

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-716**

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 LIGHT INDUSTRIAL (LI) TO
9 LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY
10 251.24± ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0
11 NEWCOMB ROAD, BETWEEN NEW KINGS ROAD AND LEM
12 TURNER ROAD, OWNED BY SUNCAP SOUTHEAST
13 INDUSTRIAL JOINT VENTURE, LLC, AS MORE
14 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
15 APPLICATION NUMBER L-5298-18A; PROVIDING A
16 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
19 DATE.
20

21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, an application for a proposed Large-Scale Amendment
23 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
24 *Plan* to change the Future Land Use designation from Light
25 Industrial (LI) to Low Density Residential (LDR), has been filed by
26 Paul Harden, Esq., on behalf of SunCap Southeast Industrial Joint
27 Venture, LLC, the owner of certain real property located in Council
28 District 8, as more particularly described in Section 2; and

29 **WHEREAS**, the City, by the adoption of Ordinance 2018-560-E,
30 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
31 for transmittal to the Department of Economic Opportunity ("DEO"),

1 as the State Land Planning Agency, and other required state
2 agencies, for review and comment; and

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

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

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

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

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

24 **WHEREAS**, the City Council further considered all oral and
25 written comments received during public hearings, including the
26 data and analysis portions of this proposed amendment to the *2030*
27 *Comprehensive Plan*, the recommendations of the Planning and
28 Development Department, the LPA, the LUZ Committee and the
29 comments, if any, of the DEO and the other state reviewing
30 agencies; and

31 **WHEREAS**, in the exercise of its authority, the City Council

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

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

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

14 **Section 2. Subject Property Location and Description.** The
15 approximately 251.24± acres are located in Council District 8 at 0
16 Newcomb Road, between New Kings Road and Lem Turner Road (portion
17 of R.E. No. 019449-0000), as more particularly described in **Exhibit**
18 **1**, dated March 12, 2019, and graphically depicted in **Exhibit 2**,
19 both of which are **attached hereto** and incorporated herein by this
20 reference (Subject Property).

21 **Section 3. Owner and Applicant Description.** The Subject
22 Property is owned by SunCap Southeast Industrial Joint Venture,
23 LLC. The applicant is Paul Harden, Esq., 501 Riverside Avenue,
24 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

25 **Section 4. Adoption of Large-Scale Land Use Amendment.**
26 The City Council hereby adopts a proposed Large-Scale revision to
27 the Future Land Use Map series of the *2030 Comprehensive Plan* by
28 changing the Future Land Use Map designation from Light Industrial
29 (LI) to Low Density Residential (LDR), pursuant to Application
30 Number L-5298-18A.

31 **Section 5. Applicability, Effect and Legal Status.** The

1 applicability and effect of the *2030 Comprehensive Plan*, as herein
2 amended, shall be as provided in the Community Planning Act,
3 Section 163.3161 through 163.3248, *Florida Statutes*, and this
4 ordinance. All development undertaken by, and all actions taken in
5 regard to development orders by governmental agencies in regard to
6 land which is subject to the *2030 Comprehensive Plan*, as herein
7 amended, shall be consistent therewith as of the effective date of
8 this amendment to the plan.

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

25 **Section 7. Disclaimer.** The amendment granted herein shall
26 **not** be construed as an exemption from any other applicable local,
27 state, or federal laws, regulations, requirements, permits or
28 approvals. All other applicable local, state or federal permits or
29 approvals shall be obtained before commencement of the development
30 or use and issuance of this amendment is based upon
31 acknowledgement, representation and confirmation made by the

1 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
2 or designee(s) that the subject business, development and/or use
3 will be operated in strict compliance with all laws. Issuance of
4 this amendment does **not** approve, promote or condone any practice or
5 act that is prohibited or restricted by any federal, state or local
6 laws.

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

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11 Form Approved:

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13 /s/ Shannon K. Eller

14 Office of General Counsel

15 Legislation Prepared By: Susan Kelly

16 GC-#1307110-v1-L-5298_LS_ADP