

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

March 23, 2023

The Honorable Terrance Freeman, 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.: 2023-127**

Dear Honorable Council President Freeman, 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**

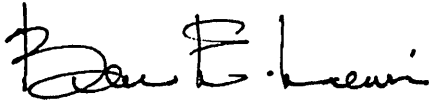
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 5-0

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Absent
David Hacker	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 FO**APPLICATION FOR REZONING ORDINANCE 2023-0127****MARCH 23, 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 2023-0127.

Location: 0 Outback Drive

Real Estate Number: 107669-0300

Current Zoning District: Planned Unit Development (PUD) Ord. #2006-0770

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: North, District 6

Applicant/Owner: Marshall Phillips, Esq.
Rogers Towers, P.A.
1301 Riverplace Blvd, Suite 1500
Jacksonville, FL 32207

Owner: Old No 1 Partners, LLC
2628 State Road 13 North
Saint Johns, FL 32259

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance 2023-0127 seeks to rezone approximately 1.09± acres of property from Planned Unit Development (PUD) to Commercial Community General-1 (CCG-1) in order to permit uses allowed in CCG-1 that are compatible with the surrounding area. The Planning and Development Department finds that the subject property is located in the Community General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The current approved PUD (**Ordinance 2006-0770**) allows for uses similar to the CCG-1 zoning district but sets a total enclosed square footage limit for all three parcels at 25,000 square feet and a limit of one building per parcel. Seeking a rezoning out of the

current PUD would remove these regulations and permit the parcel to be developed according to the regulations of CCG-1 Zoning District.

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. The Planning and Development Department finds that the subject property is located in the Community/General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. Uses permitted within the CCG-1 zoning district are consistent with the CGC land use category.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Ordinance Code.

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

Yes. The proposed rezoning 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 subject properties is located in the Urban Development Area and According to the JEA Availability letter dated November 22, 2022, submitted with the application, the site has access to water and sewer services. The proposed use will be in compliance with Policy 1.2.9.

Objective 6.3

The City shall accommodate growth in Jacksonville by encouraging and facilitating new development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The proposed rezoning would allow commercial development on a vacant parcel of land which has been underutilized and will address the needs of the surrounding residents, therefore the proposed rezoning is in compliance with Objective 6.3.

Airport Environment Zone

The site is located within the 300 foot Height and Hazard Zone for the Jacksonville International Airport. Zoning will limit development to a maximum height of 300 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).

Objective 2.5

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.

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 PUD to CCG-1 to develop the property consistent with the CCG-1 uses.

SURROUNDING LAND USE AND ZONING

The subject site is located along Outback Road which extends north off of Duval Station Road, classified as a collector roadway. The subject parcel is located in a commercially zoned area with surrounding properties developed with retail stores, a gas station and fast food restaurants. Properties to the north recently rezoned through PUD Ord. #2019-0797 allowing for 116,775 square feet of commercial retail space and uses in the CCG-1 zoning district. Further east along Duval Station Road the zoning transitions to more residential with primary uses being single-family subdivisions and multi-family apartment complexes. The request to rezone to CCG-1 is

compatible with the surrounding area especially near the intersection of Main Street North and Max Leggett Parkway and would not be allowing uses out of character for the surrounding area. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	PUD: 2019-0797	Vacant
South	CGC	PUD: 2006-0770	Fast Food Restaurant
East	LDR	RLD-60	Single Family Dwelling
West	CGC	CCG-2	Gas Station

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

The applicant provided proof of sign posting on **February 24, 2023** to the Planning and Development Department that the Notice of Public Hearing sign was posted.



