

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-782-E**

5 AN ORDINANCE REZONING APPROXIMATELY 6.15± ACRES,
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 PALMETTO
7 STREET, 700 PALMETTO STREET AND 817 OAKLEY
8 STREET, BETWEEN EAST UNION STREET AND ARLINGTON
9 EXPRESSWAY (R.E. NOS. 130803-0000, 130810-0000
10 AND 130817-0000), AS DESCRIBED HEREIN, OWNED BY
11 ARGOS USA LLC, SUCCESSOR BY MERGER TO ARGOS
12 READY MIX LLC, FROM RESIDENTIAL MEDIUM DENSITY-A
13 (RMD-A) DISTRICT, INDUSTRIAL LIGHT (IL) DISTRICT
14 AND COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
15 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
16 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
17 ZONING CODE, TO PERMIT TOWNHOMES AND COMMERCIAL
18 AND MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED
19 IN THE PALMETTO STREET MIXED USE PUD, PURSUANT
20 TO FUTURE LAND USE MAP SERIES (FLUMS)
21 SMALL-SCALE AMENDMENT APPLICATION NUMBER
22 L-5858-23C; PUDSUBJECT TO CONDITIONS; PROVIDING
23 A DISCLAIMER THAT THE REZONING GRANTED HEREIN
24 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
25 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
26 DATE.

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28 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
29 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
30 portions of the Future Land Use Map series (FLUMs) in order to ensure
31 the accuracy and internal consistency of the plan, pursuant to

1 companion application L-5858-23C; and

2 **WHEREAS**, in order to ensure consistency of zoning district
3 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
4 Amendment L-5858-23C, an application to rezone and reclassify from
5 Residential Medium Density-A (RMD-A) District, Industrial Light (IL)
6 District and Commercial Community/General-1 (CCG-1) District to
7 Planned Unit Development (PUD) District was filed by Robert Baynes
8 on behalf of the owner of approximately 6.15± acres of certain real
9 property in Council District 7, as more particularly described in
10 Section 1; and

11 **WHEREAS**, the Planning and Development Department, in order to
12 ensure consistency of this zoning district with the *2045 Comprehensive*
13 *Plan*, has considered the rezoning and has rendered an advisory
14 opinion; and

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

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

19 **WHEREAS**, the City Council, after due notice, held a public
20 hearing, and taking into consideration the above recommendations as
21 well as all oral and written comments received during the public
22 hearings, the Council finds that such rezoning is consistent with the
23 *2045 Comprehensive Plan* adopted under the comprehensive planning
24 ordinance for future development of the City of Jacksonville; and

25 **WHEREAS**, the Council finds that the proposed PUD does not
26 affect adversely the orderly development of the City as embodied in
27 the *Zoning Code*; will not affect adversely the health and safety of
28 residents in the area; will not be detrimental to the natural
29 environment or to the use or development of the adjacent properties
30 in the general neighborhood; and the proposed PUD will accomplish the
31 objectives and meet the standards of Section 656.340 (Planned Unit

1 Development) of the *Zoning Code* of the City of Jacksonville; now
2 therefore

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

4 **Section 1. Subject Property Location and Description.** The
5 approximately 6.15± acres are located in Council District 7 at 0
6 Palmetto Street, 700 Palmetto Street and 817 Oakley Street, between
7 East Union Street and Arlington Expressway (R.E. Nos. 130803-0000,
8 130810-0000 and 130817-0000), as more particularly described in
9 **Exhibit 1**, dated July 20, 2023, and graphically depicted in **Exhibit**
10 **2**, both of which are attached hereto and incorporated herein by this
11 reference (the "Subject Property").

12 **Section 2. Owner and Applicant Description.** The Subject
13 Property is owned by Argos USA LLC, successor by merger to Argos
14 Ready Mix LLC. The applicant is Robert Baynes, 24 East Drayton
15 Street, Suite 201-A, Savannah, Georgia 31401; (404) 229-1387.

16 **Section 3. Property Rezoned.** The Subject Property,
17 pursuant to adopted companion Small-Scale Amendment Application
18 L-5858-23C, is hereby rezoned and reclassified from Residential
19 Medium Density-A (RMD-A) District, Industrial Light (IL) District and
20 Commercial Community/General-1 (CCG-1) District to Planned Unit
21 Development (PUD) District. This new PUD district shall generally
22 permit townhomes and commercial and multi-family residential uses and
23 is described, shown and subject to the following documents, attached
24 hereto:

25 **Exhibit 1** - Legal Description dated July 20, 2023.

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

27 **Revised Exhibit 3** - Revised Written Description dated November 11,
28 2023.

29 **Exhibit 4** - Site Plan dated July 20, 2023.

30 **Section 4. Rezoning Approved Subject to Conditions.** This
31 rezoning is approved subject to the following conditions. Such

1 conditions control over the Written Description and the Site Plan and
2 may only be amended through a rezoning:

3 (1) A traffic study shall be provided at Civil Site Plan
4 Review. Prior to the commencement of the traffic study, the traffic
5 professional shall conduct a methodology meeting to determine the
6 limits of the study. The methodology meeting shall include the Chief
7 of the Traffic Engineering Division, the Chief of the Transportation
8 Planning Division and the traffic reviewer from Development Services.

9 (2) A parking study showing that the proposed number of parking
10 spaces will be sufficient for the proposed uses shall be submitted
11 at the time of verification of substantial compliance of the PUD for
12 review and approval by the Transportation Planning Division.

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

21 **Section 6. Disclaimer.** The rezoning granted herein
22 shall not be construed as an exemption from any other applicable
23 local, 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
32 restricted by any federal, state or local laws.

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

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6 Form Approved:

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8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation Prepared By: Bruce Lewis

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