

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

November 5, 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.: 2020-609**

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**

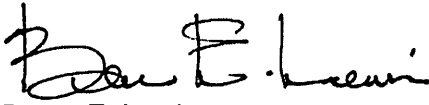
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Absent
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 2020-0609

NOVEMBER 5, 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 2020-0609.

Location: 3029 New Berlin Road
Between New Berlin Road and Yellow Bluff Road

Real Estate Number(s): 106926-0200

Current Zoning District(s): Residential Rural-Acre (RR-Acre)

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

Current Land Use Category: Low Density Residential (LDR)

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

Planning District: North, District 6

Owner: Timothy Joy
3029 New Berlin Road
Jacksonville, Florida. 32226

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance 2020-0609 seeks to rezone approximately 3.07+/- acres of land from Residential Rural-Acre (RR-Acre) to Commercial Community/General-1 (CCG-1). The rezoning is being sought to allow the land to be developed with commercial uses. A companion Land Use Amendment 2020-0608 has been applied to change the existing Land Use of Low Density Residential (LDR) to Community/General Commercial (CGC).

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. CCG-1 is a primary zoning district under the proposed CGC land use category. The site is located at the intersection of Yellow Bluff Road and New Berlin Road, both collector roadways. It is located in the suburban development area.

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

Yes. This proposed rezoning to CCG-1 is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:
Future Land Use Element:

Policy 1.2.9 Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

The proposed rezoning has existing connection points under both Yellow Bluff Road and New Berlin Road for both Water and Sewer Services. Any commercial development on this property will be required to use these services and thus will comply with Policy 1.2.9 of the 2030 Comprehensive Plan.

Objective 3.2 Continue to 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 corner of Yellow Bluff Road and New Berlin Road has been transitioning into a commercial area since 2003. The proposed rezoning is the last remaining residential lot at the

intersection. The approval of a rezoning to CCG-1 would continue to support the existing commercial nature that the City has transitioned too at the corner throughout the past two decades. The proposed rezoning is in compliance with Objective 3.2 of the 2030 Comprehensive Plan.

SURROUNDING LAND USE AND ZONING

The immediate area surrounding the two subject parcels is developed as an industrial area with the majority of properties falling under the Industrial Light Category. The surrounding uses, land use category and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RR-Acre	Single Family Dwelling
South	LDR	PUD/RR-Acre	Shopping Center / Single Family Dwelling
East	CGC	PUD	Vacant Commercial
West	LDR	RR-Acre	Single Family Dwelling

SUPPLEMENTAL INFORMATION

According to the sign posting affidavit, as of October 26, 2020 the required Notice of Public Hearing sign was posted.



Source: Planning and Development Department
Date: October 28, 2020



Aerial Photo

*Source: Planning and Development Department
Date: October 26, 2020*

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2020-0609** be **APPROVED**.



View of the Subject Property

Source: Planning and Development Department
Date: October 26, 2020



View of the Commercial Construction across Yellow Bluff Road from the Subject Site.

