

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-305**

5 AN ORDINANCE REZONING APPROXIMATELY 10.90± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 0 INTERSTATE
7 95, 5237 RACETRACK ROAD, 5355 RACETRACK ROAD AND
8 0 RACETRACK ROAD, BETWEEN INTERSTATE 95 AND
9 RACETRACK ROAD, OWNED BY CAROLYN KEEN, ET AL.,
10 AS DESCRIBED HEREIN, FROM AGRICULTURE (AGR)
11 DISTRICT AND PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT (2005-183-E AND 2019-69-E) TO PLANNED
13 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
15 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
16 THE LINDEN HOUSE PUD, PURSUANT TO FUTURE LAND USE
17 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
18 APPLICATION NUMBER L-5548-21C; PROVIDING A
19 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
20 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; 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
27 application L-5548-21C and companion land use Ordinance 2021-303; 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-5548-21C, an application to rezone and reclassify from
31 Agriculture (AGR) District and Planned Unit Development (PUD)

1 District (2005-183-E and 2019-69-E) to Planned Unit Development (PUD)
2 District was filed by Emily Pierce, Esq., on behalf of Carolyn Keen,
3 et al., the owners of approximately 10.90± acres of certain real
4 property in Council District 11, as more particularly described in
5 Section 1; and

6 **WHEREAS**, the Planning and Development Department, in order to
7 ensure consistency of this zoning district with the *2030 Comprehensive*
8 *Plan*, has considered the rezoning and has rendered an advisory
9 opinion; and

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

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

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 10.90± acres are located in Council District 11, at 0
2 Interstate 95, 5237 Racetrack Road, 5355 Racetrack Road and 0
3 Racetrack Road, between Interstate 95 and Racetrack Road, as more
4 particularly described in **Exhibit 1**, dated April 30, 2021, and
5 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
6 and incorporated herein by this reference (Subject Property).

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Carolyn Keen, et al. The applicant is Emily
9 Pierce, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
10 Florida 32207; (904) 398-3911.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5548-21C, is
13 hereby rezoned and reclassified from Agriculture (AGR) District and
14 Planned Unit Development (PUD) District (2005-183-E and 2019-69-E)
15 to Planned Unit Development (PUD) District. This new PUD district
16 shall generally permit multi-family residential uses, and is
17 described, shown and subject to the following documents, **attached**
18 **hereto:**

19 **Exhibit 1** - Legal Description dated April 30, 2021.

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

21 **Exhibit 3** - Written Description dated April 30, 2021.

22 **Exhibit 4** - Site Plan dated January 2021.

23 **Section 4. Contingency.** This rezoning shall not become
24 effective until 31 days after adoption of the companion Small-Scale
25 Amendment unless challenged by the state land planning agency; and
26 further provided that if the companion Small-Scale Amendment is
27 challenged by the state land planning agency, this rezoning shall not
28 become effective until the state land planning agency or the
29 Administration Commission issues a final order determining the
30 companion Small-Scale Amendment is in compliance with Chapter 163,
31 *Florida Statutes*.

1 **Section 5. Disclaimer.** The rezoning granted herein
2 shall not be construed as an exemption from any other applicable
3 local, state, or federal laws, regulations, requirements, permits or
4 approvals. All other applicable local, state or federal permits or
5 approvals shall be obtained before commencement of the development
6 or use and issuance of this rezoning is based upon acknowledgement,
7 representation and confirmation made by the applicant(s), owner(s),
8 developer(s) and/or any authorized agent(s) or designee(s) that the
9 subject business, development and/or use will be operated in strict
10 compliance with all laws. Issuance of this rezoning does not approve,
11 promote or condone any practice or act that is prohibited or
12 restricted by any federal, state or local laws.

13 **Section 6. Effective Date.** The enactment of this Ordinance
14 shall be deemed to constitute a quasi-judicial action of the City
15 Council and shall become effective upon signature by the Council
16 President and the Council Secretary.

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18 Form Approved:

19
20 /s/ Shannon K. Eller

21 Office of General Counsel

22 Legislation Prepared By: Erin Abney

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