

1 Introduced by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2019-366**

5 AN ORDINANCE REZONING APPROXIMATELY 3.60± 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; PROVIDING A
20 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
21 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
22 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
23

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

1 Residential Rural-Acre (RR-Acre) District and Planned Unit Development
2 (PUD) District (Ordinance 2002-924-E) to Planned Unit Development (PUD)
3 District, was filed by Paul M. Harden, Esq., on behalf of Pablo
4 Holdings, LLC, and Estuary, LLC, the owners of approximately 3.60±
5 acres of certain real property in Council District 3, as more
6 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 opinion;
10 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 Council, after due notice, held a public hearing,
17 and taking into consideration the above recommendations as well as all
18 oral and written comments received during the public hearings, the
19 Council finds that such rezoning is consistent with the *2030*
20 *Comprehensive Plan* adopted under the comprehensive planning ordinance
21 for future development of the City of Jacksonville; and

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 3.60± acres (portions of R.E. Nos. 167452-0060 and
2 167452-0500) is located in Council District 3 at 0 San Pablo Parkway
3 and 0 San Pablo Road, between San Pablo Parkway and San Pablo Road
4 South, as more particularly described in **Exhibit 1**, dated November 30,
5 2018, **attached hereto** and incorporated herein by this reference
6 (Subject Property).

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

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

19 **Exhibit 1** - Legal Description dated November 30, 2018.

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

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

22 **Exhibit 4** - Site Plan dated March 1, 2019.

23 **Section 4. Contingency.** This rezoning shall not become
24 effective until 31 days after adoption of the companion Small-Scale
25 Amendment unless challenged by the state land planning agency; and
26 further provided that if the companion Small-Scale Amendment is
27 challenged by the state land planning agency, this rezoning shall not
28 become effective until the state land planning agency or the
29 Administration Commission issues a final order determining the
30 companion Small-Scale Amendment is in compliance with Chapter 163,
31 *Florida Statutes*.

1 **Section 5. Disclaimer.** The rezoning granted herein shall
2 not be construed as an exemption from any other applicable local,
3 state, or federal laws, regulations, requirements, permits or
4 approvals. All other applicable local, state or federal permits or
5 approvals shall be obtained before commencement of the development or
6 use and issuance of this rezoning is based upon acknowledgement,
7 representation and confirmation made by the applicant(s), owner(s),
8 developer(s) and/or any authorized agent(s) or designee(s) that the
9 subject business, development and/or use will be operated in strict
10 compliance with all laws. Issuance of this rezoning does not approve,
11 promote or condone any practice or act that is prohibited or restricted
12 by any federal, state or local laws.

13 **Section 6. Effective Date.** The enactment of this Ordinance
14 shall be deemed to constitute a quasi-judicial action of the City
15 Council and shall become effective upon signature by the Council
16 President and the Council Secretary.

17
18 Form Approved:

19
20 /s/ Shannon K. Eller

21 Office of General Counsel

22 Legislation Prepared By: Andrew Hetzel

23 GC-#1283483-v1-z-2120_SS_COMP_PUD