

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-668-E**

5 AN ORDINANCE REZONING APPROXIMATELY 4.05± ACRES,
6 LOCATED IN COUNCIL DISTRICT 9 AT 6133 BLANDING
7 BOULEVARD, BETWEEN BLANDING BOULEVARD AND
8 WESCONNETT BOULEVARD (R.E. NO. 097727-0100),
9 OWNED BY MELISSA WILSON CHURCH, PATRICIA WILSON-
10 BANKS, AND JUDITH A. WILSON, FORMERLY KNOWN AS
11 JUDITH A. THOMASON, AS DESCRIBED HEREIN, FROM
12 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) DISTRICT
13 AND RESIDENTIAL MEDIUM DENSITY-A (RMD-A)
14 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
15 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
16 ZONING CODE, TO PERMIT UP TO 50 TOWNHOMES, AS
17 DESCRIBED IN THE WEST ORTEGA LANDING PUD,
18 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
19 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
20 5735-22C; PUD SUBJECT TO CONDITIONS; PROVIDING
21 A DISCLAIMER THAT THE REZONING GRANTED HEREIN
22 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
23 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
24 DATE.

25
26 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
27 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
28 portions of the Future Land Use Map series (FLUMs) in order to ensure
29 the accuracy and internal consistency of the plan, pursuant to the
30 companion land use ordinance for application L-5735-22C; and

31 **WHEREAS**, in order to ensure consistency of zoning district with

1 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
2 Amendment L-5735-22C, an application to rezone and reclassify from
3 Commercial Community/General-2 (CCG-2) District and Residential
4 Medium Density-A (RMD-A) District to Planned Unit Development (PUD)
5 District was filed by Elizabeth Rothenberg, Esq., on behalf of the
6 owners of approximately 4.05± acres of certain real property in
7 Council District 9, as more particularly described in Section 1; and

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

12 **WHEREAS**, the Planning Commission has considered the application
13 and has rendered an advisory opinion; and

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

17 **WHEREAS**, the City Council, after due notice, held a public
18 hearing, and taking into consideration the above recommendations as
19 well as all oral and written comments received during the public
20 hearings, the Council finds that such rezoning is consistent with the
21 *2030 Comprehensive Plan* adopted under the comprehensive planning
22 ordinance for future development of the City of Jacksonville; and

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

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 4.05± acres are located in Council District 9 at 6133
4 Blanding Boulevard, between Blanding Boulevard and Wesconnett
5 Boulevard (R.E. No. 097727-0100), as more particularly described in
6 **Exhibit 1**, dated June 10, 2022, and graphically depicted in **Exhibit**
7 **2**, both of which are attached hereto and incorporated herein by this
8 reference (the "Subject Property").

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by Melissa Wilson Church, Patricia Wilson-Banks,
11 and Judith A. Wilson, formerly known as Judith A. Thomason. The
12 applicant is Elizabeth Rothenberg, Esq., 233 East Bay Street, Suite
13 1113, Jacksonville, Florida 32034; (904) 479-6425.

14 **Section 3. Property Rezoned.** The Subject Property,
15 pursuant to adopted companion Small-Scale Amendment L-5735-22C, is
16 hereby rezoned and reclassified from Commercial Community/General-2
17 (CCG-2) District and Residential Medium Density-A (RMD-A) District
18 to Planned Unit Development (PUD) District. This new PUD district
19 shall generally permit up to a maximum of 50 townhomes and is
20 described, shown and subject to the following documents, attached
21 hereto:

22 **Exhibit 1** - Legal Description dated June 10, 2022.

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

24 **Exhibit 3** - Written Description dated August 1, 2022.

25 **Exhibit 4** - Site Plan dated March 23, 2022.

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

- 30 (1) There shall be no parking in the City right-of-way.

1 (2) The portion of Wesconnett Boulevard adjacent to the Subject
2 Property is a three-lane road. The center lane shall be modified to
3 accept the new road being constructed for access to and from the
4 development.

5 (3) The proposed street typical cross-section for the
6 development shall match that found in City Standard Details for City
7 of Jacksonville, Plate P-127.

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

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

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

