 2, as more
5 particularly described in Section 1; and

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

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

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

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

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 27.40± acres are located in Council District 2 at 4100
2 Heckscher Drive, between Heckscher Drive and Interstate-295 (R.E.
3 Nos. 108876-0020 and 108876-0050), as more particularly described in
4 **Exhibit 1**, dated November 4, 2021, and graphically depicted in **Exhibit**
5 **2**, both of which are **attached hereto** and incorporated herein by this
6 reference (the "Subject Property").

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Gate Petroleum Company. The applicant is T.R.
9 Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
10 Florida 32207; (904) 346-5531.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5632-21C, is
13 hereby rezoned and reclassified from Planned Unit Development (PUD)
14 District (2006-595-E) and Industrial Water (IW) District to Planned
15 Unit Development (PUD) District. This new PUD district shall
16 generally permit multi-family residential and commercial uses, and
17 is described, shown and subject to the following documents, **attached**
18 **hereto:**

19 **Exhibit 1** - Legal Description dated November 4, 2021.

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

21 **Exhibit 3** - Written Description dated March 14, 2022.

22 **Revised Exhibit 4** - Revised Site Plan dated April 29, 2022.

23 **Section 4. Rezoning Approved Subject to Condition.** This
24 rezoning is approved subject to the following condition. Such
25 condition controls over the Written Description and the Site Plan and
26 may only be amended through a rezoning:

27 (1) A traffic study shall be provided at Civil Site Plan
28 Review, unless the Chief of the Traffic Engineering Division
29 determines one will not be required. Prior to commencement of the
30 traffic study, if applicable, the traffic professional shall conduct
31 a methodology meeting to determine the limits of the study. The

1 methodology meeting shall include the Chief of the Traffic Engineering
2 Division, the Chief of the Transportation Division and the traffic
3 reviewer from Development Services.

4 **Section 5. Contingency.** This rezoning shall not become
5 effective until thirty-one (31) days after adoption of the companion
6 Small-Scale Amendment unless challenged by the state land planning
7 agency; and further provided that if the companion Small-Scale
8 Amendment is challenged by the state land planning agency, this
9 rezoning shall not become effective until the state land planning
10 agency or the Administration Commission issues a final order
11 determining the companion Small-Scale Amendment is in compliance with
12 Chapter 163, *Florida Statutes*.

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

6 GC-#1500558-v1-2022-239-E