

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-341**

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 LOW DENSITY RESIDENTIAL
9 (LDR) AND COMMUNITY/GENERAL COMMERCIAL (CGC) TO
10 MEDIUM DENSITY RESIDENTIAL (MDR) WITH SITE
11 SPECIFIC FLUE POLICY 4.4.21 ON APPROXIMATELY
12 7.80± ACRES LOCATED IN COUNCIL DISTRICT 7, AT 0
13 STARRATT ROAD, BETWEEN AIRPORT CENTER DRIVE EAST
14 AND NEW BERLIN ROAD, OWNED BY STARRATT CROSSING,
15 LLC, AND INCLUDING SITE SPECIFIC POLICY 4.4.21 IN
16 THE FUTURE LAND USE ELEMENT, AS MORE PARTICULARLY
17 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
18 L-5492-20C; PROVIDING A DISCLAIMER THAT THE
19 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
20 AS AN 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 Community/General Commercial (CGC) to Medium Density Residential
29 (MDR), with Site Specific FLUE Policy 4.4.21, on 7.80± acres of
30 certain real property in Council District 7 was filed by Paul M.
31 Harden, Esq., on behalf of the owner, Starratt Crossing, LLC; and

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

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

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

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

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

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

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

6 **Section 2. Subject Property Location and Description.** The
7 approximately 7.80± acres (R.E. No. 106936-7000) are located in
8 Council District 7, at 0 Starratt Road, between Airport Center Drive
9 East and New Berlin Road, as more particularly described in **Exhibit**
10 **1**, dated October 23, 2020, and graphically depicted in **Exhibit 2**,
11 both **attached hereto** and incorporated herein by this reference
12 (Subject Property).

13 **Section 3. Owner and Applicant Description.** The Subject
14 Property is owned by Starratt Crossing, LLC. The applicant is Paul
15 M. Harden, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
16 Florida 32202; (904) 396-5731.

17 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
18 City Council hereby adopts a proposed Small-Scale revision to the
19 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
20 the Future Land Use Map designation from Low Density Residential
21 (LDR) and Community/General Commercial (CGC) to Medium Density
22 Residential (MDR) with Site Specific FLUE Policy 4.4.21, pursuant to
23 Application Number L-5492-20C.

24 **Section 5. Site Specific Policy.** The City Council hereby
25 adopts FLUE Policy 4.4.21, dated May 25, 2021, and **attached hereto**
26 as **Exhibit 3**.

27 **Section 6. Applicability, Effect and Legal Status.** The
28 applicability and effect of the *2030 Comprehensive Plan*, as herein
29 amended, shall be as provided in the Community Planning Act, Sections
30 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
31 development undertaken by, and all actions taken in regard to

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

5 **Section 7. Effective date of this Plan Amendment.**

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

10 (b) If challenged within thirty (30) days after adoption, the
11 plan amendment shall not become effective until the state land
12 planning agency or the Administration Commission, respectively,
13 issues a final order determining the adopted Small-Scale Amendment
14 to be in compliance.

15 **Section 8. Disclaimer.** The amendment granted herein shall
16 **not** be construed as an exemption from any other applicable local,
17 state, or federal laws, regulations, requirements, permits or
18 approvals. All other applicable local, state or federal permits or
19 approvals shall be obtained before commencement of the development
20 or use and issuance of this amendment is based upon acknowledgement,
21 representation and confirmation made by the applicant(s), owner(s),
22 developer(s) and/or any authorized agent(s) or designee(s) that the
23 subject business, development and/or use will be operated in strict
24 compliance with all laws. Issuance of this amendment does **not** approve,
25 promote or condone any practice or act that is prohibited or
26 restricted by any federal, state or local laws.

27 **Section 9. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Krista Fogarty

6 GC-#1435302-v1-2021-341_Original_Bill_