

1 The Land Use and Zoning Committee offers the following substitute to
2 File No. 2021-517:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2021-517**

8 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT TO
9 THE FUTURE LAND USE MAP SERIES OF THE 2030
10 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
11 USE DESIGNATION FROM COMMUNITY/GENERAL
12 COMMERCIAL (CGC) TO HIGH DENSITY RESIDENTIAL
13 (HDR) AND RECREATION AND OPEN SPACE (ROS) WITH
14 FUTURE LAND USE ELEMENT (FLUE) SITE SPECIFIC
15 POLICY 4.4.23 ON APPROXIMATELY 42.55± ACRES IN
16 COUNCIL DISTRICT 11 AT 0 J. TURNER BUTLER
17 BOULEVARD AND 0 A.C. SKINNER PARKWAY, BETWEEN J.
18 TURNER BUTLER BOULEVARD AND A.C. SKINNER PARKWAY,
19 OWNED BY JACKSONVILLE TRANSPORTATION AUTHORITY,
20 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT
21 TO APPLICATION NUMBER L-5443-20A; PROVIDING A
22 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
23 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
24 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
25 DATE.

26
27 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
28 *Ordinance Code*, an application for a proposed Large-Scale Amendment
29 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
30 *Plan* to change the Future Land Use designation from Community/General
31 Commercial (CGC) to High Density Residential (HDR) and Recreation and

1 Open Space (ROS) with Site Specific Policy 4.4.23, has been filed by
2 Paul M. Harden, Esq., on behalf of Jacksonville Transportation
3 Authority, the owner of certain real property located in Council
4 District 11, as more particularly described in Section 2; and

5 **WHEREAS**, the City, by the adoption of Ordinance 2020-468-E,
6 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
7 for transmittal to the Department of Economic Opportunity (DEO), as
8 the State Land Planning Agency, and other required state agencies,
9 for review and comment, and the adoption deadline set by Section
10 163.3184(3), *Florida Statutes*, has been extended, with required
11 notice to DEO, other required state agencies, and any affected person
12 who provided comments on this Large-Scale Amendment; and

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

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

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

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

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

1 **WHEREAS**, the City Council further considered all oral and
2 written comments received during public hearings, including the data
3 and analysis portions of this proposed amendment to the *2030*
4 *Comprehensive Plan*, the recommendations of the Planning and
5 Development Department, the LPA, the LUZ Committee and the comments,
6 if any, of the DEO and the other state reviewing agencies; and

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

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

16 **Section 1. Purpose and Intent.** This Ordinance is adopted
17 to carry out the purpose and intent of, and exercise the authority
18 set out in, the Community Planning Act, Sections 163.3161 through
19 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
20 amended.

21 **Section 2. Subject Property Location and Description.** The
22 approximately 42.55± acres are in Council District 11 at 0 J. Turner
23 Butler Boulevard and 0 A.C. Skinner Parkway, between J. Turner Butler
24 Boulevard and A.C. Skinner Parkway, as more particularly described
25 in **Exhibit 1**, dated August 9, 2021, and graphically depicted in
26 **Exhibit 2**, both of which are **attached hereto** and incorporated herein
27 by this reference (the "Subject Property").

28 **Section 3. Owner and Applicant Description.** The Subject
29 Property is owned by Jacksonville Transportation Authority. The
30 applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,
31 Jacksonville, Florida 32202; (904) 396-5731.

1 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
2 City Council hereby adopts a proposed Large-Scale revision to the
3 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
4 the Future Land Use Map designation from Community/General Commercial
5 (CGC) to High Density Residential (HDR) and Recreation and Open Space
6 (ROS) subject to Site Specific Policy 4.4.23, pursuant to Application
7 Number L-5443-20A.

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

17 **Section 6. Site Specific Policy.** The City Council hereby
18 adopts FLUE Site Specific Policy 4.4.23, dated August 9, 2021, and
19 **attached hereto** as **Exhibit 3**.

20 **Section 7. Effective Date of this Plan Amendment.** Unless
21 this plan amendment is timely challenged under the procedures set
22 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
23 shall be effective thirty-one days after DEO notifies the City of
24 Jacksonville that the plan amendment or plan amendment package is
25 complete. If this plan amendment is timely challenged under Section
26 163.3184(3), *Florida Statutes*, this plan amendment shall become
27 effective when the DEO or the Administration Commission enters a
28 final order determining the adopted amendment to be in compliance.
29 If this plan amendment is found not to be in compliance under the
30 standards and procedures set forth in Chapter 163, Part II, *Florida*
31 *Statutes*, then this plan amendment shall become effective only by

1 further action by the City Council. No development orders,
2 development permits, or land uses dependent on this amendment may be
3 issued or commence before it has become effective.

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

16 **Section 9. Effective Date.** This Ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Kristen Reed

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