

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-750**

5 AN ORDINANCE ADOPTING A SMALL-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 RESIDENTIAL-PROFESSIONAL-
9 INSTITUTIONAL (RPI) AND COMMUNITY/GENERAL
10 COMMERCIAL (CGC) IN THE URBAN AREA (UA) TO
11 COMMUNITY/GENERAL COMMERCIAL (CGC) IN THE URBAN
12 PRIORITY AREA (UPA) ON APPROXIMATELY 2.87± ACRES
13 LOCATED IN COUNCIL DISTRICT 5 AT 2137 HENDRICKS
14 AVENUE AND 2139 THACKER AVENUE, BETWEEN ALFORD
15 PLACE AND MITCHELL AVENUE, OWNED BY THE SOUTH
16 JACKSONVILLE PRESBYTERIAN CHURCH, INC., AS MORE
17 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
18 APPLICATION NUMBER L-5395-19C; PROVIDING A
19 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
20 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
21 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
22 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 Residential-Professional-
29 Institutional (RPI) and Community/General Commercial (CGC) in the
30 Urban Area (UA) to Community/General Commercial (CGC) in the Urban
31 Priority Area (UPA) on 2.87± acres of certain real property in

1 Council District 5, was filed by Zach Miller, Esq., on behalf of
2 the owner, The South Jacksonville Presbyterian Church, Inc.; 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,
9 with due public notice having been provided, reviewed and
10 considered 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
14 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*
15 *Code*, considered all written and oral comments received during the
16 public hearing, and has made its recommendation to the City
17 Council; and

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

27 **WHEREAS**, in the exercise of its authority, the City Council
28 has determined it necessary and desirable to adopt this proposed
29 amendment to the *2030 Comprehensive Plan* to preserve and enhance
30 present advantages, encourage the most appropriate use of land,
31 water, and resources consistent with the public interest, overcome

1 present deficiencies, and deal effectively with future problems
2 which may result from the use and development of land within the
3 City of Jacksonville; now, therefore

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

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

10 **Section 2. Subject Property Location and Description.**
11 The approximately 2.87± acres (R.E. Nos. 081704-0000 and 081712-
12 0000) are located in Council District 5 at 2137 Hendricks Avenue
13 and 2139 Thacker Avenue, between Alford Place and Mitchell Avenue,
14 as more particularly described in **Exhibit 1**, dated July 23, 2019,
15 and graphically depicted in **Exhibit 2**, both **attached hereto** and
16 incorporated herein by this reference (Subject Property).

17 **Section 3. Owner and Applicant Description.** The subject
18 property is owned by The South Jacksonville Presbyterian Church,
19 Inc. The applicant is Zach Miller, Esq., 501 Riverside Avenue,
20 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

21 **Section 4. Adoption of Small-Scale Land Use Amendment;**
22 **Revision to Development Area Map(s) (Urban Area/Urban Priority Area**
23 **Boundaries).** The City Council hereby adopts a proposed Small-Scale
24 revision to the Future Land Use Map series of the 2030
25 *Comprehensive Plan* by changing the Future Land Use Map designation
26 from Residential-Professional-Institutional (RPI) and
27 Community/General Commercial (CGC) in the Urban Area (UA) to
28 Community/General Commercial (CGC) in the Urban Priority Area
29 (UPA), pursuant to Application Number L-5395-19C. Upon the
30 effective date of this plan amendment, Future Land Use Element Map
31 L-21, Transportation Element Map T-4 and Capital Improvements

1 Element Map CI-1 of the Comprehensive Plan shall be revised to
2 incorporate the Subject Property into the Urban Priority Area
3 boundaries.

4 **Section 5. Applicability, Effect and Legal Status.** The
5 applicability and effect of the *2030 Comprehensive Plan*, as herein
6 amended, shall be as provided in the Community Planning Act,
7 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
8 Ordinance. All development undertaken by, and all actions taken in
9 regard to development orders by governmental agencies in regard to
10 land which is subject to the *2030 Comprehensive Plan*, as herein
11 amended, shall be consistent therewith as of the effective date of
12 this amendment 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,
21 issues a final order determining the adopted Small-Scale Amendment
22 to be in 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
29 acknowledgement, representation and confirmation made by the
30 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
31 or designee(s) that the subject business, development and/or use

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

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

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9 Form Approved:

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11 /s/ Shannon K. Eller

12 Office of General Counsel

13 Legislation Prepared By: Susan Kelly

14 GC-#1310696-v1-L-5395_SS_LU