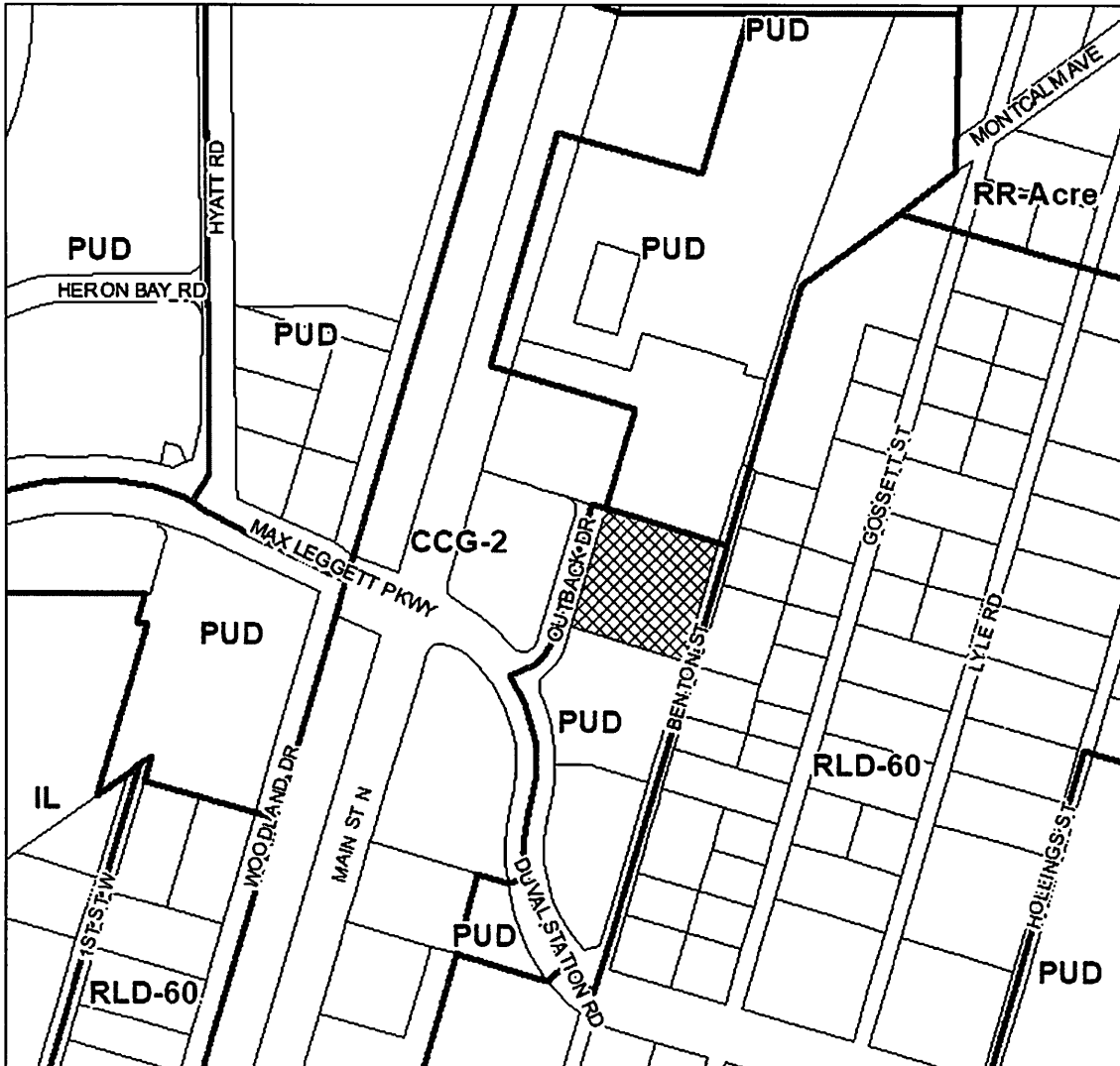
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2023-0127** be **APPROVED**.



