

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-604-E**

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 MEDIUM DENSITY RESIDENTIAL (MDR)
9 TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 1.90± ACRES LOCATED IN COUNCIL
11 DISTRICT 10 AT 0 SALK AVENUE, 7165 SALK AVENUE AND
12 5111 FIRESTONE ROAD, BETWEEN INTERSTATE 295 AND
13 FIRESTONE ROAD, OWNED BY THE WILLIAM A. DUNCAN JR.
14 LIVING TRUST, AS MORE PARTICULARLY DESCRIBED
15 HEREIN, PURSUANT TO APPLICATION NUMBER L-5387-19C;
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 Medium Density Residential (MDR) to
26 Community/General Commercial (CGC) on 1.90± acres of certain real
27 property in Council District 10, was filed by Paul M. Harden, Esq., on
28 behalf of the owner, the William A. Duncan Jr. Living Trust; and

29 **WHEREAS**, the Planning and Development Department reviewed the
30 proposed revision and application and has prepared a written report and

1 rendered an advisory recommendation to the City Council with respect to
2 the proposed amendment; and

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

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

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

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

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

30 **Section 1. Purpose and Intent.** This Ordinance is adopted to
31 carry out the purpose and intent of, and exercise the authority set out

1 in, the Community Planning Act, Sections 163.3161 through 163.3248,
2 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

3 **Section 2. Subject Property Location and Description.** The
4 approximately 1.90± acres (R.E. Nos. 014344-0000, 014345-0000 and
5 014359-0010) is located in Council District 10 at 0 Salk Avenue, 7165
6 Salk Avenue and 5111 Firestone Road, between Interstate 295 and
7 Firestone Road, as more particularly described in **Exhibit 1**, dated June
8 19, 2019, and graphically depicted in **Exhibit 2**, both **attached hereto**
9 and incorporated herein by this reference (Subject Property).

10 **Section 3. Owner and Applicant Description.** The subject
11 property is owned by the William A. Duncan Jr. Living Trust. The
12 applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,
13 Jacksonville, Florida 32202; (904) 396-5731.

14 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
15 City Council hereby adopts a proposed Small-Scale revision to the
16 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
17 the Future Land Use Map designation from Medium Density Residential
18 (MDR) to Community/General Commercial (CGC), pursuant to Application
19 Number L-5387-19C.

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

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

30 (a) If the amendment meets the criteria of Section 163.3187,
31 *Florida Statutes*, as amended, and is not challenged, the effective date

1 of this plan amendment shall be thirty-one (31) days after adoption.

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

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

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

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23 Form Approved:

24
25 /s/ Shannon K. Eller

26 Office of General Counsel

27 Legislation Prepared By: Jody McDaniel

28 GC-#1300548-v1-L-5387_SS_LU