

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-522**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2045
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL
9 (MDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 4.19± ACRES LOCATED IN COUNCIL
11 DISTRICT 8 AT 0 WINGATE ROAD N. AT THE NORTHEAST
12 CORNER OF DUNN AVENUE AND WINGATE ROAD N. (A
13 PORTION OF R.E. NO(S). 019983-0000), OWNED BY
14 MATTHEW MILLER, INDIVIDUALLY AND AS INDEPENDENT
15 ADMINISTRATOR OF THE ESTATE OF MELISSA MILLER,
16 LOREE MILLER AND BETTY JEAN JOHANN-MILLER, AS
17 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
18 APPLICATION NUMBER L-5939-24C; PROVIDING A
19 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
20 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
21 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
22 DATE.
23

24 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
25 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
26 application for a proposed Small-Scale Amendment to the Future Land
27 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
28 future land use designation from Medium Density Residential (MDR) to
29 Community/General Commercial (CGC) on 4.19± acres of certain real
30 property in Council District 8 was filed by Blair Knighting, on behalf
31 of the owners, Matthew Miller, individually and as Independent

1 Administrator of the Estate of Melissa Miller, Loree Miller and Betty
2 Jean Johann-Miller; and

3 **WHEREAS,** the Planning and Development Department reviewed the
4 proposed revision and application and has prepared a written report
5 and rendered an advisory recommendation to the City Council with
6 respect to the proposed amendment; and

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

12 **WHEREAS,** the Land Use and Zoning (LUZ) Committee of the City
13 Council held a public hearing on this proposed amendment to the *2045*
14 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
15 considered all written and oral comments received during the public
16 hearing, and has made its recommendation to the City Council; and

17 **WHEREAS,** the City Council held a public hearing on this
18 proposed amendment, with public notice having been provided, pursuant
19 to Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4,
20 *Ordinance Code*, and considered all oral and written comments received
21 during public hearings, including the data and analysis portions of
22 this proposed amendment to the *2045 Comprehensive Plan* and the
23 recommendations of the Planning and Development Department, the
24 Planning Commission and the LUZ Committee; and

25 **WHEREAS,** in the exercise of its authority, the City Council
26 has determined it necessary and desirable to adopt this proposed
27 amendment to the *2045 Comprehensive Plan* to preserve and enhance
28 present advantages, encourage the most appropriate use of land, water,
29 and resources consistent with the public interest, overcome present
30 deficiencies, and deal effectively with future problems which may
31 result from the use and development of land within the City of

1 Jacksonville; now therefore

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

3 **Section 1. Purpose and Intent.** This Ordinance is adopted
4 to carry out the purpose and intent of, and exercise the authority
5 set out in, the Community Planning Act, Sections 163.3161 through
6 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
7 amended.

8 **Section 2. Subject Property Location and Description.** The
9 approximately 4.19± acres are located in Council District 8 at 0
10 Wingate Road N. at the northeast corner of Dunn Avenue and Wingate
11 Road N. (a portion of R.E. No(s). 019983-0000), as more particularly
12 described in **Exhibit 1**, dated April 16, 2024, and graphically depicted
13 in **Exhibit 2**, both attached hereto and incorporated herein by this
14 reference (the "Subject Property").

15 **Section 3. Owner and Applicant Description.** The Subject
16 Property is owned by Matthew Miller, individually and as Independent
17 Administrator of the Estate of Melissa Miller, Loree Miller and Betty
18 Jean Johann-Miller. The applicant is Blair Knighting, 12740 Gran Bay
19 Parkway West, Suite 2350, Jacksonville, Florida, 32258; (904) 828-
20 3917.

21 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
22 City Council hereby adopts a proposed Small-Scale revision to the
23 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
24 the Future Land Use Map designation of the Subject Property from
25 Medium Density Residential (MDR) to Community/General Commercial
26 (CGC), pursuant to Small-Scale Application Number L-5939-24C.

27 **Section 5. Applicability, Effect and Legal Status.** The
28 applicability and effect of the *2045 Comprehensive Plan*, as herein
29 amended, shall be as provided in the Community Planning Act, Sections
30 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
31 development undertaken by, and all actions taken in regard to

1 development orders by governmental agencies in regard to land which
2 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
3 be consistent therewith as of the effective date of this amendment
4 to the plan.

5 **Section 6. Effective Date of this Plan Amendment.**

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

10 (b) If challenged within thirty (30) days after adoption, the
11 plan amendment shall not become effective until the state land
12 planning agency or the Administration Commission, respectively,
13 issues a final order determining the adopted Small-Scale Amendment
14 to be in compliance.

15 **Section 7. Disclaimer.** The amendment granted herein shall
16 **not** be construed as an exemption from any other applicable local,
17 state, or federal laws, regulations, requirements, permits or
18 approvals. All other applicable local, state or federal permits or
19 approvals shall be obtained before commencement of the development
20 or use, and issuance of this amendment is based upon acknowledgement,
21 representation and confirmation made by the applicant(s), owner(s),
22 developer(s) and/or any authorized agent(s) or designee(s) that the
23 subject business, development and/or use will be operated in strict
24 compliance with all laws. Issuance of this amendment does **not** approve,
25 promote or condone any practice or act that is prohibited or
26 restricted by any federal, state or local laws.

27 **Section 8. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Dylan Reingold

4 Office of General Counsel

5 Legislation Prepared By: Sam Roberts

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