

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2022-54-E**

5 AN ORDINANCE APPROVING ISSUANCE OF A DEVELOPMENT  
6 ORDER FOR DEVELOPMENT OF PERMANENT AFFORDABLE  
7 HOUSING PURSUANT TO THE AUTHORITY GRANTED BY  
8 SECTIONS 125.01055(6) AND 166.04151(6), *FLORIDA*  
9 *STATUTES*, IN ACCORDANCE WITH THE REQUIREMENTS OF  
10 THE PENDING NEW FUTURE LAND USE ELEMENT POLICY  
11 3.1.28 OF THE *2030 COMPREHENSIVE PLAN* AS  
12 PROVIDED IN ORDINANCE 2021-627-E, ON PROPERTY  
13 LOCATED IN COUNCIL DISTRICT 8 AT 0 I-95  
14 EXPRESSWAY SOUTH AND 0 WALGREEN ROAD, BETWEEN  
15 GOLFAIR BOULEVARD AND CRESTWOOD STREET (R.E.  
16 NOS. 027243-5000, 027241-0000, 027242-0000 AND  
17 027243-0000), OWNED BY JA-RU, INC., SETZER  
18 FAMILY FOUNDATION, INC., AND LAWRENCE J. DUBOW  
19 AND LINDA J. DUBOW, AS DESCRIBED HEREIN;  
20 PROVIDING A DISCLAIMER THAT THE DEVELOPMENT  
21 ORDER AUTHORIZED HEREIN SHALL NOT BE CONSTRUED  
22 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
23 REQUESTING ONE CYCLE EMERGENCY PASSAGE;  
24 PROVIDING AN EFFECTIVE DATE.  
25

26 **WHEREAS**, Sections 125.01055(6) and 166.0415(6), *Florida*  
27 *Statutes*, authorizes the City Council to approve development of  
28 housing that is affordable as defined in Section 420.0004(3), *Florida*  
29 *Statutes*, on any parcel zoned for residential, commercial or  
30 industrial use notwithstanding any other law or local ordinance or  
31 regulation to the contrary; and

1           **WHEREAS**, understanding there is a need for additional affordable  
2 housing in Duval County, the City recognizes that Sections  
3 125.01055(6) and 166.0415(6), *Florida Statutes*, offer a unique  
4 opportunity to attract additional development of affordable housing  
5 to the area; and

6           **WHEREAS**, to further this goal, the City initiated by Ordinance  
7 2021-627-E the process to transmit to the State of Florida's various  
8 reviewing agencies a text amendment to the Future Land Use Element  
9 (FLUE) of the *2030 Comprehensive Plan* creating a new FLUE policy  
10 3.1.28 that allows for development of permanent affordable housing  
11 pursuant to the aforementioned statutory provisions contingent upon  
12 funding from the Florida Housing Finance Corporation or the  
13 Jacksonville Housing Finance Authority; and

14           **WHEREAS**, the process to adopt said text amendment to the Future  
15 Land Use Element of the *2030 Comprehensive Plan* has now been initiated  
16 pursuant to Ordinance 2022-48; and

17           **WHEREAS**, Steve Diebenow, Esq., has submitted a request to the  
18 City for approval to develop affordable housing in accordance with  
19 Sections 125.01055(6) and 166.04151(6), *Florida Statutes*, and FLUE  
20 policy 3.1.28 as outlined in Ordinance 2021-627-E, on a portion of  
21 certain real property located in Council District 8 on behalf of the  
22 owners, JA-RU, Inc., Setzer Family Foundation, Inc., and Lawrence J.  
23 DuBow and Linda J. DuBow, as described herein; and

24           **WHEREAS**, the agent has posted signs at the Subject Property and  
25 written notice has also been provided to all property owners within  
26 350 feet of the Subject Property notifying interested parties of the  
27 approvals requested pursuant to this Ordinance; and

28           **WHEREAS**, the Planning and Development Department, in order to  
29 ensure consistency of this development with Sections 125.01055(6) and  
30 166.04151(6), *Florida Statutes*, and pending FLUE policy 3.1.28 as  
31 outlined in Ordinance 2021-627-E, has considered the request and has

1 rendered an advisory opinion; and

2 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due  
3 notice, held a public hearing and has made its recommendation to the  
4 Council; and