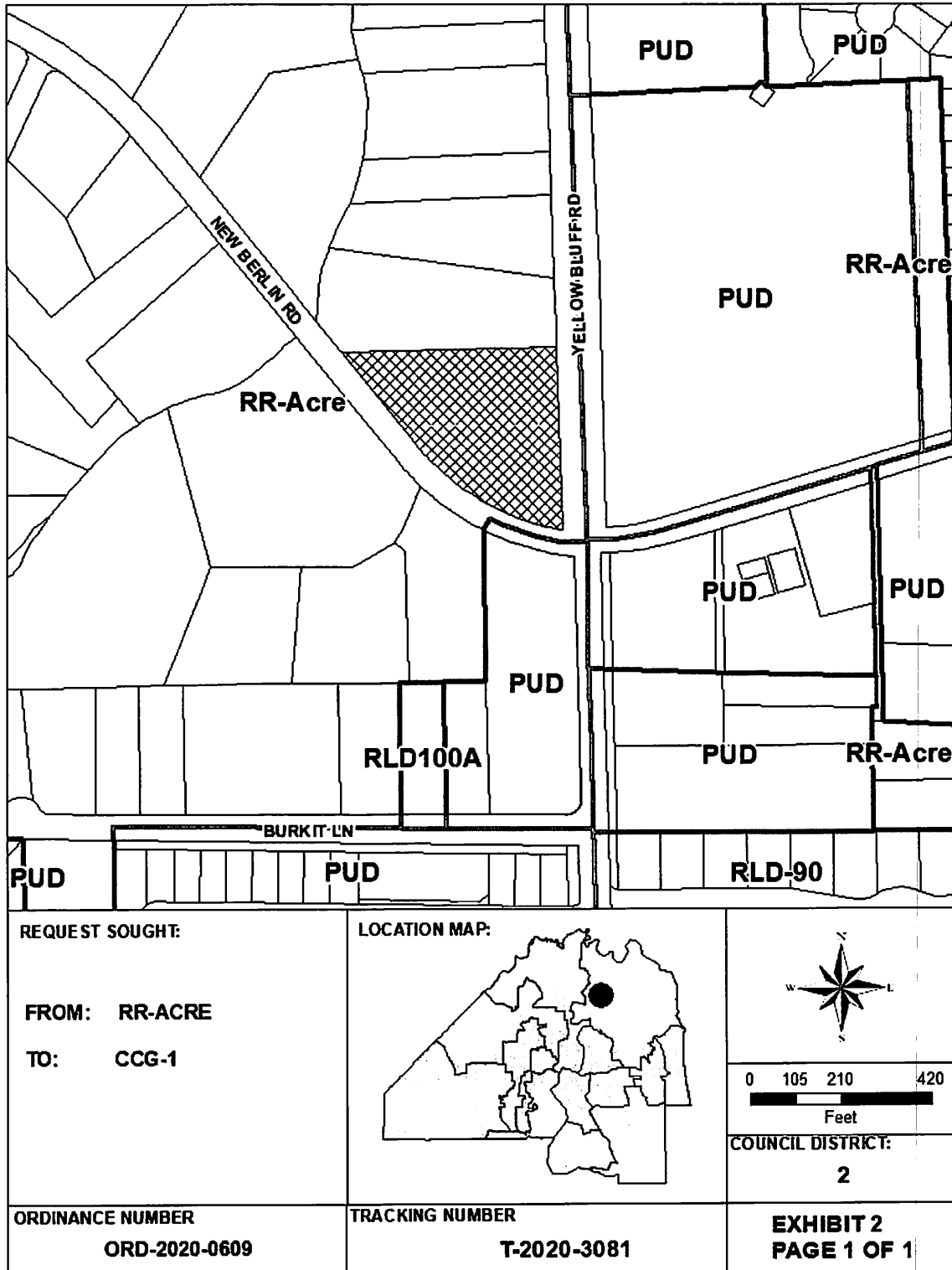
Source: Planning and Development Department
Date: October 26, 2020



View of the Two Commercial Properties across New Berlin Road.

Source: Planning and Development Department

Date: October 26, 2020



Legal Map

Source: JaxGIS
Date: October 23, 2020

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2020-0609 Staff Sign-Off/Date CMC / 09/15/2020
 Filing Date 10/09/2020 Number of Signs to Post 6
 Hearing Dates:
 1st City Council 11/10/2020 Planning Commission 11/05/2020
 Land Use & Zoning 11/17/2020 2nd City Council 11/24/2020
 Neighborhood Association M&M DAIRY INC; THE EDEN GROUP INC.
 Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 3081 Application Status FILED COMPLETE
 Date Started 08/26/2020 Date Submitted 08/26/2020

General Information On Applicant

Last Name JOY First Name TIMOTHY Middle Name H
 Company Name SKYMILES
 Mailing Address PO BOX 350337
 City JACKSONVILLE State FL Zip Code 32235
 Phone 9045373207 Fax 904 Email CATOISTIM@GMAIL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name JOY First Name LAURIE Middle Name A
 Company/Trust Name
 Mailing Address PO BOX 350337
 City JACKSONVILLE State FL Zip Code
 Phone 9047513130 Fax Email LAURIEJOY54@GMAIL.COM

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 106926 0200	2	6	RR-ACRE	CCG-1

Ensure that RE# is a 10 digit number with a space (##### #)
 Existing Land Use Category RR
 Land Use Category Proposed?
 If Yes, State Land Use Application #
 Total Land Area (Nearest 1/100th of an Acre) 3.14

Justification For Rezoning Application

PROPERTY IS THE FOURTH CORNER OF INTERSECTION NOT ALREADY ZONED CGC 1 OR 2. THE INTERSECTION WAS PROPOSED COMMERCIAL NODE 15+ YEARS AGO.

