

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-294-E**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT
6 TO THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM COMMUNITY/GENERAL
9 COMMERCIAL (CGC) AND RESIDENTIAL-PROFESSIONAL-
10 INSTITUTIONAL (RPI) TO HIGH DENSITY RESIDENTIAL
11 (HDR) ON APPROXIMATELY 4.79± ACRES LOCATED IN
12 COUNCIL DISTRICT 1 AT 7820 ARLINGTON
13 EXPRESSWAY, BETWEEN OAKS PLANTATION DRIVE AND
14 CENTURY STREET, OWNED BY KOZMAN REALTY, INC.,
15 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT
16 TO APPLICATION NUMBER L-5437-20C; PROVIDING A
17 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
20 DATE.
21

22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
23 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
24 application for a proposed Small-Scale Amendment to the Future Land
25 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
26 Future Land Use designation from Community/General Commercial (CGC)
27 and Residential-Professional-Institutional (RPI) to High Density
28 Residential (HDR) on 4.79± acres of certain real property in
29 Council District 1, was filed by Joseph Loretta, RLA, on behalf of
30 the owner, Kozman Realty, Inc.; and

31 **WHEREAS**, the Planning and Development Department reviewed the

1 proposed revision and application and has prepared a written report
2 and rendered an advisory recommendation to the City Council with
3 respect to the proposed amendment; and

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

9 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
10 Council held a public hearing on this proposed amendment to the
11 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*
12 *Code*, considered all written and oral comments received during the
13 public hearing, and has made its recommendation to the City
14 Council; and

15 **WHEREAS**, the City Council held a public hearing on this
16 proposed amendment, with public notice having been provided,
17 pursuant to Section 163.3187, *Florida Statutes* and Chapter 650,
18 Part 4, *Ordinance Code*, and considered all oral and written
19 comments received during public hearings, including the data and
20 analysis portions of this proposed amendment to the *2030*
21 *Comprehensive Plan* and the recommendations of the Planning and
22 Development Department, the Planning Commission and the LUZ
23 Committee; and

24 **WHEREAS**, in the exercise of its authority, the City Council
25 has determined it necessary and desirable to adopt this proposed
26 amendment to the *2030 Comprehensive Plan* to preserve and enhance
27 present advantages, encourage the most appropriate use of land,
28 water, and resources consistent with the public interest, overcome
29 present deficiencies, and deal effectively with future problems
30 which may result from the use and development of land within the
31 City of Jacksonville; now, therefore

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

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

7 **Section 2. Subject Property Location and Description.**
8 The approximately 4.79± acres (R.E. No. 142483-0100) is located in
9 Council District 1 at 7820 Arlington Expressway, between Oaks
10 Plantation Drive and Century Street, as more particularly described
11 in **Exhibit 1**, dated April 16, 2020, and graphically depicted in
12 **Exhibit 2**, both **attached hereto** and incorporated herein by this
13 reference (Subject Property).

14 **Section 3. Owner and Applicant Description.** The Subject
15 Property is owned by Kozman Realty, Inc. The applicant is Joseph
16 Loretta, RLA, 6621 Southpoint Drive North, Jacksonville, Florida
17 32216; (904) 441-8365.

18 **Section 4. Adoption of Small-Scale Land Use Amendment.**
19 The City Council hereby adopts a proposed Small-Scale revision to
20 the Future Land Use Map series of the *2030 Comprehensive Plan* by
21 changing the Future Land Use Map designation from Community/General
22 Commercial (CGC) and Residential-Professional-Institutional (RPI)
23 to High Density Residential (HDR), pursuant to Application Number
24 L-5437-20C.

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,
28 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
29 Ordinance. All development undertaken by, and all actions taken in
30 regard to development orders by governmental agencies in regard to
31 land which is subject to the *2030 Comprehensive Plan*, as herein

1 amended, shall be consistent therewith as of the effective date of
2 this amendment to the plan.

3 **Section 6. Effective date of this Plan Amendment.**

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

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

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

26 **Section 8. 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:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Krista Fogarty

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