

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-828-E**

5 AN ORDINANCE DENYING A REQUEST FOR REZONING
6 APPROXIMATELY 29.77± ACRES LOCATED IN COUNCIL
7 DISTRICT 3 AT 0 AND 4920 SAN PABLO ROAD SOUTH,
8 AT THE SOUTHWEST CORNER OF THE INTERSECTION
9 BETWEEN J. TURNER BUTLER BOULEVARD AND SAN PABLO
10 ROAD SOUTH (R.E. NO(S). 167766-0500 AND 167766-
11 0400), OWNED BY SP 1776, LLC, FROM COMMERCIAL
12 OFFICE (CO) DISTRICT TO PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, TO PERMIT MULTI-FAMILY
15 DWELLINGS, RESTAURANTS, OFFICES AND COMMERCIAL
16 USES; AS DESCRIBED IN THE SAN PABLO MIXED-USE
17 PUD; PROVIDING AN EFFECTIVE DATE.
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19 **WHEREAS,** SP 1776, LLC, the owner of approximately 29.77± acres
20 located in Council District 3 at 0 and 4920 San Pablo Road South, at
21 the southwest corner of the intersection between J. Turner Butler
22 Boulevard and San Pablo Road South (R.E. No(s). 167766-0500 and
23 167766-0400), as more particularly described in **Exhibit 1**, dated
24 November 6, 2023, and graphically depicted in **Exhibit 2**, both of
25 which are attached hereto (the "Subject Property"), has applied for
26 a rezoning and reclassification of the Subject Property from
27 Commercial Office (CO) District to Planned Unit Development (PUD)
28 District, as described in Section 1 below; and

29 **WHEREAS,** the Planning Commission, acting as the local planning
30 agency, has reviewed the application and made an advisory
31 recommendation to the Council; and

1 **WHEREAS**, the Land Use and Zoning Committee, after due notice
2 and public hearing, has made its recommendation to the Council; now
3 therefore

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

5 **Section 1. Property Rezoning Denied.** The City Council
6 denies the rezoning of the Subject Property from Commercial Office
7 (CO) District to Planned Unit Development (PUD) District, which would
8 have generally permitted multi-family dwellings, restaurants, offices
9 and commercial uses, as set forth in the following documents submitted
10 by the applicant, attached hereto:

11 **Exhibit 1** - Legal Description dated November 6, 2023.

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

13 **Exhibit 3** - Written Description dated October 3, 2024.

14 **Exhibit 4** - Site Plan dated October 3, 2024.

15 Pursuant to section 656.341(d), *Ordinance Code*, in addition to
16 the criteria set forth in Section 656.125, *Ordinance Code*, there are
17 several criteria to be considered specifically when evaluating an
18 application for rezoning to the Planned Unit Development district.
19 One of those criteria is external compatibility. Pursuant to section
20 656.341(d) (5), *Ordinance Code*, all land uses within a proposed Planned
21 Unit Development should be compatible with existing and planned uses
22 of properties surrounding the proposed Planned Unit Development and
23 not have any avoidable or undue adverse impact on existing or planned
24 surrounding uses. The evaluation of external compatibility of a
25 proposed Planned Unit Development is based on several enumerated
26 factors, including any other factor deemed relevant to the privacy,
27 safety, preservation, protection or welfare of lands surrounding the
28 proposed Planned Unit Development which includes any existing or
29 planned use of such lands. The Planning Department staff analyzed
30 the documents submitted by the applicant, as referenced above, and
31 determined that "the signs seem excessive in relation to the

1 surrounding area.” The Planning Department report explained that San
2 Pablo Road is a dead-end road with little traffic and that the “sign
3 area is more appropriate to an arterial roadway not a local road with
4 minimal traffic and a 30 mph speed limit.” The Planning Department
5 recognized that **Exhibit 3**, does not indicate a maximum height for the
6 ground signs. Thus, the Planning Department concluded that the
7 proposed Planned Unit Development as set forth in the documents above,
8 did not meet these criteria. The Planned Unit Development therefore
9 does not meet the external compatibility criteria set forth in section
10 656.341, *Ordinance Code*.

11 Additionally, pursuant to Section 656.125(c), *Ordinance Code*,
12 uses permitted under a proposed rezoning must be consistent or
13 compatible with the existing and proposed land uses and zoning of
14 adjacent and nearby properties or the general area or will not deviate
15 from an established or developing logical and orderly development
16 pattern. The Planning Department report indicates that the Subject
17 Property is located on the southwest corner of the intersection of
18 JTB Boulevard and San Pablo Road. The Planning Department report
19 indicates that there is intensive residential development to the east
20 of San Pablo Road, including the 56-unit Marina San Pablo Condos, 26
21 Aphora at Marina San Pablo townhomes, and the 29-unit Sayla
22 Apartments. However, the Planning Department report also indicates
23 that the residential development southwest of the JTB Boulevard and
24 San Pablo Road intersection is much less intensive. The Planning
25 Department report notes that to the west and to the south of the
26 Subject Property are single-family subdivisions. The Planning
27 Department indicates that there is no adjacent multi-family
28 residential development located southwest of the JTB Boulevard and
29 San Pablo Road intersection. The Planning Department report indicates
30 that there is no single-family residential development on the
31 southeast corner of the intersection of JTB Boulevard and San Pablo

1 Road. Thus, there is a clear development pattern distinction between
2 the eastern, more intensive residential development, and western
3 portions, less intensive residential development, of San Pablo Road,
4 south of JTB Boulevard. The map provided in the Planning Department
5 report shows the large single family residential lots abutting the
6 Subject Property all along the western and southern edges of the
7 Subject Property. And the more intensive residential development,
8 east of San Pablo Road, is much smaller in impact, 56 units at the
9 Marina San Pablo Condos, 26 townhomes at Aphora at Marina San Pablo
10 and the 29-unit Sayla Apartments. In contrast to these smaller
11 developments, to the south and east of the Subject Property are 350
12 single-family homes. Thus, the proposed development of 250 multi-
13 family units on the Subject Property on the southwest corner of the
14 intersection of JTB Boulevard and San Pablo Road is not consistent
15 or compatible with the existing and proposed land uses and zoning of
16 adjacent and nearby properties or the general area and will deviate
17 from the established or developing logical and orderly development
18 pattern. This position was bolstered by the extensive public comment
19 provided during the public hearing.

20 **Section 2. Owner and Description.** The Subject Property is
21 owned by SP 1776, LLC, and is legally described in **Exhibit 1**, attached
22 hereto. The applicant is Steve Diebenow, Esq., 1 Independent Drive,
23 Suite 1200, Jacksonville, Florida, 32202; (904) 301-1269.

24 **Section 3. Effective Date.** The enactment of this Ordinance
25 shall be deemed to constitute a quasi-judicial action of the City
26 Council and shall become effective upon signature by the Council
27 President and Council Secretary.

1 Form Approved:

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3 /s/ Dylan Reingold

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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