

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-538**

5 AN ORDINANCE REZONING APPROXIMATELY 4.24± ACRES
6 LOCATED IN COUNCIL DISTRICT 1 AT 0 MILL CREEK
7 ROAD AND 1010 MILL CREEK ROAD, BETWEEN REGENCY
8 SQUARE BOULEVARD NORTH AND LIBBY ROAD SOUTH (R.E.
9 NOS. 120877-0010 AND 121150-0100), OWNED BY 1010
10 MILL CREEK, LLC, AS DESCRIBED HEREIN, FROM
11 COMMERCIAL, RESIDENTIAL AND OFFICE (CRO)
12 DISTRICT AND COMMERCIAL OFFICE (CO) DISTRICT TO
13 RESIDENTIAL MEDIUM DENSITY-C (RMD-C) DISTRICT,
14 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
15 PURSUANT TO FUTURE LAND USE MAP SERIES SMALL-
16 SCALE AMENDMENT APPLICATION NUMBER L-5838-23C;
17 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
19 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
20 EFFECTIVE DATE.
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22 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
24 portions of the Future Land Use Map series (FLUMs) in order to ensure
25 the accuracy and internal consistency of the plan, pursuant to
26 companion application L-5838-23C; and

27 **WHEREAS**, in order to ensure consistency of zoning district with
28 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
29 Amendment L-5838-23C, an application to rezone and reclassify from
30 Commercial, Residential and Office (CRO) District and Commercial
31 Office (CO) District to Residential Medium Density-C (RMD-C) District

1 was filed by Wyman Duggan, Esq. on behalf of the owner of
2 approximately 4.24± acres of certain real property in Council District
3 1, as more particularly described in Section 1; and

4 **WHEREAS**, the Planning and Development Department, in order to
5 ensure consistency of this zoning district with the *2045 Comprehensive*
6 *Plan*, has considered the rezoning and has rendered an advisory
7 opinion; and

8 **WHEREAS**, the Planning Commission has considered the application
9 and has rendered an advisory opinion; and

10 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
11 notice, held a public hearing and made its recommendation to the
12 Council; and

13 **WHEREAS**, the City Council, after due notice, held a public
14 hearing, and taking into consideration the above recommendations as
15 well as all oral and written comments received during the public
16 hearings, the Council finds that such rezoning is consistent with the
17 *2045 Comprehensive Plan* adopted under the comprehensive planning
18 ordinance for future development of the City of Jacksonville; now,
19 therefore

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

21 **Section 1. Subject Property Location and Description.** The
22 approximately 4.24± acres are located in Council District 1 at 0 Mill
23 Creek Road and 1010 Mill Creek Road, between Regency Square Boulevard
24 North and Libby Road South (R.E. Nos. 120877-0010 and 121150-0100),
25 as more particularly described in **Exhibit 1**, dated August 10, 2023,
26 and graphically depicted in **Exhibit 2**, both of which are attached
27 hereto and incorporated herein by this reference (the "Subject
28 Property").

29 **Section 2. Owner and Applicant Description.** The Subject
30 Property is owned by 1010 Mill Creek, LLC. The applicant is Wyman
31 Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,

1 Florida 32207; (904) 398-3911.

2 **Section 3. Property Rezoned.** The Subject Property,
3 pursuant to adopted companion Small-Scale Amendment Application L-
4 5838-23C, is hereby rezoned and reclassified from Commercial,
5 Residential and Office (CRO) District and Commercial Office (CO)
6 District to Residential Medium Density-C (RMD-C) District.

7 **Section 4. Contingency.** This rezoning shall not become
8 effective until thirty-one (31) days after adoption of the companion
9 Small-Scale Amendment; and further provided that if the companion
10 Small-Scale Amendment is challenged by the state land planning agency,
11 this rezoning shall not become effective until the state land planning
12 agency or the Administration Commission issues a final order
13 determining the companion Small-Scale Amendment is in compliance with
14 Chapter 163, *Florida Statutes*.

15 **Section 5. Disclaimer.** The rezoning granted herein
16 shall not be construed as an exemption from any other applicable
17 local, state, or federal laws, regulations, requirements, permits or
18 approvals. All other applicable local, state or federal permits or
19 approvals shall be obtained before commencement of the development
20 or use and issuance of this rezoning is based upon acknowledgement,
21 representation and confirmation made by the applicant(s), owner(s),
22 developer(s) and/or any authorized agent(s) or designee(s) that the
23 subject business, development and/or use will be operated in strict
24 compliance with all laws. Issuance of this rezoning does not approve,
25 promote or condone any practice or act that is prohibited or
26 restricted by any federal, state or local laws.

27 **Section 6. Effective Date.** The enactment of this Ordinance
28 shall be deemed to constitute a quasi-judicial action of the City
29 Council and shall become effective upon signature by the Council
30 President and the Council Secretary.

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Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Caroline Fulton

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