

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

4 **ORDINANCE 2021-628**

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 COMMUNITY/GENERAL
9 COMMERCIAL (CGC) TO COMMUNITY/GENERAL COMMERCIAL
10 (CGC) WITH SITE SPECIFIC POLICY 4.4.18 ON
11 APPROXIMATELY 5.64± ACRES LOCATED IN COUNCIL
12 DISTRICT 5 AT 3036 PHILIPS HIGHWAY, 3114 PHILIPS
13 HIGHWAY, AND 0 ST. AUGUSTINE ROAD, BETWEEN
14 PHILIPS HIGHWAY AND ST. AUGUSTINE ROAD, OWNED BY
15 3036 JAX, LLC, VEERASAMY VEERAMAH, AND PURNWATIE
16 D. VEERAMAH, AS MORE PARTICULARLY DESCRIBED
17 HEREIN, PURSUANT TO APPLICATION NUMBER L-5609-
18 21C; PROVIDING A DISCLAIMER THAT THE AMENDMENT
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 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*, Section 163.3187(1), *Florida Statutes*, and Section
25 125.01055, *Florida Statutes*, an application for a proposed Small-
26 Scale Amendment to the Future Land Use Map series (FLUMs) of the 2030
27 *Comprehensive Plan* to change the Future Land Use designation from
28 Community/General Commercial (CGC) to Community/General Commercial
29 (CGC) with Site Specific Policy 4.4.18 on 5.64± acres of certain real
30 property in Council District 5, was filed by Steve Diebenow, Esq.,
31 on behalf of the owners, 3036 Jax, LLC, Veerasamy Veeramah, and

1 Purnwatie D. Veeramah; and

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

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

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

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

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

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

2 **Section 1. Purpose and Intent.** This Ordinance is adopted
3 to carry out the purpose and intent of, and exercise the authority
4 set out in, the Community Planning Act, Sections 163.3161 through
5 163.3248, *Florida Statutes*, Chapter 166, *Florida Statutes*, as
6 amended, and Section 125.01055, *Florida Statutes*.

7 **Section 2. Subject Property Location and Description.** The
8 approximately 5.64± acres (R.E. Nos. 130411-0600, 130412-0100 and
9 130413-0000) are located in Council District 5, at 0 St. Augustine
10 Road, 3036 Philips Highway, and 3114 Philips Highway, between Philips
11 Highway and St. Augustine Road, as more particularly described in
12 **Exhibit 1**, dated August 30, 2021, and graphically depicted in **Exhibit**
13 **2**, both **attached hereto** and incorporated herein by this reference
14 (the "Subject Property").

15 **Section 3. Owner and Applicant Description.** The Subject
16 Property is owned by 3036 Jax, LLC, Veerasamy Veeramah, and Purnwatie
17 D. Veeramah. The applicant is Steve Diebenow, Esq., One Independent
18 Drive, Suite 1200, Jacksonville, Florida 32202; (904) 301-1269.

19 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
20 City Council hereby adopts a proposed Small-Scale revision to the
21 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
22 the Future Land Use Map designation from Community/General Commercial
23 (CGC) to Community/General Commercial (CGC) with Site Specific Policy
24 4.4.18 dated August 30, 2021 and attached hereto as **Exhibit 3**,
25 pursuant to Application Number L-5609-21C.

26 **Section 5. Applicability, Effect and Legal Status.** The
27 applicability and effect of the *2030 Comprehensive Plan*, as herein
28 amended, shall be as provided in the Community Planning Act, Sections
29 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
30 development undertaken by, and all actions taken in regard to
31 development orders by governmental agencies in regard to land which

1 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
2 be consistent therewith as of the effective date of this amendment
3 to the plan.

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

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

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

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

26 **Section 8. Effective Date.** This Ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Helena Parola

6 GC-#1450904-v3-2021-628_(L-5609-21C_(SSP)).docx