

1 Introduced by the Land Use and Zoning Committee:

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ORDINANCE 2022-431-E

AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE 2030 COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM LIGHT INDUSTRIAL (LI) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON APPROXIMATELY 16.43± ACRES LOCATED IN COUNCIL DISTRICT 7 AT 0 DUVAL ROAD AND 12963 DUVAL ROAD, BETWEEN INTERSTATE-295 AND DUVAL ROAD (R.E. NOS. 019544-0300 AND 019544-0010), OWNED BY FKP. LTD. AND HELEN J. GAY, AS TRUSTEE OF THE HELEN J. GAY REVOCABLE LIVING TRUST DATED MAY 2, 2008, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER L-5685-22C; PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Section 650.402(b), Ordinance Code, and Section 163.3187(1), Florida Statutes, an application for a proposed Small-Scale Amendment to the Future Land Use Map series (FLUMs) of the 2030 Comprehensive Plan to change the Future Land Use designation from Light Industrial (LI) to Community/General Commercial (CGC) on approximately 16.43± acres of certain real property in Council District 7 was filed by Paul Harden, Esq., on behalf of the owners, FKP. LTD. and Helen J. Gay, as Trustee of the Helen J. Gay Revocable Living Trust dated May 2, 2008; 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 16.43± acres are located in Council District 7 at 0
8 Duval Road and 12963 Duval Road, between Interstate-295 and Duval
9 Road (R.E. Nos. 019544-0300 and 019544-0010), as more particularly
10 described in **Exhibit 1**, dated March 1, 2021, and graphically depicted
11 in **Exhibit 2**, both attached hereto and incorporated herein by this
12 reference (the "Subject Property").

13 **Section 3. Owner and Applicant Description.** The Subject
14 Property is owned by FKP. LTD. and Helen J. Gay, as Trustee of the
15 Helen J. Gay Revocable Living Trust dated May 2, 2008. The applicant
16 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
17 Jacksonville, Florida 32207; (904) 396-5731.

18 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
19 City Council hereby adopts a proposed Small-Scale revision to the
20 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
21 the Future Land Use Map designation from Light Industrial (LI) to
22 Community/General Commercial (CGC), pursuant to Application Number
23 L-5685-22C.

24 **Section 5. Applicability, Effect and Legal Status.** The
25 applicability and effect of the *2030 Comprehensive Plan*, as herein
26 amended, shall be as provided in the Community Planning Act, Sections
27 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
28 development undertaken by, and all actions taken in regard to
29 development orders by governmental agencies in regard to land which
30 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
31 be consistent therewith as of the effective date of this amendment

1 to the plan.

2 **Section 6. Effective Date of this Plan Amendment.**

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

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

12 **Section 7. Disclaimer.** The amendment granted herein shall
13 **not** be construed as an exemption from any other applicable local,
14 state, or federal laws, regulations, requirements, permits or
15 approvals. All other applicable local, state or federal permits or
16 approvals shall be obtained before commencement of the development
17 or use, and issuance of this amendment is based upon acknowledgement,
18 representation and confirmation made by the applicant(s), owner(s),
19 developer(s) and/or any authorized agent(s) or designee(s) that the
20 subject business, development and/or use will be operated in strict
21 compliance with all laws. Issuance of this amendment does **not** approve,
22 promote or condone any practice or act that is prohibited or
23 restricted by any federal, state or local laws.

24 **Section 8. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Abigail Trout

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