

1 The Land Use and Zoning Committee offers the following substitute to
2 File No. 2022-240:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2022-240**

8 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
9 THE FUTURE LAND USE MAP SERIES OF THE 2030
10 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
11 USE DESIGNATION FROM HEAVY INDUSTRIAL (HI) AND
12 LIGHT INDUSTRIAL (LI) TO COMMUNITY/GENERAL
13 COMMERCIAL (CGC) WITH FUTURE LAND USE ELEMENT
14 (FLUE) SITE SPECIFIC POLICY 4.4.31 ON
15 APPROXIMATELY 7.25± ACRES LOCATED IN COUNCIL
16 DISTRICT 9 AT 1505 DENNIS STREET, 1720 DENNIS
17 STREET AND 1802 DENNIS STREET, BETWEEN
18 INTERSTATE-95 AND MARGARET STREET (R.E. NOS.
19 075459-0000, 076737-0000 AND 077741-0100), OWNED
20 BY 95 ARCH PARTNERS, LLC, AS MORE PARTICULARLY
21 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
22 L-5647-21C; ADOPTING A NEW SITE SPECIFIC POLICY
23 4.4.31 IN THE FUTURE LAND USE ELEMENT; PROVIDING
24 A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
25 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
26 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
27 DATE.

28
29 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
30 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
31 application for a proposed Small-Scale Amendment to the Future Land

1 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
2 Future Land Use designation from Heavy Industrial (HI) and Light
3 Industrial (LI) to Community/General Commercial (CGC) with FLUE Site
4 Specific Policy 4.4.31 on approximately 7.25± acres of certain real
5 property in Council District 9 was filed by Cyndy Trimmer, Esq., on
6 behalf of the owner, 95 Arch Partners, LLC; and

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

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

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

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

29 **WHEREAS**, in the exercise of its authority, the City Council has
30 determined it necessary and desirable to adopt this proposed amendment
31 to the *2030 Comprehensive Plan* to preserve and enhance present

1 advantages, encourage the most appropriate use of land, water, and
2 resources consistent with the public interest, overcome present
3 deficiencies, and deal effectively with future problems which may
4 result from the use and development of land within the City of
5 Jacksonville; now, therefore

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

7 **Section 1. Purpose and Intent.** This Ordinance is adopted
8 to carry out the purpose and intent of, and exercise the authority
9 set out in, the Community Planning Act, Sections 163.3161 through
10 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
11 amended.

12 **Section 2. Subject Property Location and Description.** The
13 approximately 7.25± acres are located in Council District 9 at 1505
14 Dennis Street, 1720 Dennis Street and 1802 Dennis Street, between
15 Interstate-95 and Margaret Street (R.E. Nos. 075459-0000, 076737-0000
16 and 077741-0100), as more particularly described in **Exhibit 1**, dated
17 December 10, 2021, and graphically depicted in **Exhibit 2**, both
18 **attached hereto** and incorporated herein by this reference (the
19 "Subject Property").

20 **Section 3. Owner and Applicant Description.** The Subject
21 Property is owned by 95 Arch Partners, LLC. The applicant is Cyndy
22 Trimmer, Esq., 1 Independent Drive, Suite 1200, Jacksonville, Florida
23 32202; (904) 807-0185.

24 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
25 City Council hereby adopts a proposed Small-Scale revision to the
26 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
27 the Future Land Use Map designation from Heavy Industrial (HI) and
28 Light Industrial (LI) to Community/General Commercial (CGC) with FLUE
29 Site Specific Policy 4.4.31, pursuant to Application Number L-5647-
30 21C.

31 **Section 5. Site Specific Policy.** Future Land Use Element

1 (FLUE) Site Specific Policy 4.4.31 dated April 28, 2022, **attached**
2 **hereto** as **Exhibit 3**, is hereby adopted.

3 **Section 6. Applicability, Effect and Legal Status.** The
4 applicability and effect of the *2030 Comprehensive Plan*, as herein
5 amended, shall be as provided in the Community Planning Act, Sections
6 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
7 development undertaken by, and all actions taken in regard to
8 development orders by governmental agencies in regard to land which
9 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
10 be consistent therewith as of the effective date of this amendment
11 to the plan.

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

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

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

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

1 promote or condone any practice or act that is prohibited or
2 restricted by any federal, state or local laws.

3 **Section 9. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 /s/ Paige H. Johnston

10 Office of General Counsel

11 Legislation Prepared By: Krista Fogarty

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