

1 Introduced and substituted by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-517-E**

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

24 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
25 *Ordinance Code*, an application for a proposed Large-Scale Amendment
26 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
27 *Plan* to change the Future Land Use designation from Community/General
28 Commercial (CGC) to High Density Residential (HDR) and Recreation and
29 Open Space (ROS) with Site Specific Policy 4.4.23, has been filed by
30 Paul M. Harden, Esq., on behalf of Jacksonville Transportation

1 Authority, the owner of certain real property located in Council
2 District 11, as more particularly described in Section 2; and

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

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

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

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

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

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

27 **Section 3. Owner and Applicant Description.** The Subject
28 Property is owned by Jacksonville Transportation Authority. The
29 applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,
30 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*

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

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

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

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21 Form Approved:

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23 /s/ Mary E. Staffopoulos

24 Office of General Counsel

25 Legislation Prepared By: Kristen Reed

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