

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

4 **ORDINANCE 2023-651**

5 AN ORDINANCE REZONING APPROXIMATELY 139.35±  
6 ACRES, LOCATED IN COUNCIL DISTRICT 14 AT 0  
7 ROOSEVELT BOULEVARD, 4811 COLLINS ROAD AND 4837  
8 COLLINS ROAD, BETWEEN ROOSEVELT BOULEVARD AND  
9 ORTEGA BLUFF PARKWAY (R.E. NOS. 098422-0000,  
10 099140-0000, 099140-0020, 099151-0000 AND  
11 105562-0010), AS DESCRIBED HEREIN, OWNED BY  
12 EDWARD L. TONEY AND JOAN M. TONEY, AS CO-  
13 TRUSTEES OF THE JOAN M. TONEY REVOCABLE TRUST  
14 DATED JULY 28, 2017, AND JEMSET LLC, FROM  
15 INDUSTRIAL LIGHT (IL) DISTRICT, INDUSTRIAL  
16 BUSINESS PARK (IBP) DISTRICT, COMMERCIAL OFFICE  
17 (CO) DISTRICT, PUBLIC BUILDINGS AND FACILITIES-  
18 1 (PBF-1) DISTRICT, RESIDENTIAL MEDIUM DENSITY-  
19 A (RMD-A) DISTRICT AND RESIDENTIAL MEDIUM  
20 DENSITY-B (RMD-B) DISTRICT TO PLANNED UNIT  
21 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
22 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
23 SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL AND  
24 COMMERCIAL USES, AS DESCRIBED IN THE COLLINS  
25 ROAD PUD, PURSUANT TO FUTURE LAND USE MAP SERIES  
26 (FLUMS) LARGE-SCALE AMENDMENT APPLICATION  
27 NUMBER L-5778-22A; PROVIDING A DISCLAIMER THAT  
28 THE REZONING GRANTED HEREIN SHALL NOT BE  
29 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
30 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
31

1           **WHEREAS**, the City of Jacksonville adopted a Large-Scale  
2 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
3 portions of the Future Land Use Map series (FLUMs) in order to ensure  
4 the accuracy and internal consistency of the plan, pursuant to  
5 companion application L-5778-22A; and

6           **WHEREAS**, in order to ensure consistency of zoning district with  
7 the *2045 Comprehensive Plan* and the adopted companion Large-Scale  
8 Amendment L-5778-22A, an application to rezone and reclassify from  
9 Industrial Light (IL) District, Industrial Business Park (IBP)  
10 District, Commercial Office (CO) District, Public Buildings and  
11 Facilities-1 (PBF-1) District, Residential Medium Density-A (RMD-A)  
12 District and Residential Medium Density-B (RMD-B) District to Planned  
13 Unit Development (PUD) District was filed by M. Hayden Phillips, Esq.  
14 on behalf of the owners of approximately 139.35± acres of certain  
15 real property in Council District 14, as more particularly described  
16 in Section 1; and

17           **WHEREAS**, the Planning and Development Department, in order to  
18 ensure consistency of this zoning district with the *2045 Comprehensive*  
19 *Plan*, has considered the rezoning and has rendered an advisory  
20 opinion; and

21           **WHEREAS**, the Planning Commission has considered the application  
22 and has rendered an advisory opinion; and

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

25           **WHEREAS**, the City Council, after due notice, held a public  
26 hearing, and taking into consideration the above recommendations as  
27 well as all oral and written comments received during the public  
28 hearings, the Council finds that such rezoning is consistent with the  
29 *2045 Comprehensive Plan* adopted under the comprehensive planning  
30 ordinance for future development of the City of Jacksonville; and

31           **WHEREAS**, based on the staff report of the Planning and

1 Development and other competent and substantial evidence received at  
2 the public hearings, the Council finds that the proposed PUD does not  
3 affect adversely the orderly development of the City as embodied in  
4 the *Zoning Code*; will not affect adversely the health and safety of  
5 residents in the area; will not be detrimental to the natural  
6 environment or to the use or development of the adjacent properties  
7 in the general neighborhood; and the proposed PUD will accomplish the  
8 objectives and meet the standards of Section 656.340 (Planned Unit  
9 Development) of the *Zoning Code* of the City of Jacksonville; now,  
10 therefore

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

12 **Section 1. Subject Property Location and Description.** The  
13 approximately 139.35± acres are located in Council District 14 at 0  
14 Roosevelt Boulevard, 4811 Collins Road and 4837 Collins Road, between  
15 Roosevelt Boulevard and Ortega Bluff Parkway (R.E. Nos. 098422-0000,  
16 099140-0000, 099140-0020, 099151-0000 and 105562-0010), as more  
17 particularly described in **Exhibit 1**, dated August 4, 2023, and  
18 graphically depicted in **Exhibit 2**, both of which are attached hereto  
19 and incorporated herein by this reference (the "Subject Property").

20 **Section 2. Owner and Applicant Description.** The Subject  
21 Property is owned by Edward L. Toney and Joan M. Toney, as Co-Trustees  
22 of the Joan M. Toney Revocable Trust dated July 28, 2017, and Jemset  
23 LLC. The applicant is M. Hayden Phillips, Esq., 1301 Riverplace  
24 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 346-5535.

25 **Section 3. Property Rezoned.** The Subject Property,  
26 pursuant to adopted companion Large-Scale Amendment Application L-  
27 5778-22A, is hereby rezoned and reclassified from Industrial Light  
28 (IL) District, Industrial Business Park (IBP) District, Commercial  
29 Office (CO) District, Public Buildings and Facilities-1 (PBF-1)  
30 District, Residential Medium Density-A (RMD-A) District and  
31 Residential Medium Density-B (RMD-B) District to Planned Unit

1 Development (PUD) District. This new PUD district shall generally  
2 permit single-family and multi-family residential and commercial uses  
3 and is described, shown and subject to the following documents,  
4 attached hereto:

5 **Exhibit 1** - Legal Description dated August 4, 2023.

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

7 **Exhibit 3** - Written Description dated August 4, 2023.

8 **Exhibit 4** - Site Plan dated August 2, 2023.

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

18 **Section 5. Disclaimer.** The rezoning granted herein  
19 shall not be construed as an exemption from any other applicable  
20 local, state, or federal laws, regulations, requirements, permits or  
21 approvals. All other applicable local, state or federal permits or  
22 approvals shall be obtained before commencement of the development  
23 or use and issuance of this rezoning is based upon acknowledgement,  
24 representation and confirmation made by the applicant(s), owner(s),  
25 developer(s) and/or any authorized agent(s) or designee(s) that the  
26 subject business, development and/or use will be operated in strict  
27 compliance with all laws. Issuance of this rezoning does not approve,  
28 promote or condone any practice or act that is prohibited or  
29 restricted by any federal, state or local laws.

30 **Section 6. Effective Date.** The enactment of this Ordinance  
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council  
2 President and the Council Secretary.

3

4 Form Approved:

5

6           /s/ Mary E. Staffopoulos          

7 Office of General Counsel

8 Legislation Prepared By: Connor Corrigan

9 GC-#1588706-v2-2023-651\_(Z-5132).docx