

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-707**

5 AN ORDINANCE ADOPTING A SMALL-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 COMMUNITY/GENERAL
9 COMMERCIAL (CGC) IN THE URBAN AND SUBURBAN
10 DEVELOPMENT AREAS TO COMMUNITY/GENERAL
11 COMMERCIAL (CGC) IN THE URBAN DEVELOPMENT AREA
12 WITH FUTURE LAND USE ELEMENT (FLUE) SITE
13 SPECIFIC POLICY 4.4.37 ON APPROXIMATELY 11.64±
14 ACRES LOCATED IN COUNCIL DISTRICT 7 AT 0 NORTH
15 MAIN STREET, 14353 NORTH MAIN STREET, 33
16 CASTLEBERRY ROAD, 47 CASTLEBERRY ROAD, 115
17 CASTLEBERRY ROAD AND 131 CASTLEBERRY ROAD,
18 BETWEEN NORTH MAIN STREET AND LYLE ROAD (R.E.
19 NOS. 107839-0000, 107841-0070, 107841-0080,
20 107845-0000, 107846-0010, 107847-0000 AND
21 107849-0000), OWNED BY CHANCE CASTLEBERRY OWNER,
22 LLC, AND CP CASTLEBERRY GL OWNER, LLC, AS MORE
23 PARTICULARLY DESCRIBED HEREIN, INCLUDING A
24 REVISION TO THE DEVELOPMENT AREAS MAP, PURSUANT
25 TO APPLICATION NUMBER L-5749-22C; ADOPTING A NEW
26 SITE SPECIFIC POLICY 4.4.37 IN THE FUTURE LAND
27 USE ELEMENT; PROVIDING A DISCLAIMER THAT THE
28 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
29 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
30 PROVIDING AN EFFECTIVE DATE.
31

1 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
2 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
3 application for a proposed Small-Scale Amendment to the Future Land
4 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
5 future land use designation from Community/General Commercial (CGC)
6 in the Urban and Suburban Development Areas to Community/General
7 Commercial (CGC) in the Urban Development Area with FLUE Site Specific
8 Policy 4.4.37 on 11.64± acres of certain real property in Council
9 District 7 was filed by William Michaelis, Esq., on behalf of the
10 owners, Chance Castleberry Owner, LLC, and CP Castleberry GL Owner,
11 LLC; and

12 **WHEREAS**, the Planning and Development Department reviewed the
13 proposed revision and application and has prepared a written report
14 and rendered an advisory recommendation to the City Council with
15 respect to the proposed amendment; and

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

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

26 **WHEREAS**, the City Council held a public hearing on this proposed
27 amendment, with public notice having been provided, pursuant to
28 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
29 *Code*, and considered all oral and written comments received during
30 public hearings, including the data and analysis portions of this
31 proposed amendment to the *2030 Comprehensive Plan* and the

1 recommendations of the Planning and Development Department, the
2 Planning Commission and the LUZ Committee; and

3 **WHEREAS**, in the exercise of its authority, the City Council has
4 determined it necessary and desirable to adopt this proposed amendment
5 to the *2030 Comprehensive Plan* to preserve and enhance present
6 advantages, encourage the most appropriate use of land, water, and
7 resources consistent with the public interest, overcome present
8 deficiencies, and deal effectively with future problems which may
9 result from the use and development of land within the City of
10 Jacksonville; now, therefore

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

12 **Section 1. Purpose and Intent.** This Ordinance is adopted
13 to carry out the purpose and intent of, and exercise the authority
14 set out in, the Community Planning Act, Sections 163.3161 through
15 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
16 amended.

17 **Section 2. Subject Property Location and Description.** The
18 approximately 11.64± acres are located in Council District 7 at 0
19 North Main Street, 14353 North Main Street, 33 Castleberry Road, 47
20 Castleberry Road, 115 Castleberry Road, and 131 Castleberry Road,
21 between North Main Street and Lyle Road (R.E. Nos. 107839-0000,
22 107841-0070, 107841-0080, 107845-0000, 107846-0010, 107847-0000 and
23 107849-0000), as more particularly described in **Exhibit 1**, dated July
24 22, 2022, and graphically depicted in **Exhibit 2**, both attached hereto
25 and incorporated herein by this reference (the "Subject Property").

26 **Section 3. Owner and Applicant Description.** The Subject
27 Property is owned by Chance Castleberry Owner, LLC, and CP Castleberry
28 GL Owner, LLC. The applicant is William Michaelis, Esq., 1301
29 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207; (904)
30 346-5914.

31 **Section 4. Adoption of Small-Scale Land Use Amendment.** The

1 City Council hereby adopts a proposed Small-Scale revision to the
2 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
3 the Future Land Use Map designation of the Subject Property from
4 Community/General Commercial (CGC) in the Urban and Suburban
5 Development Areas to Community/General Commercial (CGC) in the Urban
6 Development Area with FLUE Site Specific Policy 4.4.37 pursuant to
7 Small-Scale Application Number L-5749-22C.

8 **Section 5. Development Areas Map.** The approval herein
9 includes a proposed revision to the Development Areas Map adopted as
10 Future Land Use Element Map L-21, Transportation Element Map T-4, and
11 Capital Improvements Element Map CI-1 of the *2030 Comprehensive Plan*,
12 as depicted in **Exhibit 3**, attached hereto.

13 **Section 6. Site Specific Policy.** Future Land Use Element
14 (FLUE) Site Specific Policy 4.4.37 dated August 30, 2022, attached
15 hereto as **Exhibit 4**, is hereby adopted.

16 **Section 7. Applicability, Effect and Legal Status.** The
17 applicability and effect of the *2030 Comprehensive Plan*, as herein
18 amended, shall be as provided in the Community Planning Act, Sections
19 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
20 development undertaken by, and all actions taken in regard to
21 development orders by governmental agencies in regard to land which
22 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
23 be consistent therewith as of the effective date of this amendment
24 to the plan.

25 **Section 8. Effective Date of this Plan Amendment.**

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

30 (b) If challenged within thirty (30) days after adoption, the
31 plan amendment shall not become effective until the state land

1 planning agency or the Administration Commission, respectively,
2 issues a final order determining the adopted Small-Scale Amendment
3 to be in compliance.

4 **Section 9. Disclaimer.** The amendment granted herein shall
5 **not** be construed as an exemption from any other applicable local,
6 state, or federal laws, regulations, requirements, permits or
7 approvals. All other applicable local, state or federal permits or
8 approvals shall be obtained before commencement of the development
9 or use, and issuance of this amendment is based upon acknowledgement,
10 representation and confirmation made by the applicant(s), owner(s),
11 developer(s) and/or any authorized agent(s) or designee(s) that the
12 subject business, development and/or use will be operated in strict
13 compliance with all laws. Issuance of this amendment does **not**
14 approve, promote or condone any practice or act that is prohibited
15 or restricted by any federal, state or local laws.

16 **Section 10. Effective Date.** This Ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Edward Lukacovic

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