

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-135**

5 AN ORDINANCE ADOPTING A LARGE-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 LOW DENSITY RESIDENTIAL
9 (LDR) AND COMMUNITY/GENERAL COMMERCIAL (CGC) TO
10 HEAVY INDUSTRIAL (HI) AND LIGHT INDUSTRIAL (LI)
11 ON APPROXIMATELY 10.30± ACRES IN COUNCIL DISTRICT
12 8 AT 0 TROUT RIVER BOULEVARD AND 10042 NEW KINGS
13 ROAD, BETWEEN TROUT RIVER BOULEVARD AND BARTH
14 ROAD, OWNED BY LARRY'S 1ST STOP AUTO PARTS, INC.,
15 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT
16 TO APPLICATION NUMBER L-5427-19A; PROVIDING A
17 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
20 DATE.

21
22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
23 *Ordinance Code*, an application for a proposed Large-Scale Amendment
24 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
25 *Plan* to change the Future Land Use designation from Low Density
26 Residential (LDR) and Community/General Commercial (CGC) to Heavy
27 Industrial (HI) and Light Industrial (LI), has been filed by D. Chris
28 Hagan, on behalf of Larry's 1st Stop Auto Parts, Inc., the owner of
29 certain real property located in Council District 8, as more
30 particularly described in Section 2; and

31 **WHEREAS**, the City, by the adoption of Ordinance 2020-278-E,

1 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
2 for transmittal to the Department of Economic Opportunity (DEO), as
3 the State Land Planning Agency, and other required state agencies,
4 for review and comment, and by letter dated February 1, 2021, received
5 an extension of adoption date to June 24, 2021; and

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

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

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

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

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

25 **WHEREAS**, the City Council further considered all oral and
26 written comments received during public hearings, including the data
27 and analysis portions of this proposed amendment to the *2030*
28 *Comprehensive Plan*, the recommendations of the Planning and
29 Development Department, the LPA, the LUZ Committee and the comments,
30 if any, of the DEO and the other state reviewing agencies; and

31 **WHEREAS**, in the exercise of its authority, the City Council has

1 determined it necessary and desirable to adopt this proposed amendment
2 to the *2030 Comprehensive Plan* to preserve and enhance present
3 advantages, encourage the most appropriate use of land, water, and
4 resources consistent with the public interest, overcome present
5 deficiencies, and deal effectively with future problems which may
6 result from the use and development of land within the City of
7 Jacksonville; now, therefore

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

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

14 **Section 2. Subject Property Location and Description.** The
15 approximately 10.30± acres are in Council District 8 at 0 Trout River
16 Boulevard and 10042 New Kings Road, between Trout River Boulevard and
17 Barth Road, as more particularly described in **Exhibit 1**, dated
18 November 20, 2019, and graphically depicted in **Exhibit 2**, both of
19 which are **attached hereto** and incorporated herein by this reference
20 (Subject Property).

21 **Section 3. Owner and Applicant Description.** The Subject
22 Property is owned by Larry's 1st Stop Auto Parts, Inc. The applicant
23 is D. Chris Hagan, 800 West Monroe Street, Jacksonville, Florida
24 32202; (904) 219-9842.

25 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
26 City Council hereby adopts a proposed Large-Scale revision to the
27 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
28 the Future Land Use Map designation from Low Density Residential
29 (LDR) and Community/General Commercial (CGC) to Heavy Industrial (HI)
30 and Light Industrial (LI), pursuant to Application Number L-5427-19A.

31 **Section 5. Applicability, Effect and Legal Status.** The

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

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

