

1 Introduced by the Land Use and Zoning Committee:

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4 **ORDINANCE 2021-306-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) TO COMMUNITY/GENERAL  
10 COMMERCIAL (CGC) WITH SITE SPECIFIC FLUE POLICY  
11 4.4.20 ON APPROXIMATELY 3.90± ACRES LOCATED IN  
12 COUNCIL DISTRICT 11, AT 8737 BAYMEADOWS ROAD,  
13 BETWEEN BAYMEADOWS WAY AND INTERSTATE 95, OWNED  
14 BY LENOX COVE APARTMENTS, LLC, INCLUDING AN  
15 AMENDED SITE SPECIFIC POLICY 4.4.20 IN THE  
16 FUTURE LAND USE ELEMENT, AS MORE PARTICULARLY  
17 DESCRIBED HEREIN, PURSUANT TO APPLICATION  
18 NUMBER L-5542-21C; PROVIDING A DISCLAIMER THAT  
19 THE AMENDMENT GRANTED HEREIN SHALL NOT BE  
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

22  
23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
24 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
25 application for a proposed Small-Scale Amendment to the Future Land  
26 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
27 Future Land Use designation from Community/General Commercial (CGC)  
28 to Community/General Commercial (CGC) with Site Specific FLUE  
29 Policy 4.4.20 on 3.90± acres of certain real property in Council  
30 District 11 was filed by Wyman Duggan, Esq., on behalf of the  
31 owner, Lenox Cove Apartments, LLC; and

1           **WHEREAS**, the Planning and Development Department reviewed the  
2 proposed revision and application and has prepared a written report  
3 and rendered an advisory recommendation to the City Council with  
4 respect to the proposed amendment; and

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

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

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

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

1 City of Jacksonville; now, therefore

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

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

8 **Section 2. Subject Property Location and Description.**  
9 The approximately 3.90± acres (R.E. No. 152612-0290) are located in  
10 Council District 11, at 8737 Baymeadows Road, between Baymeadows  
11 Way and Interstate 95, as more particularly described in **Exhibit 1**,  
12 dated April 13, 2021, and graphically depicted in **Exhibit 2**, both  
13 **attached hereto** and incorporated herein by this reference (Subject  
14 Property).

15 **Section 3. Owner and Applicant Description.** The Subject  
16 Property is owned by Lenox Cove Apartments, LLC. The applicant is  
17 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,  
18 Jacksonville, Florida 32207; (904) 398-3911.

19 **Section 4. Adoption of Small-Scale Land Use Amendment.**  
20 The City Council hereby adopts a proposed Small-Scale revision to  
21 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
22 changing the Future Land Use Map designation from Community/General  
23 Commercial (CGC) to Community/General Commercial (CGC) with Site  
24 Specific FLUE Policy 4.4.20, pursuant to Application Number L-5542-  
25 21C.

26 **Section 5. Site Specific Policy.** The City Council hereby  
27 adopts FLUE Policy 4.4.20, dated May 10, 2021, and **attached hereto**  
28 as **Exhibit 3**.

29 **Section 6. Applicability, Effect and Legal Status.** The  
30 applicability and effect of the *2030 Comprehensive Plan*, as herein  
31 amended, shall be as provided in the Community Planning Act,

1 Sections 163.3161 through 163.3248, *Florida Statutes*, and this  
2 Ordinance. All development undertaken by, and all actions taken in  
3 regard to development orders by governmental agencies in regard to  
4 land which is subject to the *2030 Comprehensive Plan*, as herein  
5 amended, shall be consistent therewith as of the effective date of  
6 this amendment to the plan.

7 **Section 7. Effective date of this Plan Amendment.**

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

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

17 **Section 8. Disclaimer.** The amendment granted herein shall  
18 **not** be construed as an exemption from any other applicable local,  
19 state, or federal laws, regulations, requirements, permits or  
20 approvals. All other applicable local, state or federal permits or  
21 approvals shall be obtained before commencement of the development  
22 or use and issuance of this amendment is based upon  
23 acknowledgement, representation and confirmation made by the  
24 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
25 or designee(s) that the subject business, development and/or use  
26 will be operated in strict compliance with all laws. Issuance of  
27 this amendment does **not** approve, promote or condone any practice or  
28 act that is prohibited or restricted by any federal, state or local  
29 laws.

30 **Section 9. Effective Date.** This Ordinance shall become  
31 effective upon signature by the Mayor or upon becoming effective

