

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-416-E**

5 AN ORDINANCE REZONING APPROXIMATELY 7.17± ACRES
6 LOCATED IN COUNCIL DISTRICT 3 AT 0 SAN PABLO ROAD
7 SOUTH, BETWEEN SAM YEPEZ ROAD AND W M DAVIS
8 PARKWAY, OWNED BY ESTUARY, LLC, AS DESCRIBED
9 HEREIN, FROM PLANNED UNIT DEVELOPMENT (PUD)
10 DISTRICT (2002-924-E) TO PLANNED UNIT
11 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
12 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
13 MULTI-FAMILY RESIDENTIAL, AS DESCRIBED IN THE
14 REVISED SOUTH SAN PABLO PARKWAY PUD, PURSUANT TO
15 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
16 AMENDMENT APPLICATION NUMBER L-5563-21C; PUD
17 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER THAT
18 THE REZONING GRANTED HEREIN SHALL NOT BE
19 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
20 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
24 portions of the Future Land Use Map series (FLUMs) in order to ensure
25 the accuracy and internal consistency of the plan, pursuant to the
26 companion land use application L-5563-21C; and

27 **WHEREAS,** in order to ensure consistency of zoning district with
28 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
29 Amendment L-5563-21C, an application to rezone and reclassify from
30 Planned Unit Development (PUD) District (2002-924-E) to Planned Unit
31 Development (PUD) District was filed by Paul M. Harden, Esq., on

1 behalf of the owner of approximately 7.17± acres of certain real
2 property in Council District 3, as more particularly described in
3 Section 1; and

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

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

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

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

19 **WHEREAS**, the Council finds that the proposed PUD does not affect
20 adversely the orderly development of the City as embodied in the
21 *Zoning Code*; will not affect adversely the health and safety of
22 residents in the area; will not be detrimental to the natural
23 environment or to the use or development of the adjacent properties
24 in the general neighborhood; and the proposed PUD will accomplish the
25 objectives and meet the standards of Section 656.340 (Planned Unit
26 Development) of the *Zoning Code* of the City of Jacksonville; now,
27 therefore

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

29 **Section 1. Subject Property Location and Description.** The
30 approximately 7.17± acres are located in Council District 3, at 0 San
31 Pablo Road South, between Sam Yepez Road and W M Davis Parkway, as

1 more particularly described in **Exhibit 1**, dated April 15, 2021, and
2 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
3 and incorporated herein by this reference (the "Subject Property").

4 **Section 2. Owner and Applicant Description.** The Subject
5 Property is owned by Estuary, LLC. The applicant is Paul M. Harden,
6 Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida
7 32207; (904) 396-5731.

8 **Section 3. Property Rezoned.** The Subject Property,
9 pursuant to adopted companion Small-Scale Amendment L-5563-21C, is
10 hereby rezoned and reclassified from Planned Unit Development (PUD)
11 District (2002-924-E) to Planned Unit Development (PUD) District.
12 This new PUD district shall generally permit multi-family
13 residential, and is described, shown and subject to the following
14 documents, **attached hereto**:

15 **Exhibit 1** - Legal Description dated April 15, 2021.

16 **Exhibit 2** - Subject Property Map (prepared by P&DD).

17 **Exhibit 3** - Written Description dated July 16, 2021.

18 **Exhibit 4** - Site Plan dated March 29, 2021.

19 **Section 4. Rezoning Approved Subject to Condition.** This
20 rezoning is approved subject to the following condition. Such
21 condition controls over the Written Description and the Site Plan and
22 may only be amended through a rezoning.

23 (1) Pursuant to Policy 4.1.5 of the Transportation
24 Element of the 2030 Comprehensive Plan, the applicant or its successor
25 must provide for the convenient and safe access by, and securing of,
26 bicycles on site.

27 **Section 5. Contingency.** This rezoning shall not become
28 effective until 31 days after adoption of the companion Small-Scale
29 Amendment unless challenged by the state land planning agency; and
30 further provided that if the companion Small-Scale Amendment is

1 challenged by the state land planning agency, this rezoning shall not
2 become effective until the state land planning agency or the
3 Administration Commission issues a final order determining the
4 companion Small-Scale Amendment is in compliance with Chapter 163,
5 *Florida Statutes*.

6 **Section 6. Disclaimer.** The rezoning granted herein
7 shall not be construed as an exemption from any other applicable
8 local, state, or federal laws, regulations, requirements, permits or
9 approvals. All other applicable local, state or federal permits or
10 approvals shall be obtained before commencement of the development
11 or use and issuance of this rezoning is based upon acknowledgement,
12 representation and confirmation made by the applicant(s), owner(s),
13 developer(s) and/or any authorized agent(s) or designee(s) that the
14 subject business, development and/or use will be operated in strict
15 compliance with all laws. Issuance of this rezoning does not approve,
16 promote or condone any practice or act that is prohibited or
17 restricted by any federal, state or local laws.

18 **Section 7. Effective Date.** The enactment of this Ordinance
19 shall be deemed to constitute a quasi-judicial action of the City
20 Council and shall become effective upon signature by the Council
21 President and the Council Secretary.

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23 Form Approved:

24
25 /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Krista Fogarty

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