Location Of Property

General Location NW CORNER OF ITERSECTION OF NEW BERLIN AND YELLOW BLUFF
 House # 3029 Street Name, Type and Direction NEW BERLIN RD Zip Code 32226
 Between Streets

NEW BERLIN RD

and YELLOW BLUFF RD

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

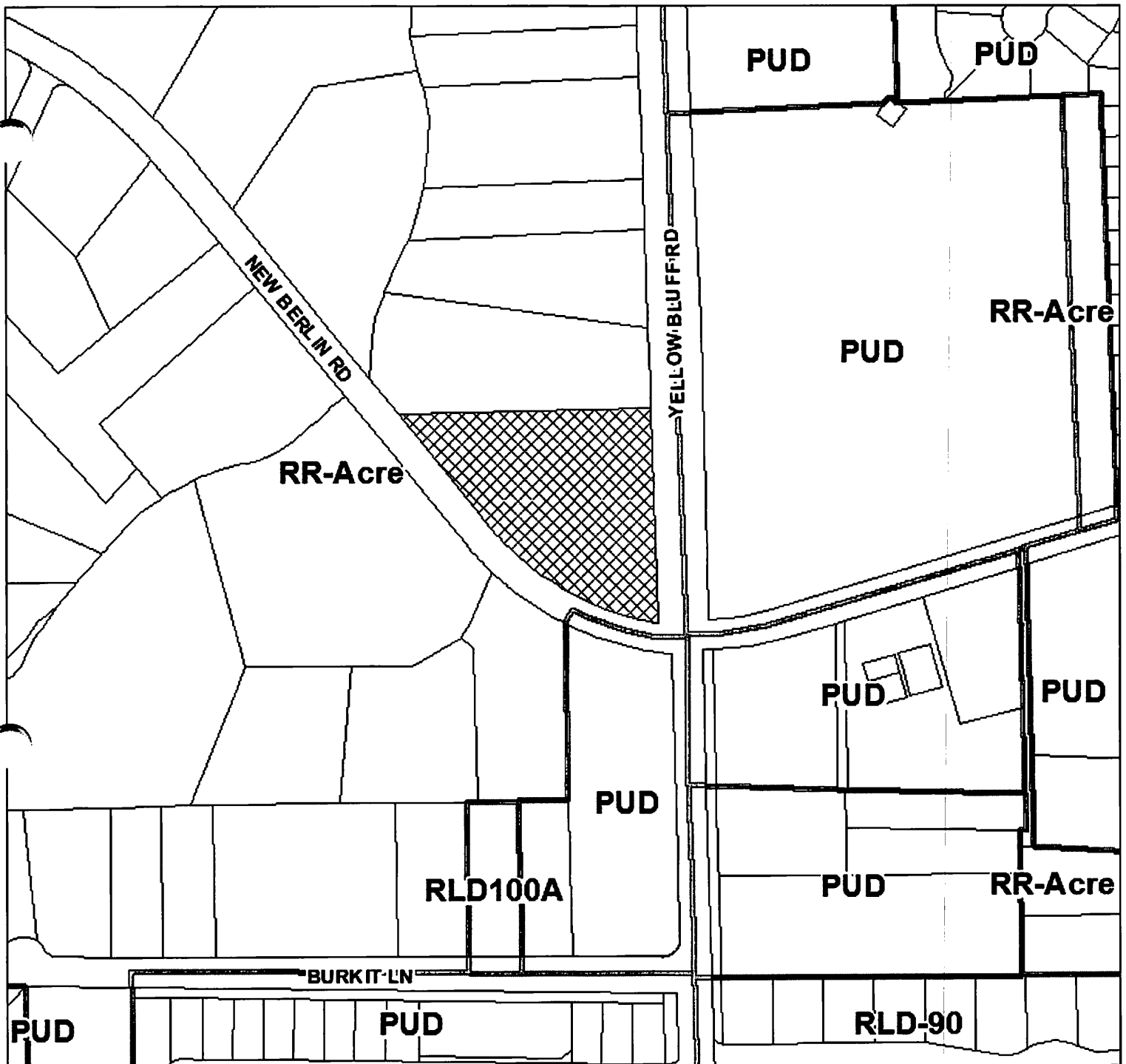
Filing Fee Information

- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof
3.14 Acres @ \$10.00 /acre: \$40.00
- 3) Plus Notification Costs Per Addressee
14 Notifications @ \$7.00 /each: \$98.00
- 4) Total Rezoning Application Cost: \$2,138.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

Exhibit 1 Legal Description

A PORTION OF SECTION 33 WITHIN THE JOHN BROWARD GRANT, SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 33, SAID POINT LYING ON THE CENTERLINE OF YELLOW BLUFF ROAD (A 100FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) ; THENCE SOUTH 00 DEGREE 54' 00" EAST ALONG SAID CENTERLINE 2,533.47 FEET TO A POINT ON SAID CENTERLINE; THENCE SOUTH 87DEGREE 36' 00" WEST 50.00 FEET . TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID YELLOW BLUFF ROAD; THENCE SOUTH 00 DEGREE 54' 00" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 237.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREE 54' 00" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 422.67 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF NEW BERLIN ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG AND AROUND THE ARC OF CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 543.69 FEET, AN ARC DISTANCE OF 401.76 FEET SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 60 DEGREE 05' 09" WEST 392.68 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 38 DEGREE 54' 37" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 275.00 FEET; THENCE NORTH 88DEGREE 33' 07" EAST 506.62 FEET TO THE POINT OF BEGINNING

