

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

3 September 2020

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2020-482**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

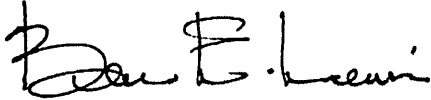
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 7-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Aye
David Hacker, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	Aye
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2020-482

September 3, 2020

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2020-482**.

Location: 465 Starratt Road; between New Berlin Road and Airport Center Drive East

Real Estate Number: 106642-0010

Current Zoning District: Planned Unit Development (PUD 2007-723-E)

Proposed Zoning District: Commercial Community/General-2 (CCG-1)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: District 6—North

Applicant/Agent: Cyndy Trimmer, Esq.
Driver, McAfee, Hawthorne, & Diebenow, PLLC
1 Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owners: The Church of Eleven22
14286 Beach Boulevard, Suite 2
Jacksonville Beach, Florida 32250

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2020-482** seeks to rezone 1.95± acres of a property from Planned Unit Development (PUD 2007-723-E) to Commercial Community/General-1 (CCG-1). The property is located in the Community/General Commercial (CGC) land use category within the Suburban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan.

The request is being sought in order to develop the site for an off-street commercial parking lot meeting the performance standards and criteria set forth in Part 4. Part 4 requirements are as follows:

Sec. 656.401 (o) (2) Off-street parking lots in the CCG-1, CCG-2, IBP, IL, IH and PBF-3 zoning districts shall be limited to the following:

- (i) The hours of use shall be limited to the hours of 7:00 a.m. to 11:00 p.m.
- (ii) There shall be no storage, sales or service activity of any kind on these lots.
- (iii) These parking lots shall be designed to meet the requirements of Part 12 of the Zoning Code (Landscape and Tree Protection Regulations).

The parking lot would be used for the new Eleven22 Church across the street. Last year, Eleven22 rezoned the shopping center (including a vacant Food Lion) with PUD Ord. 2019-432-E.

PUD Ord. 2007-723-E was approved with the following conditions:

- (a) Development shall proceed in accordance with the Traffic Engineering Division Memorandum dated July 5, 2007, or as otherwise approved by the Traffic Engineering Division and the Planning and Development Department.
- (b) Restaurants with drive-ins or drive-thrus shall only be permitted by Zoning Exception.
- (c) The retail sale of alcoholic beverages with the service of food shall only be permitted by Zoning Exception.
- (d) The road frontage setback shall be twenty feet, which shall include a ten foot reservation along Starratt Road for future widening, and a ten foot landscaped buffer within the required setback, which shall include four-inch diameter live oaks every fifty feet on center.
- (e) The site plan and architectural elevations shall be reviewed by the Planning and Development Department for consistency with the North Jacksonville Shared Vision and Master Plan at the time of verification of substantial compliance of the PUD.
- (f) Lighting structures shall be limited to twenty feet in height, with full cutoffs, and shall be architecturally compatible to the overall development.

The Planning & Development Department has reviewed the conditions of the enacted ordinance and forwards the following comments:

The rezoning request is a conventional rezoning therefore, cannot be conditioned. All conditions from the PUD will no longer apply to the subject property and if approved will be entitled the full allowance of CCG-1 as defined in Ch. 656 Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the

functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. ***Is the proposed rezoning consistent with the 2030 Comprehensive Plan?***

Yes. In accordance with Section 656.129 *Advisory recommendation on amendment of Zoning Code or rezoning of land* of the Zoning Code, the Planning and Development Department finds the subject property to be located in the Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

2. ***Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?***

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. Currently the site has a CGC land use designation. The area is a mix of CGC and LDR uses, with the CGC uses located in a nodal pattern approaching the Starratt Rd and New Berlin Road intersection. According to the Future Land Use Element (FLUE), CGC in the Suburban Area is intended to provide development in a nodal development pattern. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services; abut a roadway classified as an arterial or higher on the Functional Highway Classification Map; and which located in areas with an existing mix of non-residential uses. Nodal sites with two or more boundaries on a transportation right-of-way shall be considered preferred locations for these uses.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element

Policy 3.2.7

The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

The subject property is located off Starratt Road, a collector roadway, just north of the intersection with New Berlin Road. The area is a mix of CGC and LDR uses, with the CGC uses located in a nodal pattern approaching the Starratt Rd and New Berlin Road intersection. The property is allowed commercial uses but off-street parking is not one of the uses. The church is being proactive in providing overflow parking for its congregation.

