

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-365-E**

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 USE  
8 DESIGNATION FROM RESIDENTIAL-PROFESSIONAL-  
9 INSTITUTIONAL (RPI) AND LOW DENSITY RESIDENTIAL  
10 (LDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON  
11 APPROXIMATELY 2.92± ACRES LOCATED IN COUNCIL  
12 DISTRICT 3 AT 0 SAN PABLO PARKWAY AND 0 SAN PABLO  
13 ROAD, BETWEEN SAN PABLO PARKWAY AND SAN PABLO ROAD  
14 SOUTH, OWNED BY PABLO HOLDINGS, LLC, AND ESTUARY,  
15 LLC, AS MORE PARTICULARLY DESCRIBED HEREIN,  
16 PURSUANT TO APPLICATION NUMBER L-5335-18C;  
17 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED  
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM  
19 ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
20 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 Use  
25 Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future  
26 Land Use designation from Residential-Professional-Institutional (RPI)  
27 and Low Density Residential (LDR) to Community/General Commercial (CGC)  
28 on 2.92± acres of certain real property in Council District 3, was  
29 filed by Paul M. Harden, Esq., on behalf of the owners, Pablo Holdings,  
30 LLC, and Estuary, LLC; and

31 **WHEREAS**, the Planning and Development Department reviewed the

1 proposed revision and application and has prepared a written report and  
2 rendered an advisory recommendation to the City Council with respect to  
3 the proposed amendment; and

4 **WHEREAS**, the Planning Commission, acting as the Local Planning  
5 Agency (LPA), held a public hearing on this proposed amendment, with  
6 due public notice having been provided, reviewed and considered  
7 comments received during the public hearing and made its recommendation  
8 to the City Council; and

9 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City  
10 Council held a public hearing on this proposed amendment to the *2030*  
11 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,  
12 considered all written and oral comments received during the public  
13 hearing, and has made its recommendation to the City Council; and

14 **WHEREAS**, the City Council held a public hearing on this proposed  
15 amendment, with public notice having been provided, pursuant to Section  
16 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance Code*, and  
17 considered all oral and written comments received during public  
18 hearings, including the data and analysis portions of this proposed  
19 amendment to the *2030 Comprehensive Plan* and the recommendations of the  
20 Planning and Development Department, the Planning Commission and the  
21 LUZ Committee; and

22 **WHEREAS**, in the exercise of its authority, the City Council has  
23 determined it necessary and desirable to adopt this proposed amendment  
24 to the *2030 Comprehensive Plan* to preserve and enhance present  
25 advantages, encourage the most appropriate use of land, water, and  
26 resources consistent with the public interest, overcome present  
27 deficiencies, and deal effectively with future problems which may  
28 result from the use and development of land within the City of  
29 Jacksonville; now, therefore

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

31 **Section 1. Purpose and Intent.** This Ordinance is adopted to

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

4       **Section 2.       Subject Property Location and Description.** The  
5 approximately 2.92± acres (portions of R.E. Nos. 167452-0060 and  
6 167452-0500) is located in Council District 3 at 0 San Pablo Parkway  
7 and 0 San Pablo Road, between San Pablo Parkway and San Pablo Road  
8 South, as more particularly described in **Exhibit 1**, dated March 19,  
9 2019, and graphically depicted in **Exhibit 2**, both **attached hereto** and  
10 incorporated herein by this reference (Subject Property).

11       **Section 3.       Owner and Applicant Description.** The subject  
12 property is owned by Pablo Holdings, LLC, and Estuary, LLC. The  
13 applicant is Paul M. Harden, Esq., 501 Riverside Avenue, Suite 501,  
14 Jacksonville, Florida 32202; (904) 396-5731.

15       **Section 4.       Adoption of Small-Scale Land Use Amendment.** The  
16 City Council hereby adopts a proposed Small-Scale revision to the  
17 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
18 the Future Land Use Map designation from Residential-Professional-  
19 Institutional (RPI) and Low Density Residential (LDR) to  
20 Community/General Commercial (CGC), pursuant to Application Number L-  
21 5335-18C.

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 is  
28 subject to the *2030 Comprehensive Plan*, as herein amended, shall be  
29 consistent therewith as of the effective date of this amendment to the  
30 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 date  
3 of this plan amendment shall be thirty-one (31) days after adoption.

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

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

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

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25 Form Approved:

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27           /s/ Shannon K. Eller          

28 Office of General Counsel

29 Legislation Prepared By: Kristen Reed

30 GC-#1283410-v1-L-5335\_SS\_LU