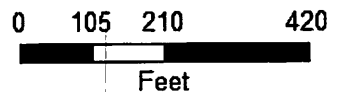
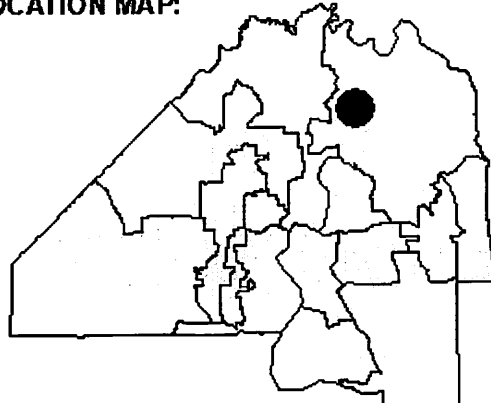


REQUEST SOUGHT:

FROM: RR-ACRE

TO: CCG-1

LOCATION MAP:



COUNCIL DISTRICT:

2

ORDINANCE NUMBER

ORD-2020-0609

TRACKING NUMBER

T-2020-3081

**EXHIBIT 2
PAGE 1 OF 1**



Availability Letter

Timothy Joy

8/27/2020

3029 New Berlin Rd
Jacksonville, Florida 32226

Project Name: commercial zoning
Availability #: 2020-2835

Attn: Timothy Joy

Thank you for your inquiry regarding the availability of Electric. The above referenced number in this letter will be the number JEA uses to track your project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire two years from the date above.

Point of Connection:

A summary of connection points for requested services are identified on the following page. JEA recognizes Connection Point #1 as the primary point of connection (POC); however, a secondary, conditional POC will be listed if available. JEA assumes no responsibility for the inaccuracy of any service connection portrayed on a JEA utility system record drawing. JEA requires field verification in the form of a Level A SUE of all POCs prior to any plan approval to ensure connection availability. Please note the Special Condition stated in each section contain pertinent information and additional requirements as well as further instructions. In the event the point of connection is located within a JEA easement located on private property not owned by applicant, applicant shall be responsible to obtain a temporary construction easement (TCE) from the third party owner providing applicant with the right to construct the utilities. **The TCE will need to be provided by JEA prior to setting up a pre-construction meeting.**

Main Extensions and/or Offsite Improvements:

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. **It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida.** All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found at:

https://www.jea.com/engineering_and_construction/water_and_wastewater_development/reference_materials/

Reservation of Capacity:

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found at

https://www.jea.com/water_and_wastewater_development

Sincerely,

JEA Water, Sewer Reclaim

Availability Request Team

Availability Number: 2020-2835

Request Received On: 8/27/2020

Availability Response: 8/27/2020

Prepared by: Roderick Jackson

Expiration Date: 08/27/2022

Project Information

Name: commercial zoning

Address: 3029 NEW BERLIN RD, JACKSONVILLE, FL 32226

County: Duval County

Type: Electric

Requested Flow: 350

Parcel Number: 106926 0200

Location: NW corner New berlin Rd and Yellow Bluff Rd

Description: Change zoning from Residential to Comercial

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Ex 16-inch water main within the New Berlin Rd ROW.

Connection Point #2: Ex 16-inch water main within the Yellow Bluff Rd ROW.

Water Special Conditions: Connection point not reviewed for site fire protection requirements. Private fire protection analysis is required.

Sewer Connection

Sewer Grid: District 2/Cedar Bay

Connection Point #1: Existing 12-inch sewer force main within the New Berlin Rd ROW

Connection Point #2: Existing 8-inch sewer force main within the Yellow Bluff Rd ROW

Sewer Special Conditions: Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). Request a force main connection pressure letter through the JEA Sages program by entering your availability number and accessing the project portal. If needed, a development meeting can be scheduled prior to submitting a plan set. Request development meeting through the JEA Sages program by entering your availability number and accessing the project portal. Development Meeting, Force Main Connection Pressure Letter and Plan Submittal requests can be made within Step 2 of the project portal.

Reclaimed Water Connection

Reclaim Grid:

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions:

Electric Availability:

Electric Special Conditions: The subject property lies within the geographic area legally served by JEA. JEA will provide electric service as per JEA's most current Rules and Regulations.

General Conditions: POC location to be field verified by developer during project design. Copies of reference drawings may be requested from the JEA Record online at JEA SagesGOV. For the estimated cost of connecting to the JEA system, please submit a request via JEA SagesGOV after plans have been approved by JEA Development. Pre applicaiton meetings can be schedule through JEA SagesGOV.