

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-633**

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 LIGHT INDUSTRIAL (LI) TO
9 MEDIUM DENSITY RESIDENTIAL (MDR) AND CONSERVATION
10 (CSV) ON APPROXIMATELY 92.24± ACRES IN COUNCIL
11 DISTRICT 7 AT 0 MAIN STREET, BETWEEN PECAN PARK
12 ROAD AND MAX LEGGETT PARKWAY, OWNED BY THE
13 FRANCINE TRAGER KEMPNER REVOCABLE LIVING TRUST
14 DATED JUNE 18, 1997, THE MICHAEL STEPHEN SETZER
15 REVOCABLE TRUST DATED SEPTEMBER 19, 2014, THE
16 BENJAMIN ADAM SETZER AMENDED AND RESTATED
17 REVOCABLE LIVING TRUST DATED JUNE 15, 2007, AND
18 PECAN PARK/MAIN STREET LLC, AS MORE PARTICULARLY
19 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
20 L-5520-21A; PROVIDING A DISCLAIMER THAT THE
21 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
22 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
26 *Ordinance Code*, an application for a proposed Large-Scale Amendment
27 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
28 *Plan* to change the Future Land Use designation from Light Industrial
29 (LI) to Medium Density Residential (MDR) and Conservation (CSV), has
30 been filed by Paul M. Harden, Esq., on behalf of the Francine Trager
31 Kempner Revocable Living Trust dated June 18, 1997, the Michael

1 Stephen Setzer Revocable Trust dated September 19, 2014, the Benjamin
2 Adam Setzer Amended and Restated Revocable Living Trust dated June
3 15, 2007, and Pecan Park/Main Street LLC, the owners of certain real
4 property located in Council District 7, as more particularly described
5 in Section 2; and

6 **WHEREAS**, the City, by the adoption of Ordinance 2021-134-E,
7 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
8 for transmittal to the Department of Economic Opportunity (DEO), as
9 the State Land Planning Agency, and other required state agencies,
10 for review and comment; and

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

14 **WHEREAS**, the Planning and Development Department reviewed the
15 proposed revision and application, considered all comments received,
16 prepared a written report, and rendered an advisory recommendation
17 to the Council with respect to this proposed amendment; and

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

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

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

30 **WHEREAS**, the City Council further considered all oral and
31 written comments received during public hearings, including the data

1 and analysis portions of this proposed amendment to the 2030
2 *Comprehensive Plan*, the recommendations of the Planning and
3 Development Department, the LPA, the LUZ Committee and the comments,
4 if any, of the DEO and the other state reviewing agencies; and

5 **WHEREAS**, in the exercise of its authority, the City Council has
6 determined it necessary and desirable to adopt this proposed amendment
7 to the 2030 *Comprehensive Plan* to preserve and enhance present
8 advantages, encourage the most appropriate use of land, water, and
9 resources consistent with the public interest, overcome present
10 deficiencies, and deal effectively with future problems which may
11 result from the use and development of land within the City of
12 Jacksonville; now, therefore

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

14 **Section 1. Purpose and Intent.** This Ordinance is adopted
15 to carry out the purpose and intent of, and exercise the authority
16 set out in, the Community Planning Act, Sections 163.3161 through
17 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
18 amended.

19 **Section 2. Subject Property Location and Description.** The
20 approximately 92.24± acres (R.E. No. 108137-0000) are in Council
21 District 7 at 0 Main Street, between Pecan Park Road and Max Leggett
22 Parkway, as more particularly described in **Exhibit 1**, dated June 24,
23 2021, and graphically depicted in **Exhibit 2**, both of which are
24 **attached hereto** and incorporated herein by this reference (the
25 "Subject Property").

26 **Section 3. Owner and Applicant Description.** The Subject
27 Property is owned by the Francine Trager Kempner Revocable Living
28 Trust dated June 18, 1997, the Michael Stephen Setzer Revocable Trust
29 dated September 19, 2014, the Benjamin Adam Setzer Amended and
30 Restated Revocable Living Trust dated June 15, 2007, and Pecan
31 Park/Main Street LLC. The applicant is Paul M. Harden, Esq., 501

1 Riverside Avenue, Suite 901, Jacksonville, Florida 32202; (904) 396-
2 5731.

3 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
4 City Council hereby adopts a proposed Large-Scale revision to the
5 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
6 the Future Land Use Map designation from Light Industrial (LI) to
7 Medium Density Residential (MDR) and Conservation (CSV), pursuant to
8 Application Number L-5520-21A.

9 **Section 5. Applicability, Effect and Legal Status.** The
10 applicability and effect of the *2030 Comprehensive Plan*, as herein
11 amended, shall be as provided in the Community Planning Act, Section
12 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
13 development undertaken by, and all actions taken in regard to
14 development orders by governmental agencies in regard to land which
15 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
16 be consistent therewith as of the effective date of this amendment
17 to the plan.

18 **Section 6. Effective Date of this Plan Amendment.** Unless
19 this plan amendment is timely challenged under the procedures set
20 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
21 shall be effective thirty-one days after DEO notifies the City of
22 Jacksonville that the plan amendment or plan amendment package is
23 complete. If this plan amendment is timely challenged under Section
24 163.3184(3), *Florida Statutes*, this plan amendment shall become
25 effective when the DEO or the Administration Commission enters a
26 final order determining the adopted amendment to be in compliance.
27 If this plan amendment is found not to be in compliance under the
28 standards and procedures set forth in Chapter 163, Part II, *Florida*
29 *Statutes*, then this plan amendment shall become effective only by
30 further action by the City Council. No development orders, development
31 permits, or land uses dependent on this amendment may be issued or

1 commence before it has become effective.

2 **Section 7. Disclaimer.** The amendment granted herein shall
3 **not** be construed as an exemption from any other applicable local,
4 state, or federal laws, regulations, requirements, permits or
5 approvals. All other applicable local, state or federal permits or
6 approvals shall be obtained before commencement of the development
7 or use and issuance of this amendment is based upon acknowledgement,
8 representation and confirmation made by the applicant(s), owner(s),
9 developer(s) and/or any authorized agent(s) or designee(s) that the
10 subject business, development and/or use will be operated in strict
11 compliance with all laws. Issuance of this amendment does **not** approve,
12 promote or condone any practice or act that is prohibited or
13 restricted by any federal, state or local laws.

14 **Section 8. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

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18 Form Approved:

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20 /s/ Mary E. Staffopoulos

21 Office of General Counsel

22 Legislation Prepared By: Helena Parola

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