

1 The Land Use and Zoning Committee offers the following substitute to
2 File No. 2021-735:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2021-735**

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 LOW DENSITY RESIDENTIAL
12 (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) AND
13 COMMUNITY/GENERAL COMMERCIAL (CGC) WITH FUTURE
14 LAND USE ELEMENT (FLUE) SITE SPECIFIC POLICY
15 4.4.25 ON APPROXIMATELY 27.82± ACRES LOCATED IN
16 COUNCIL DISTRICT 10 AT 0 RAMPART ROAD, 7729
17 RAMPART ROAD, 7733 RAMPART ROAD, 7745 RAMPART
18 ROAD, 7773 RAMPART ROAD, 7761 RAMPART ROAD, 7143
19 COLLINS ROAD, 7155 COLLINS ROAD, 7167 COLLINS
20 ROAD, 7169 COLLINS ROAD, 7171 COLLINS ROAD AND
21 7187 COLLINS ROAD, BETWEEN RAMPART ROAD AND
22 COLLINS ROAD, OWNED BY THE GENEVA MAE ADAIR
23 REVOCABLE TRUST (GENEVA MAE ADAIR, GLORIA MAE
24 PEACOCK, PAMA L. CUMMINGS AND PATRICIA L. KEENE,
25 AS TRUSTEES), WILLIAM TYRONE TERRELL, LESLIE W.
26 TERRELL, FAYE TERRELL, FREDERICK G. BUERMAN, JR.,
27 TRUSTEE UNDER THE FREDERICK G. BUERMAN, JR.
28 LIVING TRUST DATED AUGUST 11, 2020, KENNETH DAVID
29 WILLIAMSON, KELLY ANN CACERES AND THE RAY
30 VOELKEL, JR. LIFE ESTATE, AS MORE PARTICULARLY
31 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER

1 L-5606-21C; PROVIDING A DISCLAIMER THAT THE
2 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
3 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
4 PROVIDING AN EFFECTIVE DATE.
5

6 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
7 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
8 application for a proposed Small-Scale Amendment to the Future Land
9 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
10 Future Land Use designation from Low Density Residential (LDR) to
11 Medium Density Residential (MDR) and Community/General Commercial
12 (CGC) with FLUE Site Specific Policy 4.4.25 on 27.82± acres of certain
13 real property in Council District 10, was filed by T.R. Hainline,
14 Esq., on behalf of the owners, the Geneva Mae Adair Revocable Trust
15 (Geneva Mae Adair, Gloria Mae Peacock, Pama L. Cummings and Patricia
16 L. Keene, as Trustees), William Tyrone Terrell, Leslie W. Terrell,
17 Faye Terrell, Frederick G. Buerman, Jr., Trustee under the Frederick
18 G. Buerman, Jr. Living Trust dated August 11, 2020, Kenneth David
19 Williamson, Kelly Ann Caceres and the Ray Voelkel, Jr. Life Estate;
20 and

21 **WHEREAS**, the Planning and Development Department reviewed the
22 proposed revision and application and has prepared a written report
23 and rendered an advisory recommendation to the City Council with
24 respect to the proposed amendment; and

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

30 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
31 Council held a public hearing on this proposed amendment to the *2030*

1 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
2 considered all written and oral comments received during the public
3 hearing, and has made its recommendation to the City Council; and

4 **WHEREAS**, the City Council held a public hearing on this proposed
5 amendment, with public notice having been provided, pursuant to
6 Section 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance*
7 *Code*, and considered all oral and written comments received during
8 public hearings, including the data and analysis portions of this
9 proposed amendment to the *2030 Comprehensive Plan* and the
10 recommendations of the Planning and Development Department, the
11 Planning Commission and the LUZ Committee; and

12 **WHEREAS**, in the exercise of its authority, the City Council has
13 determined it necessary and desirable to adopt this proposed amendment
14 to the *2030 Comprehensive Plan* to preserve and enhance present
15 advantages, encourage the most appropriate use of land, water, and
16 resources consistent with the public interest, overcome present
17 deficiencies, and deal effectively with future problems which may
18 result from the use and development of land within the City of
19 Jacksonville; now, therefore

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

21 **Section 1. Purpose and Intent.** This Ordinance is adopted
22 to carry out the purpose and intent of, and exercise the authority
23 set out in, the Community Planning Act, Sections 163.3161 through
24 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
25 amended.

26 **Section 2. Subject Property Location and Description.** The
27 approximately 27.82± acres are located in Council District 10 at 0
28 Rampart Road, 7729 Rampart Road, 7733 Rampart Road, 7745 Rampart
29 Road, 7773 Rampart Road, 7761 Rampart Road, 7143 Collins Road, 7155
30 Collins Road, 7167 Collins Road, 7169 Collins Road, 7171 Collins Road
31 and 7187 Collins Road, between Rampart Road and Collins Road (R.E.

1 Nos. 015960-0200, 015961-0000, 015961-0300, 015961-0400, 015962-0000,
2 015962-0010, 015963-0000, 015965-0000, 015965-0010, 015965-0020,
3 015965-0030, 015965-0040 and 015965-0050), as more particularly
4 described in **Exhibit 1**, dated January 19, 2022, and graphically
5 depicted in **Exhibit 2**, both **attached hereto** and incorporated herein
6 by this reference (the "Subject Property").

7 **Section 3. Owner and Applicant Description.** The Subject
8 Property is owned by the Geneva Mae Adair Revocable Trust (Geneva Mae
9 Adair, Gloria Mae Peacock, Pama L. Cummings and Patricia L. Keene,
10 as Trustees), William Tyrone Terrell, Leslie W. Terrell, Faye Terrell,
11 Frederick G. Buerman, Jr., Trustee under the Frederick G. Buerman,
12 Jr. Living Trust dated August 11, 2020, Kenneth David Williamson,
13 Kelly Ann Caceres and the Ray Voelkel, Jr. Life Estate. The applicant
14 is T.R. Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500,
15 Jacksonville, Florida 32207; (904) 346-5531.

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 Low Density Residential
20 (LDR) to Medium Density Residential (MDR) and Community/General
21 Commercial (CGC) with FLUE Site Specific Policy 4.4.25, pursuant to
22 Application Number L-5606-21C.

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

1 **Section 6. Site Specific Policy.** The City Council hereby
2 adopts FLUE Site Specific Policy 4.4.25, dated January 14, 2022, and
3 **attached hereto as Exhibit 3.**

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

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

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

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

26 **Section 9. Effective Date.** This Ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Kristen Reed

6 GC-#1479215-v2-2021-735_LUZ_Sub.docx