

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-307-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.90± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 8737
7 BAYMEADOWS ROAD, BETWEEN BAYMEADOWS WAY AND
8 INTERSTATE 95 (R.E. NO. 152612-0290), OWNED BY
9 LENOX COVE APARTMENTS, LLC, AS DESCRIBED
10 HEREIN, FROM PLANNED UNIT DEVELOPMENT (PUD)
11 DISTRICT (89-584-375) TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
15 THE 8737 BAYMEADOWS ROAD PUD, PURSUANT TO
16 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5542-21C; PUD
18 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
19 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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23 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of
25 revising portions of the Future Land Use Map series (FLUMs) in
26 order to ensure the accuracy and internal consistency of the plan,
27 pursuant to application L-5542-21C and companion land use Ordinance
28 2021-306; and

29 **WHEREAS**, in order to ensure consistency of zoning district
30 with the *2030 Comprehensive Plan* and the adopted companion Small-
31 Scale Amendment L-5542-21C, an application to rezone and reclassify

1 from Planned Unit Development (PUD) District (89-584-375) to
2 Planned Unit Development (PUD) District was filed by Wyman Duggan,
3 Esq., on behalf of the owner of approximately 3.90± acres of
4 certain real property in Council District 11, as more particularly
5 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*
8 *Comprehensive Plan*, has considered the rezoning and has rendered an
9 advisory opinion; and

10 **WHEREAS**, the Planning Commission has considered the
11 application 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
19 the *2030 Comprehensive Plan* adopted under the comprehensive
20 planning ordinance for future development of the City of
21 Jacksonville; and

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

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 3.90± acres (R.E. No. 152612-0290) are located in
3 Council District 11, at 8737 Baymeadows Road, between Baymeadows
4 Way and Interstate 95, as more particularly described in **Exhibit 1**,
5 dated April 13, 2021, and graphically depicted in **Exhibit 2**, both
6 of which are **attached hereto** and incorporated herein by this
7 reference (Subject Property).

8 **Section 2. Owner and Applicant Description.** The Subject
9 Property is owned by Lenox Cove Apartments, LLC. The applicant is
10 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,
11 Jacksonville, Florida 32207; (904) 398-3911.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Small-Scale Amendment L-5542-21C, is
14 hereby rezoned and reclassified from Planned Unit Development (PUD)
15 District (89-584-375) to Planned Unit Development (PUD) District.
16 This new PUD district shall generally permit multi-family
17 residential uses, and is described, shown and subject to the
18 following documents, **attached hereto**:

19 **Exhibit 1** - Legal Description dated April 13, 2021.

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

21 **Revised Exhibit 3** - Revised Written Description dated May 10, 2021.

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

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

27 (1) A residential density limit of 31 dwelling units per acre
28 has been placed on this property as a result of Future Land Use
29 Element (FLUE) Policy 1.1.10A. This density limit can only be
30 changed through application for a rezoning (administrative and

1 minor modifications to increase the density are not permitted) and
2 the requirements of FLUE Policy 1.1.10A must be applied to
3 determine the appropriateness of any increase in residential
4 density.

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

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

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

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Form Approved:

 /s/ Jason Teal

Office of General Counsel

Legislation Prepared By: Erin Abney

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