

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

4 **ORDINANCE 2022-851-E**

5 AN ORDINANCE REZONING APPROXIMATELY 1,479.81±
6 ACRES, LOCATED IN COUNCIL DISTRICTS 7 AND 8 AT
7 0 ACREE ROAD, 0 PLUMMER ROAD AND 0 OLD KINGS
8 ROAD, BETWEEN ACREE ROAD AND PLUMMER ROAD (R.E.
9 NOS. 002507-0005, 002558-0300, 002569-0010 AND
10 002631-0010), OWNED BY H & W TIMBER, LLC, AS
11 DESCRIBED HEREIN, FROM PLANNED UNIT DEVELOPMENT
12 (PUD) DISTRICT (2009-542-E AND 2009-544-E) TO
13 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
15 PERMIT COMMERCIAL, RESIDENTIAL AND LIGHT
16 INDUSTRIAL USES, AS DESCRIBED IN THE ACREE
17 FOREST PUD, PURSUANT TO FUTURE LAND USE MAP
18 SERIES (FLUMS) LARGE-SCALE AMENDMENT
19 APPLICATION NUMBER L-5677-22A; PUD SUBJECT TO
20 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
21 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
22 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, the City of Jacksonville adopted a Large-Scale
26 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to the
29 companion land use ordinance for application L-5677-22A; and

30 **WHEREAS**, in order to ensure consistency of zoning district with
31 the *2030 Comprehensive Plan* and the adopted companion Large-Scale

1 Amendment L-5677-22A, an application to rezone and reclassify from
2 Planned Unit Development (PUD) District (2009-542-E and 2009-544-E)
3 to Planned Unit Development (PUD) District was filed by Paul Harden,
4 Esq., on behalf of the owner of certain real property located in
5 Council Districts 7 and 8, as more particularly described in Section
6 1; and

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

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

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

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

22 **WHEREAS**, the Council finds that the proposed PUD does not affect
23 adversely the orderly development of the City as embodied in the
24 *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 the
28 objectives and meet the standards of Section 656.340 (Planned Unit
29 Development) of the *Zoning Code* of the City of Jacksonville; now,
30 therefore

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 1,479.81± acres are located in Council Districts 7 and
3 8 at 0 Acree Road, 0 Plummer Road and 0 Old Kings Road, between Acree
4 Road and Plummer Road (R.E. Nos. 002507-0005, 002558-0300, 002569-
5 0010 and 002631-0010), as more particularly described in **Exhibit 1**,
6 dated June 7, 2022, and graphically depicted in **Exhibit 2**, both of
7 which are attached hereto and incorporated herein by this reference
8 (the "Subject Property").

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by H & W Timber, LLC. The applicant is Paul Harden,
11 Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida
12 32207; (904) 396-5731.

13 **Section 3. Property Rezoned.** The Subject Property,
14 pursuant to adopted companion Large-Scale Amendment L-5677-22A, is
15 hereby rezoned and reclassified from Planned Unit Development (PUD)
16 District (2009-542-E and 2009-544-E) to Planned Unit Development
17 (PUD) District. This new PUD district shall generally permit
18 commercial, residential and light industrial uses and is described,
19 shown and subject to the following documents, attached hereto:

20 **Exhibit 1** - Legal Description dated June 7, 2022.

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

22 **Revised Exhibit 3** - Revised Written Description dated December 20,
23 2022.

24 **Exhibit 4** - Site Plan dated September 20, 2022.

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

29 (1) Parking requirements for commercial uses shall be
30 consistent with the requirements of Chapter 656, Part 6, *Ordinance*
31 *Code*, unless otherwise approved by the Planning and Development

1 Department.

2 (2) Sidewalks internal to the subdivision shall meet the
3 requirements of Section 654.133(e) and (f), *Ordinance Code*.

4 (3) Traffic studies may be required for individual sites within
5 this PUD. Prior to the commencement of any traffic study, the traffic
6 professional shall conduct a methodology meeting to determine the
7 limits of the study. The methodology meeting shall include the Chief
8 of the Traffic Engineering Division, the Chief of the Transportation
9 Division, and the traffic reviewer from Development Services.

10 (4) Unless otherwise approved by the Planning and Development
11 Department, the proposed street typical cross section for local
12 residential roads shall match that found in City Standard Details for
13 City of Jacksonville, Plat P-127. The typical cross section for
14 other streets shall meet the requirements of Section 3.1 of the Land
15 Development Procedures Manual for the appropriate Design
16 Classification.

17 (5) The Master Developer is responsible for mitigating
18 transportation impacts for the Northwood Regional Activity Center
19 (RAC). Transportation infrastructure and impacts by development phase
20 or by trip generation thresholds that include internal capture
21 percentages for the necessary mix of uses or net external trips must
22 be identified in an overall Traffic Impact Analysis for the entire
23 Northwood RAC prepared by a Registered Florida Professional Engineer.
24 The methodology and study limits for this analysis shall be approved
25 by the City Traffic Engineer, the City Transportation Planning
26 Division, and the Florida Department of Transportation (FDOT). The
27 submittal of the Northwood RAC Traffic Impact Analysis is required
28 prior to submittal of the first digital Civil Site Plans set.

29 (6) The Master Developer shall provide Biennial Monitoring
30 Reports (BMR) every two years to the Planning and Development
31 Department and FDOT District 2 Growth Management Office commencing

1 in year two after the PUD is approved. The BMR shall be prepared by
2 a Registered Florida Professional Engineer and only after a
3 methodology meeting is held with the appropriate members of the FDOT,
4 the City Traffic Engineering Division, and the City Transportation
5 Division prior to conducting the analysis.

6 (7) The existing stage of the development, and that proposed
7 within the next 24-month period, as well as phasing and trip
8 thresholds, shall be reported in the BMR to identify if those
9 transportation and roadway infrastructure improvements identified in
10 the Northwood RAC Traffic Impact Analysis are triggered or warranted.
11 Any transportation infrastructure or mitigation improvements
12 triggered as needed in the BMR must be completed by the Master
13 Developer before the next monitoring period in order to obtain
14 additional building permits from the City or access permits from the
15 FDOT.

16 (8) Individual smaller Traffic Access Studies may still be
17 required by the City or the FDOT for each individual component of the
18 PUD to be sure that access is sufficient. These studies would be
19 flagged during digital Civil Site Plan review. The smaller Traffic
20 Analysis Studies would be necessary to identify specific driveway
21 access and location, the need for median openings or turn lanes, curb
22 radii design and safety improvements to allow the component
23 developments to obtain the building or access permits necessary to
24 safely access the individual sites.

25 **Section 5. Contingency.** This rezoning shall not become
26 effective until thirty-one (31) days after adoption of the companion
27 Large-Scale Amendment unless challenged by the state land planning
28 agency; and further provided that if the companion Large-Scale
29 Amendment is challenged by the state land planning agency, this
30 rezoning shall not become effective until the state land planning
31 agency or the Administration Commission issues a final order

1 determining the companion Large-Scale Amendment is in compliance with
2 Chapter 163, *Florida Statutes*.

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

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

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Erin Abney

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