

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

4 **ORDINANCE 2021-803**

5 AN ORDINANCE REZONING APPROXIMATELY 8.57± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 703 NEW BERLIN
7 ROAD, BETWEEN GILLESPIE AVENUE AND PULASKI ROAD
8 (R.E. NO. 106987-0000), OWNED BY SN FIVE
9 INVESTORS, L.L.C., AS DESCRIBED HEREIN, FROM
10 COMMERCIAL OFFICE (CO) DISTRICT AND RESIDENTIAL
11 LOW DENSITY-60 (RLD-60) DISTRICT TO RESIDENTIAL
12 MEDIUM DENSITY-C (RMD-C) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, PURSUANT TO
14 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
15 AMENDMENT APPLICATION NUMBER L-5619-21C;
16 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
19 EFFECTIVE DATE.
20

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-5619-21C; 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-5619-21C, an application to rezone and reclassify from
29 Commercial Office (CO) District and Residential Low Density-60 (RLD-
30 60) District to Residential Medium Density-C (RMD-C) District was
31 filed by T.R. Hainline, Esq, on behalf of the owner of approximately

1 8.57± acres of certain real property in Council District 7, as more
2 particularly described 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 8.57± acres (R.E. No. 106987-0000) are located in
22 Council District 7 at 703 New Berlin Road, between Gillespie Avenue
23 and Pulaski Road, as more particularly described in **Exhibit 1**, dated
24 September 27, 2021, and graphically depicted in **Exhibit 2**, both of
25 which are **attached hereto** and incorporated herein by this reference
26 (the "Subject Property").

27 **Section 2. Owner and Applicant Description.** The Subject
28 Property is owned by SN Five Investors, L.L.C. The applicant is T.R.
29 Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
30 Florida 32207; (904) 346-5531.

31 **Section 3. Property Rezoned.** The Subject Property,

1 pursuant to adopted companion Small-Scale Amendment Application L-
2 5619-21C, is hereby rezoned and reclassified from Commercial Office
3 (CO) District and Residential Low Density-60 (RLD-60) District to
4 Residential Medium Density-C (RMD-C) District.

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

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

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

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connie Quinto

6 GC-#1462372-v1A-2021-803_(Z-3812).docx