

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-306**

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
8 USE DESIGNATION FROM COMMUNITY/GENERAL
9 COMMERCIAL (CGC) TO COMMUNITY/GENERAL COMMERCIAL
10 (CGC) WITH SITE SPECIFIC FLUE POLICY 4.4.20 ON
11 APPROXIMATELY 3.90± ACRES LOCATED IN COUNCIL
12 DISTRICT 11, AT 8737 BAYMEADOWS ROAD, BETWEEN
13 BAYMEADOWS WAY AND INTERSTATE 95, OWNED BY LENOX
14 COVE APARTMENTS, LLC, INCLUDING AN AMENDED SITE
15 SPECIFIC POLICY 4.4.20 IN THE FUTURE LAND USE
16 ELEMENT, AS MORE PARTICULARLY DESCRIBED HEREIN,
17 PURSUANT TO APPLICATION NUMBER L-5542-21C;
18 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
21 EFFECTIVE DATE.

22
23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
24 Ordinance Code, and Section 163.3187(1), Florida Statutes, an
25 application for a proposed Small-Scale Amendment to the Future Land
26 Use Map series (FLUMs) of the 2030 Comprehensive Plan to change the
27 Future Land Use designation from Community/General Commercial (CGC)
28 to Community/General Commercial (CGC) with Site Specific FLUE Policy
29 4.4.20 on 3.90± acres of certain real property in Council District
30 11 was filed by Wyman Duggan, Esq., on behalf of the owner, Lenox
31 Cove Apartments, LLC; and

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

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

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

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

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

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

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

6 **Section 2. Subject Property Location and Description.** The
7 approximately 3.90± acres (R.E. No. 152612-0290) are located in
8 Council District 11, at 8737 Baymeadows Road, between Baymeadows Way
9 and Interstate 95, as more particularly described in **Exhibit 1**, dated
10 April 13, 2021, and graphically depicted in **Exhibit 2**, both **attached**
11 **hereto** and incorporated herein by this reference (Subject Property).

12 **Section 3. Owner and Applicant Description.** The Subject
13 Property is owned by Lenox Cove Apartments, LLC. The applicant is
14 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,
15 Jacksonville, Florida 32207; (904) 398-3911.

16 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
17 City Council hereby adopts a proposed Small-Scale revision to the
18 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
19 the Future Land Use Map designation from Community/General Commercial
20 (CGC) to Community/General Commercial (CGC) with Site Specific FLUE
21 Policy 4.4.20, pursuant to Application Number L-5542-21C.

22 **Section 5. Site Specific Policy.** The City Council hereby
23 adopts FLUE Policy 4.4.20, dated May 10, 2021, and **attached hereto**
24 as **Exhibit 3**.

25 **Section 6. Applicability, Effect and Legal Status.** The
26 applicability and effect of the *2030 Comprehensive Plan*, as herein
27 amended, shall be as provided in the Community Planning Act, Sections
28 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
29 development undertaken by, and all actions taken in regard to
30 development orders by governmental agencies in regard to land which
31 is subject to the *2030 Comprehensive Plan*, as herein amended, shall

1 be consistent therewith as of the effective date of this amendment
2 to the plan.

3 **Section 7. Effective date of this Plan Amendment.**

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

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

13 **Section 8. Disclaimer.** The amendment granted herein shall

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

25 **Section 9. Effective Date.** This Ordinance shall become

26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Krista Fogarty

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