

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-168-E**

5 AN ORDINANCE REZONING APPROXIMATELY 4.35± ACRES
6 LOCATED IN COUNCIL DISTRICTS 12 AND 14 AT 7715
7 OLD MIDDLEBURG ROAD SOUTH AND 7723 OLD MIDDLEBURG
8 ROAD SOUTH, BETWEEN COLLINS ROAD AND TAYLOR FIELD
9 ROAD (R.E. NOS. 016361-0055 AND 016361-0060),
10 OWNED BY ROBERT W. SCHLICHTER, JR., ET AL., AS
11 DESCRIBED HEREIN, FROM RESIDENTIAL RURAL-ACRE
12 (RR-ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, TO PERMIT COMMERCIAL USES, AS
15 DESCRIBED IN THE OLD MIDDLEBURG PUD, PURSUANT TO
16 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5541-21C; PUD
18 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
19 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
25 portions of the Future Land Use Map series (FLUMS) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to
27 application L-5541-21C and companion land use Ordinance 2021-167; and

28 **WHEREAS**, in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5541-21C, an application to rezone and reclassify from
31 Residential Rural-Acre (RR-Acre) District to Planned Unit Development

1 (PUD) District was filed by Taylor Mejia, on behalf of Robert W.
2 Schlichter, Jr., et al., the owners of approximately 4.35± acres of
3 certain real property in Council Districts 12 and 14, as more
4 particularly described in Section 1; and

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

9 **WHEREAS**, the Planning Commission has considered the application
10 and has rendered an advisory opinion; and

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

14 **WHEREAS**, the City Council, after due notice, held a public
15 hearing, and taking into consideration the above recommendations as
16 well as all oral and written comments received during the public
17 hearings, the Council finds that such rezoning is consistent with the
18 *2030 Comprehensive Plan* adopted under the comprehensive planning
19 ordinance for future development of the City of Jacksonville; and

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 4.35± acres (R.E. Nos. 016361-0055 and 016361-0060) are

1 located in Council Districts 12 and 14, at 7715 Old Middleburg Road
2 South and 7723 Old Middleburg Road South, between Collins Road and
3 Taylor Field Road, as more particularly described in **Exhibit 1**, dated
4 January 11, 2021, and graphically depicted in **Exhibit 2**, both of
5 which are **attached hereto** and incorporated herein by this reference
6 (Subject Property).

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Robert W. Schlichter, Jr., et al. The applicant
9 is Taylor Mejia, 208 North Laura Street, Suite 710, Jacksonville,
10 Florida 32202; (904) 349-5954.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5541-21C, is
13 hereby rezoned and reclassified from Residential Rural-Acre (RR-Acre)
14 District to Planned Unit Development (PUD) District. This new PUD
15 district shall generally permit commercial uses, and is described,
16 shown and subject to the following documents, **attached hereto**:

17 **Exhibit 1** - Legal Description dated January 11, 2021.

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

19 **Exhibit 3** - Written Description dated February 22, 2021.

20 **Exhibit 4** - Site Plan dated March 2, 2021.

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

25 (1) Any development shall connect to JEA sewer facilities and
26 evidence of connection shall be provided with permitting.

27 (2) Land clearing for development purposes is permitted, but
28 processing of land clearing debris as a use is not permitted.

29 **Section 5. Contingency.** This rezoning shall not become
30 effective until 31 days after adoption of the companion Small-Scale
31 Amendment unless challenged by the state land planning agency; and

1 further provided that if the companion Small-Scale Amendment is
2 challenged by the state land planning agency, this rezoning shall not
3 become effective until the state land planning agency or the
4 Administration Commission issues a final order determining the
5 companion Small-Scale Amendment is in compliance with Chapter 163,
6 *Florida Statutes*.

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

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

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24 Form Approved:

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26 /s/ Shannon K. Eller

27 Office of General Counsel

28 Legislation Prepared By: Connie Quinto

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