

City of Jacksonville, Florida

Donna Deegan, Mayor

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

September 7, 2023

The Honorable Ronald B. Salem, Pharm. D., President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2023-412**

Dear Honorable Council President Salem, Honorable Council Member and LUZ Chairperson Carrico 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: **6-0**

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
David Hacker	Aye
Morgan Roberts	Aye

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

Sincerely,

A handwritten signature in blue 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 2023-0412

SEPTEMBER 7, 2023

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 **2023-0412**.

Location: 620 Chaffee Road South, near the intersection of Chaffee Road South and Crystal Springs Road

Real Estate Number: 001848 0000

Current Zoning District: Residential Medium Density-MH (RMD-MH)

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

Current Land Use Category: Medium Density Residential (MDR)

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

Planning District: District 5 — Northwest

Applicant: Steve Diebenow, Esq.
Driver, McAfee, Hawthorne and Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: First Coast Energy, L.L.P.
7014 A.C. Skinner Parkway, Suite 290
Jacksonville, FL 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2023-0412** seeks to rezone 0.47± acres of a subject property from Residential Medium Density-MH (RMD-MH) to Commercial Community/General-1 (CCG-1). The subject property is currently split-zoned between RMD-MH and CCG-1, with the commercial portion currently being utilized as a Shell gas station and Daily's convenience store.

The request is being sought to reconfigure the existing gas station and add a car wash facility on-site.

There is a companion Small Scale Land Use Amendment L-5830-23C (**Ordinance 2023-0411**) that seeks to amend the land use on the property from Medium Density Residential (MDR) to Community/General Commercial (CGC). There is also a companion exception (**E-23-50/2023-0413**) which seeks to permit the outside sales and service of food, so that the applicant may build a patio space for the convenience store. Lastly, there is a companion administrative deviation (**AD-23-50/2023-0414**) to increase required parking spaces, and make adjustments to driveway access and uncomplimentary buffers.

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 2045 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 2045 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. *Is the proposed rezoning consistent with the 2045 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 that with the approval of companion Small Scale Land Use Amendment L-5830-23C (**Ordinance 2023-0411**), the subject property will 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 2045 Comprehensive Plan.

Community/General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. The proposed gas station and car wash are permitted in the CGC land use category.

2. *Does the proposed rezoning further the goals, objectives and policies of the 2045 Comprehensive Plan?*

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2045 Comprehensive Plan. According to the Future Land Use Element (FLUE), Community/General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns.

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 2045 Comprehensive Plan:

Future Land Use Element:

Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

The proposed rezoning at the subject site would promote the balance of residential and commercial uses within the immediate area given the subject property's primary access and location along Chaffee Road and promotes the redevelopment of an underutilized lot.

Objective 3.2

Promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The proposed rezoning to CCG-1 would sustain an existing but underutilized commercial parcel along Chaffee Road South and provide commercial services to the surrounding neighborhood.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 0.25 of an acre

General Location(s): The wetlands on site is a small portion of a larger wetland system associated with McGirts Creek. However, the wetland is located on the southern portion of the subject property and approximately 700 feet away from McGirts Creek. The flat

elevations prove that the wetlands in this vicinity are depressional where flood waters at this location will not recede into McGirts Ct creek but percolate into the groundwater table.

Airport Environment Zone

Height Restriction Zone

The site is located within the 150-foot Height and Hazard Zone for OLF Whitehouse. Zoning will limit development to a maximum height of 150 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Future Land Use Element

Objective 2.6

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities in accordance with the requirements of Section 163.3177, F.S.

Policy 2.6.16

Airport Height and Hazard zones (HH) exist around all military and civilian airports within the city limits of Jacksonville. The horizontal limits of the zones and limitations on heights of obstructions within these zones are defined for each military airport in Naval Facilities Engineering Command (NAVFAC) P-80.3 01/82, on file with the Planning and Development Department, and for each civilian airport in Title 14, Code of Federal Regulations (CFR), Part 77 guidelines, on file with the Planning and Development Department. In order to assure that Title 14, CFR, Part 77 guidelines and NAVFAC P-80.3 01/82 guidelines are not exceeded and that no structure or obstruction is permitted that would raise a minimal obstruction clearance altitude, a minimum vectoring descent altitude or a decision height, all cell towers and any structure or obstruction that would extend into an Airport (HH) requires, in writing, comment from the U.S. Navy. Although written documentation from the U.S. Navy for military HH and from the FAA or JAA for civilian HH is not required for proposed structure heights below the listed height, United States Code (USC) Title 14, CFR Part 77 still applies

Notice Zone

The site is also located in a Military Influence Zone for OLF Whitehouse

Military Influence Zones

Known as Airport Notice Zones in the Land Development Regulations. They encompass

all lands within accident potential zones, the lighting regulation zone for OLF Whitehouse, the 60-64.99 DNL noise contour, and the one hundred fifty (150) foot Height and Hazard Zone or inner horizontal and conical surface zones as shown on the Military and Civilian Influence Zones.

