

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

4 **ORDINANCE 2019-605-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.37± ACRES
6 LOCATED IN COUNCIL DISTRICT 10 AT 0 SALK AVENUE,
7 7165 SALK AVENUE, AND 5111 FIRESTONE ROAD,
8 BETWEEN INTERSTATE 295 AND FIRESTONE ROAD (R.E.
9 NOS. 014330-0000, 014344-0000, 014345-0000 AND
10 014359-0010), OWNED BY THE WILLIAM A. DUNCAN JR.
11 LIVING TRUST, AS DESCRIBED HEREIN, FROM
12 RESIDENTIAL MEDIUM DENSITY-A (RMD-A) AND
13 COMMERCIAL OFFICE (CO) DISTRICTS TO COMMERCIAL
14 COMMUNITY/GENERAL-1 (CCG-1) DISTRICT, AS DEFINED
15 AND CLASSIFIED UNDER THE ZONING CODE, PURSUANT TO
16 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5387-19C;
18 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
21 EFFECTIVE DATE.
22

23 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment
24 to the *2030 Comprehensive Plan* for the purpose of revising portions of
25 the Future Land Use Map series (FLUMs) in order to ensure the accuracy
26 and internal consistency of the plan, pursuant to application L-5387-
27 19C and companion land use Ordinance 2019-604; and

28 **WHEREAS**, in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5387-19C, an application to rezone and reclassify from
31 Residential Medium Density-A (RMD-A) and Commercial Office (CO)

1 Districts to Commercial Community/General-1 (CCG-1) District was filed
2 by Paul M. Harden, Esq., on behalf of the William A. Duncan Jr. Living
3 Trust, the owner of approximately 2.37± acres of certain real property
4 in Council District 10, as more particularly described in Section 1;
5 and

6 **WHEREAS**, the Planning and Development Department, in order to
7 ensure consistency of this zoning district with the *2030 Comprehensive*
8 *Plan*, has considered the rezoning and has rendered an advisory opinion;
9 and

10 **WHEREAS**, the Planning Commission has considered the application
11 and has rendered an advisory opinion; and

12 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
13 notice, held a public hearing and made its recommendation to the
14 Council; and

15 **WHEREAS**, the City Council, after due notice, held a public
16 hearing, and taking into consideration the above recommendations as
17 well as all oral and written comments received during the public
18 hearings, the Council finds that such rezoning is consistent with the
19 *2030 Comprehensive Plan* adopted under the comprehensive planning
20 ordinance for future development of the City of Jacksonville; now,
21 therefore

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

23 **Section 1. Subject Property Location and Description.** The
24 approximately 2.37± acres (R.E. Nos. 014330-0000, 014344-0000, 014345-
25 0000 and 014359-0010) is located in Council District 10, at 0 Salk
26 Avenue, 7165 Salk Avenue, and 5111 Firestone Road, between Interstate
27 295 and Firestone Road, as more particularly described in **Exhibit 1**,
28 dated June 19, 2019, and graphically depicted in **Exhibit 2**, both of
29 which are **attached hereto** and incorporated herein by this reference
30 (Subject Property).

31 **Section 2. Owner and Applicant Description.** The Subject

1 Property is owned by the William A. Duncan Jr. Living Trust. The
2 applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,
3 Jacksonville, Florida 32202; (904) 396-5731.

4 **Section 3. Property Rezoned.** The Subject Property, pursuant
5 to adopted companion Small-Scale Amendment Application L-5387-19C, is
6 hereby rezoned and reclassified from Residential Medium Density-A (RMD-
7 A) and Commercial Office (CO) Districts to Commercial
8 Community/General-1 (CCG-1) District.

9 **Section 4. Contingency.** This rezoning shall not become
10 effective until 31 days after adoption of the companion Small-Scale
11 Amendment; and further provided that if the companion Small-Scale
12 Amendment is challenged by the state land planning agency, this
13 rezoning shall not become effective until the state land planning
14 agency or the Administration Commission issues a final order
15 determining the companion Small-Scale Amendment is in compliance with
16 Chapter 163, *Florida Statutes*.

17 **Section 5. Disclaimer.** The rezoning granted herein shall
18 **not** be construed as an exemption from any other applicable local,
19 state, or federal laws, regulations, requirements, permits or
20 approvals. All other applicable local, state or federal permits or
21 approvals shall be obtained before commencement of the development or
22 use and issuance of this rezoning is based upon acknowledgement,
23 representation and confirmation made by the applicant(s), owner(s),
24 developer(s) and/or any authorized agent(s) or designee(s) that the
25 subject business, development and/or use will be operated in strict
26 compliance with all laws. Issuance of this rezoning does **not** approve,
27 promote or condone any practice or act that is prohibited or restricted
28 by any federal, state or local laws.

29 **Section 6. Effective Date.** The enactment of this Ordinance
30 shall be deemed to constitute a quasi-judicial action of the City
31 Council and shall become effective upon signature by the Council

1 President and the Council Secretary.

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3 Form Approved:

4

5 /s/ Shannon K. Eller

6 Office of General Counsel

7 Legislation Prepared By: Connor Corrigan

8 GC-#1300560-v1-z-2428_SS_LU_COMP_REZ