

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-650**

5 AN ORDINANCE ADOPTING A LARGE-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 LIGHT INDUSTRIAL (LI) AND
9 MEDIUM DENSITY RESIDENTIAL (MDR) TO RESIDENTIAL-
10 PROFESSIONAL-INSTITUTIONAL (RPI) ON
11 APPROXIMATELY 115.73± ACRES LOCATED IN COUNCIL
12 DISTRICT 14 AT 0 ROOSEVELT BOULEVARD, 4811
13 COLLINS ROAD AND 4837 COLLINS ROAD, BETWEEN
14 ROOSEVELT BOULEVARD AND ORTEGA BLUFF PARKWAY
15 (R.E. NOS. 098422-0000, 099140-0000, 099140-
16 0020, 099151-0000 (PORTION) AND 105562-0010),
17 OWNED BY EDWARD L. TONEY AND JOAN M. TONEY, AS
18 CO-TRUSTEES OF THE JOAN M. TONEY REVOCABLE TRUST
19 DATED JULY 28, 2017, AND JEMSET LLC, AS MORE
20 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
21 APPLICATION NUMBER L-5778-22A; PROVIDING A
22 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
23 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
24 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
25 DATE.

26
27 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
28 *Ordinance Code*, Application Number L-5778-22A requesting a revision
29 to the Future Land Use Map series of the 2045 *Comprehensive Plan* to
30 change the future land use designation from Light Industrial (LI) and
31 Medium Density Residential (MDR) to Residential-Professional-

1 Institutional (RPI) has been filed by M. Hayden Phillips, Esq. on
2 behalf of the owners of certain real property located in Council
3 District 14, as more particularly described in Section 2; and

4 **WHEREAS**, the City, by the adoption of Ordinance 2023-116-E,
5 approved this Large-Scale Amendment to the *2045 Comprehensive Plan*
6 for transmittal to the Florida Department of Economic Opportunity
7 (DEO), as the State Land Planning Agency, and other required state
8 agencies, for review and comment; and

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

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

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

21 **WHEREAS**, pursuant to Section 650.406, *Ordinance Code*, the Land
22 Use and Zoning (LUZ) Committee held a public hearing on this proposed
23 amendment, and made its recommendation to the City Council; and

24 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*, and
25 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public
26 hearing with public notice having been provided on this proposed
27 amendment to the *2045 Comprehensive Plan*; and

28 **WHEREAS**, the City Council further considered all oral and
29 written comments received during public hearings, including the data
30 and analysis portions of this proposed amendment to the *2045*
31 *Comprehensive Plan*, the recommendations of the Planning and

1 Development Department, the LPA, the LUZ Committee and the comments,
2 if any, of the DEO and the other state reviewing agencies; and

3 **WHEREAS**, in the exercise of its authority, the City Council has
4 determined it necessary and desirable to adopt this proposed amendment
5 to the *2045 Comprehensive Plan* to preserve and enhance present
6 advantages, encourage the most appropriate use of land, water, and
7 resources consistent with the public interest, overcome present
8 deficiencies, and deal effectively with future problems which may
9 result from the use and development of land within the City of
10 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 115.73± acres are located in Council District 14 at 0
19 Roosevelt Boulevard, 4811 Collins Road and 4837 Collins Road, between
20 Roosevelt Boulevard and Ortega Bluff Parkway (R.E. Nos. 098422-0000,
21 099140-0000, 099140-0020, 099151-0000 (portion) and 105562-0010), as
22 more particularly described in **Exhibit 1**, dated August 4, 2023, and
23 graphically depicted in **Exhibit 2**, both of which are attached hereto
24 and incorporated herein by this reference (the "Subject Property").

25 **Section 3. Owner and Applicant Description.** The Subject
26 Property is owned by Edward L. Toney and Joan M. Toney, as Co-Trustees
27 of the Joan M. Toney Revocable Trust dated July 28, 2017, and Jemset
28 LLC. The applicant is M. Hayden Phillips, Esq., 1301 Riverplace
29 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 346-5535.

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

1 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
2 the Future Land Use designation of the Subject Property from Light
3 Industrial (LI) and Medium Density Residential (MDR) to Residential-
4 Professional-Institutional (RPI), pursuant to Application Number L-
5 5778-22A.

6 **Section 5. Applicability, Effect and Legal Status.** The
7 applicability and effect of the *2045 Comprehensive Plan*, as herein
8 amended, shall be as provided in the Community Planning Act, Sections
9 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
10 development undertaken by, and all actions taken in regard to
11 development orders by governmental agencies in regard to land which
12 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
13 be consistent therewith as of the effective date of this amendment
14 to the plan.

15 **Section 6. Effective Date of this Plan Amendment.** Unless
16 this plan amendment is timely challenged under the procedures set
17 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
18 shall be effective thirty-one (31) days after DEO notifies the City
19 that the plan amendment or plan amendment package is complete. If
20 this plan amendment is timely challenged under Section 163.3184(3),
21 *Florida Statutes*, this plan amendment shall become effective when the
22 DEO or the Administration Commission enters a final order determining
23 the adopted amendment to be in compliance. If this plan amendment
24 is found not to be in compliance under the standards and procedures
25 set forth in Chapter 163, Part II, *Florida Statutes*, then this plan
26 amendment shall become effective only by further action by the City
27 Council. No development orders, development permits, or land uses
28 dependent on this amendment may be issued or commence before it has
29 become 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 acknowledgement,
5 representation and confirmation made by the applicant(s), owner(s),
6 developer(s) and/or any authorized agent(s) or designee(s) that the
7 subject business, development and/or use will be operated in strict
8 compliance with all laws. Issuance of this amendment does **not** approve,
9 promote or condone any practice or act that is prohibited or
10 restricted by any federal, state or local laws.

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

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15 Form Approved:

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17 /s/ Mary E. Staffopoulos

18 Office of General Counsel

19 Legislation Prepared By: Krista Fogarty

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