

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

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4
5 **ORDINANCE 2019-38-E**

6 AN ORDINANCE REZONING APPROXIMATELY 7.06±
7 ACRES, LOCATED IN COUNCIL DISTRICT 12 AT 1209
8 HAMMOND BOULEVARD AND 1291 HAMMOND BOULEVARD,
9 BETWEEN LENOX AVENUE AND HAMMOND FOREST DRIVE
10 (R.E. NOS. 008754-0000 AND 008757-0000), AS
11 DESCRIBED HEREIN, OWNED BY WILLO B. GAY AND
12 CHARLES C. GAY, JR., FROM RESIDENTIAL RURAL-
13 ACRE (RR-ACRE) DISTRICT TO PLANNED UNIT
14 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 OFFICE AND RESIDENTIAL USES, AS DESCRIBED IN
17 THE HAMMOND BLVD. 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**, Willo B. Gay and Charles C. Gay, Jr., the owners of
24 approximately 7.06± acres, located in Council District 12 at 1209
25 Hammond Boulevard and 1291 Hammond Boulevard, between Lenox Avenue
26 and Hammond Forest Drive (R.E. Nos. 008754-0000 and 008757-0000),
27 as more particularly described in **Exhibit 1**, dated August 5, 2019,
28 and graphically depicted in **Exhibit 2**, both of which are **attached**
29 **hereto** and incorporated herein by this reference (Subject
30 Property), have applied for a rezoning and reclassification of that

1 property from Residential Rural-Acre (RR-Acre) District to Planned
2 Unit Development (PUD) District, as described in Section 1 below;
3 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 Rural-Acre (RR-
24 Acre) District to Planned Unit Development (PUD) District. This new
25 PUD district shall generally permit office and residential uses,
26 and is described, shown and subject to the following **attached**
27 documents:

28 **Exhibit 1** - Legal Description dated August 5, 2019.

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

30 **Revised Exhibit 3** - Revised Written Description dated October 9,
31 2019.

1 **Exhibit 4** - Site Plan dated September 16, 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) In order to achieve consistency with the LDR Functional
7 Land Use Category as identified in the *2030 Comprehensive Plan*, the
8 following uses shall be removed from the Written Description:

- 9 (a) Adult Congregate Living Facilities
- 10 (b) Bed and Breakfast Establishments
- 11 (c) Hospice Facilities
- 12 (d) Housing for the Elderly

13 (2) A traffic study must be provided to the City of
14 Jacksonville Planning and Development Department prior to the final
15 10-set review. The traffic study shall be conducted by a
16 professional traffic engineer, and a methodology meeting shall be
17 held with the Transportation Planning Division and the City Traffic
18 Engineer prior to the commencement of the study. The following
19 additional comments shall also be included within the study:

20 (a) This study must include an analysis to determine the
21 need for left and right turn lanes on Lenox Avenue and the need for
22 a right turn lane on Hammond Spring Boulevard. If turn lanes are
23 needed, they will be built to FDOT standards based on speed limit
24 for deceleration length. The queue length shall be determined by
25 the study.

26 (b) The edge of the driveway on Lenox Avenue shall be a
27 minimum of 250 feet from the edge of pavement of Hammond Boulevard.
28 The driveway on Hammond Boulevard shall align with the entrance
29 driveway to the school or be separated so that the operations of
30 the driveways shall not interfere with each other. This shall be
31 shown in the traffic study.

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

7 **Section 3. Owner and Description.** The Subject Property
8 is owned by Willo B. Gay and Charles C. Gay, Jr., and is legally
9 described in **Exhibit 1, attached hereto.** The agent is Lara Higgs,
10 1650 Margaret Street, #323, Jacksonville, Florida 32204; (904) 781-
11 2654.

12 **Section 4. Disclaimer.** The rezoning granted herein
13 shall not be construed as an exemption from any other applicable
14 local, state, or federal laws, regulations, requirements, permits
15 or approvals. All other applicable local, state or federal permits
16 or approvals shall be obtained before commencement of the
17 development or use and issuance of this rezoning is based upon
18 acknowledgement, representation and confirmation made by the
19 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
20 or designee(s) that the subject business, development and/or use
21 will be operated in strict compliance with all laws. Issuance of
22 this rezoning does not approve, promote or condone any practice or
23 act that is prohibited or restricted by any federal, state or local
24 laws.

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

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Form Approved:

 /s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Arimus Wells

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