

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-309-E**

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 RESIDENTIAL-PROFESSIONAL-
9 INSTITUTIONAL (RPI) AND PUBLIC BUILDINGS AND
10 FACILITIES (PBF) TO COMMUNITY/GENERAL COMMERCIAL
11 (CGC) ON APPROXIMATELY 3.33± ACRES LOCATED IN
12 COUNCIL DISTRICT 5 AT 0 LUCE STREET AND 3434
13 ATLANTIC BOULEVARD, BETWEEN SPRING PARK ROAD AND
14 HART EXPRESSWAY (R.E. NOS. 145888-0010 AND
15 145888-0040), OWNED BY RENE U. PULIDO, AS TRUSTEE
16 OF THE RENE URIEL PULIDO REVOCABLE LIVING TRUST
17 DATED FEBRUARY 19, 2021, AND MARK F. MOSS,
18 ESQUIRE, AS TRUSTEE UNDER TRUST NO. THREE
19 THOUSAND FOUR HUNDRED THIRTY-FOUR ATLANTIC
20 BOULEVARD DATED THE 19TH DAY OF FEBRUARY, 2021,
21 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT
22 TO APPLICATION NUMBER L-5692-22C; PROVIDING A
23 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
24 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
25 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
26 DATE.

27
28 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
29 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
30 application for a proposed Small-Scale Amendment to the Future Land
31 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the

1 Future Land Use designation from Residential-Professional-
2 Institutional (RPI) and Public Buildings and Facilities (PBF) to
3 Community/General Commercial (CGC) on approximately 3.33± acres of
4 certain real property in Council District 5 was filed by Paul Harden,
5 Esq., on behalf of the owners, Rene U. Pulido, as Trustee of the Rene
6 Uriel Pulido Revocable Living Trust dated February 19, 2021, and Mark
7 F. Moss, Esquire, as Trustee under Trust No. Three Thousand Four
8 Hundred Thirty-Four Atlantic Boulevard dated the 19th day of February,
9 2021; and

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

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

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

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

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

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

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

15 **Section 2. Subject Property Location and Description.** The
16 approximately 3.33± acres are located in Council District 5 at 0 Luce
17 Street and 3434 Atlantic Boulevard, between Spring Park Road and Hart
18 Expressway (R.E. Nos. 145888-0010 and 145888-0040), as more
19 particularly described in **Exhibit 1**, dated February 23, 2022, and
20 graphically depicted in **Exhibit 2**, both **attached hereto** and
21 incorporated herein by this reference (the "Subject Property").

22 **Section 3. Owner and Applicant Description.** The Subject
23 Property is owned by Rene U. Pulido, as Trustee of the Rene Uriel
24 Pulido Revocable Living Trust dated February 19, 2021, and Mark F.
25 Moss, Esquire, as Trustee under Trust No. Three Thousand Four Hundred
26 Thirty-Four Atlantic Boulevard dated the 19th day of February, 2021.
27 The applicant is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite
28 901, Jacksonville, Florida 32207; (904) 396-5731.

29 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
30 City Council hereby adopts a proposed Small-Scale revision to the
31 Future Land Use Map series of the *2030 Comprehensive Plan* by changing

1 the Future Land Use Map designation from Residential-Professional-
2 Institutional (RPI) and Public Buildings and Facilities (PBF) to
3 Community/General Commercial (CGC), pursuant to Application Number
4 L-5692-22C.

5 **Section 5. Applicability, Effect and Legal Status.** The
6 applicability and effect of the *2030 Comprehensive Plan*, as herein
7 amended, shall be as provided in the Community Planning Act, Sections
8 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
9 development undertaken by, and all actions taken in regard to
10 development orders by governmental agencies in regard to land which
11 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
12 be consistent therewith as of the effective date of this amendment
13 to the plan.

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

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

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

24 **Section 7. Disclaimer.** The amendment granted herein shall
25 not be construed as an exemption from any other applicable local,
26 state, or federal laws, regulations, requirements, permits or
27 approvals. All other applicable local, state or federal permits or
28 approvals shall be obtained before commencement of the development
29 or use, and issuance of this amendment is based upon acknowledgement,
30 representation and confirmation made by the applicant(s), owner(s),
31 developer(s) and/or any authorized agent(s) or designee(s) that the

1 subject business, development and/or use will be operated in strict
2 compliance with all laws. Issuance of this amendment does **not** approve,
3 promote or condone any practice or act that is prohibited or
4 restricted by any federal, state or local laws.

5 **Section 8. Effective Date.** This Ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without the Mayor's signature.

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9 Form Approved:

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11 /s/ Mary E. Staffopoulos

12 Office of General Counsel

13 Legislation Prepared By: Ed Lukacovic

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