

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2023-2**

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
10 COMMERCIAL (CGC) WITH FUTURE LAND USE ELEMENT
11 (FLUE) SITE SPECIFIC POLICY 4.4.39 ON
12 APPROXIMATELY 19.11± ACRES LOCATED IN COUNCIL
13 DISTRICT 12 AT 0 103RD STREET, 10880 103RD
14 STREET, 0 ARROW LANE AND 5400 ARROW LANE,
15 BETWEEN CECIL COMMERCE CENTER PARKWAY AND PIPER
16 GLEN BOULEVARD (R.E. NOS. 015403-0000, 015404-
17 0000, 015405-0000 AND 015405-0010), OWNED BY
18 FLYING R ENTERPRISES, INC. (FORMERLY KNOWN AS
19 103RD STREET AUTO PARTS, INC.), DANIEL GROSU AND
20 STEFAN DANIEL COSA, AS MORE PARTICULARLY
21 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
22 L-5766-22C; ADOPTING A NEW SITE SPECIFIC POLICY
23 4.4.39 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 Community/General Commercial (CGC)
3 to Community/General Commercial (CGC) with FLUE Site Specific Policy
4 4.4.39 on 19.11± acres of certain real property in Council District
5 12 was filed by William Michaelis, Esq., on behalf of the owners,
6 Flying R Enterprises, Inc. (formerly known as 103rd Street Auto Parts,
7 Inc.), Daniel Grosu and Stefan Daniel Cosa; and

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

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

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

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

30 **WHEREAS**, in the exercise of its authority, the City Council has
31 determined it necessary and desirable to adopt this proposed amendment

1 to the *2030 Comprehensive Plan* to preserve and enhance present
2 advantages, encourage the most appropriate use of land, water, and
3 resources consistent with the public interest, overcome present
4 deficiencies, and deal effectively with future problems which may
5 result from the use and development of land within the City of
6 Jacksonville; now, therefore

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

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

13 **Section 2. Subject Property Location and Description.** The
14 approximately 19.11± acres are located in Council District 12 at 0
15 103rd Street, 10880 103rd Street, 0 Arrow Lane and 5400 Arrow Lane,
16 between Cecil Commerce Center Parkway and Piper Glen Boulevard (R.E.
17 Nos. 015403-0000, 015404-0000, 015405-0000 and 015405-0010), as more
18 particularly described in **Exhibit 1**, dated October 31, 2022, and
19 graphically depicted in **Exhibit 2**, both attached hereto and
20 incorporated herein by this reference (the "Subject Property").

21 **Section 3. Owner and Applicant Description.** The Subject
22 Property is owned by Flying R Enterprises, Inc. (formerly known as
23 103rd Street Auto Parts, Inc.), Daniel Grosu and Stefan Daniel Cosa.
24 The applicant is William Michaelis, Esq., 1301 Riverplace Boulevard,
25 Suite 1500, Jacksonville, Florida 32207; (904) 346-5914.

26 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
27 City Council hereby adopts a proposed Small-Scale revision to the
28 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
29 the Future Land Use Map designation of the Subject Property from
30 Community/General Commercial (CGC) to Community/General Commercial
31 (CGC) with FLUE Site Specific Policy 4.4.39, pursuant to Small-Scale

1 Application Number L-5766-22C.

2 **Section 5. Site Specific Policy.** Future Land Use Element
3 (FLUE) Site Specific Policy 4.4.39 dated October 19, 2022, attached
4 hereto as **Exhibit 3**, is hereby adopted.

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

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

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

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

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

