

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

4 **ORDINANCE 2021-632-E**

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
8 USE DESIGNATION FROM BUSINESS PARK (BP) TO
9 COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 27.71± ACRES IN COUNCIL DISTRICT 5
11 AT 3605 PHILIPS HIGHWAY, 3563 PHILIPS HIGHWAY AND
12 0 PHILIPS HIGHWAY, BETWEEN BELAIR ROAD SOUTH AND
13 EMERSON STREET, OWNED BY PSF I JAX METRO, LLC AND
14 JICE, LLC, AS MORE PARTICULARLY DESCRIBED HEREIN,
15 PURSUANT TO APPLICATION NUMBER L-5458-20A;
16 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
19 EFFECTIVE DATE.
20

21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, an application for a proposed Large-Scale Amendment
23 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
24 *Plan* to change the Future Land Use designation from Business Park
25 (BP) to Community/General Commercial (CGC), has been filed by Steve
26 Diebenow, Esq., on behalf of PSF I Jax Metro, LLC and Jice, LLC, the
27 owners of certain real property located in Council District 5, as
28 more particularly described in Section 2; and

29 **WHEREAS**, the City, by the adoption of Ordinance 2020-467-E,
30 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
31 for transmittal to the Department of Economic Opportunity (DEO), as

1 the State Land Planning Agency, and other required state agencies,
2 for review and comment; and

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

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

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

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

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

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

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

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

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

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

11 **Section 2. Subject Property Location and Description.** The
12 approximately 27.71± acres are in Council District 5 at 3605 Philips
13 Highway, 3563 Philips Highway and 0 Philips Highway, between Belair
14 Road South and Emerson Street, as more particularly described in
15 **Exhibit 1**, dated July 1, 2020, and graphically depicted in **Exhibit**
16 **2**, both of which are **attached hereto** and incorporated herein by this
17 reference (the "Subject Property").

18 **Section 3. Owner and Applicant Description.** The Subject
19 Property is owned by PSF I Jax Metro, LLC and Jice, LLC. The applicant
20 is Steve Diebenow, Esq., One Independent Drive, Suite 1200,
21 Jacksonville, Florida 32202; (904) 301-1269.

22 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
23 City Council hereby adopts a proposed Large-Scale revision to the
24 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
25 the Future Land Use Map designation from Business Park (BP) to
26 Community/General Commercial (CGC), pursuant to Application Number
27 L-5458-20A.

28 **Section 5. Applicability, Effect and Legal Status.** The
29 applicability and effect of the *2030 Comprehensive Plan*, as herein
30 amended, shall be as provided in the Community Planning Act, Section
31 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All

1 development undertaken by, and all actions taken in regard to
2 development orders by governmental agencies in regard to land which
3 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
4 be consistent therewith as of the effective date of this amendment
5 to the plan.

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

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

1 restricted by any federal, state or local laws.

2 **Section 8. Effective Date.** This Ordinance shall become
3 effective upon signature by the Mayor or upon becoming effective
4 without the Mayor's signature.

5

6 Form Approved:

7

8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation Prepared By: Krista Fogarty

11 GC-#1450995-v2-2021-632_(L-5458-20A).docx