

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-788**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT
6 TO THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM LOW DENSITY RESIDENTIAL
9 (LDR) TO RECREATION AND OPEN SPACE (ROS) ON
10 APPROXIMATELY 36.57± ACRES IN COUNCIL DISTRICT
11 10, GENERALLY LOCATED IN THE NORTHWEST QUADRANT
12 OF THE INTERSECTION OF OLD KINGS ROAD AND
13 PICKETTVILLE ROAD, AND OFF OF GARDNER LANE,
14 OWNED BY FLOYD J. WARWICK, JR., THE BETTY
15 GARDNER WARWICK ESTATE, AND WARWICK JAX
16 PROPERTIES, LLC, AS MORE PARTICULARLY DESCRIBED
17 HEREIN, PURSUANT TO APPLICATION NUMBER L-5319-
18 18A; PROVIDING A DISCLAIMER THAT THE AMENDMENT
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.

22
23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
24 *Ordinance Code*, an application for a proposed Large-Scale Amendment
25 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
26 *Plan* to change the Future Land Use designation from Low Density
27 Residential (LDR) to Recreation and Open Space (ROS), has been
28 filed by Curtis Hart, on behalf of Floyd J. Warwick, Jr., the Betty
29 Gardner Warwick Estate, and Warwick Jax Properties, LLC, the owners
30 of certain real property located in Council District 10, as more
31 particularly described in Section 2; and

1 **WHEREAS**, the City, by the adoption of Ordinance 2019-64-E,
2 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
3 for transmittal to the Department of Economic Opportunity ("DEO"),
4 as the State Land Planning Agency, and other required state
5 agencies, for review and comment; and

6 **WHEREAS**, by various letters and e-mails, the DEO and other
7 state reviewing agencies transmitted their comments, if any,
8 regarding this proposed amendment; and

9 **WHEREAS**, the Planning and Development Department reviewed the
10 proposed revision and application, considered all comments
11 received, prepared a written report, and rendered an advisory
12 recommendation to the Council with respect to this proposed
13 amendment; and

14 **WHEREAS**, the Planning Commission, acting as the Local Planning
15 Agency (LPA), held a public hearing on this proposed amendment,
16 with due public notice having been provided, and having reviewed
17 and considered all comments during the public hearing, made its
18 recommendation to the City Council; and

19 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land
20 Use and Zoning (LUZ) Committee held a public hearing on this
21 proposed amendment, and made its recommendation to the City
22 Council; and

23 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*,
24 and Chapter 650, Part 4, *Ordinance Code*, the City Council held a
25 public hearing with public notice having been provided on this
26 proposed amendment to the *2030 Comprehensive Plan*; and

27 **WHEREAS**, the City Council further considered all oral and
28 written comments received during public hearings, including the
29 data and analysis portions of this proposed amendment to the *2030*
30 *Comprehensive Plan*, the recommendations of the Planning and
31 Development Department, the LPA, the LUZ Committee and the

1 comments, if any, of the DEO and the other state reviewing
2 agencies; and

3 **WHEREAS**, in the exercise of its authority, the City Council
4 has determined it necessary and desirable to adopt this proposed
5 amendment to the *2030 Comprehensive Plan* to preserve and enhance
6 present advantages, encourage the most appropriate use of land,
7 water, and resources consistent with the public interest, overcome
8 present deficiencies, and deal effectively with future problems
9 which may result from the use and development of land within the
10 City of Jacksonville; now, therefore

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

12 **Section 1. Purpose and Intent.** This Ordinance is adopted
13 to carry out the purpose and intent of, and exercise the authority
14 set out in, the Community Planning Act, Sections 163.3161 through
15 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
16 amended.

17 **Section 2. Subject Property Location and Description.** The
18 approximately 36.57± acres are in Council District 10, generally
19 located in the northwest quadrant of the intersection of Old Kings
20 Road and Pickettville Road, and off of Gardner Lane, as more
21 particularly described in **Exhibit 1**, dated October 16, 2018, and
22 graphically depicted in **Exhibit 2**, both of which are **attached**
23 **hereto** and incorporated herein by this reference (Subject
24 Property).

25 **Section 3. Owner and Applicant Description.** The Subject
26 Property is owned by Floyd J. Warwick, Jr., the Betty Gardner
27 Warwick Estate, and Warwick Jax Properties, LLC. The applicant is
28 Curtis Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904)
29 993-5008.

30 **Section 4. Adoption of Large-Scale Land Use Amendment.**
31 The City Council hereby adopts a proposed Large-Scale revision to

1 the Future Land Use Map series of the *2030 Comprehensive Plan* by
2 changing the Future Land Use Map designation from Low Density
3 Residential (LDR) to Recreation and Open Space (ROS), pursuant to
4 Application Number L-5319-18A.

5 **Section 5. Applicability, Effect and Legal Status.** The
6 applicability and effect of the *2030 Comprehensive Plan*, as herein
7 amended, shall be as provided in the Community Planning Act,
8 Section 163.3161 through 163.3248, *Florida Statutes*, and this
9 ordinance. All development undertaken by, and all actions taken in
10 regard to development orders by governmental agencies in regard to
11 land which is subject to the *2030 Comprehensive Plan*, as herein
12 amended, shall be consistent therewith as of the effective date of
13 this amendment to the plan.

14 **Section 6. Effective Date of this Plan Amendment.** Unless
15 this plan amendment is timely challenged under the procedures set
16 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
17 shall be effective thirty-one days after DEO notifies the City of
18 Jacksonville that the plan amendment or plan amendment package is
19 complete. If this plan amendment is timely challenged under
20 Section 163.3184(3), *Florida Statutes*, this plan amendment shall
21 become effective when the DEO or the Administration Commission
22 enters a final order determining the adopted amendment to be in
23 compliance. If this plan amendment is found not to be in
24 compliance under the standards and procedures set forth in Chapter
25 163, Part II, *Florida Statutes*, then this plan amendment shall
26 become effective only by further action by the City Council. No
27 development orders, development permits, or land uses dependent on
28 this amendment may be issued or commence before it has become
29 effective.

30 **Section 7. Disclaimer.** The amendment granted herein shall
31 **not** be construed as an exemption from any other applicable local,

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

12 **Section 8. Effective Date.** This Ordinance shall become
13 effective upon signature by the Mayor or upon becoming effective
14 without the Mayor's signature.

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16 Form Approved:

17
18 /s/ Shannon K. Eller

19 Office of General Counsel

20 Legislation Prepared By: Christopher Schoenig

21 GC-#1314063-v1-L-5319_LS_ADP