

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2019-602**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND USE
8 DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO
9 COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 1.48± ACRES LOCATED IN COUNCIL
11 DISTRICT 2 AT 7 BIRD ROAD, BETWEEN MAIN STREET
12 NORTH AND BIRD ROAD, OWNED BY DUNN JAX, LLC, AS
13 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
14 APPLICATION NUMBER L-5378-19C; PROVIDING A
15 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN SHALL
16 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
17 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
20 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
21 application for a proposed Small-Scale Amendment to the Future Land Use
22 Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future
23 Land Use designation from Low Density Residential (LDR) to
24 Community/General Commercial (CGC) on 1.48± acres of certain real
25 property in Council District 2, was filed by Steve Diebenow, Esq., on
26 behalf of the owner, Dunn Jax, LLC; and

27 **WHEREAS**, the Planning and Development Department reviewed the
28 proposed revision and application and has prepared a written report and
29 rendered an advisory recommendation to the City Council with respect to
30 the proposed amendment; and

31 **WHEREAS**, the Planning Commission, acting as the Local Planning

1 Agency (LPA), held a public hearing on this proposed amendment, with
2 due public notice having been provided, reviewed and considered
3 comments received during the public hearing and made its recommendation
4 to the City Council; and

5 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
6 Council held a public hearing on this proposed amendment to the *2030*
7 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
8 considered all written and oral comments received during the public
9 hearing, and has made its recommendation to the City Council; and

10 **WHEREAS**, the City Council held a public hearing on this proposed
11 amendment, with public notice having been provided, pursuant to Section
12 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance Code*, and
13 considered all oral and written comments received during public
14 hearings, including the data and analysis portions of this proposed
15 amendment to the *2030 Comprehensive Plan* and the recommendations of the
16 Planning and Development Department, the Planning Commission and the
17 LUZ Committee; and

18 **WHEREAS**, in the exercise of its authority, the City Council has
19 determined it necessary and desirable to adopt this proposed amendment
20 to the *2030 Comprehensive Plan* to preserve and enhance present
21 advantages, encourage the most appropriate use of land, water, and
22 resources consistent with the public interest, overcome present
23 deficiencies, and deal effectively with future problems which may
24 result from the use and development of land within the City of
25 Jacksonville; now, therefore

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

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

31 **Section 2. Subject Property Location and Description.** The

1 approximately 1.48± acres (portion of R.E. No. 108348-0000) is located
2 in Council District 2 at 7 Bird Road, between Main Street North and
3 Bird Road, as more particularly described in **Exhibit 1**, dated April 15,
4 2019, and graphically depicted in **Exhibit 2**, both **attached hereto** and
5 incorporated herein by this reference (Subject Property).

6 **Section 3. Owner and Applicant Description.** The subject
7 property is owned by Dunn Jax, LLC. The applicant is Steve Diebenow,
8 Esq., One Independent Drive, Suite 1200, Jacksonville, Florida 32202;
9 (904) 301-1269.

10 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
11 City Council hereby adopts a proposed Small-Scale revision to the
12 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
13 the Future Land Use Map designation from Low Density Residential (LDR)
14 to Community/General Commercial (CGC), pursuant to Application Number
15 L-5378-19C.

16 **Section 5. Applicability, Effect and Legal Status.** The
17 applicability and effect of the *2030 Comprehensive Plan*, as herein
18 amended, shall be as provided in the Community Planning Act, Sections
19 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
20 development undertaken by, and all actions taken in regard to
21 development orders by governmental agencies in regard to land which is
22 subject to the *2030 Comprehensive Plan*, as herein amended, shall be
23 consistent therewith as of the effective date of this amendment to the
24 plan.

25 **Section 6. Effective date of this Plan Amendment.**

26 (a) If the amendment meets the criteria of Section 163.3187,
27 *Florida Statutes*, as amended, and is not challenged, the effective date
28 of this plan amendment shall be thirty-one (31) days after adoption.

29 (b) If challenged within thirty (30) days after adoption, the
30 plan amendment shall not become effective until the state land planning
31 agency or the Administration Commission, respectively, issues a final

1 order determining the adopted Small-Scale Amendment to be in
2 compliance.

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

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

18

19 Form Approved:

20
21 /s/ Shannon K. Eller

22 Office of General Counsel

23 Legislation Prepared By: Jody McDaniel

24 GC-#1300606-v1-L-5378_SS_LU