Execution of an Airport Notice Zone Acknowledgement for properties located within these zones is required pursuant to Section 656.1010, Ordinance Code.

Future Land Use Element

Policy 2.6.14

To ensure safety and education of citizens occupying properties that are located near military and civilian airports, the City requires disclosure of airport proximity to prospective owners or lessees in the Military and Civilian Influence Zones depicted on the Military and Civilian Influence Zones Map.

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 as recommended by the Staff of the Planning and Development Department, the subject property will be rezoned from RMD-MH to CCG-1 in order to permit for the redevelopment of the subject property into a gas station and car wash facility.

SURROUNDING LAND USE AND ZONING

The subject property is located at the intersection of Chaffee Road South and located just south of Interstate-10. The subject property is surrounded primarily by single-family dwellings to the north and west and commercial development to the east. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-MH	Mobile Home Park
East	CGC	CCG-1	Supermarket, Restaurants
South	CGC/LDR	CCG-1/RR-Acre	Vacant
West	MDR	RMD-MH	Mobile Home Park

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

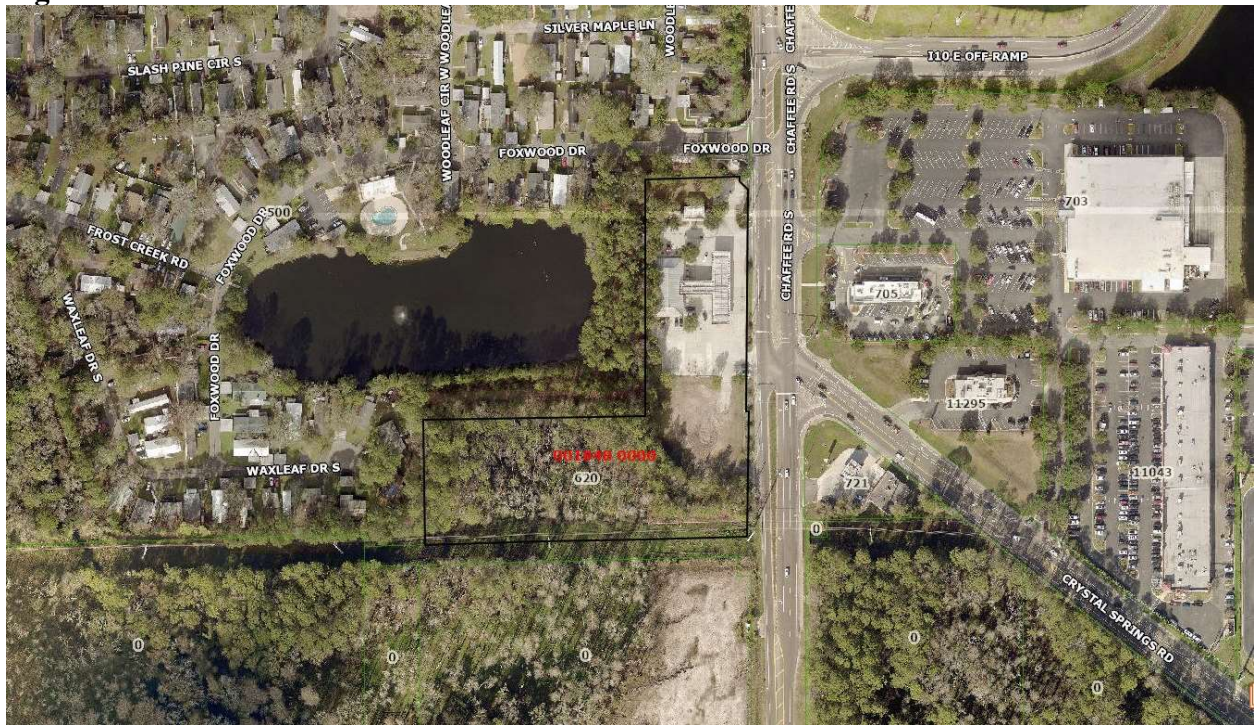
Upon visual inspection of the subject property on **August 31, 2023** by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2023-0412** be **APPROVED**.

