

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2018-441**

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 USE
8 DESIGNATION FROM RESIDENTIAL PROFESSIONAL
9 INSTITUTIONAL (RPI) TO COMMUNITY GENERAL
10 COMMERCIAL (CGC) ON APPROXIMATELY 9.94± ACRES OF
11 LAND LOCATED IN COUNCIL DISTRICT 11 AT 0 GATE
12 PARKWAY, BETWEEN INTERSTATE 295 AND SOUTHSIDE
13 BOULEVARD, OWNED BY THE ARTHUR CHESTER SKINNER,
14 III, TRUST, ET AL, AS MORE PARTICULARLY DESCRIBED
15 HEREIN, PURSUANT TO APPLICATION NUMBER L-5299-18C;
16 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
18 ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
19 DATE.

20
21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
23 application for a proposed Small-Scale amendment to the Future Land Use
24 Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future
25 Land Use designation from Residential Professional Institutional (RPI)
26 to Community General Commercial (CGC) on 9.94± acres of certain real
27 property in Council District 11, as more particularly described in
28 Section 2 and referenced therein as the "Subject Property", owned by
29 the Arthur Chester Skinner, III, Trust, et al, and filed by Paul M.
30 Harden, Esq.; and

31 **WHEREAS**, the Planning and Development Department reviewed the

1 proposed revision and application and has prepared a written report and
2 rendered an advisory recommendation to the City Council with respect to
3 the proposed amendment; and

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

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

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

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

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

31 **Section 1. Purpose and Intent.** This ordinance is adopted to

1 carry out the purpose and intent of, and exercise the authority set out
2 in the Community Planning Act, Sections 163.3161 through 163.3248,
3 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

4 **Section 2. Subject Property Location and Description.** The
5 approximately 9.94± acres of land (a portion of R.E. No. 167741-0700)
6 is located in Council District 11 at 0 Gate Parkway, between Interstate
7 295 and Southside Boulevard, as more particularly described in **Exhibit**
8 **1**, dated May 2, 2018, and graphically depicted in **Exhibit 2**, both
9 **attached hereto** and incorporated herein by this reference (Subject
10 Property).

11 **Section 3. Owner and Applicant Description.** The subject
12 property is owned by the Arthur Chester Skinner, III, Trust, et al.
13 The applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,
14 Jacksonville, Florida 32202; (904) 396-5731.

15 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
16 City Council hereby adopts a proposed Small-Scale revision to the
17 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
18 the Future Land Use Map designation from Residential Professional
19 Institutional (RPI) to Community General Commercial (CGC), pursuant to
20 Application L-5299-18C.

21 **Section 5. Applicability, Effect and Legal Status.** The
22 applicability and effect of the *2030 Comprehensive Plan*, as herein
23 amended, shall be as provided in the Community Planning Act, Section
24 163.3161 through 163.3248, *Florida Statutes*, and this ordinance. All
25 development undertaken by, and all actions taken in regard to
26 development orders by governmental agencies in regard to land which is
27 subject to the *2030 Comprehensive Plan*, as herein amended, shall be
28 consistent therewith as of the effective date of this amendment to the
29 plan.

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

31 a. If the amendment meets the criteria of Section 163.3187,

1 *Florida Statutes*, as amended, and is not challenged, the effective date
2 of this plan amendment shall be thirty-one (31) days after adoption.

3 b. If challenged within thirty (30) days after adoption, the
4 plan amendment shall not become effective until the State Land Planning
5 Agency or the Administration Commission, respectively, issues a final
6 order determining the adopted Small-Scale development amendment to be
7 in compliance.

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

20 **Section 8. Effective Date.** This ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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24 Form Approved:

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26
27 /s/ Shannon K. Eller

28 Office of General Counsel

29 Legislation Prepared By: Kristen Reed

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