

1 Introduced and substituted by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2019-878**

5 AN ORDINANCE REZONING APPROXIMATELY 6.90± ACRES,
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 BISCAYNE
7 BOULEVARD AND 0 DUNN AVENUE, BETWEEN MAR VIC
8 LANE AND RUTGERS ROAD (R.E. NOS. 044180-0010 AND
9 044215-0010), AS DESCRIBED HEREIN, OWNED BY THE
10 CHARLES DAVIS BURNER TRUST, ET AL., AND THE CARL
11 E. STOUDEMIRE, JR. TRUST, ET AL., FROM
12 RESIDENTIAL MEDIUM DENSITY-A (RMD-A),
13 RESIDENTIAL MEDIUM DENSITY-C (RMD-C) AND
14 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
15 DISTRICTS TO PLANNED UNIT DEVELOPMENT (PUD)
16 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
17 ZONING CODE, TO PERMIT MULTIFAMILY RESIDENTIAL
18 USES, AS DESCRIBED IN THE BISCAYNE VILLAS PUD;
19 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
20 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
21 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
22 EFFECTIVE DATE.
23

24 **WHEREAS**, the Charles Davis Burner Trust, et al., and the Carl
25 E. Stoudemire, Jr. Trust, et al., the owners of approximately 6.90±
26 acres, located in Council District 7 at 0 Biscayne Boulevard and 0
27 Dunn Avenue, between Mar Vic Lane and Rutgers Road (R.E. Nos. 044180-
28 0010 and 044215-0010), as more particularly described in **Exhibit 1**,
29 dated March 10, 2020, and graphically depicted in **Exhibit 2**, both of
30 which are **attached hereto** (Subject Property), have applied for a
31 rezoning and reclassification of that property from Residential

1 Medium Density-A (RMD-A), Residential Medium Density-C (RMD-C) and
2 Commercial Community/General-1 (CCG-1) Districts to Planned Unit
3 Development (PUD) District, as described in Section 1 below; and

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

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

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

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

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

21 **Section 1. Property Rezoned.** The Subject Property is
22 hereby rezoned and reclassified from Residential Medium Density-A
23 (RMD-A), Residential Medium Density-C (RMD-C) and Commercial
24 Community/General-1 (CCG-1) Districts to Planned Unit Development
25 (PUD) District. This new PUD district shall generally permit
26 multifamily residential uses, and is described, shown and subject to
27 the following documents, **attached hereto**:

28 **Exhibit 1** - Legal Description dated March 10, 2020.

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

30 **Exhibit 3** - Written Description dated February 25, 2020.

31 **Exhibit 4** - Site Plan dated January 29, 2020.

1 **Section 2. Owner and Description.** The Subject Property
2 is owned by the Charles Davis Burner Trust, et al., and the Carl E.
3 Stoudemire, Jr. Trust, et al., and is described in **Exhibit 1, attached**
4 **hereto.** The agent is Wyman R. Duggan, Esq., 1301 Riverplace
5 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 398-3911.

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

18 **Section 4. Effective Date.** The enactment of this Ordinance
19 shall be deemed to constitute a quasi-judicial action of the City
20 Council and shall become effective upon signature by the Council
21 President and the Council Secretary.

22
23 Form Approved:

24
25 _____
26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

28 GC-#1363654-v1-2019-878_Sub_&_Rerefer.docx