5 **WHEREAS**, the City Council, after due notice, held a public  
6 hearing, and taking into consideration the above recommendations as  
7 well as all oral and written comments received during the public  
8 hearings, the Council finds that such request is consistent with  
9 Sections 125.01055(6) and 166.04151(6), *Florida Statutes*, and pending  
10 FLUE policy 3.1.28 as outlined in Ordinance 2021-627-E; and

11 **WHEREAS**, the Council finds that the proposed affordable housing  
12 does not affect adversely the orderly development of the City as  
13 contemplated in the *Zoning Code*; will not affect adversely the health  
14 and safety of residents in the area; will not be detrimental to the  
15 natural environment or to the use or development of the adjacent  
16 properties in the general area; and the proposed affordable housing  
17 development meets the requirements set out in Sections 125.01055(6)  
18 and 166.04151(6), *Florida Statutes*, and FLUE policy 3.1.28 as outlined  
19 in Ordinance 2021-627-E; now, therefore

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

21 **Section 1. Subject Property Location and Description.** The  
22 property that is the subject of this legislation is approximately  
23 16.88± acres in size and is located in Council District 8 at 0 I-95  
24 Expressway South and 0 Walgreen Road, between Golfair Boulevard and  
25 Crestwood Street (R.E. Nos. 027243-5000, 027241-0000, 027242-0000 and  
26 027243-0000), as more particularly described in **Exhibit 1**, dated  
27 December 28, 2021, and graphically depicted in **Exhibit 2**, both of  
28 which are **attached hereto** and incorporated herein by this reference  
29 (the "Subject Property")

30 **Section 2. Owner and Agent Description.** The Subject  
31 Property is owned by JA-RU, Inc., Setzer Family Foundation, Inc., and

1 Lawrence J. DuBow and Linda J. DuBow. The agent is Steve Diebenow,  
2 Esq., 1 Independent Drive, Suite 1200, Jacksonville, Florida 32202;  
3 (904)807-8213.

4           **Section 3. Approval of Issuance of a Development Order for**  
5 **Affordable Housing.** The City Council, pursuant to the authority  
6 granted in Sections 125.01055(6) and 166.04151(6), *Florida Statutes*,  
7 hereby approves and authorizes the Planning and Development  
8 Department to issue a Development Order authorizing development of  
9 permanent affordable housing on the Subject Property in accordance  
10 with pending FLUE Policy 3.1.28 as outlined in Ordinance 2021-627-E,  
11 and as more particularly described and depicted in the Affordable  
12 Housing Project Written Description attached hereto as **Exhibit 3**  
13 dated January 18, 2022, and the Affordable Housing Site Plan dated  
14 December 22, 2021, attached hereto as **Exhibit 4**, both of which are  
15 incorporated herein by this reference. The Development Order shall  
16 only authorize construction of permanent affordable housing as  
17 depicted in **Exhibit 3** and **Exhibit 4** and shall be issued upon the  
18 Planning and Development Department and the Office of General Counsel  
19 confirming the project meets the requirements of pending FLUE Policy  
20 3.1.28. Approval and authorization to issue the aforementioned  
21 Development Order shall not constitute approval or authorization of  
22 any other development on the Subject Property. Any modifications to  
23 the Development Order authorized hereunder, including any  
24 modifications to **Exhibit 3** and/or **Exhibit 4** shall require City Council  
25 approval.

26           The City Council's approval of issuance of a Development Order  
27 for construction of permanent affordable housing on the Subject  
28 Property shall be conditioned upon the City's receipt of sufficient  
29 documentation, to be reviewed by the Office of General Counsel,  
30 indicating the developer has been awarded or secured financing from  
31 either the Florida Housing Finance Corporation or the Jacksonville

1 Housing Finance Authority.

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

15           **Section 5. Requesting One Cycle Emergency Passage Pursuant**  
16 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this  
17 legislation is requested. The nature of the emergency is that the  
18 deadline for the developer of the Subject Property to apply for  
19 financing from the Florida Housing Finance Corporation occurs on  
20 February 15, 2022, at which time they must show the entitlements  
21 sought by this legislation have been granted.

22           **Section 6. Effective Date.** This Ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

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26 Form Approved:

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28           /s/ Mary E. Staffopoulos          

29 Office of General Counsel

30 Legislation Prepared By: Mary E. Staffopoulos

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