

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

4 **ORDINANCE 2019-486**

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 COMMUNITY/GENERAL COMMERCIAL
9 (CGC) TO RESIDENTIAL-PROFESSIONAL-INSTITUTIONAL
10 (RPI) ON APPROXIMATELY 19.13± ACRES LOCATED IN
11 COUNCIL DISTRICT 11 AT 14055 PHILIPS HIGHWAY,
12 BETWEEN RACE TRACK ROAD AND STATE ROAD 9B, OWNED
13 BY MASTERFIT GOLF TEACHING AND FITTING ACADEMY,
14 INC., AS MORE PARTICULARLY DESCRIBED HEREIN,
15 PURSUANT TO APPLICATION NUMBER L-5323-18A;
16 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
18 ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
19 DATE.

20
21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, an application for a proposed Large-Scale Amendment to
23 the Future Land Use Map series (FLUMs) of the *2030 Comprehensive Plan*
24 to change the Future Land Use designation from Community/General
25 Commercial (CGC) to Residential-Professional-Institutional (RPI), has
26 been filed by Steve Diebenow, Esq., on behalf of Masterfit Golf
27 Teaching and Fitting Academy, Inc., the owner of certain real property
28 located in Council District 11, as more particularly described in
29 Section 2; and

30 **WHEREAS**, the City, by the adoption of Ordinance 2019-113-E,
31 approved this Large-Scale Amendment to the *2030 Comprehensive Plan* for

1 transmittal to the Department of Economic Opportunity ("DEO"), as the
2 State Land Planning Agency, and other required state agencies, for
3 review and comment; and

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

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

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

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

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

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

29 **WHEREAS**, in the exercise of its authority, the City Council has
30 determined it necessary and desirable to adopt this proposed amendment
31 to the *2030 Comprehensive Plan* to preserve and enhance present

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

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

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

11 **Section 2. Subject Property Location and Description.** The
12 approximately 19.13± acres is located in Council District 11 at 14055
13 Philips Highway, between Race Track Road and State Road 9B (R.E. No.
14 168124-0000), as more particularly described in **Exhibit 1**, dated June
15 13, 2019, and graphically depicted in **Exhibit 2**, both of which are
16 **attached hereto** and incorporated herein by this reference (Subject
17 Property).

18 **Section 3. Owner and Applicant Description.** The Subject
19 Property is owned by Masterfit Golf Teaching and Fitting Academy, Inc.
20 The applicant is Steve Diebenow, Esq., One Independent Drive, Suite
21 1200, 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 Community/General Commercial
26 (CGC) to Residential-Professional-Institutional (RPI), pursuant to
27 Application Number L-5323-18A.

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 is
3 subject to the *2030 Comprehensive Plan*, as herein amended, shall be
4 consistent therewith as of the effective date of this amendment to the
5 plan.

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

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

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

4
5 Form Approved:

6
7 /s/ Shannon K. Eller

8 Office of General Counsel

9 Legislation Prepared By: Jody McDaniel

10 GC-#1292792-v1-L-5323_LS_ADP