

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-891-E**

5 AN ORDINANCE REZONING APPROXIMATELY 17.85± ACRES
6 LOCATED IN COUNCIL DISTRICT 8 AT 0 WESTERN
7 AVENUE, 12804 LEM TURNER ROAD AND 12810 LEM
8 TURNER ROAD, BETWEEN WESTERN AVENUE AND LEM
9 TURNER ROAD (R.E. NOS. 019495-9100, 019507-0000,
10 019516-0000, 019517-0000 AND 019531-0000), OWNED
11 BY HOUSTON'S H & W MEATS, INC., MARLA A. HANSEN,
12 ROBERT E. HANSEN, JOHN R. HANSEN AND AMY E.
13 HANSEN, AS DESCRIBED HEREIN, FROM RESIDENTIAL
14 RURAL-ACRE (RR-ACRE) DISTRICT TO PLANNED UNIT
15 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
17 MULTI-FAMILY RESIDENTIAL (DUPLEX) USES, AS
18 DESCRIBED IN THE CEDAR CREEK PUD, PURSUANT TO
19 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
20 AMENDMENT APPLICATION NUMBER L-5736-22C; PUD
21 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER THAT
22 THE REZONING GRANTED HEREIN SHALL NOT BE
23 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE 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
30 companion application L-5736-22C; 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-5736-22C, an application to rezone and reclassify from
3 Residential Rural-Acre (RR-Acre) District to Planned Unit Development
4 (PUD) District was filed by Brian Small on behalf of the owners of
5 approximately 17.85± acres of certain real property in Council
6 District 8, as more particularly described in Section 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, held a public hearing and made its recommendation to the
15 Council; 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 17.85± acres are located in Council District 8 at 0
3 Western Avenue, 12804 Lem Turner Road and 12810 Lem Turner Road,
4 between Western Avenue and Lem Turner Road (R.E. Nos. 019495-9100,
5 019507-0000, 019516-0000, 019517-0000 and 019531-0000), as more
6 particularly described in **Exhibit 1**, dated July 6, 2022, and
7 graphically depicted in **Exhibit 2**, both of which are attached hereto
8 and incorporated herein by this reference (the "Subject Property").

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by Houston's H & W Meats, Inc., Marla A. Hansen,
11 Robert E. Hansen, John R. Hansen and Amy E. Hansen. The applicant is
12 Brian Small, 3948 3rd Street South, Suite 116, Jacksonville, Florida
13 32250; (843) 384-9333.

14 **Section 3. Property Rezoned.** The Subject Property,
15 pursuant to adopted companion Small-Scale Amendment Application L-
16 5736-22C, is hereby rezoned and reclassified from Residential Rural-
17 Acre (RR-Acre) District to Planned Unit Development (PUD) District.
18 This new PUD district shall generally permit multi-family residential
19 (duplex) uses and is described, shown and subject to the following
20 documents, attached hereto:

21 **Exhibit 1** - Legal Description dated July 6, 2022.

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

23 **Exhibit 3** - Written Description dated October 5, 2022.

24 **Exhibit 4** - Site Plan dated September 26, 2022.

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

29 (1) A traffic study shall be provided at Civil Site Plan
30 Review. Prior to the commencement of the traffic study, the traffic
31 professional shall conduct a methodology meeting to determine the

1 limits of the study. The methodology meeting shall include the Chief
2 of the Traffic Engineering Division, the Chief of the Transportation
3 Division and the traffic reviewer from Development Services.
4 Furthermore, although the site does not directly access a Florida
5 Department of Transportation (FDOT) right-of-way, the trips caused
6 by the development will impact the FDOT Lem Turner Road/Hemlock Street
7 intersection. Therefore, Florida Department of Transportation
8 representation should also be included in the methodology meeting.

9 **Section 5. Contingency.** This rezoning shall not become
10 effective until thirty-one (31) days after adoption of the companion
11 Small-Scale Amendment; and further provided that if the companion
12 Small-Scale Amendment is challenged by the state land planning agency,
13 this 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

1 President and the Council Secretary.

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3 Form Approved:

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5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Kaysie Cox

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