

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-824-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 LOW DENSITY RESIDENTIAL
9 (LDR) AND RESIDENTIAL-PROFESSIONAL-INSTITUTIONAL
10 (RPI) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON
11 APPROXIMATELY 7.38± ACRES LOCATED IN COUNCIL
12 DISTRICT 12 AT 5446 OLD MIDDLEBURG ROAD SOUTH,
13 5438 OLD MIDDLEBURG ROAD SOUTH, 5440 OLD
14 MIDDLEBURG ROAD SOUTH, AND 8944 103RD STREET,
15 SOUTH OF 103RD STREET AND WEST OF OLD MIDDLEBURG
16 ROAD SOUTH (R.E. NO(S). 015221-0010, 015224-0010,
17 015225-0010, AND 015225-0200), OWNED BY KELLY M.
18 JAMES AND GLORIA JAMES AND DAWN MOTES AND KELLY
19 M. JAMES AS CO-PERSONAL REPRESENTATIVES OF THE
20 ESTATE OF REGINA JOAN DARLING JAMES, AS MORE
21 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
22 APPLICATION NUMBER L-5979-24C; 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 2045 *Comprehensive Plan* to change the

1 Future Land Use designation from Low Density Residential (LDR) and
2 Residential-Professional-Institutional (RPI) to Medium Density
3 Residential (MDR) on 7.38± acres of certain real property in Council
4 District 12 was filed by Gregory Matovina, on behalf of the owners,
5 Kelly M. James and Gloria James and Dawn Motes and Kelly M. James as
6 co-personal representatives of the Estate of Regina Joan Darling
7 James; and

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

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

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

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

30 **WHEREAS,** in the exercise of its authority, the City Council
31 has determined it necessary and desirable to adopt this proposed

1 amendment to the *2045 Comprehensive Plan* to preserve and enhance
2 present advantages, encourage the most appropriate use of land, water,
3 and resources consistent with the public interest, overcome present
4 deficiencies, and deal effectively with future problems which may
5 result from the use and development of land within the City of
6 Jacksonville; now therefore

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

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

13 **Section 2. Subject Property Location and Description.** The
14 approximately 7.38± acres are located in Council District 12 at 5446
15 Old Middleburg Road South, 5438 Old Middleburg Road South, 5440 Old
16 Middleburg Road South, and 8944 103rd Street, south of 103rd Street
17 and west of Old Middleburg Road South (R.E. No(s). 015221-0010,
18 015224-0010, 015225-0010, and 015225-0200), as more particularly
19 described in **Exhibit 1**, dated September 25, 2024, and graphically
20 depicted in **Exhibit 2**, both attached hereto and incorporated herein
21 by this reference (the "Subject Property").

22 **Section 3. Owner and Applicant Description.** The Subject
23 Property is owned by Kelly M. James and Gloria James and Dawn Motes
24 and Kelly M. James as co-personal representatives of the Estate of
25 Regina Joan Darling James. The applicant is Gregory Matovina, 12443
26 San Jose Boulevard, Suite 504, Jacksonville, Florida, 32223; (904)
27 993-2857.

28 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
29 City Council hereby adopts a proposed Small-Scale revision to the
30 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
31 the Future Land Use Map designation of the Subject Property from Low

1 Density Residential (LDR) and Residential-Professional-Institutional
2 (RPI) to Medium Density Residential (MDR), pursuant to Application
3 Number L-5979-24C.

4 **Section 5. 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 6. 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, issue
21 a final order determining the adopted Small-Scale Amendment to be in
22 compliance.

23 **Section 7. 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** approve,
2 promote or condone any practice or act that is prohibited or
3 restricted by any federal, state or local laws.

4 **Section 8. 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:

9
10 /s/ Dylan Reingold

11 Office of General Counsel

12 Legislation Prepared By: Jermaine Anderson

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