

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-830**

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 NEIGHBORHOOD COMMERCIAL (NC)
9 TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 6.62± ACRES LOCATED IN COUNCIL
11 DISTRICT 7 AT 12233 WEST SAGO AVENUE, 12309 WEST
12 SAGO AVENUE AND 104 NEW BERLIN ROAD, BETWEEN NEW
13 BERLIN ROAD AND INTERSTATE-295 (R.E. NOS. 106860-
14 0010, 106863-0000 AND 107440-0000), OWNED BY
15 HAPPYWOODS DG, L.L.C., AS MORE PARTICULARLY
16 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
17 L-5611-21C; PROVIDING A DISCLAIMER THAT THE
18 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
23 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
24 application for a proposed Small-Scale Amendment to the Future Land
25 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
26 Future Land Use designation from Neighborhood Commercial (NC) to
27 Community/General Commercial (CGC) on approximately 6.62± acres of
28 certain real property in Council District 7 was filed by Michael
29 Sjuggerud, Esq., on behalf of the owner, Happywoods DG, L.L.C.; and

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

1 and rendered an advisory recommendation to the City Council with
2 respect to 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
7 recommendation 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
15 Section 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance*
16 *Code*, and considered all oral and written comments received during
17 public hearings, including the data and analysis portions of this
18 proposed amendment to the *2030 Comprehensive Plan* and the
19 recommendations of the Planning and Development Department, the
20 Planning Commission and the 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
31 to carry out the purpose and intent of, and exercise the authority

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

4 **Section 2. Subject Property Location and Description.** The
5 approximately 6.62± acres are located in Council District 7 at 12233
6 West Sago Avenue, 12309 West Sago Avenue and 104 New Berlin Road,
7 between New Berlin Road and Interstate-295 (R.E. Nos. 106860-0010,
8 106863-0000 and 107440-0000), as more particularly described in
9 **Exhibit 1**, dated October 18, 2021, and graphically depicted in **Exhibit**
10 **2**, both **attached hereto** and incorporated herein by this reference
11 (the "Subject Property").

12 **Section 3. Owner and Applicant Description.** The Subject
13 Property is owned by Happywoods DG, L.L.C. The applicant is Michael
14 Sjuggerud, Esq., 1022 Park Street, Suite 308, Jacksonville, Florida
15 32204; (904) 899-9926.

16 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
17 City Council hereby adopts a proposed Small-Scale revision to the
18 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
19 the Future Land Use Map designation from Neighborhood Commercial (NC)
20 to Community/General Commercial (CGC), pursuant to Application Number
21 L-5611-21C.

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

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

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

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

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

22 **Section 8. Effective Date.** This Ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 _____
/s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Marcus Salley

31 GC-#1465341-v2-2021-830_(L-5611-21C).docx