

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-717**

5 AN ORDINANCE REZONING APPROXIMATELY 450.33±
6 ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0
7 NEWCOMB ROAD, BETWEEN NEW KINGS ROAD AND LEM
8 TURNER ROAD (PORTION OF R.E. NO. 019449-0000),
9 AS DESCRIBED HEREIN, OWNED BY SUNCAP SOUTHEAST
10 INDUSTRIAL JOINT VENTURE, LLC, FROM PLANNED
11 UNIT DEVELOPMENT (PUD) DISTRICT (2013-648-E)
12 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT,
13 AS DEFINED AND CLASSIFIED UNDER THE ZONING
14 CODE, TO PERMIT SINGLE FAMILY RESIDENTIAL
15 USES, AS DESCRIBED IN THE 2019 LT RESIDENTIAL
16 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
17 (FLUMS) LARGE-SCALE AMENDMENT APPLICATION L-
18 5298-18A; PROVIDING A DISCLAIMER THAT THE
19 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
21 LAWS; PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Large-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of
25 revising portions of the Future Land Use Map series (FLUMs) in
26 order to ensure the accuracy and internal consistency of the plan,
27 pursuant to application L-5298-18A and companion land use Ordinance
28 2019-716; and

29 **WHEREAS,** in order to ensure consistency of zoning district
30 with the *2030 Comprehensive Plan* and the adopted companion Large-
31 Scale Amendment L-5298-18A, an application to rezone and reclassify

1 from Planned Unit Development (PUD) District (2013-648-E) to
2 Planned Unit Development (PUD) District was filed by Paul Harden,
3 Esq., on behalf of Sunicap Southeast Industrial Joint Venture, LLC,
4 the owner of approximately 450.33± acres of certain real property
5 in Council District 8, as more particularly described in Section 1;
6 and

7 **WHEREAS**, the Planning and Development Department, in order to
8 ensure consistency of this zoning district with the *2030*
9 *Comprehensive Plan*, has considered the rezoning and has rendered an
10 advisory opinion; and

11 **WHEREAS**, the Planning Commission has considered the
12 application 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, 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
20 the *2030 Comprehensive Plan* adopted under the comprehensive
21 planning ordinance for future development of the City of
22 Jacksonville; and

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

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 450.33± acres (portion of R.E. No. 019449-0000) are
4 located in Council District 8 at 0 Newcomb Road, between New Kings
5 Road and Lem Turner Road, as more particularly described in **Exhibit**
6 **1**, dated September 24, 2019, **attached hereto** and incorporated
7 herein by this reference (Subject Property).

8 **Section 2. Owner and Applicant Description.** The subject
9 property is owned by Suncap Southeast Industrial Joint Venture,
10 LLC. The applicant is Paul Harden, Esq., 501 Riverside Avenue,
11 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Large-Scale Amendment L-5298-18A, is
14 hereby rezoned and reclassified from Planned Unit Development (PUD)
15 District (2013-648-E) to Planned Unit Development (PUD) District.
16 This new PUD district shall generally permit single family
17 residential uses, and is described, shown and subject to the
18 following documents, **attached hereto**:

19 **Exhibit 1** - Legal Description dated September 24, 2019.

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

21 **Exhibit 3** - Written Description dated September 6, 2019.

22 **Exhibit 4** - Site Plan dated September 6, 2019.

23 **Section 4. Contingency.** This rezoning shall not become
24 effective until 31 days after adoption of the companion Large-Scale
25 Amendment unless challenged by the state land planning agency; and
26 further provided that if the companion Large-Scale Amendment is
27 challenged by the state land planning agency, this rezoning shall
28 not become effective until the state land planning agency or the
29 Administration Commission issues a final order determining the
30 companion Large-Scale Amendment is in compliance with Chapter 163,
31 *Florida Statutes*.

1 **Section 5. Disclaimer.** The rezoning granted herein
2 shall not be construed as an exemption from any other applicable
3 local, state, or federal laws, regulations, requirements, permits
4 or approvals. All other applicable local, state or federal permits
5 or approvals shall be obtained before commencement of the
6 development or use and issuance of this rezoning is based upon
7 acknowledgement, representation and confirmation made by the
8 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
9 or designee(s) that the subject business, development and/or use
10 will be operated in strict compliance with all laws. Issuance of
11 this rezoning does not approve, promote or condone any practice or
12 act that is prohibited or restricted by any federal, state or local
13 laws.

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

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19 Form Approved:

20
21 /s/ Shannon K. Eller

22 Office of General Counsel

23 Legislation Prepared By: Bruce Lewis

24 GC-#1307116-v1-z-2517_LS_COMP_PUD_ADP