

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-11-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
8 USE DESIGNATION FROM BUSINESS PARK (BP) AND
9 COMMUNITY/GENERAL COMMERCIAL (CGC) TO HIGH
10 DENSITY RESIDENTIAL (HDR) ON APPROXIMATELY 10.30±
11 ACRES LOCATED IN COUNCIL DISTRICT 4 AT 0 SLEIMAN
12 PARKWAY, 0 SALISBURY ROAD, 4130 SALISBURY ROAD
13 AND 4138 SALISBURY ROAD, BETWEEN SLEIMAN PARKWAY
14 AND CORPORATE CENTER PARKWAY (R.E. NOS. 152794-
15 0000, 152795-0000, 152803-0000, 152804-0010 AND
16 152804-0020), OWNED BY PROPERTY MANAGEMENT
17 SUPPORT, INC., AS TRUSTEE OF SALISBURY LAND TRUST
18 U/T/A DATED JANUARY 13, 2005, AND PROPERTY
19 MANAGEMENT SUPPORT, INC., AS TRUSTEE OF THE SP
20 LAND TRUST UNDER AGREEMENT DATED SEPTEMBER 27,
21 2000, AS MORE PARTICULARLY DESCRIBED HEREIN,
22 PURSUANT TO APPLICATION NUMBER L-5631-21C;
23 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
24 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
25 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
26 EFFECTIVE DATE.

27
28 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
29 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
30 application for a proposed Small-Scale Amendment to the Future Land
31 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the

1 Future Land Use designation from Business Park (BP) and
2 Community/General Commercial (CGC) to High Density Residential (HDR)
3 on 10.30± acres of certain real property in Council District 4 was
4 filed by Evin Herzberg, on behalf of the owners, Property Management
5 Support, Inc., as Trustee of Salisbury Land Trust u/t/a dated January
6 13, 2005, and Property Management Support, Inc., as Trustee of the
7 SP Land Trust under agreement dated September 27, 2000; and

8 **WHEREAS**, the Planning and Development Department reviewed the
9 proposed revision and application and has prepared a written report
10 and rendered an advisory recommendation to the City Council with
11 respect to the proposed amendment; and

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

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

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

30 **WHEREAS**, in the exercise of its authority, the City Council has
31 determined it necessary and desirable to adopt this proposed amendment

1 to the *2030 Comprehensive Plan* to preserve and enhance present
2 advantages, encourage the most appropriate use of land, water, and
3 resources consistent with the public interest, overcome present
4 deficiencies, and deal effectively with future problems which may
5 result from the use and development of land within the City of
6 Jacksonville; now, therefore

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

8 **Section 1. Purpose and Intent.** This Ordinance is adopted
9 to carry out the purpose and intent of, and exercise the authority
10 set out in, the Community Planning Act, Sections 163.3161 through
11 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
12 amended.

13 **Section 2. Subject Property Location and Description.** The
14 approximately 10.30± acres are located in Council District 4 at 0
15 Sleiman Parkway, 0 Salisbury Road, 4130 Salisbury Road and 4138
16 Salisbury Road, between Sleiman Parkway and Corporate Center Parkway
17 (R.E. Nos. 152794-0000, 152795-0000, 152803-0000, 152804-0010 and
18 152804-0020), as more particularly described in **Exhibit 1**, dated
19 November 17, 2021, and graphically depicted in **Exhibit 2**, both
20 **attached hereto** and incorporated herein by this reference (the
21 "Subject Property").

22 **Section 3. Owner and Applicant Description.** The Subject
23 Property is owned by Property Management Support, Inc., as Trustee
24 of Salisbury Land Trust u/t/a dated January 13, 2005, and Property
25 Management Support, Inc., as Trustee of the SP Land Trust under
26 agreement dated September 27, 2000. The applicant is Evin Herzberg,
27 12483 Aladdin Road, Jacksonville, Florida 32223; (904) 625-7431.

28 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
29 City Council hereby adopts a proposed Small-Scale revision to the
30 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
31 the Future Land Use Map designation from Business Park (BP) and

1 Community/General Commercial (CGC) to High Density Residential (HDR),
2 pursuant to Application Number L-5631-21C.

3 **Section 5. Applicability, Effect and Legal Status.** The
4 applicability and effect of the *2030 Comprehensive Plan*, as herein
5 amended, shall be as provided in the Community Planning Act, Sections
6 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
7 development undertaken by, and all actions taken in regard to
8 development orders by governmental agencies in regard to land which
9 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
10 be consistent therewith as of the effective date of this amendment
11 to the plan.

12 **Section 6. Effective Date of this Plan Amendment.**

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

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

22 **Section 7. Disclaimer.** The amendment granted herein shall
23 not be construed as an exemption from any other applicable local,
24 state, or federal laws, regulations, requirements, permits or
25 approvals. All other applicable local, state or federal permits or
26 approvals shall be obtained before commencement of the development
27 or use, and issuance of this amendment is based upon acknowledgement,
28 representation and confirmation made by the applicant(s), owner(s),
29 developer(s) and/or any authorized agent(s) or designee(s) that the
30 subject business, development and/or use will be operated in strict
31 compliance with all laws. Issuance of this amendment does not approve,

1 promote or condone any practice or act that is prohibited or
2 restricted by any federal, state or local laws.

3 **Section 8. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 /s/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation Prepared By: Abigail Trout

12 GC-#1473014-v1-2022-11_(L-5631-21C)