

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-600**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND USE
8 DESIGNATION FROM BUSINESS PARK (BP) TO MEDIUM
9 DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 20.17±
10 ACRES LOCATED IN COUNCIL DISTRICT 4 AT 0 CORPORATE
11 SQUARE COURT, BETWEEN BEACH BOULEVARD AND ATLANTIC
12 BOULEVARD, OWNED BY M&K PROPERTIES OF
13 JACKSONVILLE, LLC, AS MORE PARTICULARLY DESCRIBED
14 HEREIN, PURSUANT TO APPLICATION NUMBER L-5362-19A;
15 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
17 ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
18 DATE.
19

20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
21 *Ordinance Code*, an application for a proposed Large-Scale Amendment to
22 the Future Land Use Map series (FLUMs) of the *2030 Comprehensive Plan*
23 to change the Future Land Use designation from Business Park (BP) to
24 Medium Density Residential (MDR), has been filed by Zach Miller, Esq.,
25 on behalf of M&K Properties of Jacksonville, LLC, the owner of certain
26 real property located in Council District 4, as more particularly
27 described in Section 2; and

28 **WHEREAS**, the City, by the adoption of Ordinance 2019-225-E,
29 approved this Large-Scale Amendment to the *2030 Comprehensive Plan* for
30 transmittal to the Department of Economic Opportunity ("DEO"), as the
31 State Land Planning Agency, and other required state agencies, for

1 review and comment; and

2 **WHEREAS**, by various letters and e-mails, the DEO and other state
3 reviewing agencies transmitted their comments, if any, regarding this
4 proposed amendment; and

5 **WHEREAS**, the Planning and Development Department reviewed the
6 proposed revision and application, considered all comments received,
7 prepared a written report, and rendered an advisory recommendation to
8 the Council with respect to this proposed amendment; and

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

14 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land
15 Use and Zoning (LUZ) Committee held a public hearing on this proposed
16 amendment, and made its recommendation to the City Council; and

17 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*, and
18 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public
19 hearing with public notice having been provided on this proposed
20 amendment to the *2030 Comprehensive Plan*; and

21 **WHEREAS**, the City Council further considered all oral and written
22 comments received during public hearings, including the data and
23 analysis portions of this proposed amendment to the *2030 Comprehensive*
24 *Plan*, the recommendations of the Planning and Development Department,
25 the LPA, the LUZ Committee and the comments, if any, of the DEO and the
26 other state reviewing agencies; and

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

1 deficiencies, and deal effectively with future problems which may
2 result from the use and development of land within the City of
3 Jacksonville; now, therefore

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

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

9 **Section 2. Subject Property Location and Description.** The
10 approximately 20.17± acres is located in Council District 4 at 0
11 Corporate Square Court, between Beach Boulevard and Atlantic Boulevard
12 (R.E. Nos. 145178-0450 and 145178-6000), as more particularly described
13 in **Exhibit 1**, dated January 24, 2019, and graphically depicted in
14 **Exhibit 2**, both of which are **attached hereto** and incorporated herein by
15 this reference (Subject Property).

16 **Section 3. Owner and Applicant Description.** The Subject
17 Property is owned by M&K Properties of Jacksonville, LLC The applicant
18 is Zach Miller, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
19 Florida 32202; (904) 396-5731.

20 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
21 City Council hereby adopts a proposed Large-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 Business Park (BP) to Medium
24 Density Residential (MDR), pursuant to Application Number L-5362-19A.

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

1 consistent therewith as of the effective date of this amendment to the
2 plan.

3 **Section 6. Effective Date of this Plan Amendment.** Unless
4 this plan amendment is timely challenged under the procedures set forth
5 in Section 163.3184(3), *Florida Statutes*, this plan amendment shall be
6 effective thirty-one days after DEO notifies the City of Jacksonville
7 that the plan amendment or plan amendment package is complete. If this
8 plan amendment is timely challenged under Section 163.3184(3), *Florida*
9 *Statutes*, this plan amendment shall become effective when the DEO or
10 the Administration Commission enters a final order determining the
11 adopted amendment to be in compliance. If this plan amendment is found
12 not to be in compliance under the standards and procedures set forth in
13 Chapter 163, Part II, *Florida Statutes*, then this plan amendment shall
14 become effective only by further action by the City Council. No
15 development orders, development permits, or land uses dependent on this
16 amendment may be issued or commence before it has become effective.

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

29 **Section 8. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Krista Fogarty

6 GC-#1300522-v1-L-5362_LS_ADP