

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-634-E**

5 AN ORDINANCE REZONING APPROXIMATELY 92.24± ACRES
6 IN COUNCIL DISTRICT 7 AT 0 MAIN STREET, BETWEEN
7 PECAN PARK ROAD AND MAX LEGGETT PARKWAY (R.E.
8 NO. 108137-0000) OWNED BY THE FRANCINE TRAGER
9 KEMPNER REVOCABLE LIVING TRUST DATED JUNE 18,
10 1997, THE MICHAEL STEPHEN SETZER REVOCABLE TRUST
11 DATED SEPTEMBER 19, 2014, THE BENJAMIN ADAM
12 SETZER AMENDED AND RESTATED REVOCABLE LIVING
13 TRUST DATED JUNE 15, 2007, AND PECAN PARK/MAIN
14 STREET LLC, AS DESCRIBED HEREIN, FROM INDUSTRIAL
15 LIGHT (IL) DISTRICT TO PLANNED UNIT DEVELOPMENT
16 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
17 THE ZONING CODE, TO PERMIT SINGLE FAMILY AND
18 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
19 THE PECAN PARK PUD, PURSUANT TO FUTURE LAND USE
20 MAP SERIES (FLUMS) LARGE-SCALE AMENDMENT
21 APPLICATION L-5520-21A; PROVIDING A DISCLAIMER
22 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
23 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, the City of Jacksonville adopted a Large-Scale
27 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
28 portions of the Future Land Use Map series (FLUMs) in order to ensure
29 the accuracy and internal consistency of the plan, pursuant to the
30 companion land use ordinance for application L-5520-21A; and

31 **WHEREAS**, in order to ensure consistency of zoning district with

1 the *2030 Comprehensive Plan* and the adopted companion Large-Scale
2 Amendment L-5520-21A, an application to rezone and reclassify from
3 Industrial Light (IL) District to Planned Unit Development (PUD)
4 District was filed by Paul M. Harden, Esq., on behalf of the Francine
5 Trager Kempner Revocable Living Trust dated June 18, 1997, the Michael
6 Stephen Setzer Revocable Trust dated September 19, 2014, the Benjamin
7 Adam Setzer Amended and Restated Revocable Living Trust dated June
8 15, 2007, and Pecan Park/Main Street LLC, the owners of approximately
9 92.24± acres of certain real property in Council District 7, as more
10 particularly described in Section 1; and

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

15 **WHEREAS**, the Planning Commission has considered the application
16 and has rendered an advisory opinion; and

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

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

25 **WHEREAS**, the Council finds that the proposed PUD does not affect
26 adversely the orderly development of the City as embodied in the
27 *Zoning Code*; will not affect adversely the health and safety of
28 residents in the area; will not be detrimental to the natural
29 environment or to the use or development of the adjacent properties
30 in the general neighborhood; and the proposed PUD will accomplish the
31 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 92.24± acres (R.E. No. 108137-0000) are in Council
6 District 7 at 0 Main Street, between Pecan Park Road and Max Leggett
7 Parkway, as more particularly described in **Exhibit 1**, dated January
8 20, 2021, **attached hereto** and incorporated herein by this reference
9 (the "Subject Property").

10 **Section 2. Owner and Applicant Description.** The subject
11 property is owned by the Francine Trager Kempner Revocable Living
12 Trust dated June 8, 1997, the Michael Stephen Setzer Revocable Trust
13 dated September 19, 2014, the Benjamin Adam Setzer Amended and
14 Restated Revocable Living Trust dated June 15, 2007, and Pecan
15 Park/Main Street LLC. The applicant is Paul M. Harden, Esq., 1431
16 Riverplace Boulevard, Suite 901, Jacksonville, Florida 32207; (904)
17 396-5731.

18 **Section 3. Property Rezoned.** The Subject Property,
19 pursuant to adopted companion Large-Scale Amendment L-5520-21A, is
20 hereby rezoned and reclassified from Industrial Light (IL) District
21 to Planned Unit Development (PUD) District. This new PUD district
22 shall generally permit single family and multi-family residential
23 uses, and is described, shown and subject to the following documents,
24 **attached hereto:**

25 **Exhibit 1** - Legal Description dated January 20, 2021.

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

27 **Exhibit 3** - Written Description dated September 1, 2021.

28 **Exhibit 4** - Site Plan dated May 26, 2021.

29 **Section 4. Contingency.** This rezoning shall not become
30 effective until 31 days after adoption of the companion Large-Scale
31 Amendment unless challenged by the state land planning agency; and

1 further provided that if the companion Large-Scale Amendment is
 2 challenged by the state land planning agency, this rezoning shall not
 3 become effective until the state land planning agency or the
 4 Administration Commission issues a final order determining the
 5 companion Large-Scale Amendment is in compliance with Chapter 163,
 6 *Florida Statutes*.

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

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

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 27 Form Approved:

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 29 /s/ Mary E. Staffopoulos

30 Office of General Counsel

31 Legislation Prepared By: Connor Corrigan

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