

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2019-549-E**

5 AN ORDINANCE REZONING APPROXIMATELY 11.12±
6 ACRES, LOCATED IN COUNCIL DISTRICT 13 AT 2130
7 MAYPORT ROAD, BETWEEN FAIRWAY VILLAS DRIVE AND
8 DUTTON ISLAND ROAD WEST (R.E. NO. 169421-
9 0010), AS DESCRIBED HEREIN, OWNED BY MV
10 ACQUISITION, LLC, FROM RESIDENTIAL MEDIUM
11 DENSITY-A (RMD-A), RESIDENTIAL MEDIUM DENSITY-
12 D (RMD-D) AND COMMERCIAL COMMUNITY/GENERAL-2
13 (CCG-2) DISTRICTS TO PLANNED UNIT DEVELOPMENT
14 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED
15 UNDER THE ZONING CODE, TO PERMIT MULTI-FAMILY
16 RESIDENTIAL USES, AS DESCRIBED IN THE
17 MARINER'S VILLAGE PUD; PUD SUBJECT TO
18 CONDITIONS; 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**, MV Acquisition, LLC, the owner of approximately
24 11.12± acres, located in Council District 13 at 2130 Mayport Road,
25 between Fairway Villas Drive and Dutton Island Road West (R.E. No.
26 169421-0010), as more particularly described in **Exhibit 1**, dated
27 June 13, 2019, and graphically depicted in **Exhibit 2**, both of which
28 are **attached hereto** and incorporated herein by this reference
29 (Subject Property), has applied for a rezoning and reclassification
30 of that property from Residential Medium Density-A (RMD-A),

1 Residential Medium Density-D (RMD-D) and Commercial
2 Community/General-2 (CCG-2) Districts to Planned Unit Development
3 (PUD) District, as described in Section 1 below; and

4 **WHEREAS**, the Planning Commission has considered the
5 application and has rendered an advisory opinion; and

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

8 **WHEREAS**, the Council finds that such rezoning is: (1)
9 consistent with the *2030 Comprehensive Plan*; (2) furthers the
10 goals, objectives and policies of the *2030 Comprehensive Plan*; and
11 (3) is not in conflict with any portion of the City's land use
12 regulations; and

13 **WHEREAS**, the Council finds the proposed rezoning does not
14 adversely affect the orderly development of the City as embodied in
15 the Zoning Code; will not adversely affect the health and safety of
16 residents in the area; will not be detrimental to the natural
17 environment or to the use or development of the adjacent properties
18 in the general neighborhood; and will accomplish the objectives and
19 meet the standards of Section 656.340 (Planned Unit Development) of
20 the Zoning Code; now, therefore

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

22 **Section 1. Property Rezoned.** The Subject Property is
23 hereby rezoned and reclassified from Residential Medium Density-A
24 (RMD-A), Residential Medium Density-D (RMD-D) and Commercial
25 Community/General-2 (CCG-2) Districts to Planned Unit Development
26 (PUD) District. This new PUD district shall generally permit multi-
27 family residential uses, and is described, shown and subject to the
28 following attached documents:

29 **Exhibit 1** - Legal Description dated June 13, 2019.

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

31 **Exhibit 3** - Written Description dated July 5, 2019.

1 **Exhibit 4** - Site Plan dated April 19, 2019.

2 **Section 2. Rezoning Approved Subject to Conditions.** This
3 rezoning is approved subject to the following conditions. Such
4 conditions control over the Written Description and the Site Plan
5 and may only be amended through a rezoning.

6 (1) Access to the site via Mayport Road shall be subject to
7 FDOT access management guidelines.

8 (2) In addition to meeting Part 4 Requirements for Recreation
9 and Open Space the applicant shall construct a playground and
10 additional walking paths as part of the recreational area.

11 (3) Prior to the first final inspection within any phase of
12 development, the owner or their agent shall submit to the Planning
13 and Development Department for its review and approval either: (a)
14 an affidavit documenting that all conditions to the development
15 order have been satisfied, or (b) a detailed agreement for the
16 completion of all conditions to the development order.

17 **Section 3. Owner and Description.** The Subject Property
18 is owned by MV Acquisition, LLC, and is legally described in
19 **Exhibit 1, attached hereto.** The agent is Steve Diebenow, Esq., One
20 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
21 301-1269.

22 **Section 4. Disclaimer.** The rezoning granted herein
23 shall not be construed as an exemption from any other applicable
24 local, state, or federal laws, regulations, requirements, permits
25 or approvals. All other applicable local, state or federal permits
26 or approvals shall be obtained before commencement of the
27 development or use and issuance of this rezoning is based upon
28 acknowledgement, representation and confirmation made by the
29 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
30 or designee(s) that the subject business, development and/or use
31 will be operated in strict compliance with all laws. Issuance of

1 this rezoning does **not** approve, promote or condone any practice or
2 act that is prohibited or restricted by any federal, state or local
3 laws.

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

8
9 Form Approved:

10
11 /s/ Shannon K. Eller

12 Office of General Counsel

13 Legislation Prepared By: Erin Abney

14 GC-#1310541-v1-2019-549-E.docx