

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-302-E**

5 AN ORDINANCE REZONING APPROXIMATELY 4.35± ACRES,
6 LOCATED IN COUNCIL DISTRICT 8 AT 0 BEAVER
7 STREET, BETWEEN WEST BEAVER STREET AND MARISCO
8 WAY (R.E. NO. 001774-0000), OWNED BY LOIS
9 BARKOSKIE CREW, AS TRUSTEE OF THE LOIS BARKOSKIE
10 CREW FAMILY TRUST UNDER TRUST AGREEMENT DATED
11 SEPTEMBER 17, 2014, ET AL., AS DESCRIBED HEREIN,
12 FROM COMMERCIAL OFFICE (CO) DISTRICT TO PLANNED
13 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
15 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
16 THE HALSEMA VILLAS PUD, PURSUANT TO FUTURE LAND
17 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
18 APPLICATION NUMBER L-5663-22C; PUD SUBJECT TO
19 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
25 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
26 portions of the Future Land Use Map series (FLUMs) in order to ensure
27 the accuracy and internal consistency of the plan, pursuant to the
28 companion land use ordinance for application L-5663-22C; and

29 **WHEREAS,** in order to ensure consistency of zoning district with
30 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5663-22C, an application to rezone and reclassify from

1 Commercial Office (CO) District to Planned Unit Development (PUD)
2 District was filed by Wyman Duggan, Esq., on behalf of the owners of
3 approximately 4.35± acres of certain real property in Council District
4 8, as more particularly described in Section 1; and

5 **WHEREAS**, the Planning and Development Department, in order to
6 ensure consistency of this zoning district with the *2030 Comprehensive*
7 *Plan*, has considered the rezoning and has rendered an advisory
8 opinion; and

9 **WHEREAS**, the Planning Commission has considered the application
10 and has rendered an advisory opinion; and

11 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
12 notice and public hearing, has made its recommendation to the Council;
13 and

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 4.35± acres are located in Council District 8 at 0

1 Beaver Street, between West Beaver Street and Marisco Way (R.E. No.
2 001774-0000), as more particularly described in **Exhibit 1**, dated
3 March 24, 2022, and graphically depicted in **Exhibit 2**, both of which
4 are **attached hereto** and incorporated herein by this reference (the
5 "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Lois Barkoskie Crew, as Trustee of the Lois
8 Barkoskie Crew Family Trust under Trust Agreement dated September 17,
9 2014, et al. The applicant is Wyman Duggan, Esq., 1301 Riverplace
10 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 398-3911.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5663-22C, is
13 hereby rezoned and reclassified from Commercial Office (CO) District
14 to Planned Unit Development (PUD) District. This new PUD district
15 shall generally permit multi-family residential uses, and is
16 described, shown and subject to the following documents, **attached**
17 **hereto:**

18 **Exhibit 1** - Legal Description dated March 24, 2022.

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

20 **Exhibit 3** - Written Description dated January 29, 2022.

21 **Exhibit 4** - Site Plan dated February 1, 2022.

22 **Section 4. Rezoning Approved Subject to Conditions.** This
23 rezoning is approved subject to the following conditions. Such
24 conditions control over the Written Description and the Site Plan and
25 may only be amended through a rezoning:

26 (1) If the PUD will access Marisco Way, a traffic study shall
27 be provided at Civil Site Plan Review. Prior to the commencement of
28 the traffic study, the traffic professional shall conduct a
29 methodology meeting to determine the limits of the study. The
30 methodology meeting shall include the Chief of the Traffic Engineering
31 Division, the Chief of the Transportation Division, and the traffic

1 reviewer from Development Services.

2 (2) Americans with Disabilities Act (ADA) compliant sidewalks
3 shall be required on all public right-of-way frontages, or as
4 otherwise approved by the City of Jacksonville Bicycle Pedestrian
5 Coordinator.

6 (3) Deviation from the Code regarding sidewalk width is denied.
7 Developer shall provide sidewalks meeting the requirements of Section
8 654.133 of the Code of Subdivision Regulations.

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

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

30 **Section 7. Effective Date.** The enactment of this Ordinance
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council
2 President and the Council Secretary.

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4 Form Approved:

5

6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Erin Abney

9 GC-#1503825-v1-2022-302-E