Policy 3.2.4
The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

The subject property is not promoting commercial expansion because the property is already designated for Commercial uses under the CGC land use category. The current PUD does not allow for off-street parking so the applicant is asking for the CCG-1 zoning district to allow for that use with the Part 4 restrictions.

3. *Does the proposed rezoning conflict with any portion of the City's land use regulations?*

No. The proposed rezoning is not in conflict with any portion of the City's land use regulations. If approved, the subject property will be rezoned from PUD to CCG-1 in order to permit the development of an off-street commercial parking lot meeting the performance standards and criteria set forth in Part 4.

SURROUNDING LAND USE AND ZONING

The subject property is located off of Starratt Road, a collector roadway, just north of the intersection with New Berlin Road. The area is a mix of CGC and LDR uses, with the CGC uses located in a nodal pattern approaching the Starratt Rd and New Berlin Road intersection. The proposed rezoning to CCG-1 would allow the applicant to promote commercial infill and redevelop the vacant lot to be utilized by the new Eleven22 Church across the street as needed overflow parking. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-60	Mobile Home Park
East	CGC	PUD 2019-432-E	Shopping Center
South	CGC	CN/CCG-1	Vacant-Commercial
West	CGC	PUD 2006-867-E	Vacant-Church land

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-1 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 18, 2020 by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2020-482 be **APPROVED**.