Aerial View

Source: JaxGIS Map

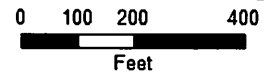
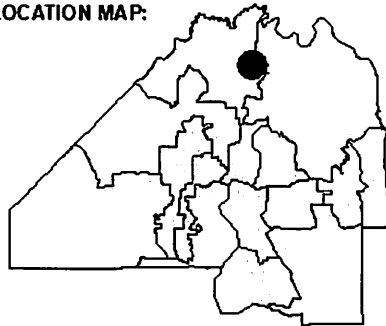


REQUEST SOUGHT:

FROM: PUD

TO: CCG-1

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2022-4698

EXHIBIT 2
PAGE 1 OF 1

Legal Map
Source: JaxGIS Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2023-0127 **Staff Sign-Off/Date** ELA / 02/10/2023
Filing Date 02/28/2023 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 03/28/2023 **Planning Commission** 03/23/2023
Land Use & Zoning 04/04/2023 **2nd City Council** N/A
Neighborhood Association M & M DAIRY INC, THE EDEN GROUP INC.
Neighborhood Action Plan/Corridor Study DUNN & MAIN NAP

Application Info

Tracking # 4698 **Application Status** FILED COMPLETE
Date Started 12/20/2022 **Date Submitted** 12/20/2022

General Information On Applicant

Last Name PHILLIPS **First Name** MARSHALL **Middle Name** H
Company Name ROGERS TOWERS, P.A.
Mailing Address 1301 RIVERPLACE BLVD, SUITE 1500
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043465535 **Fax** 9043960663 **Email** HPHILLIPS@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name SEE **First Name** BELOW **Middle Name**
Company/Trust Name OLD NO. 1 PARTNERS, LLC
Mailing Address 2628 STATE ROAD 13 NORTH
City SAINT JOHNS **State** FL **Zip Code** 32259
Phone **Fax** **Email**

Property Information

Previous Zoning Application Filed For Site?
If Yes, State Application No(s) 2006-770

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 107669 0300	7	6	PUD	CCG-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) 1.09

Justification For Rezoning Application

TO PERMIT USES ALLOWED IN CCG-1 THAT ARE COMPATIBLE WITH THE SURROUNDING AREA AND CONSISTENT WITH THE MARKET.

Location Of Property

General Location

EAST OF OUTBACK DR, NORTH OF DUVAL STATION RD, WEST OF BENTON ST

House #	Street Name, Type and Direction	Zip Code
0	OUTBACK DR	32218

Between Streets

OUTBACK DR and BENTON ST

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.

