

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-366-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.92± ACRES,
6 LOCATED IN COUNCIL DISTRICT 3 AT 0 SAN PABLO
7 PARKWAY AND 0 SAN PABLO ROAD, BETWEEN SAN PABLO
8 PARKWAY AND SAN PABLO ROAD SOUTH (PORTIONS OF
9 R.E. NOS. 167452-0060 AND 167452-0500), AS
10 DESCRIBED HEREIN, OWNED BY PABLO HOLDINGS, LLC,
11 AND ESTUARY, LLC, FROM RESIDENTIAL RURAL-ACRE
12 (RR-ACRE) DISTRICT AND PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT (ORDINANCE 2002-924-E) TO PLANNED
14 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 COMMERCIAL USES, AS DESCRIBED IN THE SAN PABLO
17 PARKWAY COMMERCIAL PUD, PURSUANT TO FUTURE LAND
18 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
19 APPLICATION NUMBER L-5335-18C; PUD SUBJECT TO
20 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
21 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS
22 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment
26 to the *2030 Comprehensive Plan* for the purpose of revising portions of
27 the Future Land Use Map series (FLUMs) in order to ensure the accuracy
28 and internal consistency of the plan, pursuant to application L-5335-
29 18C and companion land use Ordinance 2019-365; and

30 **WHEREAS**, in order to ensure consistency of zoning district with

1 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
2 Amendment L-5335-18C, an application to rezone and reclassify from
3 Residential Rural-Acre (RR-Acre) District and Planned Unit Development
4 (PUD) District (Ordinance 2002-924-E) to Planned Unit Development (PUD)
5 District, was filed by Paul M. Harden, Esq., on behalf of Pablo
6 Holdings, LLC, and Estuary, LLC, the owners of approximately 2.92±
7 acres of certain real property in Council District 3, as more
8 particularly described in Section 1; and

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

13 **WHEREAS**, the Planning Commission has considered the application
14 and has rendered an advisory opinion; and

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

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

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

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 2.92± acres (portions of R.E. Nos. 167452-0060 and
4 167452-0500) is located in Council District 3 at 0 San Pablo Parkway
5 and 0 San Pablo Road, between San Pablo Parkway and San Pablo Road
6 South, as more particularly described in **Revised Exhibit 1**, dated March
7 19, 2019, **attached hereto** and incorporated herein by this reference
8 (Subject Property).

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by Pablo Holdings, LLC, and Estuary, LLC and is
11 legally described in **Revised Exhibit 1, attached hereto**. The agent is
12 Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
13 Florida 32202; (904) 396-5731.

14 **Section 3. Property Rezoned.** The Subject Property, pursuant
15 to adopted companion Small-Scale Amendment L-5335-18C, is hereby
16 rezoned and reclassified from Residential Rural-Acre (RR-Acre) District
17 and Planned Unit Development (PUD) District (Ordinance 2002-924-E) to
18 Planned Unit Development (PUD) District. This new PUD district shall
19 generally permit commercial uses, and is described, shown and subject
20 to the following **attached** documents:

21 **Revised Exhibit 1** - Revised Legal Description dated March 19, 2019.

22 **Exhibit 2** - Subject Property per P&DD.

23 **Exhibit 3** - Written Description dated April 12, 2019.

24 **Revised Exhibit 4** - Revised Site Plan dated July 12, 2019.

25 **Section 4. Rezoning Approved Subject to Conditions.** This
26 rezoning is approved subject to the following conditions. Such
27 conditions control over the Written Description and Site Plan and may
28 only be amended through a rezoning.

29 (1) The development of the site is subject to the Transportation
30 Planning Division memorandum dated June 5, 2019.

31 (2) The development of the site is subject to the Traffic

1 Engineering Division email dated May 29, 2019.

2 (3) Prior to the first final inspection within any phase of
3 development, the owner or their agent shall submit to the Planning and
4 Development Department for its review and approval either: (a) an
5 affidavit documenting that all conditions to the development order have
6 been satisfied, or (b) a detailed agreement for the completion of all
7 conditions to the development order.

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

17 **Section 6. Disclaimer.** The rezoning granted herein shall
18 not be construed as an exemption from any other applicable local,
19 state, or federal laws, regulations, requirements, permits or
20 approvals. All other applicable local, state or federal permits or
21 approvals shall be obtained before commencement of the development or
22 use and issuance of this rezoning is based upon acknowledgement,
23 representation and confirmation made by the applicant(s), owner(s),
24 developer(s) and/or any authorized agent(s) or designee(s) that the
25 subject business, development and/or use will be operated in strict
26 compliance with all laws. Issuance of this rezoning does not approve,
27 promote or condone any practice or act that is prohibited or restricted
28 by any federal, state or local laws.

29 **Section 7. Effective Date.** The enactment of this Ordinance
30 shall be deemed to constitute a quasi-judicial action of the City
31 Council and shall become effective upon signature by the Council

1 President and the Council Secretary.

2 Form Approved:

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4 /S/ Shannon K. Eller

5 Office of General Counsel

6 Legislation Prepared By: Andrew Hetzel

7 GC-#1295754-v1-2019-366-E