

1 Introduced and amended by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2022-482-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.03± ACRES,
6 LOCATED IN COUNCIL DISTRICT 5 AT 5649 CAGLE
7 ROAD, BETWEEN UNIVERSITY BOULEVARD WEST AND
8 BOWDEN ROAD (R.E. NO. 153066-0000), OWNED BY
9 CAGLE HOSPITALITY ASSOCIATES LLC, AS DESCRIBED
10 HEREIN, FROM COMMERCIAL COMMUNITY/GENERAL-1
11 (CCG-1) DISTRICT TO PLANNED UNIT DEVELOPMENT
12 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
13 THE ZONING CODE, TO PERMIT MULTI-FAMILY
14 RESIDENTIAL AND COMMERCIAL USES, AS DESCRIBED IN
15 THE CAGLE ROAD PUD, PURSUANT TO FUTURE LAND USE
16 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5716-22C; PUD SUBJECT TO
18 CONDITION; PROVIDING A DISCLAIMER THAT THE
19 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
25 portions of the Future Land Use Map series (FLUMs) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to the
27 companion land use ordinance for application L-5716-22C; and

28 **WHEREAS,** in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5668-22C, an application to rezone and reclassify from
31 Commercial Community/General-1 (CCG-1) District to Planned Unit

1 Development (PUD) District was filed by Paul Harden, Esq., on behalf
2 of the owner of approximately 3.03± acres of certain real property
3 in Council District 5, as more particularly described in Section 1;
4 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 3.03± acres are located in Council District 5 at 5649

1 Cagle Road, between University Boulevard West and Bowden Road (R.E.
2 No. 153066-0000), as more particularly described in **Exhibit 1**, dated
3 May 3, 2022, and graphically depicted in **Exhibit 2**, both of which are
4 attached hereto and incorporated herein by this reference (the
5 "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Cagle Hospitality Associates LLC. The applicant
8 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
9 Jacksonville, Florida 32207; (904) 396-5731.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment L-5716-22C, is
12 hereby rezoned and reclassified from Commercial Community/General-1
13 (CCG-1) District to Planned Unit Development (PUD) District. This
14 new PUD district shall generally permit multi-family residential and
15 commercial uses, and is described, shown and subject to the following
16 documents, attached hereto:

17 **Exhibit 1** - Legal Description dated May 3, 2022.

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

19 **Exhibit 3** - Written Description dated June 22, 2022.

20 **Exhibit 4** - Site Plan dated April 23, 2022.

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

25 (1) Pedestrian access shall be provided by sidewalk installed
26 in accordance with the 2030 Comprehensive Plan in a location to be
27 determined and approved by the Planning and Development Department.

28 **Section 5. Contingency.** This rezoning shall not become
29 effective until thirty-one (31) days after adoption of the companion
30 Small-Scale Amendment unless challenged by the state land planning
31 agency; and further provided that if the companion Small-Scale

1 Amendment is challenged by the state land planning agency, this
2 rezoning shall not become effective until the state land planning
3 agency or the Administration Commission issues a final order
4 determining the companion Small-Scale Amendment is in compliance with
5 Chapter 163, *Florida Statutes*.

6 **Section 6. 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 7. 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.

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23 Form Approved:

24
25 _____ /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

28 GC-#1522424-v1-2022-482-E