

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-391**

5 AN ORDINANCE REZONING APPROXIMATELY 14.22± ACRES
6 LOCATED IN COUNCIL DISTRICTS 2 AND 7 AT 0 NEW
7 BERLIN ROAD AND 953 NEW BERLIN ROAD, BETWEEN NEW
8 BERLIN ROAD AND STARRATT ROAD (R.E. NOS. 106953-
9 0105 AND 106665-0000), OWNED BY CHETS CREEK
10 NORTHSIDE, LLC AND CHETS CREEK STARRATT, LLC,
11 AS DESCRIBED HEREIN, FROM PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT (2006-867-E),
13 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT
14 AND COMMERCIAL NEIGHBORHOOD (CN) DISTRICT TO
15 COMMERCIAL, RESIDENTIAL AND OFFICE (CRO)
16 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
17 ZONING CODE, PURSUANT TO FUTURE LAND USE MAP
18 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
19 NUMBER L-5683-22C; PROVIDING A DISCLAIMER THAT
20 THE REZONING GRANTED HEREIN SHALL NOT BE
21 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
22 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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24 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
25 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
26 portions of the Future Land Use Map series (FLUMs) in order to ensure
27 the accuracy and internal consistency of the plan, pursuant to
28 companion application L-5683-22C; and

29 **WHEREAS**, in order to ensure consistency of zoning district with
30 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5683-22C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (2006-867-E), Commercial
2 Community/General-1 (CCG-1) District and Commercial Neighborhood (CN)
3 District to Commercial, Residential and Office (CRO) District was
4 filed by Cyndy Trimmer, Esq., on behalf of the owners of approximately
5 14.22± acres of certain real property in Council Districts 2 and 7,
6 as more particularly described in Section 1; and

7 **WHEREAS**, the Planning and Development Department, in order to
8 ensure consistency of this zoning district with the *2030 Comprehensive*
9 *Plan*, has considered the rezoning and has rendered an advisory
10 opinion; and

11 **WHEREAS**, the Planning Commission has considered the application
12 and has rendered an advisory opinion; and

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

16 **WHEREAS**, the City Council, after due notice, held a public
17 hearing, and taking into consideration the above recommendations as
18 well as all oral and written comments received during the public
19 hearings, the Council finds that such rezoning is consistent with the
20 *2030 Comprehensive Plan* adopted under the comprehensive planning
21 ordinance for future development of the City of Jacksonville; now,
22 therefore

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

24 **Section 1. Subject Property Location and Description.** The
25 approximately 14.22± acres are located in Council Districts 2 and 7
26 at 0 New Berlin Road and 953 New Berlin Road, between New Berlin Road
27 and Starratt Road (R.E. Nos. 106953-0105 and 106665-0000), as more
28 particularly described in **Exhibit 1**, dated March 25, 2022, and
29 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
30 and incorporated herein by this reference (the "Subject Property").

31 **Section 2. Owner and Applicant Description.** The Subject

1 Property is owned by Chets Creek Northside, LLC and Chets Creek
2 Starratt, LLC. The applicant is Cyndy Trimmer, Esq., 1 Independent
3 Drive, Suite 1200, Jacksonville, Florida 32202; (904) 807-0185.

4 **Section 3. Property Rezoned.** The Subject Property,
5 pursuant to adopted companion Small-Scale Amendment Application L-
6 5683-22C, is hereby rezoned and reclassified from Planned Unit
7 Development (PUD) District (2006-867-E), Commercial
8 Community/General-1 (CCG-1) District and Commercial Neighborhood (CN)
9 District to Commercial, Residential and Office (CRO) District.

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

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

30 **Section 6. Effective Date.** The enactment of this Ordinance
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council
2 President and the Council Secretary.

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4 Form Approved:

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6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Erin Abney

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