

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

4 **ORDINANCE 2019-455-E**

5 AN ORDINANCE REZONING APPROXIMATELY 18.42± ACRES  
6 LOCATED IN COUNCIL DISTRICT 1 AT 8159 ARLINGTON  
7 EXPRESSWAY, BETWEEN ARLINGWOOD AVENUE AND STATE  
8 COMMERCE ROAD (R.E. NO. 136563-0010), AS  
9 DESCRIBED HEREIN, OWNED BY HARVEST BAPTIST  
10 CHURCH, INC., FROM COMMERCIAL COMMUNITY/GENERAL-1  
11 (CCG-1), RESIDENTIAL LOW DENSITY-60 (RLD-60) AND  
12 PLANNED UNIT DEVELOPMENT (PUD) (1999-440-E)  
13 DISTRICTS TO PLANNED UNIT DEVELOPMENT (PUD)  
14 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
15 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL  
16 USES, AS DESCRIBED IN THE RIVERGATE PUD, PURSUANT  
17 TO FUTURE LAND USE MAP SERIES (FLUMS) LARGE-SCALE  
18 AMENDMENT APPLICATION L-5351-19-A; PUD SUBJECT TO  
19 CONDITIONS; PROVIDING A DISCLAIMER THAT THE  
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS  
21 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
22 PROVIDING AN EFFECTIVE DATE.  
23

24 **WHEREAS**, the City of Jacksonville adopted a Large-Scale Amendment  
25 to the *2030 Comprehensive Plan* for the purpose of revising portions of  
26 the Future Land Use Map series (FLUMs) in order to ensure the accuracy  
27 and internal consistency of the plan, pursuant to application L-5351-  
28 19-A and companion land use Ordinance 2019-454; and

29 **WHEREAS**, in order to ensure consistency of zoning district with  
30 the *2030 Comprehensive Plan* and the adopted companion Large-Scale  
31 Amendment L-5351-19-A, an application to rezone and reclassify from

1 Commercial Community/General-1 (CCG-1), Residential Low Density-60  
2 (RLD-60) and Planned Unit Development (PUD) (1999-440-E) Districts to  
3 Planned Unit Development (PUD) District was filed by Curtis Hart, on  
4 behalf of Harvest Baptist Church, Inc., the owner of approximately  
5 18.42± acres of certain real property in Council District 1, as more  
6 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 Comprehensive*  
9 *Plan*, has considered the rezoning and has rendered an advisory opinion;  
10 and

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

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

15 **WHEREAS**, the City Council after due notice held a public hearing,  
16 taking into consideration the above recommendations as well as all oral  
17 and written comments received during the public hearings, the Council  
18 finds that such rezoning is consistent with the *2030 Comprehensive Plan*  
19 adopted under the comprehensive planning ordinance for future  
20 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 *Zoning*  
23 *Code*; will not affect adversely the health and safety of residents in  
24 the area; will not be detrimental to the natural environment or to the  
25 use or development of the adjacent properties in the general  
26 neighborhood; and the proposed PUD will accomplish the objectives and  
27 meet the standards of Section 656.340 (Planned Unit Development) of the  
28 *Zoning Code* of the City of Jacksonville; now, therefore

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

30 **Section 1. Subject Property Location and Description.** The  
31 approximately 18.42± acres (R.E. No. 136563-0010) is located in Council

1 District 1 at 8159 Arlington Expressway, between Arlingwood Avenue and  
2 State Commerce Road, as more particularly described in **Exhibit 1**, dated  
3 May 21, 2019, **attached hereto** and incorporated herein by this reference  
4 (Subject Property).

5 **Section 2. Owner and Applicant Description.** The subject  
6 property is owned by Harvest Baptist Church, Inc. The applicant is  
7 Curtis L. Hart, Hart Resources, LLC, 8051 Tara Lane, Jacksonville,  
8 Florida 32216; (904) 993-5008.

9 **Section 3. Property Rezoned.** The Subject Property, pursuant  
10 to adopted companion Large-Scale Amendment L-5351-19-A, is hereby  
11 rezoned and reclassified from Commercial Community/General-1 (CCG-1),  
12 Residential Low Density-60 (RLD-60) and Planned Unit Development (PUD)  
13 (1999-440-E) Districts to Planned Unit Development (PUD) District.  
14 This new PUD district shall generally permit multi-family residential  
15 uses, and is described, shown and subject to the following attached  
16 documents:

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

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

19 **Exhibit 3** - Written Description dated May 17, 2019.

20 **Exhibit 4** - Site Plan dated May 16, 2019.

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

25 (1) Pursuant to Policy 4.1.5 of the Transportation Element of  
26 the *2030 Comprehensive Plan*, the applicant must provide for the  
27 convenient and safe access by, and securing of, bicycles on site. The  
28 bicycle parking must be consistent with the requirements outlined in  
29 Part 6 of the Zoning Code.

30 (2) If the entrance is gated, provide a queuing analysis and  
31 show that the line of vehicles entering through the gates will not

1 extend into the roundabout at the time of verification of substantial  
2 compliance.

3 (3) Internal roads, as shown on the Site Plan, shall be private  
4 roads.

5 (4) Prior to the first final inspection within any phase of  
6 development, the owner or their agent shall submit to the Planning and  
7 Development Department for its review and approval either: (a) an  
8 affidavit documenting that all conditions to the development order have  
9 been satisfied, or (b) a detailed agreement for the completion of all  
10 conditions to the development order.

11 **Section 5. Contingency.** This rezoning shall not become  
12 effective until 31 days after adoption of the companion Large-Scale  
13 Amendment unless challenged by the state land planning agency; and  
14 further provided that if the companion Large-Scale Amendment is  
15 challenged by the state land planning agency, this rezoning shall not  
16 become effective until the state land planning agency or the  
17 Administration Commission issues a final order determining the  
18 companion Large-Scale Amendment is in compliance with Chapter 163,  
19 *Florida Statutes*.

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

