

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-481-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 COMMUNITY/GENERAL
9 COMMERCIAL (CGC) TO COMMUNITY/GENERAL COMMERCIAL
10 (CGC) WITH FUTURE LAND USE ELEMENT (FLUE) SITE
11 SPECIFIC POLICY 4.4.32 ON APPROXIMATELY 3.03±
12 ACRES LOCATED IN COUNCIL DISTRICT 5 AT 5649 CAGLE
13 ROAD, BETWEEN UNIVERSITY BOULEVARD WEST AND
14 BOWDEN ROAD (R.E. NO. 153066-0000), OWNED BY
15 CAGLE HOSPITALITY ASSOCIATES LLC, AS MORE
16 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
17 APPLICATION NUMBER L-5716-22C; ADOPTING A NEW
18 SITE SPECIFIC POLICY 4.4.32 IN THE FUTURE LAND
19 USE ELEMENT (FLUE); PROVIDING A DISCLAIMER THAT
20 THE AMENDMENT GRANTED HEREIN SHALL NOT BE
21 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
22 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
25 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
26 application for a proposed Small-Scale Amendment to the Future Land
27 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
28 Future Land Use designation from Community/General Commercial (CGC)
29 to Community/General Commercial (CGC) with FLUE Site Specific Policy
30 4.4.32 on approximately 3.03± acres of certain real property in
31 Council District 5 was filed by Paul Harden, Esq., on behalf of the

1 owner, Cagle Hospitality Associates LLC; and

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

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

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

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

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

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

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

7 **Section 2. Subject Property Location and Description.** The
8 approximately 3.03± acres are located in Council District 5 at 5649
9 Cagle Road, between University Boulevard West and Bowden Road (R.E.
10 No. 153066-0000), as more particularly described in **Exhibit 1**, dated
11 April 26, 2022, and graphically depicted in **Exhibit 2**, both attached
12 hereto and incorporated herein by this reference (the "Subject
13 Property").

14 **Section 3. Owner and Applicant Description.** The Subject
15 Property is owned by Cagle Hospitality Associates LLC. The applicant
16 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
17 Jacksonville, Florida 32207; (904) 396-5731.

18 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
19 City Council hereby adopts a proposed Small-Scale revision to the
20 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
21 the Future Land Use Map designation from Community/General Commercial
22 (CGC) to Community/General Commercial (CGC) with FLUE Site Specific
23 Policy 4.4.32, pursuant to Application Number L-5716-22C.

24 **Section 5. Site Specific Policy.** Future Land Use Element
25 (FLUE) Site Specific Policy 4.4.32 dated June 7, 2022, attached hereto
26 as **Exhibit 3**, is hereby adopted.

27 **Section 6. Applicability, Effect and Legal Status.** The
28 applicability and effect of the *2030 Comprehensive Plan*, as herein
29 amended, shall be as provided in the Community Planning Act, Sections
30 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
31 development undertaken by, and all actions taken in regard to

1 development orders by governmental agencies in regard to land which
2 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
3 be consistent therewith as of the effective date of this amendment
4 to the plan.

5 **Section 7. Effective Date of this Plan Amendment.**

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

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

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

27 **Section 9. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Eric Hinton

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