

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-791**

5 AN ORDINANCE REZONING APPROXIMATELY 0.29± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 4389 PHILIPS
7 HIGHWAY, BETWEEN NAPOLI COURT AND PHILIPS HIGHWAY
8 (R.E. NO. 153033-0005 (PORTION)), AS DESCRIBED
9 HEREIN, OWNED BY DALLAPY S. THEAM AND VALERIE K.
10 THEAM, FROM COMMERCIAL OFFICE (CO) DISTRICT TO
11 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) DISTRICT,
12 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
13 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
14 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
15 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
16 EFFECTIVE DATE.
17

18 **WHEREAS**, Dallapy S. Theam and Valerie K. Theam, the owners of
19 approximately 0.29± acres located in Council District 5 at 4389
20 Philips Highway, between Napoli Court and Philips Highway (R.E. No.
21 153033-0005 (portion)), as more particularly described in **Exhibit 1**,
22 dated September 27, 2023, and graphically depicted in **Exhibit 2**, both
23 of which are attached hereto (the "Subject Property"), have applied
24 for a rezoning and reclassification of the Subject Property from
25 Commercial Office (CO) District to Commercial Community/General-2
26 (CCG-2) District; and

27 **WHEREAS**, the Planning and Development Department has considered
28 the application and has rendered an advisory recommendation; and

29 **WHEREAS**, the Planning Commission, acting as the local planning
30 agency, has reviewed the application and made an advisory
31 recommendation to the Council; and

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

4 **WHEREAS**, taking into consideration the above recommendations and
5 all other evidence entered into the record and testimony taken at the
6 public hearings, the Council finds that such rezoning: (1) is
7 consistent with the *2045 Comprehensive Plan*; (2) furthers the goals,
8 objectives and policies of the *2045 Comprehensive Plan*; and (3) is
9 not in conflict with any portion of the City's land use regulations;
10 now, therefore

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

12 **Section 1. Property Rezoned.** The Subject Property is
13 hereby rezoned and reclassified from Commercial Office (CO) District
14 to Commercial Community/General-2 (CCG-2) District, as defined and
15 classified under the Zoning Code, City of Jacksonville, Florida.

16 **Section 2. Owner and Description.** The Subject Property is
17 owned by Dallapy S. Theam and Valerie K. Theam, and is legally
18 described in **Exhibit 1**, attached hereto. The applicant is Fred
19 Atwill, 9001 Forest Acres Lane, Jacksonville, Florida 32234; (904)
20 610-8975.

21 **Section 3. Disclaimer.** The rezoning granted herein shall
22 **not** be construed as an exemption from any other applicable local,
23 state, or federal laws, regulations, requirements, permits or
24 approvals. All other applicable local, state or federal permits or
25 approvals shall be obtained before commencement of the development
26 or use and issuance of this rezoning is based upon acknowledgement,
27 representation and confirmation made by the applicant(s), owners(s),
28 developer(s) and/or any authorized agent(s) or designee(s) that the
29 subject business, development and/or use will be operated in strict
30 compliance with all laws. Issuance of this rezoning does **not** approve,
31 promote or condone any practice or act that is prohibited or

1 restricted by any federal, state or local laws.

2 **Section 4. Effective Date.** The enactment of this Ordinance
3 shall be deemed to constitute a quasi-judicial action of the City
4 Council and shall become effective upon signature by the Council
5 President and Council Secretary.

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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: Stephen Nutt

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