Aerial



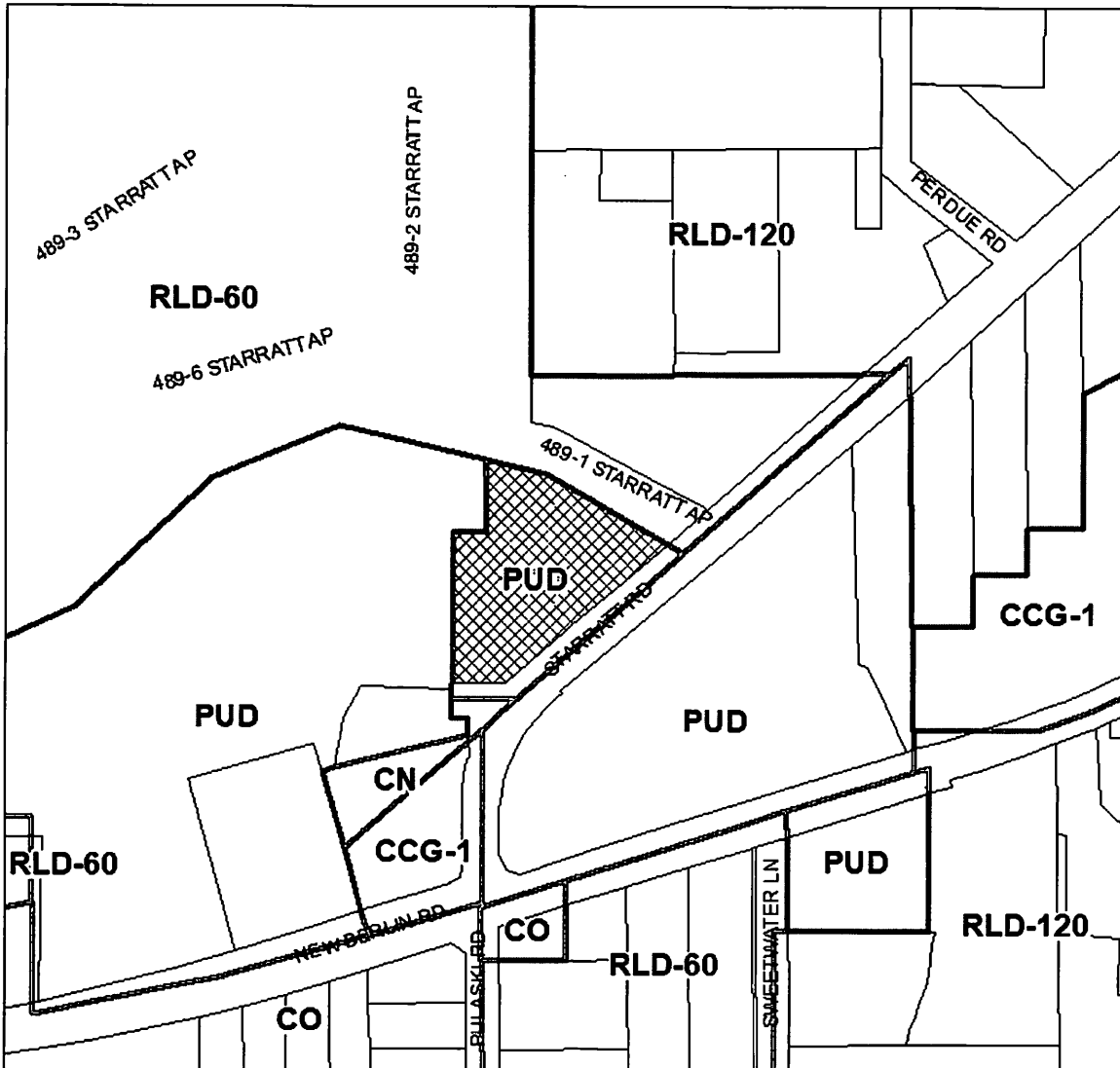
Subject Property

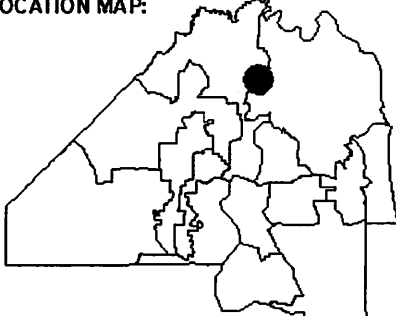
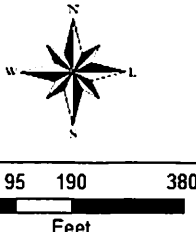
*Source: Planning & Development Dept
Date:08/18/2020*



Property across the street to contain Eleven22 Church

*Source: Planning & Development Dept
Date:08/18/2020*



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p>  <p>TRACKING NUMBER T-2020-2959</p>	 <p>COUNCIL DISTRICT: 7</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>
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Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2020-0482 Staff Sign-Off/Date CMQ / 07/02/2020
 Filing Date 08/11/2020 Number of Signs to Post 4
 Hearing Dates:
 1st City Council 09/09/2020 Planning Commission 09/03/2020
 Land Use & Zoning 09/15/2020 2nd City Council N/A
 Neighborhood Association
 Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 2959 Application Status PENDING
 Date Started 06/16/2020 Date Submitted 06/17/2020

General Information On Applicant

Last Name First Name Middle Name
 TRIMMER CYNDY
 Company Name
 DRIVER, MCAFFEE, HAWTHORNE AND DIEBENOW, PLLC
 Mailing Address
 1 INDEPENDENT DRIVE, SUITE 1200
 City State Zip Code
 JACKSONVILLE FL 32202
 Phone Fax Email
 9048070185 904 CKT@DRIVERMCAFFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name First Name Middle Name
 N/A N/A
 Company/Trust Name
 THE CHURCH OF ELEVEN22, INC.
 Mailing Address
 14286 BEACH BLVD., SUITE 2
 City State Zip Code
 JACKSONVILLE BEACH FL 32250
 Phone Fax Email
 9043011269

Property Information

Previous Zoning Application Filed For Site?
 If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 106642 0010	7	6	PUD	CGG-1

Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category
 CGC

Land Use Category Proposed?
 If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 1.95

Justification For Rezoning Application

TO PERMIT REDEVELOPMENT OF THE PROPERTY AS SURFACE PARKING IN SUPPORT OF THE NEIGHBORING PROJECT.

Location Of Property

General Location
 NORTHWEST CORNER OF STARRATT ROAD AND NEW BERLIN ROAD

House #	Street Name, Type and Direction	Zip Code
465	STARRATT RD	32218

Between Streets
 NEW BERLIN ROAD and PERDUE ROAD

Required Attachments For Formal, Complete application

The following items must be attached to each application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below for inclusion of information required.

