

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-720**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT  
6 TO 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 MEDIUM DENSITY RESIDENTIAL  
10 (MDR) ON APPROXIMATELY 5.58± ACRES LOCATED IN  
11 COUNCIL DISTRICT 2 AT 0 MERRILL ROAD, BETWEEN  
12 WOMPI DRIVE AND FT. CAROLINE ROAD, OWNED BY  
13 BUCK BUSINESS PARK, LLC, AS MORE PARTICULARLY  
14 DESCRIBED HEREIN, PURSUANT TO APPLICATION  
15 NUMBER L-5357-19A; PROVIDING A DISCLAIMER THAT  
16 THE AMENDMENT GRANTED HEREIN SHALL NOT BE  
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

19  
20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
21 *Ordinance Code*, an application for a proposed Large-Scale Amendment  
22 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*  
23 *Plan* to change the Future Land Use designation from  
24 Community/General Commercial (CGC) to Medium Density Residential  
25 (MDR), has been filed by Curtis L. Hart, on behalf of Buck Business  
26 Park, LLC, the owner of certain real property located in Council  
27 District 2, as more particularly described in Section 2; and

28 **WHEREAS**, the City, by the adoption of Ordinance 2019-274-E,  
29 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*  
30 for transmittal to the Department of Economic Opportunity ("DEO"),  
31 as the State Land Planning Agency, and other required state

1 agencies, for review and comment; and

2 **WHEREAS**, by various letters and e-mails, the DEO and other  
3 state reviewing agencies transmitted their comments, if any,  
4 regarding this proposed amendment; and

5 **WHEREAS**, the Planning and Development Department reviewed the  
6 proposed revision and application, considered all comments  
7 received, prepared a written report, and rendered an advisory  
8 recommendation to the Council with respect to this proposed  
9 amendment; and

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

15 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land  
16 Use and Zoning (LUZ) Committee held a public hearing on this  
17 proposed amendment, and made its recommendation to the City  
18 Council; and

19 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*,  
20 and Chapter 650, Part 4, *Ordinance Code*, the City Council held a  
21 public hearing with public notice having been provided on this  
22 proposed amendment to the *2030 Comprehensive Plan*; and

23 **WHEREAS**, the City Council further considered all oral and  
24 written comments received during public hearings, including the  
25 data and analysis portions of this proposed amendment to the *2030*  
26 *Comprehensive Plan*, the recommendations of the Planning and  
27 Development Department, the LPA, the LUZ Committee and the  
28 comments, if any, of the DEO and the other state reviewing  
29 agencies; 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 *2030 Comprehensive Plan* to preserve and enhance  
2 present advantages, encourage the most appropriate use of land,  
3 water, and resources consistent with the public interest, overcome  
4 present deficiencies, and deal effectively with future problems  
5 which may result from the use and development of land within the  
6 City of 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 5.58± acres are located in Council District 2 at 0  
15 Merrill Road, between Wompi Drive and Ft. Caroline Road (portion of  
16 R.E. No. 112982-0025), as more particularly described in **Exhibit 1**,  
17 dated January 18, 2019, and graphically depicted in **Exhibit 2**, both  
18 of which are **attached hereto** and incorporated herein by this  
19 reference (Subject Property).

20 **Section 3. Owner and Applicant Description.** The Subject  
21 Property is owned by Buck Business Park, LLC. The applicant is  
22 Curtis L. Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904)  
23 993-5008.

24 **Section 4. Adoption of Large-Scale Land Use Amendment.**  
25 The City Council hereby adopts a proposed Large-Scale revision to  
26 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
27 changing the Future Land Use Map designation from Community/General  
28 Commercial (CGC) to Medium Density Residential (MDR), pursuant to  
29 Application Number L-5357-19A.

30 **Section 5. Applicability, Effect and Legal Status.** The  
31 applicability and effect of the *2030 Comprehensive Plan*, as herein

1 amended, shall be as provided in the Community Planning Act,  
2 Section 163.3161 through 163.3248, *Florida Statutes*, and this  
3 ordinance. All development undertaken by, and all actions taken in  
4 regard to development orders by governmental agencies in regard to  
5 land which is subject to the *2030 Comprehensive Plan*, as herein  
6 amended, shall be consistent therewith as of the effective date of  
7 this amendment to the plan.

8       **Section 6.       Effective Date of this Plan Amendment.** Unless  
9 this plan amendment is timely challenged under the procedures set  
10 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment  
11 shall be effective thirty-one days after DEO notifies the City of  
12 Jacksonville that the plan amendment or plan amendment package is  
13 complete. If this plan amendment is timely challenged under  
14 Section 163.3184(3), *Florida Statutes*, this plan amendment shall  
15 become effective when the DEO or the Administration Commission  
16 enters a final order determining the adopted amendment to be in  
17 compliance. If this plan amendment is found not to be in  
18 compliance under the standards and procedures set forth in Chapter  
19 163, Part II, *Florida Statutes*, then this plan amendment shall  
20 become effective only by further action by the City Council. No  
21 development orders, development permits, or land uses dependent on  
22 this amendment may be issued or commence before it has become  
23 effective.

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  
30 acknowledgement, representation and confirmation made by the  
31 applicant(s), owner(s), developer(s) and/or any authorized agent(s)

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

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

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10 Form Approved:

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12     /s/ Shannon K. Eller    

13 Office of General Counsel

14 Legislation Prepared By: Kristen Reed

15 GC-#1307053-v1-L-5357\_LS\_ADP