

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-874**

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 LOW DENSITY RESIDENTIAL
9 (LDR) AND MEDIUM DENSITY RESIDENTIAL (MDR) TO
10 MEDIUM DENSITY RESIDENTIAL (MDR) AND HIGH
11 DENSITY RESIDENTIAL (HDR) ON APPROXIMATELY 0.77±
12 OF AN ACRE LOCATED IN COUNCIL DISTRICT 14 AT
13 1845 CHERRY STREET AND 2762 VERNON TERRACE,
14 BETWEEN CHERRY STREET AND BAYARD PLACE, OWNED
15 BY J.P.E. PROPERTIES, LLC AND CHERRY STREET,
16 LLP, AS MORE PARTICULARLY DESCRIBED HEREIN,
17 PURSUANT TO APPLICATION NUMBER L-5403-19C;
18 PROVIDING A DISCLAIMER THAT THE AMENDMENT
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.

22
23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
24 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
25 application for a proposed Small-Scale Amendment to the Future Land
26 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
27 Future Land Use designation from Low Density Residential (LDR) and
28 Medium Density Residential (MDR) to Medium Density Residential
29 (MDR) and High Density Residential (HDR) on 0.77± of an acre of
30 certain real property in Council District 14, was filed by T.R.
31 Hainline, Esq., on behalf of the owners, J.P.E. Properties, LLC and

1 Cherry Street, LLP; and

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

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

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

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

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

1 which may result from the use and development of land within the
2 City of Jacksonville; now, therefore

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

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

9 **Section 2. Subject Property Location and Description.**
10 The approximately 0.77± of an acre (R.E. Nos. 077847-0000 and
11 078437-0000) is located in Council District 14 at 1845 Cherry
12 Street and 2762 Vernon Terrace, between Cherry Street and Bayard
13 Place, as more particularly described in **Exhibit 1**, dated November
14 12, 2019, and graphically depicted in **Exhibit 2**, both **attached**
15 **hereto** and incorporated herein by this reference (Subject
16 Property).

17 **Section 3. Owner and Applicant Description.** The subject
18 property is owned by J.P.E. Properties, LLC and Cherry Street, LLP.
19 The applicant is T.R. Hainline, Esq., 1301 Riverplace Boulevard,
20 Suite 1500, Jacksonville, Florida 32207; (904) 346-5531.

21 **Section 4. Adoption of Small-Scale Land Use Amendment.**
22 The City Council hereby adopts a proposed Small-Scale revision to
23 the Future Land Use Map series of the *2030 Comprehensive Plan* by
24 changing the Future Land Use Map designation from Low Density
25 Residential (LDR) and Medium Density Residential (MDR) to Medium
26 Density Residential (MDR) and High Density Residential (HDR),
27 pursuant to Application Number L-5403-19C.

28 **Section 5. 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,
31 Sections 163.3161 through 163.3248, *Florida Statutes*, and this

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

6 **Section 6. 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 7. 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
22 acknowledgement, representation and confirmation made by the
23 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
24 or designee(s) that the subject business, development and/or use
25 will be operated in strict compliance with all laws. Issuance of
26 this amendment does **not** approve, promote or condone any practice or
27 act that is prohibited or restricted by any federal, state or local
28 laws.

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

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Krista Fogarty

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