

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-69**

5 AN ORDINANCE REZONING APPROXIMATELY 6,174.21±
6 ACRES, LOCATED IN COUNCIL DISTRICT 11 AT 0 J.
7 TURNER BUTLER BOULEVARD, 0 SOUTH HAMPTON RIDGE
8 BOULEVARD, 0 PHILIPS HIGHWAY, 11458 APEX TRAIL
9 AND 0 GRAND STREET, BETWEEN INTERSTATE-295 AND
10 THE ST. JOHNS COUNTY LINE (R.E. NOS. 167748-
11 0000, 167762-0010, 167900-0020, 167900-0030,
12 167900-0040, 167900-0050, 167900-0060, 167900-
13 0070, 167900-0080, 167900-0090 AND 167900-
14 0100), OWNED BY BIG CREEK TIMBER, LLC, AS
15 DESCRIBED HEREIN, FROM RESIDENTIAL RURAL-ACRE
16 (RR-ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT
17 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
18 THE ZONING CODE, TO PERMIT MIXED USES, AS
19 DESCRIBED IN THE BIG CREEK TIMBER LLC PUD,
20 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
21 LARGE-SCALE AMENDMENT APPLICATION NUMBER L-
22 5673-22A AND THE BIG CREEK TIMBER, LLC
23 CONCEPTUAL MASTER PLAN APPROVED BY THE
24 JACKSONVILLE CITY COUNCIL; PUD SUBJECT TO
25 CONDITION; PROVIDING A DISCLAIMER THAT THE
26 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
27 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
28 PROVIDING AN EFFECTIVE DATE.

29
30 **WHEREAS,** the City of Jacksonville adopted a Large-Scale
31 Amendment to the *2030 Comprehensive Plan* for the purpose of revising

1 portions of the Future Land Use Map series (FLUMs) in order to ensure
2 the accuracy and internal consistency of the plan, pursuant to the
3 companion land use ordinance for application L-5673-22A; and

4 **WHEREAS**, in order to ensure consistency of zoning district with
5 the *2030 Comprehensive Plan* and the adopted companion Large-Scale
6 Amendment L-5673-22A, an application to rezone and reclassify from
7 Residential Rural-Acre (RR-Acre) District to Planned Unit Development
8 (PUD) District was filed by Paul Harden, Esq., on behalf of the owner
9 of approximately 6,174.21± acres of certain real property in Council
10 District 11, as more particularly described in Section 1; and

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

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

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

20 **WHEREAS**, the City Council, after due notice, held a public
21 hearing, and taking into consideration the above recommendations as
22 well as all oral and written comments received during the public
23 hearings, the Council finds that such rezoning is consistent with the
24 *2030 Comprehensive Plan* adopted under the comprehensive planning
25 ordinance for future development of the City of Jacksonville; and

26 **WHEREAS**, based on the staff report of the Planning and
27 Development and other competent and substantial evidence received at
28 the public hearings, the Council finds that the proposed PUD does not
29 affect adversely the orderly development of the City as embodied in
30 the *Zoning Code*; will not affect adversely the health and safety of
31 residents in the area; will not be detrimental to the natural

1 environment or to the use or development of the adjacent properties
2 in the general neighborhood; and the proposed PUD will accomplish the
3 objectives and meet the standards of Section 656.340 (Planned Unit
4 Development) of the *Zoning Code* of the City of Jacksonville; now,
5 therefore

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

7 **Section 1. Subject Property Location and Description.** The
8 approximately 6,174.21± acres are located in Council District 11 at
9 0 J. Turner Butler Boulevard, 0 South Hampton Ridge Boulevard, 0
10 Philips Highway, 11458 Apex Trail and 0 Grand Street, between
11 Interstate-295 and the St. Johns County line (R.E. Nos. 167748-0000,
12 167762-0010, 167900-0020, 167900-0030, 167900-0040, 167900-0050,
13 167900-0060, 167900-0070, 167900-0080, 167900-0090 and 167900-0100),
14 as more particularly described in **Exhibit 1**, dated February 14, 2022,
15 and graphically depicted in **Exhibit 2**, both of which are attached
16 hereto and incorporated herein by this reference (the "Subject
17 Property").

18 **Section 2. Owner and Applicant Description.** The Subject
19 Property is owned by Big Creek Timber, LLC. The applicant is Paul
20 Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville,
21 Florida 32207; (904) 396-5731.

22 **Section 3. Property Rezoned.** The Subject Property,
23 pursuant to adopted companion Large-Scale Amendment L-5673-22A and
24 the Big Creek Timber, LLC Conceptual Master Plan, is hereby rezoned
25 and reclassified from Residential Rural-Acre (RR-Acre) District to
26 Planned Unit Development (PUD) District. This new PUD district shall
27 generally permit mixed uses and is described, shown and subject to
28 the following documents, attached hereto:

29 **Exhibit 1** - Legal Description dated February 14, 2022.

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

31 **Exhibit 3** - Written Description dated January 23, 2023.

1 **Exhibit 4** - Site Plan dated October 28, 2022.

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

6 (1) Development of the Subject Property shall be consistent
7 with a Conceptual Master Plan for the site that has been approved by
8 the City Council as outlined in Future Land Use Element (FLUE) Site
9 Specific Policy 4.3.22 of the *2030 Comprehensive Plan*.

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

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

31 **Section 7. Effective Date.** The enactment of this Ordinance

1 shall be deemed to constitute a quasi-judicial action of the City
2 Council and shall become effective upon signature by the Council
3 President and the Council Secretary.

4

5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Erin Abney

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