- Exhibit 1** A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.
- Exhibit A** Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** Agent Authorization - Notarized letter(s) designating the agent.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

- One copy of the Deeds to indicate proof of property ownership.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be **POSTED** on the property **BY THE APPLICANT** within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING.** (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF PUBLICATION** to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest by my signature that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

- Agreed to and submitted

Filing Fee Information

- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof
1.95 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee
10 Notifications @ \$7.00 /each: \$70.00
- 4) Total Rezoning Application Cost: \$0.01

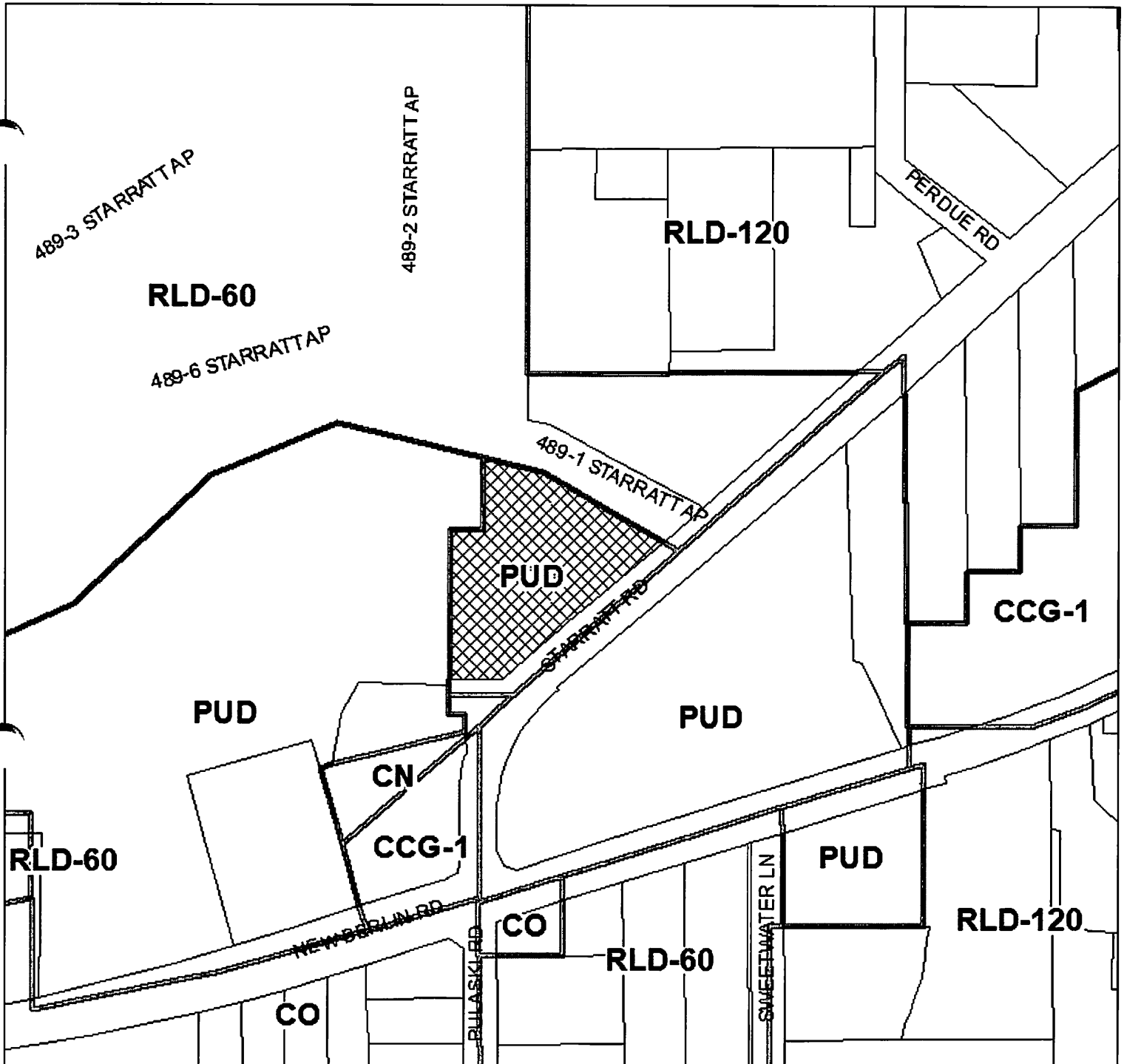
NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