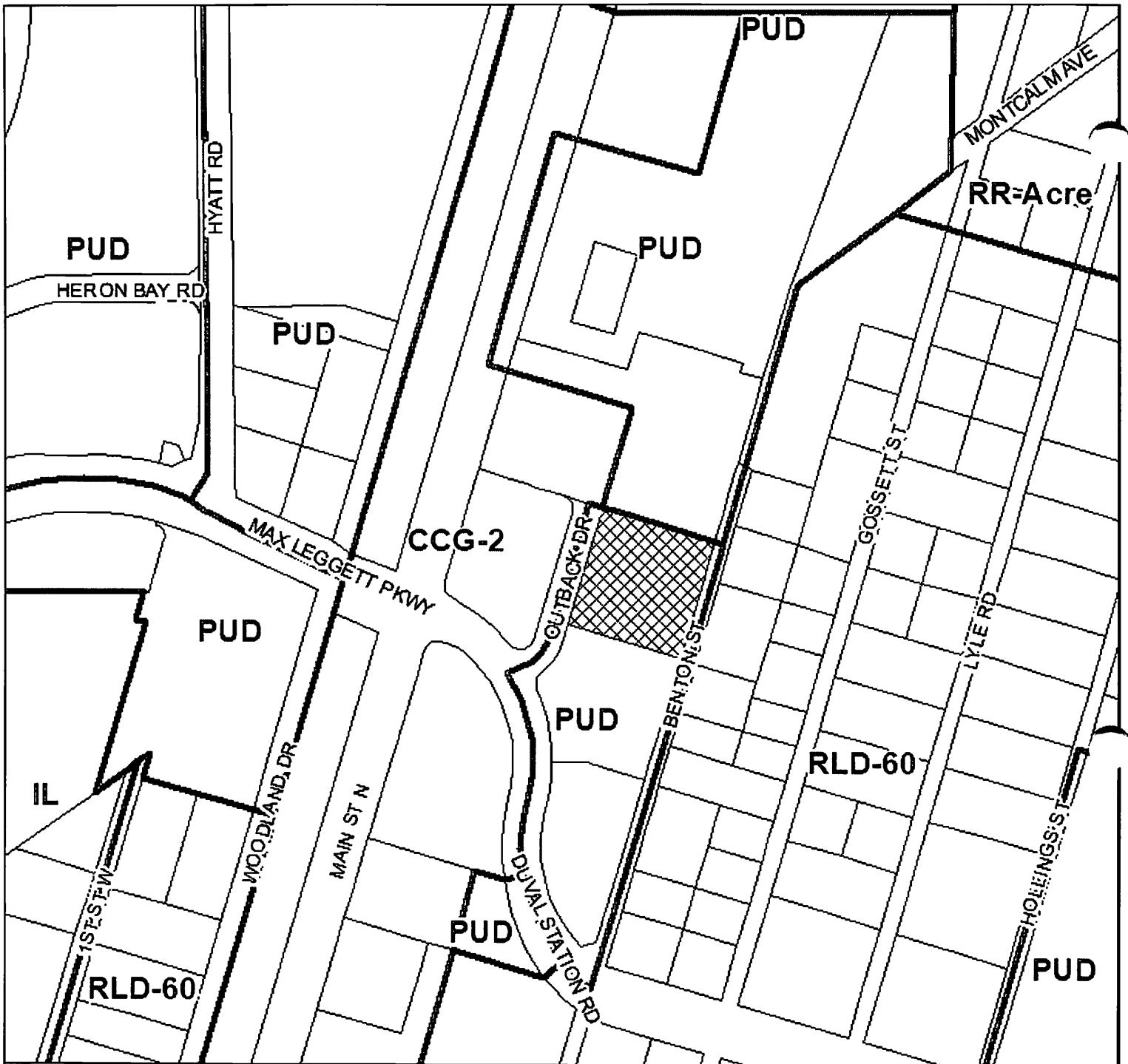
Agreed to and submitted

Filing Fee Information

- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof
 - 1.09 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee
 - 33 Notifications @ \$7.00 /each: \$231.00

4) Total Rezoning Application Cost: \$2,251.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

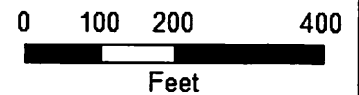
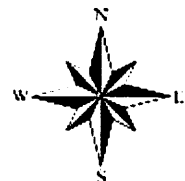
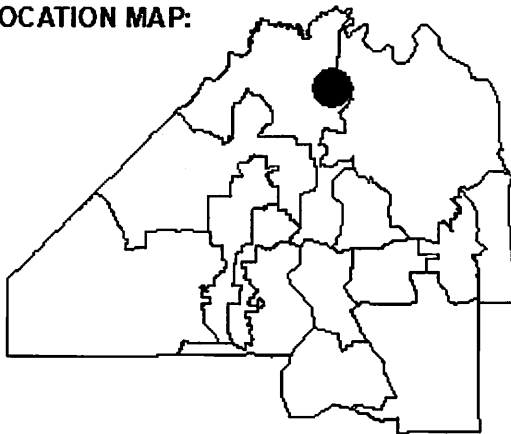


REQUEST SOUGHT:

