

1 Introduced and amended by the Land Use and Zoning Committee:  
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3

4 **ORDINANCE 2022-482-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.03± ACRES,  
6 LOCATED IN COUNCIL DISTRICT 5 AT 5649 CAGLE  
7 ROAD, BETWEEN UNIVERSITY BOULEVARD WEST AND  
8 BOWDEN ROAD (R.E. NO. 153066-0000), OWNED BY  
9 CAGLE HOSPITALITY ASSOCIATES LLC, AS DESCRIBED  
10 HEREIN, FROM COMMERCIAL COMMUNITY/GENERAL-1  
11 (CCG-1) DISTRICT TO PLANNED UNIT DEVELOPMENT  
12 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER  
13 THE ZONING CODE, TO PERMIT MULTI-FAMILY  
14 RESIDENTIAL AND COMMERCIAL USES, AS DESCRIBED IN  
15 THE CAGLE ROAD PUD, PURSUANT TO FUTURE LAND USE  
16 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT  
17 APPLICATION NUMBER L-5716-22C; PUD SUBJECT TO  
18 CONDITION; PROVIDING A DISCLAIMER THAT THE  
19 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
21 PROVIDING AN EFFECTIVE DATE.  
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale  
24 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
25 portions of the Future Land Use Map series (FLUMs) in order to ensure  
26 the accuracy and internal consistency of the plan, pursuant to the  
27 companion land use ordinance for application L-5716-22C; and

28 **WHEREAS,** in order to ensure consistency of zoning district with  
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
30 Amendment L-5668-22C, an application to rezone and reclassify from  
31 Commercial Community/General-1 (CCG-1) District to Planned Unit

1 Development (PUD) District was filed by Paul Harden, Esq., on behalf  
2 of the owner of approximately 3.03± acres of certain real property  
3 in Council District 5, as more particularly described in Section 1;  
4 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 3.03± acres are located in Council District 5 at 5649

1 Cagle Road, between University Boulevard West and Bowden Road (R.E.  
2 No. 153066-0000), as more particularly described in **Exhibit 1**, dated  
3 May 3, 2022, and graphically depicted in **Exhibit 2**, both of which are  
4 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 Cagle Hospitality Associates LLC. The applicant  
8 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,  
9 Jacksonville, Florida 32207; (904) 396-5731.

10 **Section 3. Property Rezoned.** The Subject Property,  
11 pursuant to adopted companion Small-Scale Amendment L-5716-22C, is  
12 hereby rezoned and reclassified from Commercial Community/General-1  
13 (CCG-1) District to Planned Unit Development (PUD) District. This  
14 new PUD district shall generally permit multi-family residential and  
15 commercial uses, and is described, shown and subject to the following  
16 documents, attached hereto:

17 **Exhibit 1** - Legal Description dated May 3, 2022.

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

19 **Exhibit 3** - Written Description dated June 22, 2022.

20 **Exhibit 4** - Site Plan dated April 23, 2022.

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

25 (1) Pedestrian access shall be provided by sidewalk installed  
26 in accordance with the 2030 Comprehensive Plan in a location to be  
27 determined and approved by the Planning and Development Department.

28 **Section 5. Contingency.** This rezoning shall not become  
29 effective until thirty-one (31) days after adoption of the companion  
30 Small-Scale Amendment unless challenged by the state land planning  
31 agency; and further provided that if the companion Small-Scale

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

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

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

22  
23 Form Approved:

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25           /s/ Mary E. Staffopoulos          

26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

28 GC-#1522424-v1-2022-482-E