

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-106-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.60± OF AN
6 ACRE LOCATED IN COUNCIL DISTRICT 8 AT 0 RIBAULT
7 AVENUE AND 9821 RIBAULT AVENUE, BETWEEN TROUT
8 RIVER BOULEVARD AND 2ND AVENUE (R.E. NOS. 029942-
9 0840 AND 029942-0850), OWNED BY VALARIE C. SAWYER,
10 RN, AND BRANDON WHITE, D/B/A TROUT RIVER ASSISTED
11 LIVING FACILITY, LLC, AS DESCRIBED HEREIN, FROM
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2008-
13 799-E), COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2)
14 DISTRICT AND RESIDENTIAL LOW DENSITY-60 (RLD-60)
15 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
16 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
17 ZONING CODE, TO PERMIT ASSISTED LIVING AND SINGLE
18 FAMILY RESIDENTIAL USES, AS DESCRIBED IN THE
19 SAWYER RIBAULT AVENUE PUD, PURSUANT TO FUTURE LAND
20 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
21 APPLICATION NUMBER L-5476-20C; PUD SUBJECT TO
22 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
23 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS
24 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
25 PROVIDING AN EFFECTIVE DATE.
26

27 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
28 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
29 portions of the Future Land Use Map series (FLUMs) in order to ensure
30 the accuracy and internal consistency of the plan, pursuant to
31 application L-5476-20C and companion land use Ordinance 2021-105; and

1 **WHEREAS**, in order to ensure consistency of zoning district with
2 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
3 Amendment L-5476-20C, an application to rezone and reclassify from
4 Planned Unit Development (PUD) District (2008-799-E), Commercial
5 Community/General-2 (CCG-2) District and Residential Low Density-60
6 (RLD-60) District to Planned Unit Development (PUD) District was
7 filed by Valarie C. Sawyer, RN, and Brandon White, d/b/a Trout River
8 Assisted Living Facility, LLC, as the owners of approximately 0.60±
9 of an acre of certain real property in Council District 8, as more
10 particularly described in Section 1; and

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

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

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

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

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

1 objectives and meet the standards of Section 656.340 (Planned Unit
2 Development) of the *Zoning Code* of the City of Jacksonville; now,
3 therefore

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

5 **Section 1. Subject Property Location and Description.** The
6 approximately 0.60± of an acre (R.E. Nos. 029942-0840 and 029942-
7 0850) is located in Council District 8, at 0 Ribault Avenue and 9821
8 Ribault Avenue, between Trout River Boulevard and 2nd Avenue, as more
9 particularly described in **Exhibit 1**, dated January 26, 2021, and
10 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
11 and incorporated herein by this reference (Subject Property).

12 **Section 2. Owner and Applicant Description.** The Subject
13 Property is owned by Valarie C. Sawyer, RN, and Brandon White, d/b/a
14 Trout River Assisted Living Facility, LLC. The applicant is Valarie
15 C. Sawyer, RN, 9821 Ribault Avenue, Jacksonville, Florida 32208;
16 (904) 887-3931.

17 **Section 3. Property Rezoned.** The Subject Property,
18 pursuant to adopted companion Small-Scale Amendment L-5476-20C, is
19 hereby rezoned and reclassified from Planned Unit Development (PUD)
20 District (2008-799-E), Commercial Community/General-2 (CCG-2)
21 District and Residential Low Density-60 (RLD-60) District to Planned
22 Unit Development (PUD) District. This new PUD district shall
23 generally permit assisted living and single family residential uses,
24 and is described, shown and subject to the following documents,
25 **attached hereto:**

26 **Exhibit 1** - Legal Description dated January 26, 2021.

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

28 **Exhibit 3** - Written Description dated December 8, 2020.

29 **Exhibit 4** - Site Plan dated November 18, 2020.

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

9 (2) The project shall be developed in accordance with the
10 following conditions from the Transportation Planning Division:

11 (a) Provide an ADA compliant sidewalk on Trout River
12 Boulevard and Ribault Avenue frontages.

13 (b) The site shall meet the parking requirements found in
14 Part 6 of the Zoning Code.

15 (c) A civil site plan review (formerly known as a 10-set
16 review) will be required.

17 (d) Signage, landscaping, parking and structures shall be
18 located so as not to be a sight obstruction for vehicles exiting the
19 site or at the Ribault Avenue/Trout River Boulevard intersection.

20 **Section 5. Contingency.** This rezoning shall not become
21 effective until 31 days after adoption of the companion Small-Scale
22 Amendment unless challenged by the state land planning agency; and
23 further provided that if the companion Small-Scale Amendment is
24 challenged by the state land planning agency, this rezoning shall not
25 become effective until the state land planning agency or the
26 Administration Commission issues a final order determining the
27 companion Small-Scale Amendment is in compliance with Chapter 163,
28 *Florida Statutes*.

29 **Section 6. Disclaimer.** The rezoning granted herein
30 shall not be construed as an exemption from any other applicable
31 local, state, or federal laws, regulations, requirements, permits or

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

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

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15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Erin Abney

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