

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-751**

5 AN ORDINANCE REZONING APPROXIMATELY 2.87± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 2137 HENDRICKS
7 AVENUE AND 2139 THACKER AVENUE, BETWEEN ALFORD
8 PLACE AND MITCHELL AVENUE (R.E. NOS. 081704-
9 0000 AND 081712-0000), OWNED BY THE SOUTH
10 JACKSONVILLE PRESBYTERIAN CHURCH, INC., AS
11 DESCRIBED HEREIN, FROM COMMERCIAL
12 COMMUNITY/GENERAL-1 (CCG-1) AND COMMERCIAL
13 RESIDENTIAL OFFICE (CRO) DISTRICTS TO PLANNED
14 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 MIXED USE DEVELOPMENT, AS DESCRIBED IN THE
17 HENDRICKS AND ALFORD PUD, PURSUANT TO FUTURE
18 LAND USE MAP SERIES (FLUMS) SMALL-SCALE
19 AMENDMENT APPLICATION NUMBER L-5395-19C;
20 PROVIDING A DISCLAIMER THAT THE REZONING
21 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
22 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2030 Comprehensive Plan* for the purpose of
27 revising portions of the Future Land Use Map series (FLUMs) in
28 order to ensure the accuracy and internal consistency of the plan,
29 pursuant to application L-5395-19C and companion land use Ordinance
30 2019-750; and

31 **WHEREAS,** in order to ensure consistency of zoning district

1 with the *2030 Comprehensive Plan* and the adopted companion Small-
2 Scale Amendment L-5395-19C, an application to rezone and reclassify
3 from Commercial Community/General-1 (CCG-1) and Commercial
4 Residential Office (CRO) Districts to Planned Unit Development
5 (PUD) District was filed by Zach Miller, Esq., on behalf of the
6 owners of approximately 2.87± acres of certain real property in
7 Council District 5, as more particularly described in Section 1;
8 and

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

13 **WHEREAS**, the Planning Commission has considered the
14 application and has rendered an advisory opinion; and

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

18 **WHEREAS**, the City Council, after due notice, held a public
19 hearing, and taking into consideration the above recommendations as
20 well as all oral and written comments received during the public
21 hearings, the Council finds that such rezoning is consistent with
22 the *2030 Comprehensive Plan* adopted under the comprehensive
23 planning ordinance for future development of the City of
24 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
31 the objectives and meet the standards of Section 656.340 (Planned

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

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

4 **Section 1. Subject Property Location and Description.** The
5 approximately 2.87± acres (R.E. Nos. 081704-0000 and 081712-0000)
6 are located in Council District 5, at 2137 Hendricks Avenue and
7 2139 Thacker Avenue, between Alford Place and Mitchell Avenue, as
8 more particularly described in **Exhibit 1**, dated July 23, 2019, and
9 graphically depicted in **Exhibit 2**, both of which are **attached**
10 **hereto** and incorporated herein by this reference (Subject
11 Property).

12 **Section 2. Owner and Applicant Description.** The Subject
13 Property is owned by The South Jacksonville Presbyterian Church,
14 Inc. The applicant is Zach Miller, Esq., 501 Riverside Avenue,
15 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

16 **Section 3. Property Rezoned.** The Subject Property,
17 pursuant to adopted companion Small-Scale Amendment L-5395-19C, is
18 hereby rezoned and reclassified from Commercial Community/General-1
19 (CCG-1) and Commercial Residential Office (CRO) Districts to
20 Planned Unit Development (PUD) District. This new PUD district
21 shall generally permit mixed use development, and is described,
22 shown and subject to the following documents, **attached hereto**:

23 **Exhibit 1** - Legal Description dated July 23, 2019.

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

25 **Exhibit 3** - Written Description dated September 18, 2019.

26 **Exhibit 4** - Site Plan dated August 15, 2019.

27 **Section 4. Contingency.** This rezoning shall not become
28 effective until 31 days after adoption of the companion Small-Scale
29 Amendment unless challenged by the state land planning agency; and
30 further provided that if the companion Small-Scale Amendment is
31 challenged by the state land planning agency, this rezoning shall

1 not become effective until the state land planning agency or the
2 Administration Commission issues a final order determining the
3 companion Small-Scale Amendment is in compliance with Chapter 163,
4 *Florida Statutes*.

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

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

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23 Form Approved:

24
25 /s/ Shannon K. Eller

26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

28 GC-#1310724-v1-z-2502_SS_COMP_PUD