

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-16-E**

5 AN ORDINANCE REZONING APPROXIMATELY 42.71± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 OWENS ROAD,
7 BETWEEN RANCH ROAD AND INTERSTATE-95 (R.E. NOS.
8 019348-0700 AND 019348-0710), OWNED BY PAAL I-
9 95, LLC, AS DESCRIBED HEREIN, FROM PLANNED UNIT
10 DEVELOPMENT (PUD) DISTRICT (2008-790-E) TO
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
13 PERMIT MULTI-FAMILY RESIDENTIAL AND
14 PROFESSIONAL OFFICE USES, AS DESCRIBED IN THE
15 OWENS ROAD PUD, PURSUANT TO FUTURE LAND USE MAP
16 SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5637-21C; PUD SUBJECT TO
18 CONDITIONS; 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 application L-5637-21C; 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-5637-21C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (2008-790-E) to Planned Unit
2 Development (PUD) District was filed by Lara Hipps on behalf of the
3 owner of approximately 42.71± acres of certain real property in
4 Council District 7, as more particularly described in Section 1; 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, held a public hearing and made its recommendation to the
13 Council; 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 42.71± acres are located in Council District 7 at 0

1 Owens Road, between Ranch Road and Interstate-95, as more particularly
2 described in **Exhibit 1**, dated November 16, 2021, and graphically
3 depicted in **Exhibit 2**, both of which are **attached hereto** and
4 incorporated herein by this reference (the "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by PAAL I-95, LLC. The applicant is Lara Hipps,
7 1650 Margaret Street, #323, Jacksonville, Florida 32204; (904) 781-
8 2654.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment L-5637-21C, is
11 hereby rezoned and reclassified from Planned Unit Development (PUD)
12 District (2008-790-E) to Planned Unit Development (PUD) District.
13 This new PUD district shall generally permit multi-family residential
14 and professional office uses, and is described, shown and subject to
15 the following documents, **attached hereto**:

16 **Exhibit 1** - Legal Description dated November 16, 2021.

17 **Exhibit 2** - Subject Property Map (prepared by P&DD).

18 **Revised Exhibit 3** - Revised Written Description dated January 31,
19 2022.

20 **Exhibit 4** - Site Plan dated November 18, 2021.

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

25 (1) The commercial development shall be permitted one monument
26 sign not exceeding 150 square feet in area and 25 feet in height.

27 (2) Any establishment or facility which includes the retail
28 sale and service of beer or wine for off-premises consumption, or for
29 on-premises consumption, shall be in conjunction with food prepared
30 on the premises and ordered from a menu.

31 (3) Any establishment or facility which includes the retail

1 sale and service of all alcoholic beverages, including liquor, beer,
2 or wine, for on-premises consumption, off-premises consumption, or
3 both, shall be by Zoning Exception.

4 (4) The developer shall provide 20 feet of separation between
5 end units, or 40 feet of separation between the front and back of
6 units.

7 (5) The development shall be permitted one pole sign on
8 Interstate 95, not exceeding 150 square feet in area and 50 feet in
9 height. The pole sign shall be at least 200 feet from the existing
10 pole sign.

11 (6) A traffic study shall be provided at the Civil Site Plan
12 Review. Prior to commencement of the traffic study, the traffic
13 professional shall conduct a methodology meeting to determine the
14 limits of the study. The methodology meeting shall include the Chief
15 of the Traffic Engineering Division, the Chief of the Transportation
16 Division, and the traffic reviewer from Development Services.

17 **Section 5. Contingency.** This rezoning shall not become
18 effective until thirty-one (31) days after adoption of the companion
19 Small-Scale Amendment unless challenged by the state land planning
20 agency; and further provided that if the companion Small-Scale
21 Amendment is challenged by the state land planning agency, this
22 rezoning shall not become effective until the state land planning
23 agency or the Administration Commission issues a final order
24 determining the companion Small-Scale Amendment is in compliance with
25 Chapter 163, *Florida Statutes*.

26 **Section 6. Disclaimer.** The rezoning granted herein
27 shall not be construed as an exemption from any other applicable
28 local, state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development
31 or use, and issuance of this rezoning is based upon acknowledgement,

1 representation and confirmation made by the applicant(s), owner(s),
2 developer(s) and/or any authorized agent(s) or designee(s) that the
3 subject business, development and/or use will be operated in strict
4 compliance with all laws. Issuance of this rezoning does not approve,
5 promote or condone any practice or act that is prohibited or
6 restricted by any federal, state or local laws.

7 **Section 7. Effective Date.** The enactment of this Ordinance
8 shall be deemed to constitute a quasi-judicial action of the City
9 Council and shall become effective upon signature by the Council
10 President and the Council Secretary.

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12 Form Approved:

13
14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation Prepared By: Bruce Lewis

17 GC-#1484213-v1-2022-16-E