

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-408-E**

5 AN ORDINANCE REZONING APPROXIMATELY 74.17± ACRES
6 IN COUNCIL DISTRICT 5 AT 0 POWERS AVENUE,
7 BETWEEN POWERS AVENUE AND PHILLIPS HIGHWAY (R.E.
8 NO. 152593-0000) OWNED BY THE ARTHUR CHESTER
9 SKINNER, JR. REVOCABLE LIVING TRUST DATED
10 SEPTEMBER 10, 1981, AS DESCRIBED HEREIN, FROM
11 INDUSTRIAL BUSINESS PARK (IBP) DISTRICT TO
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
14 PERMIT SINGLE FAMILY RESIDENTIAL USES, AS
15 DESCRIBED IN THE POWERS AVENUE PUD, PURSUANT TO
16 FUTURE LAND USE MAP SERIES (FLUMS) LARGE-SCALE
17 AMENDMENT APPLICATION L-5502-20A; 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 LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Large-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 the
27 companion land use ordinance for application L-5502-20A; and

28 **WHEREAS,** in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Large-Scale
30 Amendment L-5502-20A, an application to rezone and reclassify from
31 Industrial Business Park (IBP) District to Planned Unit Development

1 (PUD) District was filed by Wyman R. Duggan, Esq., on behalf of the
2 Arthur Chester Skinner, Jr. Revocable Living Trust Dated September
3 10, 1981, the owner of approximately 74.17± acres of certain real
4 property in Council District 5, as more particularly described in
5 Section 1; and

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

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

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

14 **WHEREAS**, the City Council after due notice held a public hearing,
15 taking into consideration the above recommendations as well as all
16 oral and written comments received during the public hearings, the
17 Council finds that such rezoning is consistent with the *2030*
18 *Comprehensive Plan* adopted under the comprehensive planning ordinance
19 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 74.17± acres (R.E. No. 152593-0000) are in Council

1 District 5 at 0 Powers Avenue, between Powers Avenue and Phillips
2 Highway, as more particularly described in **Exhibit 1**, dated December
3 1, 2020, **attached hereto** and incorporated herein by this reference
4 (the "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by the Arthur Chester Skinner, Jr. Revocable Living
7 Trust Dated September 10, 1981. The applicant is Wyman R. Duggan,
8 Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida
9 32207; (904) 398-3911.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Large-Scale Amendment L-5502-20A, is
12 hereby rezoned and reclassified from Industrial Business Park (IBP)
13 District to Planned Unit Development (PUD) District. This new PUD
14 district shall generally permit single family residential uses, and
15 is described, shown and subject to the following documents, **attached**
16 **hereto:**

17 **Exhibit 1** - Legal Description dated December 1, 2020.

18 **Exhibit 2** - Subject Property Map (prepared by P&DD).

19 **Exhibit 3** - Written Description dated July 18, 2021.

20 **Exhibit 4** - Site Plan dated July 9, 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
24 and may only be amended through a rezoning.

25 (1) All dead-end turn arounds will be redesigned to include
26 cul-de-sac turnarounds unless otherwise approved by the Planning
27 & Development Department.

28 (2) The applicant or its successor shall adhere to the
29 decision of the City of Jacksonville Traffic Engineer as to the
30 locations of ingress/egress on Powers Avenue for the development.

31 **Section 5. Contingency.** This rezoning shall not become

1 effective until 31 days after adoption of the companion Large-Scale
2 Amendment unless challenged by the state land planning agency; and
3 further provided that if the companion Large-Scale Amendment is
4 challenged by the state land planning agency, this rezoning shall not
5 become effective until the state land planning agency or the
6 Administration Commission issues a final order determining the
7 companion Large-Scale Amendment is in compliance with Chapter 163,
8 *Florida Statutes*.

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

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

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26 Form Approved:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Connor Corrigan

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