FROM: PUD

TO: CCG-1

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2022-4698

**EXHIBIT 2
PAGE 1 OF 1**

Exhibit 1

Legal Description

DUVAL STATION PHASE 1 PARCEL 4 ALL OF LOTS 6 AND 17, TOGETHER WITH A PART OF LOTS 5, 7, 16 AND 18, BLOCK 5, TOGETHER WITH A PORTION OF EAST FIRST STREET LYING NORTH OF DUVAL STATION ROAD (A 30 FOOT RIGHT OF WAY AS CLOSED BY PETITION NUMBER 221), ALL AS SHOWN ON THE PLAT OF DUVAL CITY, AS RECORDED IN PLAT BOOK 6, PAGE 9 OF SAID PUBLIC RECORDS, LYING IN SECTION 3, TOWNSHIP 1 NORTH, RANGE 27 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 6, OF SAID PLAT OF DUVAL CITY, SAID POINT LYING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF CLOSED DUVAL STATION ROAD (A 105 FOOT WIDE RIGHT OF WAY AS CLOSED BY ORDINANCE 2004-1378-E) WITH THE EASTERLY RIGHT OF WAY LINE OF MAIN STREET (A 175 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH 16 DEGREES 30 MINUTES 48 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 795.09 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 18861, PAGE 1050 OF SAID PUBLIC RECORDS; THENCE SOUTH 73 DEGREES 32 MINUTES 26 SECONDS EAST, LEAVING SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE SOUTH LINE OF SAID LANDS, 260.96 FEET TO THE POINT OF BEGINNING, LYING ON THE EASTERLY RIGHT OF WAY LINE OF OUTBACK DRIVE, (A 50 FOOT RIGHT OF WAY BY OFFICIAL RECORDS BOOK 14231, PAGE 680 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 73 DEGREES 32 MINUTES 26 SECONDS EAST, 188.61 FEET TO THE WESTERLY RIGHT OF WAY LINE OF BENTON ROAD (A 30 FOOT FIGHT OF WAY BY SAID PLAT OF DUVAL CITY; THENCE SOUTH 16 DEGREES 26 MINUTES 53 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 223.70 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 18982, PAGE 1455 OF SAID PUBLIC RECORDS; THENCE NORTH 73 DEGREES 27 MINUTES 23 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS, 213.84 FEET TO THE NORTHWEST CORNER THEREOF, LYING ON THE EASTERLY RIGHT OF WAY LINE OF SAID OUTBACK DRIVE; THENCE NORTH 16 DEGREES 30 MINUTES 48 SECONDS EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, 198.42 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.25 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 29 MINUTES 11 SECONDS EAST, 35.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.09 ACRES MORE OR LESS.



Availability Letter

Tyler Schuster

11/22/2022

Waffle House RE

5986 Financial Dr NW

Norcross, Georgia 30071

Project Name: Waffle House

Availability #: 2022-4170

Attn: Tyler Schuster

Thank you for your inquiry regarding the availability of Electric, Sewer, Water. 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 Conditions 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: 2022-4170

Request Received On: 11/15/2022

Availability Response: 11/22/2022

Prepared by: Corey Cooper

Expiration Date: 11/21/2024

Project Information

Name: Waffle House

Address:

County: Duval County

Type: Electric,Sewer,Water

 Requested Flow: 1520

Parcel Number: 107669 0300

Location: Located behind the Popeyes and Circle K gas station

Description: This is raw land that is part of a larger development. Seller claims all utilities (gas, water, electric, and sewer) are stubbed to the parcel. City said all mentioned utilities are through JEA

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Existing 8" water main within Outback Dr.

Connection Point #2:

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 8" gravity sewer main within Outback Dr.

Connection Point #2:

Sewer Special Conditions: Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JEA.

If gravity flow cannot be achieved, then 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.).

If needed, a development meeting can be scheduled prior to submitting a plan set. Request development meeting through the JEA Sages program, Step 2, and select Development Meeting.

Reclaimed Water Connection

Reclaim Grid:

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions:

Electric Connection

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:

Subsequent steps you need **Request As-Built drawings and/or GIS maps by going to Step 1 in Sages.**
to take to get service:

Request a Hydrant Flow Test by going to Step 1 in Sages.

Submit your plans for water/waste water review by Step 2 in Sages.

After your plans are approved, you can submit your permit applications by access Step 3 in Sages, select Permit Determination.

After your plans, permits and shop drawings have been approved, as applicable, you can request a Pre-Construction Meeting by accessing Step 4 in Sages.

Any required inspections you need for your project can be requested by accessing Step 4 in Sages.

Project As-Builts can be submitted by accessing Step 4 in Sages.

After your as-builts are approved you can submit your Permit COC applications by accessing Step 4 in Sages.

After your permits are cleared, you can submit your project Acceptance Package by accessing Step 5 in Sages.

After your project has been accepted you can submit your Commercial New Service Application by accessing Step 2 in Sages.