Figure A:



Source: Planning & Development Department, 8/18/2023
Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Department, 08/31/2023

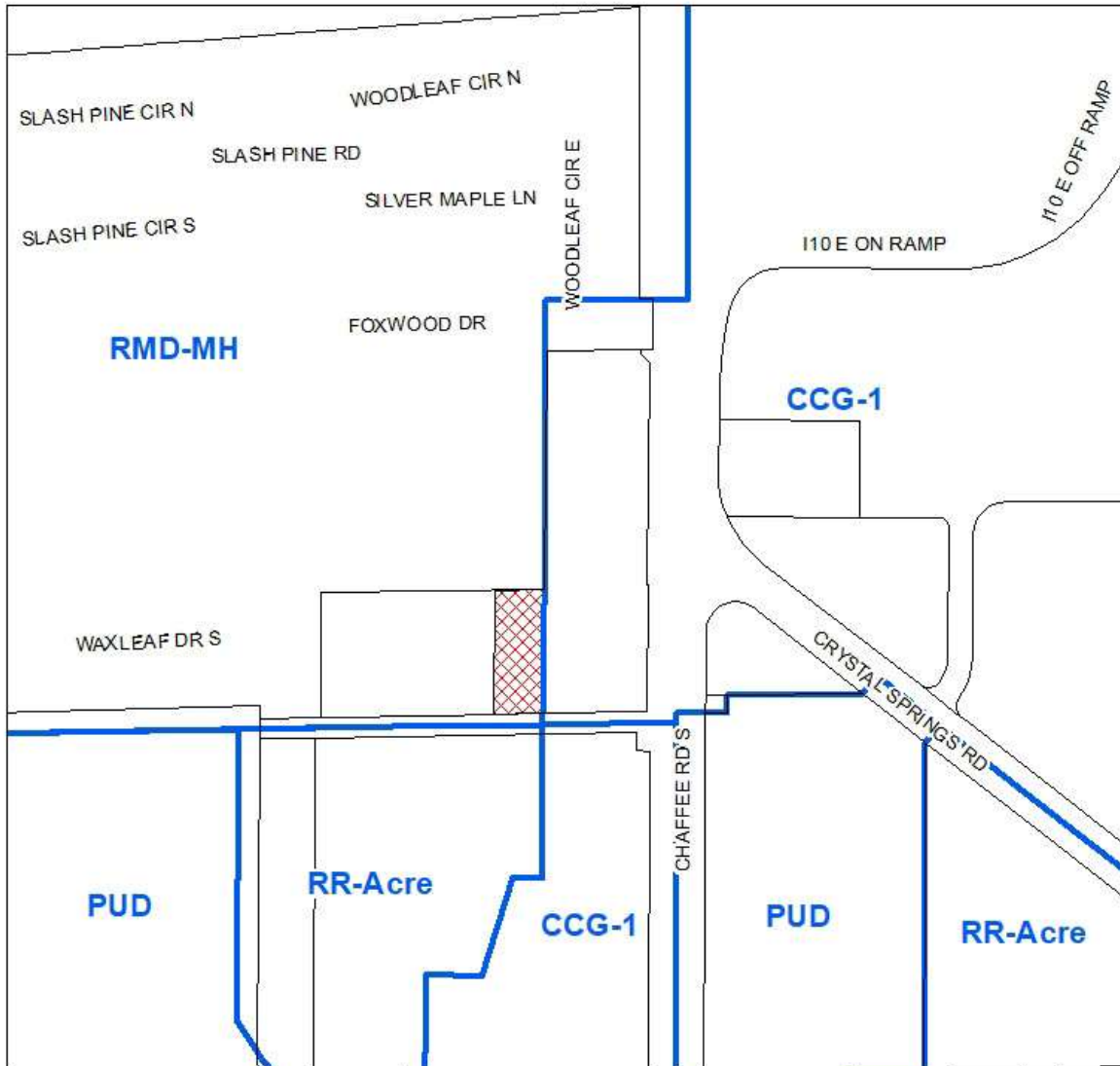
View of the existing gas station that will be demolished and replaced with a car wash facility.

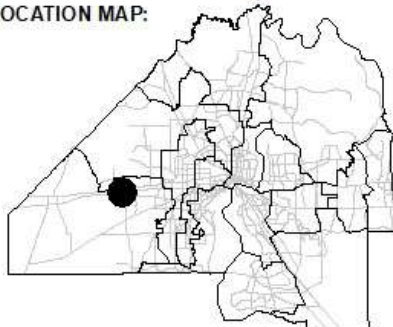

Figure C:



Source: Planning & Development Department, 08/31/2023

View of the subject property where the new convenience store and fill stations will be located.



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-MH</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p> 	 <p>0 100 200 400 Feet</p> <p>COUNCIL DISTRICT: 12</p>
<p>ORDINANCE NUMBER ORD-2023-0412</p>	<p>TRACKING NUMBER T-2023-4945</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>