

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-551-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.27±
6 ACRES, LOCATED IN COUNCIL DISTRICT 7 AT 0
7 MARKET STREET, 2303 MARKET STREET, 2320
8 LIBERTY STREET AND 2336 LIBERTY STREET.
9 BETWEEN 11TH STREET AND 14TH STREET (R.E. NOS.
10 044938-0000, 044939-0000 (PORTION), 044940-
11 0000 AND 044941-0000), AS DESCRIBED HEREIN,
12 OWNED BY PHOENIX ARTS DISTRICT, LLC, 2336
13 LIBERTY STREET AT 14TH, LLC, AND GEORGIA
14 SOUTHERN AND FLORIDA RAILWAY COMPANY, FROM
15 INDUSTRIAL LIGHT (IL) DISTRICT TO PLANNED
16 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED
17 AND CLASSIFIED UNDER THE ZONING CODE, TO
18 PERMIT MIXED-USE DEVELOPMENT, AS DESCRIBED IN
19 THE PHOENIX ARTS DISTRICT PUD; PUD SUBJECT TO
20 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
21 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
22 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
23 LAWS; PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, Phoenix Arts District, LLC, 2336 Liberty Street at
26 14th, LLC, and Georgia Southern and Florida Railway Company, the
27 owners of approximately 2.27± acres, located in Council District 7
28 at 0 Market Street, 2303 Market Street, 2320 Liberty Street and
29 2336 Liberty Street, between 11th Street and 14th Street (R.E. Nos.
30 044938-0000, 044939-0000 (portion), 044940-0000 and 044941-0000),

1 as more particularly described in **Exhibit 1**, dated July 16, 2019,
2 and graphically depicted in **Exhibit 2**, both of which are **attached**
3 **hereto** and incorporated herein by this reference (Subject
4 Property), have applied for a rezoning and reclassification of that
5 property from Industrial Light (IL) District to Planned Unit
6 Development (PUD) District, as described in Section 1 below; and

7 **WHEREAS**, the Planning Commission has considered the
8 application and has rendered an advisory opinion; and

9 **WHEREAS**, the Land Use and Zoning Committee, after due notice
10 and public hearing, has made its recommendation to the Council; and

11 **WHEREAS**, the Council finds that such rezoning is: (1)
12 consistent with the *2030 Comprehensive Plan*; (2) furthers the
13 goals, objectives and policies of the *2030 Comprehensive Plan*; and
14 (3) is not in conflict with any portion of the City's land use
15 regulations; and

16 **WHEREAS**, the Council finds the proposed rezoning does not
17 adversely affect the orderly development of the City as embodied in
18 the Zoning Code; will not adversely affect the health and safety of
19 residents in the area; will not be detrimental to the natural
20 environment or to the use or development of the adjacent properties
21 in the general neighborhood; and will accomplish the objectives and
22 meet the standards of Section 656.340 (Planned Unit Development) of
23 the Zoning Code; now, therefore

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

25 **Section 1. Property Rezoned.** The Subject Property is
26 hereby rezoned and reclassified from Industrial Light (IL) District
27 to Planned Unit Development (PUD) District. This new PUD district
28 shall generally permit mixed-use development, and is described,
29 shown and subject to the following attached documents:

30 **Exhibit 1** - Legal Description dated July 16, 2019.

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

1 **Exhibit 3** - Written Description dated May 14, 2019.

2 **Exhibit 4** - Site Plan dated March 15, 2019.

3 **Section 2. Rezoning Approved Subject to Conditions.** This
4 rezoning is approved subject to the following conditions. Such
5 conditions control over the Written Description and the Site Plan
6 and may only be amended through a rezoning.

7 (1) The following use is removed from the Written Description
8 under Permissible Uses by Exception: (7) Residential treatment
9 facilities for persons with disabilities, meeting the performance
10 standards and development criteria set forth in Part 4 of the
11 Zoning Code, if applicable.

12 (2) The PUD is subject to the following conditions regarding
13 the Emerald Trail and parking:

14 (a) Phoenix Art District, LLC, shall grant the City of
15 Jacksonville and Groundwork Jacksonville, Inc. an easement to build
16 the Emerald Trail through its property upon completion of a
17 mutually agreeable trail design;

18 (b) Once the above easement is formally executed, the
19 City of Jacksonville will enter into a written agreement to allow
20 Phoenix Art District, LLC, to use parcel 045009-3000 between Market
21 and Liberty streets for parking for a term of five (5) years, which
22 may be renewed, subject to approval by the City Council;

23 (c) If construction of the Emerald Trail through the
24 Phoenix Art District, LLC, land does not commence by October 31,
25 2021, then (a) and (b) above are void; and

26 (d) Phoenix Art District, LLC, may occasionally close
27 the trail to bike traffic in order to hold special events in the
28 space, however, cyclists may walk their bikes through the space,
29 subject to City permitting requirements, if applicable.

30 (3) Prior to the first final inspection within any phase of
31 development, the owner or their agent shall submit to the Planning

1 and Development Department for its review and approval either: (a)
2 an affidavit documenting that all conditions to the development
3 order have been satisfied, or (b) a detailed agreement for the
4 completion of all conditions to the development order.

5 **Section 3. Owner and Description.** The Subject Property
6 is owned by Phoenix Arts District, LLC, 2336 Liberty Street at 14th,
7 LLC, and Georgia Southern and Florida Railway Company, and is
8 legally described in **Exhibit 1, attached hereto.** The agent is Jack
9 Shad, 1022 Park Street, #209, Jacksonville, Florida 32204; (904)
10 699-5694.

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

24 **Section 5. Effective Date.** The enactment of this
25 Ordinance shall be deemed to constitute a quasi-judicial action of
26 the City Council and shall become effective upon signature by the
27 Council President and the Council Secretary.

28 Form Approved:

29 _____ /s/ Shannon K. Eller

30 Office of General Counsel

31 Legislation Prepared By: Connor Corrigan

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