

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-805-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.45± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 7807
7 BAYMEADOWS ROAD EAST AND 0 OZARK DRIVE, BETWEEN
8 MUIR WOODS AVENUE AND LAKE MEAD AVENUE (R.E.
9 NOS. 167746-0940 AND 167746-0945), AS DESCRIBED
10 HEREIN, OWNED BY OZARK INVESTMENT GROUP, LLC,
11 FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
12 (2012-194-E) TO PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, TO PERMIT COMMERCIAL USES, AS MORE
15 FULLY DESCRIBED IN THE BAYMEADOWS EAST
16 COMMERCIAL/OFFICE PARK PUD, PURSUANT TO THE 2030
17 COMPREHENSIVE PLAN FUTURE LAND USE MAP SERIES
18 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
19 NUMBER L-5616-21C; PUD SUBJECT TO CONDITION;
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE DATE.
24

25 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to the
29 companion land use application L-5616-21C; and

1 **WHEREAS**, in order to ensure consistency of zoning district with
2 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
3 Amendment L-5616-21C, an application to rezone and reclassify from
4 Planned Unit Development (PUD) District (2012-194-E) to Planned Unit
5 Development (PUD) District was filed by T.R. Hainline, Esq., on behalf
6 of the owner of approximately 3.45± acres of certain real property
7 in Council District 11, as more particularly described in Section 1;
8 and

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

13 **WHEREAS**, the Planning Commission has considered the application
14 and has rendered an advisory opinion; and

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

18 **WHEREAS**, the City Council, after due notice, held a public
19 hearing, and taking into consideration the above recommendations as
20 well as all oral and written comments received during the public
21 hearings, the Council finds that such rezoning is consistent with the
22 *2030 Comprehensive Plan* adopted under the comprehensive planning
23 ordinance for future development of the City of Jacksonville; and

24 **WHEREAS**, the Council finds that the proposed PUD does not affect
25 adversely the orderly development of the City as embodied in the
26 *Zoning Code*; will not affect adversely the health and safety of
27 residents in the area; will not be detrimental to the natural
28 environment or to the use or development of the adjacent properties
29 in the general neighborhood; and the proposed PUD will accomplish the
30 objectives and meet the standards of Section 656.340 (Planned Unit

1 Development) of the *Zoning Code* of the City of Jacksonville; now,
2 therefore

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

4 **Section 1. Subject Property Location and Description.** The
5 approximately 3.45± acres are located in Council District 11, at 7807
6 Baymeadows Road East and 0 Ozark Drive, between Muir Woods Avenue and
7 Lake Mead Avenue (R.E. Nos. 167746-0940 and 167746-0945), as more
8 particularly described in **Exhibit 1**, dated September 13, 2021, and
9 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
10 and incorporated herein by this reference (the "Subject Property").

11 **Section 2. Owner and Applicant Description.** The Subject
12 Property is owned by Ozark Investment Group, LLC. The applicant is
13 T.R. Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500,
14 Jacksonville, Florida 32207; (904) 346-5531.

15 **Section 3. Property Rezoned.** The Subject Property,
16 pursuant to adopted companion Small-Scale Amendment L-5616-21C, is
17 hereby rezoned and reclassified from Planned Unit Development (PUD)
18 District (2012-194-E) to Planned Unit Development (PUD) District.
19 This new PUD district shall generally permit commercial uses, and is
20 described, shown and subject to the following documents, **attached**
21 **hereto:**

22 **Exhibit 1** - Legal Description dated September 13, 2021.

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

24 **Exhibit 3** - Written Description dated August 20, 2021.

25 **Exhibit 4** - Site Plan dated March 12, 2021.

26 **Section 4. Rezoning Approved Subject to Condition.** This
27 rezoning is approved subject to the following condition. Such
28 condition controls over the Written Description and the Site Plan and
29 may only be amended through a rezoning.

30 (1) All sides of the building shall have architectural details,
31 including faux windows, variations in wall planes, and contrasting

1 banding and pilasters. Flat roofs with parapets shall have
2 contrasting color caps. No plain concrete block is permitted.
3 Architectural elevations shall be submitted at the time of
4 Verification of Substantial Compliance of the PUD for review and
5 approval by the Planning and Development Department.

6 **Section 5. Contingency.** This rezoning shall not become
7 effective until thirty one (31) days after adoption of the companion
8 Small-Scale Amendment, unless challenged by the state land planning
9 agency; and, further provided, that if the companion Small-Scale
10 Amendment is challenged by the state land planning agency, this
11 rezoning shall not become effective until the state land planning
12 agency or the Administration Commission issues a final order
13 determining the companion Small-Scale Amendment to be compliance with
14 Chapter 163, *Florida Statutes*.

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

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

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Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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