

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-527-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
10 COMMERCIAL (CGC) WITH FUTURE LAND USE ELEMENT
11 (FLUE) SITE SPECIFIC POLICY 4.4.33 ON
12 APPROXIMATELY 3.52± ACRES LOCATED IN COUNCIL
13 DISTRICT 11 AT 8365 DIX ELLIS TRAIL, BETWEEN DIX
14 ELLIS TRAIL AND INTERSTATE-95 EXPRESSWAY SOUTH
15 (R.E. NO. 152690-3500), OWNED BY AVIA JAX
16 LIBERTY RIDGE, LLC, AS MORE PARTICULARLY
17 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
18 L-5706-22C; ADOPTING A NEW SITE SPECIFIC POLICY
19 4.4.33 IN THE FUTURE LAND USE ELEMENT (FLUE);
20 PROVIDING A DISCLAIMER THAT THE AMENDMENT
21 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
22 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
26 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
27 application for a proposed Small-Scale Amendment to the Future Land
28 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
29 future land use designation from Community/General Commercial (CGC)
30 to Community/General Commercial (CGC) with FLUE Site Specific Policy
31 4.4.33 on 3.52± acres of certain real property in Council District

1 11 was filed by Jason Gabriel, Esq., on behalf of the owner, Avia Jax
2 Liberty Ridge, LLC; and

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

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

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

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

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

1 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.** The
9 approximately 3.52± acres are located in Council District 11 at 8365
10 Dix Ellis Trail, between Dix Ellis Trail and Interstate-95 Expressway
11 South (R.E. No. 152690-3500), as more particularly described in
12 **Exhibit 1**, dated April 25, 2022, and graphically depicted in **Exhibit**
13 **2**, both attached hereto and incorporated herein by this reference
14 (the "Subject Property").

15 **Section 3. Owner and Applicant Description.** The Subject
16 Property is owned by Avia Jax Liberty Ridge, LLC. The applicant is
17 Jason Gabriel, Esq., 50 North Laura Street, Suite 3000, Jacksonville,
18 Florida 32202; (904) 232-7211.

19 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
20 City Council hereby adopts a proposed Small-Scale revision to the
21 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
22 the Future Land Use Map designation from Community/General Commercial
23 (CGC) to Community/General Commercial (CGC) with FLUE Site Specific
24 Policy 4.4.33, pursuant to Small-Scale Application Number L-5706-22C.

25 **Section 5. Site Specific Policy.** Future Land Use Element
26 (FLUE) Site Specific Policy 4.4.33 dated June 6, 2022, attached hereto
27 as **Exhibit 3**, is hereby adopted.

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

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

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

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

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

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

28 **Section 9. Effective Date.** This Ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 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: Krista Fogarty

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