

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-107**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL
9 (MDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 0.16± OF AN ACRE LOCATED IN COUNCIL
11 DISTRICT 5 AT 2230 WESTMONT STREET, BETWEEN
12 PHILIPS HIGHWAY AND INTERSTATE 95, OWNED BY 2989
13 PHILIPS HIGHWAY, LLC, AS MORE PARTICULARLY
14 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
15 L-5510-20C; PROVIDING A DISCLAIMER THAT THE
16 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
21 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
22 application for a proposed Small-Scale Amendment to the Future Land
23 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
24 Future Land Use designation from Medium Density Residential (MDR) to
25 Community/General Commercial (CGC) on 0.16± of an acre of certain
26 real property in Council District 5 was filed by Paul M. Harden,
27 Esq., on behalf of the owner, 2989 Philips Highway, LLC; and

28 **WHEREAS**, the Planning and Development Department reviewed the
29 proposed revision and application and has prepared a written report
30 and rendered an advisory recommendation to the City Council with
31 respect to the proposed amendment; and

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

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

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

19 **WHEREAS**, in the exercise of its authority, the City Council has
20 determined it necessary and desirable to adopt this proposed amendment
21 to the *2030 Comprehensive Plan* to preserve and enhance present
22 advantages, encourage the most appropriate use of land, water, and
23 resources consistent with the public interest, overcome present
24 deficiencies, and deal effectively with future problems which may
25 result from the use and development of land within the City of
26 Jacksonville; now, therefore

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

28 **Section 1. Purpose and Intent.** This Ordinance is adopted
29 to carry out the purpose and intent of, and exercise the authority
30 set out in, the Community Planning Act, Sections 163.3161 through
31 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as

1 amended.

2 **Section 2. Subject Property Location and Description.** The
3 approximately 0.16± of an acre (R.E. No. 130398-0000) is located in
4 Council District 5 at 2230 Westmont Street, between Philips Highway,
5 and Interstate 95, as more particularly described in **Exhibit 1**, dated
6 December 9, 2020, and graphically depicted in **Exhibit 2**, both **attached**
7 **hereto** and incorporated herein by this reference (Subject Property).

8 **Section 3. Owner and Applicant Description.** The Subject
9 Property is owned by 2989 Philips Highway, LLC. The applicant is Paul
10 M. Harden, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
11 Florida 32202; (904) 396-5731.

12 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
13 City Council hereby adopts a proposed Small-Scale revision to the
14 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
15 the Future Land Use Map designation from Medium Density Residential
16 (MDR) to Community/General Commercial (CGC), pursuant to Application
17 Number L-5510-20C.

18 **Section 5. Applicability, Effect and Legal Status.** The
19 applicability and effect of the *2030 Comprehensive Plan*, as herein
20 amended, shall be as provided in the Community Planning Act, Sections
21 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
22 development undertaken by, and all actions taken in regard to
23 development orders by governmental agencies in regard to land which
24 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
25 be consistent therewith as of the effective date of this amendment
26 to the plan.

27 **Section 6. Effective date of this Plan Amendment.**

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

