

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-305-E**

5 AN ORDINANCE REZONING APPROXIMATELY 10.90±
6 ACRES LOCATED IN COUNCIL DISTRICT 11 AT 0
7 INTERSTATE 95, 5237 RACETRACK ROAD, 5355
8 RACETRACK ROAD AND 0 RACETRACK ROAD, BETWEEN
9 INTERSTATE 95 AND RACETRACK ROAD, OWNED BY
10 CAROLYN KEEN, ET AL., AS DESCRIBED HEREIN, FROM
11 AGRICULTURE (AGR) DISTRICT AND PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT (2005-183-E AND
13 2019-69-E) TO PLANNED UNIT DEVELOPMENT (PUD)
14 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
16 USES, AS DESCRIBED IN THE LINDEN HOUSE PUD,
17 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
18 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
19 5548-21C; PROVIDING A DISCLAIMER THAT THE
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
25 Amendment to the *2030 Comprehensive Plan* for the purpose of
26 revising portions of the Future Land Use Map series (FLUMs) in
27 order to ensure the accuracy and internal consistency of the plan,
28 pursuant to application L-5548-21C and companion land use Ordinance
29 2021-303; and

30 **WHEREAS**, in order to ensure consistency of zoning district
31 with the *2030 Comprehensive Plan* and the adopted companion Small-

1 Scale Amendment L-5548-21C, an application to rezone and reclassify
2 from Agriculture (AGR) District and Planned Unit Development (PUD)
3 District (2005-183-E and 2019-69-E) to Planned Unit Development
4 (PUD) District was filed by Emily Pierce, Esq., on behalf of
5 Carolyn Keen, et al., the owners of approximately 10.90± acres of
6 certain real property in Council District 11, as more particularly
7 described in Section 1; and

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

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

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

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

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

1 now, therefore

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

3 **Section 1. Subject Property Location and Description.** The
4 approximately 10.90± acres are located in Council District 11, at 0
5 Interstate 95, 5237 Racetrack Road, 5355 Racetrack Road and 0
6 Racetrack Road, between Interstate 95 and Racetrack Road, as more
7 particularly described in **Exhibit 1**, dated April 30, 2021, and
8 graphically depicted in **Exhibit 2**, both of which are **attached**
9 **hereto** and incorporated herein by this reference (Subject
10 Property).

11 **Section 2. Owner and Applicant Description.** The Subject
12 Property is owned by Carolyn Keen, et al. The applicant is Emily
13 Pierce, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
14 Florida 32207; (904) 398-3911.

15 **Section 3. Property Rezoned.** The Subject Property,
16 pursuant to adopted companion Small-Scale Amendment L-5548-21C, is
17 hereby rezoned and reclassified from Agriculture (AGR) District and
18 Planned Unit Development (PUD) District (2005-183-E and 2019-69-E)
19 to Planned Unit Development (PUD) District. This new PUD district
20 shall generally permit multi-family residential uses, and is
21 described, shown and subject to the following documents, **attached**
22 **hereto:**

23 **Exhibit 1** - Legal Description dated April 30, 2021.

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

25 **Exhibit 3** - Written Description dated April 30, 2021.

26 **Exhibit 4** - Site Plan dated January 2021.

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: Erin Abney

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