

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-781-E**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2045
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL
9 (MDR), LIGHT INDUSTRIAL (LI) AND
10 COMMUNITY/GENERAL COMMERCIAL (CGC) TO REGIONAL
11 COMMERCIAL (RC) WITH FUTURE LAND USE ELEMENT
12 (FLUE) SITE SPECIFIC POLICY 4.4.42 ON
13 APPROXIMATELY 6.15± ACRES LOCATED IN COUNCIL
14 DISTRICT 7 AT 0 PALMETTO STREET, 700 PALMETTO
15 STREET AND 817 OAKLEY STREET, BETWEEN EAST UNION
16 STREET AND ARLINGTON EXPRESSWAY (R.E. NOS.
17 130803-0000, 130810-0000 AND 130817-0000),
18 OWNED BY ARGOS USA LLC, SUCCESSOR BY MERGER TO
19 ARGOS READY MIX LLC, AS MORE PARTICULARLY
20 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
21 L-5858-23C; ADOPTING A NEW SITE SPECIFIC POLICY
22 4.4.42 IN THE FUTURE LAND USE ELEMENT; PROVIDING
23 A 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 *2045 Comprehensive Plan* to change the

1 future land use designation from Medium Density Residential (MDR),
2 Light Industrial (LI) and Community/General Commercial (CGC) to
3 Regional Commercial (RC) with Future Land Use Element (FLUE) Site
4 Specific Policy 4.4.42 on 6.15± acres of certain real property in
5 Council District 7 was filed by Robert Baynes on behalf of the owner,
6 Argos USA LLC, successor by merger to Argos Ready Mix LLC; and

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

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

16 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
17 Council held a public hearing on this proposed amendment to the *2045*
18 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
19 considered all written and oral comments received during the public
20 hearing, and has made its recommendation to the City Council; and

21 **WHEREAS**, the City Council held a public hearing on this proposed
22 amendment, with public notice having been provided, pursuant to
23 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
24 *Code*, and considered all oral and written comments received during
25 public hearings, including the data and analysis portions of this
26 proposed amendment to the *2045 Comprehensive Plan* and the
27 recommendations of the Planning and Development Department, the
28 Planning Commission and the LUZ Committee; and

29 **WHEREAS**, in the exercise of its authority, the City Council has
30 determined it necessary and desirable to adopt this proposed amendment
31 to the *2045 Comprehensive Plan* to preserve and enhance present

1 advantages, encourage the most appropriate use of land, water, and
2 resources consistent with the public interest, overcome present
3 deficiencies, and deal effectively with future problems which may
4 result from the use and development of land within the City of
5 Jacksonville; now, therefore

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

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

12 **Section 2. Subject Property Location and Description.** The
13 approximately 6.15± acres are located in Council District 7 at 0
14 Palmetto Street, 700 Palmetto Street and 817 Oakley Street, between
15 East Union Street and Arlington Expressway (R.E. Nos. 130803-0000,
16 130810-0000 and 130817-0000), as more particularly described in
17 **Exhibit 1**, dated July 20, 2023, and graphically depicted in **Exhibit**
18 **2**, both attached hereto and incorporated herein by this reference
19 (the "Subject Property").

20 **Section 3. Owner and Applicant Description.** The Subject
21 Property is owned by Argos USA LLC, successor by merger to Argos
22 Ready Mix LLC. The applicant is Robert Baynes, 24 East Drayton
23 Street, Suite 201-A, Savannah, Georgia 31401; (404) 229-1387.

24 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
25 City Council hereby adopts a proposed Small-Scale revision to the
26 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
27 the Future Land Use Map designation of the Subject Property from
28 Medium Density Residential (MDR), Light Industrial (LI) and
29 Community/General Commercial (CGC) to Regional Commercial (RC) with
30 Future Land Use Element (FLUE) Site Specific Policy 4.4.42, pursuant
31 to Small-Scale Application Number L-5858-23C.

1 **Section 5. Site Specific Policy.** Future Land Use Element
2 (FLUE) Site Specific Policy 4.4.42 dated October 11, 2023, attached
3 hereto as **Exhibit 3**, is hereby adopted.

4 **Section 6. Applicability, Effect and Legal Status.** The
5 applicability and effect of the *2045 Comprehensive Plan*, as herein
6 amended, shall be as provided in the Community Planning Act, Sections
7 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
8 development undertaken by, and all actions taken in regard to
9 development orders by governmental agencies in regard to land which
10 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
11 be consistent therewith as of the effective date of this amendment
12 to the plan.

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

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

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

23 **Section 8. Disclaimer.** The amendment granted herein shall
24 **not** be construed as an exemption from any other applicable local,
25 state, or federal laws, regulations, requirements, permits or
26 approvals. All other applicable local, state or federal permits or
27 approvals shall be obtained before commencement of the development
28 or use, and issuance of this amendment is based upon acknowledgement,
29 representation and confirmation made by the applicant(s), owner(s),
30 developer(s) and/or any authorized agent(s) or designee(s) that the
31 subject business, development and/or use will be operated in strict

1 compliance with all laws. Issuance of this amendment does **not**
2 approve, promote or condone any practice or act that is prohibited
3 or restricted by any federal, state or local laws.

4 **Section 9. Effective Date.** This Ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

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8 Form Approved:

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10 /s/ Mary E. Staffopoulos

11 Office of General Counsel

12 Legislation Prepared By: Helena Parola

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