

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-454 -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 USE
8 DESIGNATION FROM COMMUNITY/GENERAL COMMERCIAL
9 (CGC) AND LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM
10 DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 14.12±
11 ACRES LOCATED IN COUNCIL DISTRICT 1 AT 8159
12 ARLINGTON EXPRESSWAY, BETWEEN ARLINGWOOD AVENUE
13 AND STATE COMMERCE ROAD, OWNED BY HARVEST BAPTIST
14 CHURCH, INC., AS MORE PARTICULARLY DESCRIBED
15 HEREIN, PURSUANT TO APPLICATION NUMBER L-5351-19-
16 A; PROVIDING A DISCLAIMER THAT THE AMENDMENT
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
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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) and Low Density Residential (LDR) to Medium Density
26 Residential (MDR), has been filed by Curtis Hart, on behalf of Harvest
27 Baptist Church, Inc., the owner of certain real property located in
28 Council District 1, as more particularly described in Section 2; and

29 **WHEREAS**, the City, by the adoption of Ordinance 2019-65-E,
30 approved this Large-Scale Amendment to the *2030 Comprehensive Plan* for
31 transmittal to the Department of Economic Opportunity ("DEO"), as the

1 State Land Planning Agency, and other required state agencies, for
2 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 to
9 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 written
23 comments received during public hearings, including the data and
24 analysis portions of this proposed amendment to the *2030 Comprehensive*
25 *Plan*, the recommendations of the Planning and Development Department,
26 the LPA, the LUZ Committee and the comments, if any, of the DEO and the
27 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 to
7 carry out the purpose and intent of, and exercise the authority set out
8 in the Community Planning Act, Sections 163.3161 through 163.3248,
9 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

10 **Section 2. Subject Property Location and Description.** The
11 approximately 14.12± acres is located in Council District 1 at 8159
12 Arlington Expressway, between Arlingwood Avenue and State Commerce Road
13 (portion of R.E. No. 136563-0010), as more particularly described in
14 **Exhibit 1**, dated January 16, 2019, and graphically depicted in **Exhibit**
15 **2**, both of which are **attached hereto** and incorporated herein by this
16 reference (Subject Property).

17 **Section 3. Owner and Applicant Description.** The Subject
18 Property is owned by Harvest Baptist Church, Inc. The applicant is
19 Curtis L. Hart, Hart Resources, LLC, 8051 Tara Lane, Jacksonville,
20 Florida 32216; (904) 993-5008.

21 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
22 City Council hereby adopts a proposed Large-Scale revision to the
23 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
24 the Future Land Use Map designation from Community/General Commercial
25 (CGC) and Low Density Residential (LDR) to Medium Density Residential
26 (MDR), pursuant to Application Number L-5351-19-A.

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

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

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

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

31 **Section 8. Effective Date.** This Ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

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4 Form Approved:

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6 /s/ Shannon K. Eller

7 Office of General Counsel

8 Legislation Prepared By: Edward Lukacovic

9 GC-#1288102-v1-L-5351_LS_ADP