

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-708**

5 AN ORDINANCE REZONING APPROXIMATELY 11.64± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 NORTH MAIN
7 STREET, 14353 NORTH MAIN STREET, 33 CASTLEBERRY
8 ROAD, 47 CASTLEBERRY ROAD, 115 CASTLEBERRY ROAD,
9 AND 131 CASTLEBERRY ROAD, BETWEEN NORTH MAIN
10 STREET AND LYLE ROAD (R.E. NOS. 107839-0000,
11 107841-0070, 107841-0080, 107845-0000, 107846-
12 0010, 107847-0000 AND 107849-0000), OWNED BY
13 CHANCE CASTLEBERRY OWNER, LLC, AND CP
14 CASTLEBERRY GL OWNER, LLC, AS DESCRIBED HEREIN,
15 FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
16 (2016-526-E) TO PLANNED UNIT DEVELOPMENT (PUD)
17 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
18 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
19 AND COMMERCIAL USES, AS DESCRIBED IN THE CHANCE
20 CASTLEBERRY PUD, PURSUANT TO FUTURE LAND USE MAP
21 SERIES (FLUMS) SMALL-SCALE AMENDMENT
22 APPLICATION NUMBER L-5749-22C; PROVIDING A
23 DISCLAIMER THAT THE REZONING GRANTED HEREIN
24 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
25 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
26 DATE.

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28 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
29 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
30 portions of the Future Land Use Map series (FLUMs) in order to ensure
31 the accuracy and internal consistency of the plan, pursuant to the

1 companion land use application L-5749-22C; and

2 **WHEREAS**, in order to ensure consistency of zoning district with
3 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
4 Amendment L-5749-22C, an application to rezone and reclassify from
5 Planned Unit Development (PUD) District (2016-526-E) to Planned Unit
6 Development (PUD) District was filed by William Michaelis, Esq., on
7 behalf of the owners of approximately 11.64± acres of certain real
8 property in Council District 7, as more particularly described in
9 Section 1; and

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

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

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

19 **WHEREAS**, the City Council, after due notice, held a public
20 hearing, and taking into consideration the above recommendations as
21 well as all oral and written comments received during the public
22 hearings, the Council finds that such rezoning is consistent with the
23 *2030 Comprehensive Plan* adopted under the comprehensive planning
24 ordinance 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 11.64± acres are located in Council District 7 at 0
6 North Main Street, 14353 North Main Street, 33 Castleberry Road, 47
7 Castleberry Road, 115 Castleberry Road and 131 Castleberry Road,
8 between North Main Street and Lyle Road (R.E. Nos. 107839-0000,
9 107841-0070, 107841-0080, 107845-0000, 107846-0010, 107847-0000 and
10 107849-0000), as more particularly described in **Exhibit 1**, dated July
11 22, 2022, and graphically depicted in **Exhibit 2**, both of which are
12 attached hereto and incorporated herein by this reference (the
13 "Subject Property").

14 **Section 2. Owner and Applicant Description.** The Subject
15 Property is owned by Chance Castleberry Owner, LLC, and CP Castleberry
16 GL Owner, LLC. The applicant is William Michaelis, Esq., 1301
17 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207; (904)
18 346-5914.

19 **Section 3. Property Rezoned.** The Subject Property,
20 pursuant to adopted companion Small-Scale Amendment L-5749-22C, is
21 hereby rezoned and reclassified from Planned Unit Development (PUD)
22 District (2016-526-E) to Planned Unit Development (PUD) District.
23 This new PUD district shall generally permit multi-family residential
24 and commercial uses, and is described, shown and subject to the
25 following documents, attached hereto:

26 **Exhibit 1** - Legal Description dated July 22, 2022.

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

28 **Exhibit 3** - Written Description dated August 23, 2022.

29 **Exhibit 4** - Site Plan dated July 19, 2022.

30 **Section 4. Contingency.** This rezoning shall not become
31 effective until thirty-one (31) days after adoption of the companion

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

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

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

24
25 Form Approved:

26
27 /s/ Mary E. Staffopoulos

28 Office of General Counsel

29 Legislation Prepared By: Bruce Lewis

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