

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

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  
31 rendered an advisory recommendation to the City Council with respect to

1 the proposed amendment; and

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

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

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

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

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

29       **Section 1. Purpose and Intent.** This Ordinance is adopted to  
30 carry out the purpose and intent of, and exercise the authority set out  
31 in, the Community Planning Act, Sections 163.3161 through 163.3248,

1 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

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

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

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

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

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

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

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

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

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

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22 Form Approved:

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24           /s/ Shannon K. Eller          

25 Office of General Counsel

26 Legislation Prepared By: Jody McDaniel

27 GC-#1300548-v1-L-5387\_SS\_LU