

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-238**

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 WATER DEPENDENT-WATER
9 RELATED (WD-WR) AND COMMUNITY/GENERAL COMMERCIAL
10 (CGC) TO COMMUNITY/GENERAL COMMERCIAL (CGC) WITH
11 FUTURE LAND USE ELEMENT (FLUE) SITE SPECIFIC
12 POLICY 4.4.30 ON APPROXIMATELY 21.80± ACRES
13 LOCATED IN COUNCIL DISTRICT 2 AT 4100 HECKSCHER
14 DRIVE, BETWEEN HECKSCHER DRIVE AND INTERSTATE-
15 295 (R.E. NOS. 108876-0020 (PORTION) AND 108876-
16 0050 (PORTION)), OWNED BY GATE PETROLEUM COMPANY,
17 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT
18 TO APPLICATION NUMBER L-5632-21C; ADOPTING A NEW
19 SITE SPECIFIC POLICY 4.4.30 IN THE FUTURE LAND
20 USE ELEMENT (FLUE); PROVIDING A DISCLAIMER THAT
21 THE AMENDMENT GRANTED HEREIN SHALL NOT BE
22 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
23 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
26 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
27 application for a proposed Small-Scale Amendment to the Future Land
28 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
29 future land use designation from Water Dependent-Water Related (WD-
30 WR) and Community/General Commercial (CGC) to Community/General
31 Commercial (CGC) with FLUE Site Specific Policy 4.4.30 on 21.80±

1 acres of certain real property in Council District 2 was filed by
2 T.R. Hainline, Esq., on behalf of the owner, Gate Petroleum Company;
3 and

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

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

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

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

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

1 result from the use and development of land within the City of
2 Jacksonville; now, therefore

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

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

9 **Section 2. Subject Property Location and Description.** The
10 approximately 21.80± acres are located in Council District 2 at 4100
11 Heckscher Drive, between Heckscher Drive and Interstate-295 (R.E.
12 Nos. 108876-0020 (portion) and 108876-0050 (portion)), as more
13 particularly described in **Exhibit 1**, dated November 10, 2021, and
14 graphically depicted in **Exhibit 2**, both **attached hereto** and
15 incorporated herein by this reference (the "Subject Property").

16 **Section 3. Owner and Applicant Description.** The Subject
17 Property is owned by Gate Petroleum Company. The applicant is T.R.
18 Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
19 Florida 32207; (904) 346-5531.

20 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
21 City Council hereby adopts a proposed Small-Scale revision to the
22 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
23 the Future Land Use Map designation from Water Dependent-Water Related
24 (WD-WR) and Community/General Commercial (CGC) to Community/General
25 Commercial (CGC) with FLUE Site Specific Policy 4.4.30, pursuant to
26 Small-Scale Application Number L-5632-21C.

27 **Section 5. Site Specific Policy.** Future Land Use Element
28 (FLUE) Site Specific Policy 4.4.30 dated February 18, 2022, **attached**
29 **hereto** as **Exhibit 3**, is hereby adopted.

30 **Section 6. Applicability, Effect and Legal Status.** The
31 applicability and effect of the *2030 Comprehensive Plan*, as herein

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

8 **Section 7. Effective Date of this Plan Amendment.**

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

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

18 **Section 8. Disclaimer.** The amendment granted herein shall
19 **not** be construed as an exemption from any other applicable local,
20 state, or federal laws, regulations, requirements, permits or
21 approvals. All other applicable local, state or federal permits or
22 approvals shall be obtained before commencement of the development
23 or use, and issuance of this amendment is based upon acknowledgement,
24 representation and confirmation made by the applicant(s), owner(s),
25 developer(s) and/or any authorized agent(s) or designee(s) that the
26 subject business, development and/or use will be operated in strict
27 compliance with all laws. Issuance of this amendment does **not**
28 approve, promote or condone any practice or act that is prohibited
29 or restricted by any federal, state or local laws.

30 **Section 9. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

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3 Form Approved:

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5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Krista Fogarty

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