

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-455**

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

28 **WHEREAS**, in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Large-Scale
30 Amendment L-5351-19-A, an application to rezone and reclassify from
31 Commercial Community/General-1 (CCG-1), Residential Low Density-60

1 (RLD-60) and Planned Unit Development (PUD) (1999-440-E) Districts to
2 Planned Unit Development (PUD) District was filed by Curtis Hart, on
3 behalf of Harvest Baptist Church, Inc., the owner of approximately
4 18.42± acres of certain real property in Council District 1, as more
5 particularly described in 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 opinion;
9 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 notice
13 held a public hearing and made its recommendation to the Council; and

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

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

29 **Section 1. Subject Property Location and Description.** The
30 approximately 18.42± acres (R.E. No. 136563-0010) is located in Council
31 District 1 at 8159 Arlington Expressway, between Arlingwood Avenue and

1 State Commerce Road, as more particularly described in **Exhibit 1**, dated
2 May 21, 2019, **attached hereto** and incorporated herein by this reference
3 (Subject Property).

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

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

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

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

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

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

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

29 **Section 5. Disclaimer.** The rezoning granted herein shall
30 not be construed as an exemption from any other applicable local,
31 state, or federal laws, regulations, requirements, permits or

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

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

14
15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Connie Patterson

20 GC-#1288104-v1-z-2312_LS_COM_PUD_ADP