

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-390**

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) TO RESIDENTIAL-PROFESSIONAL-  
10 INSTITUTIONAL (RPI) ON APPROXIMATELY 14.22± ACRES  
11 LOCATED IN COUNCIL DISTRICTS 2 AND 7 AT 0 NEW  
12 BERLIN ROAD AND 953 NEW BERLIN ROAD, BETWEEN NEW  
13 BERLIN ROAD AND STARRATT ROAD (R.E. NOS. 106953-  
14 0105 AND 106665-0000), OWNED BY CHETS CREEK  
15 NORTHSIDE, LLC AND CHETS CREEK STARRATT, LLC, AS  
16 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO  
17 APPLICATION NUMBER L-5683-22C; PROVIDING A  
18 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
19 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
20 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
21 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 Residential-Professional-Institutional (RPI) on 14.22± acres of  
29 certain real property in Council Districts 2 and 7 was filed by Cyndy  
30 Trimmer, Esq., on behalf of the owners, Chets Creek Northside, LLC  
31 and Chets Creek Starratt, 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, with  
7 due public notice having been provided, reviewed and considered  
8 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 *2030*  
12 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,  
13 considered all written and oral comments received during the public  
14 hearing, and has made its recommendation to the City Council; and

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

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

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

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

6           **Section 2.           Subject Property Location and Description.** The  
7 approximately 14.22± acres are located in Council Districts 2 and 7  
8 at 0 New Berlin Road and 953 New Berlin Road, between New Berlin Road  
9 and Starratt Road (R.E. Nos. 106953-0105 and 106665-0000), as more  
10 particularly described in **Exhibit 1**, dated March 25, 2022, and  
11 graphically depicted in **Exhibit 2**, both **attached hereto** and  
12 incorporated herein by this reference (the "Subject Property").

13           **Section 3.           Owner and Applicant Description.** The Subject  
14 Property is owned by Chets Creek Northside, LLC and Chets Creek  
15 Starratt, LLC. The applicant is Cyndy Trimmer, Esq., 1 Independent  
16 Drive, Suite 1200, Jacksonville, Florida 32202; (904) 807-0185.

17           **Section 4.           Adoption of Small-Scale Land Use Amendment.** The  
18 City Council hereby adopts a proposed Small-Scale revision to the  
19 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
20 the Future Land Use Map designation from Community/General Commercial  
21 (CGC) to Residential-Professional-Institutional (RPI), pursuant to  
22 Application Number L-5683-22C.

23           **Section 5.           Applicability, Effect and Legal Status.** The  
24 applicability and effect of the *2030 Comprehensive Plan*, as herein  
25 amended, shall be as provided in the Community Planning Act, Sections  
26 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All  
27 development undertaken by, and all actions taken in regard to  
28 development orders by governmental agencies in regard to land which  
29 is subject to the *2030 Comprehensive Plan*, as herein amended, shall  
30 be consistent therewith as of the effective date of this amendment  
31 to the plan.

1           **Section 6.           Effective Date of this Plan Amendment.**

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

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

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

23           **Section 8.           Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

26 Form Approved:

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28           \_\_\_\_\_/s/ Mary E. Staffopoulos\_\_\_\_\_

29 Office of General Counsel

30 Legislation Prepared By: Eric Hinton

31 GC-#1498716-v1-2022-390\_(L-5683-22C)