

1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor of Council:

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4
5 **ORDINANCE 2023-69-E**

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

30
31 **WHEREAS,** the City of Jacksonville adopted a Large-Scale

1 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
2 portions of the Future Land Use Map series (FLUMs) in order to ensure
3 the accuracy and internal consistency of the plan, pursuant to the
4 companion land use ordinance for application L-5673-22A; and

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

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

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

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

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

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

1 residents in the area; will not be detrimental to the natural
2 environment or to the use or development of the adjacent properties
3 in the general neighborhood; and the proposed PUD will accomplish the
4 objectives and meet the standards of Section 656.340 (Planned Unit
5 Development) of the *Zoning Code* of the City of Jacksonville; now,
6 therefore

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

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

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

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

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

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

1 **Second Revised Exhibit 3** - Second Revised Written Description dated
2 March 28, 2023.

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

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

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

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

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

1 restricted by any federal, state or local laws.

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

6
7 Form Approved:

8
9 /s/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation Prepared By: Erin Abney

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