

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-831-E**

5 AN ORDINANCE REZONING APPROXIMATELY 6.62± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 12233 WEST SAGO
7 AVENUE, 12309 WEST SAGO AVENUE AND 104 NEW BERLIN
8 ROAD, BETWEEN NEW BERLIN ROAD AND INTERSTATE-295
9 (R.E. NOS. 106860-0010, 106863-0000 AND 107440-
10 0000), OWNED BY HAPPYWOODS DG, L.L.C., AS
11 DESCRIBED HEREIN, FROM COMMERCIAL NEIGHBORHOOD
12 (CN) DISTRICT TO COMMERCIAL/COMMUNITY GENERAL-1
13 (CCG-1) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, PURSUANT TO FUTURE LAND USE MAP
15 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
16 NUMBER L-5611-21C; PROVIDING A DISCLAIMER THAT
17 THE REZONING GRANTED HEREIN SHALL NOT BE
18 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
19 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMs) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to
25 companion application L-5611-21C; and

26 **WHEREAS**, in order to ensure consistency of zoning district with
27 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5611-21C, an application to rezone and reclassify from
29 Commercial Neighborhood (CN) District to Commercial
30 Community/General-1 (CCG-1) District was filed by H. Timothy Gillis,
31 Esq., on behalf of the owner of approximately 6.62± acres of certain

1 real property in Council District 7, as more particularly described
2 in Section 1; and

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

7 **WHEREAS**, the Planning Commission has considered the application
8 and has rendered an advisory opinion; and

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

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

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

20 **Section 1. Subject Property Location and Description.** The
21 approximately 6.62± acres are located in Council District 7 at 12233
22 West Sago Avenue, 12309 West Sago Avenue and 104 New Berlin Road,
23 between New Berlin Road and Interstate-295 (R.E. Nos. 106860-0010,
24 106863-0000 and 107440-0000), as more particularly described in
25 **Exhibit 1**, dated October 18, 2021, and graphically depicted in **Exhibit**
26 **2**, both of which are **attached hereto** and incorporated herein by this
27 reference (the "Subject Property").

28 **Section 2. Owner and Applicant Description.** The Subject
29 Property is owned by Happywoods DG, L.L.C. The applicant is H.
30 Timothy Gillis, Esq., 1022 Park Street, Suite 308, Jacksonville,
31 Florida 32204; (904) 899-9930.

1 **Section 3. Property Rezoned.** The Subject Property,
2 pursuant to adopted companion Small-Scale Amendment Application L-
3 5611-21C, is hereby rezoned and reclassified from Commercial
4 Neighborhood (CN) District to Commercial Community/General-1 (CCG-1)
5 District.

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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