June 16, 2020

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHEAST 1/4, OF SECTION 7, OF A SUBDIVISION OF THE JOHN BROWARD GRANT, SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST, CITY OF JACKSONVILLE, DUVAL COUNTY, FLORIDA; TOGETHER WITH A PORTION OF LOT 19, RHODES FARMS, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 46 OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, FLORIDA., SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, BEGIN AT THE MONUMENTED SOUTHEAST CORNER OF LOT 18 RHODES FARMS, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 46 OF THE CURRENT PUBLIC RECORDS OF SAID CITY OF JACKSONVILLE, DUVAL COUNTY, FLORIDA, AND RUN THENCE NORTH 02°24'00" WEST, ALONG THE EASTERLY LINE OF SAID LOT 18, RHODES FARMS, A DISTANCE OF 129.35 FEET, TO THE CENTERLINE OF THAT 60 FOOT DRAINAGE EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 6620, PAGE 1695 OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, FLORIDA; RUN THENCE, ALONG AFORESAID CENTERLINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 77°40'41" EAST, A DISTANCE: OF 115.53 FEET, TO A POINT; COURSE NO. 2: SOUTH 62°53'11" EAST, A DISTANCE OF 260.06 FEET, TO A POINT, ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STARRAT ROAD, (A 60 FOOT PUBLIC ROAD RIGHT OF WAY, AS PRESENTLY ESTABLISHED); RUN THENCE SOUTH 49°58'50" WEST ALONG THE AFORESAID NORTHWESTERLY RIGHT OF WAY LINE OF STARRAT ROAD, A DISTANCE OF 391.84 FEET, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FUTCH ROAD, (A 60 FOOT PUBLIC ROAD RIGHT OF WAY, AS PRESENTLY ESTABLISHED); RUN THENCE NORTH 89°17'07" WEST, ALONG THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF FUTCH ROAD, A DISTANCE OF 98.03 FEET, TO THE MONUMENTED SOUTHWEST CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 10752, PAGE 311 OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, FLORIDA, (AND ALSO BEING THE MONUMENTED SOUTHEAST CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 12027, PAGE 2307, PARCEL "A", OF AFORESAID CURRENT PUBLIC RECORDS); RUN THENCE NORTH 00°26'46" EAST, ALONG THE MONUMENTED WEST LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 10752, PAGE 311 OF SAID CURRENT PUBLIC RECORDS, (AND ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 12027, PAGE 2307, PARCEL "A"), A DISTANCE OF 265.90 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 18, RHODES FARMS, (AND ALSO BEING THE NORTHERLY LINE OF LOT 19, RHODES FARMS); RUN THENCE SOUTH 88°47'46" EAST, ALONG LAST SAID LINE, A DISTANCE OF 57.11 FEET, TO THE AFORESAID SOUTHEAST CORNER OF LOT 18, RHODES FARMS, AND THE POINT OF BEGINNING.

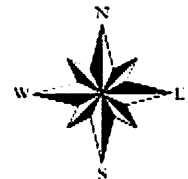
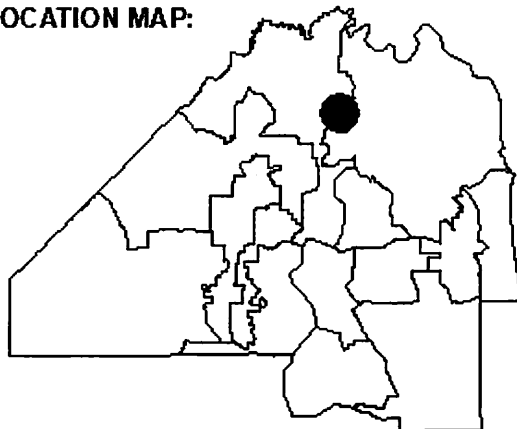


REQUEST SOUGHT:

FROM: PUD

TO: CCG-1

LOCATION MAP:



0 95 190 380



Feet

COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2020-2959

**EXHIBIT 2
PAGE 1 OF 1**