

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-289-W**

5 AN ORDINANCE REZONING APPROXIMATELY 7.70± ACRES
6 LOCATED IN COUNCIL DISTRICT 3 AT 336 GIRVIN
7 ROAD AND 342 GIRVIN ROAD, BETWEEN IVYLENA ROAD
8 AND JOEANDY ROAD (R.E. NOS. 162206-0000 AND
9 162208-0000), OWNED BY MICHELLE R. LEWIS, AS
10 DESCRIBED HEREIN, FROM RESIDENTIAL RURAL-ACRE
11 (RR-ACRE) AND RESIDENTIAL MEDIUM DENSITY-A
12 (RMD-A) DISTRICTS TO PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, TO PERMIT MULTI-FAMILY
15 RESIDENTIAL USES, AS DESCRIBED IN THE HICKORY
16 CREEK VILLAS PUD, PURSUANT TO FUTURE LAND USE
17 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
18 APPLICATION NUMBER L-5425-19C; PROVIDING A
19 DISCLAIMER THAT THE REZONING GRANTED HEREIN
20 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
21 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
22 DATE.
23

24 **WHEREAS**, the City of Jacksonville adopted a Small-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-5425-19C and companion land use Ordinance
29 2020-288; and

30 **WHEREAS**, in order to ensure consistency of zoning district
31 with the *2030 Comprehensive Plan* and the adopted companion Small-

1 Scale Amendment L-5425-19C, an application to rezone and reclassify
2 from Residential Rural-Acre (RR-Acre) and Residential Medium
3 Density-A (RMD-A) Districts to Planned Unit Development (PUD)
4 District was filed by Wyman R. Duggan, Esq., on behalf of the owner
5 of approximately 7.70± acres of certain real property in Council
6 District 3, as more particularly described in Section 1; and

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

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

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

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

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

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 7.70± acres (R.E. Nos. 162206-0000 and 162208-0000)
4 are located in Council District 3, at 336 Girvin Road and 342
5 Girvin Road, between Ivylena Road and Joeandy Road, as more
6 particularly described in **Exhibit 1**, dated December 17, 2019, and
7 graphically depicted in **Exhibit 2**, both of which are **attached**
8 **hereto** and incorporated herein by this reference (Subject
9 Property).

10 **Section 2. Owner and Applicant Description.** The subject
11 property is owned by Michelle R. Lewis. The applicant is Wyman R.
12 Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
13 Florida 32207; (904) 398-3911.

14 **Section 3. Property Rezoned.** The Subject Property,
15 pursuant to adopted companion Small-Scale Amendment L-5425-19C, is
16 hereby rezoned and reclassified from Residential Rural-Acre (RR-
17 Acre) and Residential Medium Density-A (RMD-A) Districts to Planned
18 Unit Development (PUD) District. This new PUD district shall
19 generally permit multi-family residential uses, and is described,
20 shown and subject to the following documents, **attached hereto**:

21 **Exhibit 1** - Legal Description dated December 17, 2019.

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

23 **Exhibit 3** - Written Description dated April 28, 2020.

24 **Exhibit 4** - Site Plan dated October 21, 2019.

25 **Section 4. Contingency.** This rezoning shall not become
26 effective until 31 days after adoption of the companion Small-Scale
27 Amendment unless challenged by the state land planning agency; and
28 further provided that if the companion Small-Scale Amendment is
29 challenged by the state land planning agency, this rezoning shall
30 not become effective until the state land planning agency or the
31 Administration Commission issues a final order determining the

1 companion Small-Scale Amendment is in compliance with Chapter 163,
2 *Florida Statutes*.

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

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

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21 Form Approved:

22
23 /s/ Shannon K. Eller

24 Office of General Counsel

25 Legislation Prepared By: Bruce Lewis

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