

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 17, 2022

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.: 2022-546**

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**

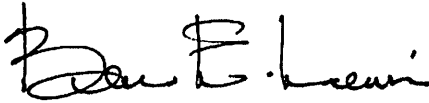
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Absent
Jason Porter, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Jordan Elsbury	Aye
Joshua Garrison	Aye
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 FOR

APPLICATION FOR REZONING ORDINANCE 2022-0546

NOVEMBER 17, 2022

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 **2022-0546**.

Location 0 Bernard Road
Between Bernard Road and Wade Road

Real Estate Number: 106220-0000

Present Zoning District: Planned Unit Development (PUD 1998-0628)

Proposed Zoning District: Recreation and Open Space (ROS)

Current Land Use Category: Residential Rural (RR)

Proposed Land Use Category: Recreation and Open Space (ROS)

Planning District: North; District 6

Applicant/Agent: Cyndy Trimmer
Driver, McAfee, Hawthorne and Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: Chessed Realty LLC
1340 South Ocean Boulevard, Unit 1605
Pompano Beach, Florida. 33062

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0546** seeks to rezone approximately 19 acres of property from Planned Unit Development (PUD) to Recreation and Open Space (ROS). The applicant is also seeking a companion Land Use Amendment to ROS (**2022-0545**) to allow for an existing Paintball Facility to operate legally. The existing PUD was approved for 134 Single Family Lots with Commercial lots fronting Main Street. The PUD has remained undeveloped since its approval in 1998.

A proposed Waiver of Road Frontage has been filed for the site (2022-0792) and will be heard by the LUZ Committee on December 6, 2022. The Planning Department is also Recommending Approval on the proposed Waiver.

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

1. ***Is the proposed rezoning district consistent with the functional land use category identified in 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 that the subject property is located in the Rural Residential (RR) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. However, concurrent with this Application for Rezoning, an Application for Small Scale Land Use Amendment to Future Land Use Map Series L-5698-22-C (Ordinance 2022-0545) was filed requesting amendment of the subject property's functional land use category from RR to Recreation and Open Space (ROS). Principal uses permitted within the ROS land use category include parks, playgrounds, golf courses, and marinas. Secondary uses could include uses such as, travel trailer parks, country clubs, camp grounds, and archery ranges.

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

Yes. To ensure compliance with the provisions of the Comprehensive Plan, zoning staff has analyzed the proposed zoning application in relation to the following goals, objectives, policies and/or text of the 2030 Comprehensive Plan:

Future Land Use Element

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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.

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

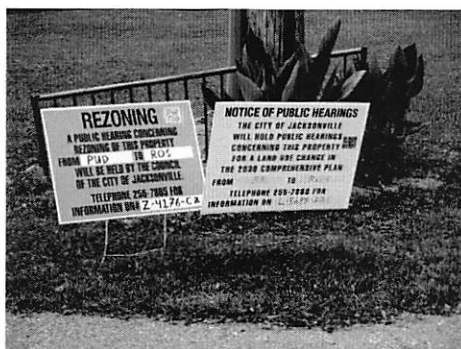
No. The effect of the proposed rezoning is in harmony with the spirit and intent of the Zoning Code. If approved, it would permit a use that is consistent with the adjacent and nearby rural residential uses. The property is an isolated parcel on the eastern side of Main Street North, about .55 Miles to the east in a wooded area. The property is currently being used as a paintball facility, however the PUD does not allow for the use. The parcel is densely wooded, and setback a considerable distance from any nearby residential structures.

SURROUNDING LAND USE AND ZONING

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	RR	RR-Acre	Single Family Dwellings
East	RR	PUD/RR-Acre	Vacant/Timber
South	RR	RR-Acre	Vacant/Timber
West	LDR	PUD	Single Family Dwellings

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 4, 2022, the required Notice of Public Hearing sign **was** posted.

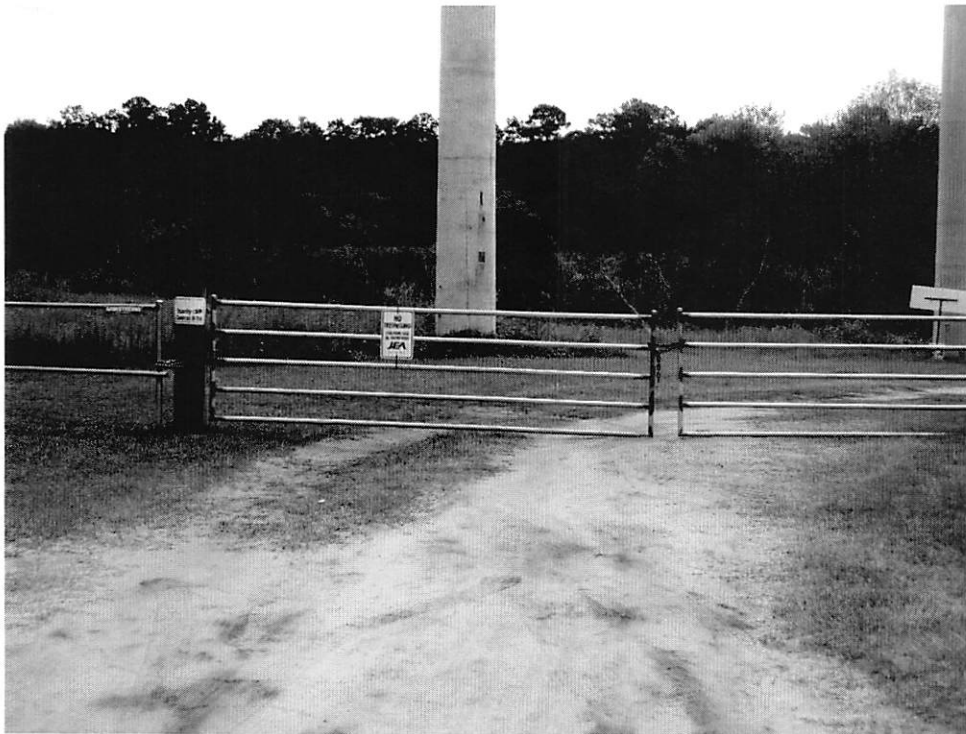


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **Ordinance 2022-0546** be **APPROVED**.



Aerial View



View of the Proposed Entrance Way through the JEA Easement

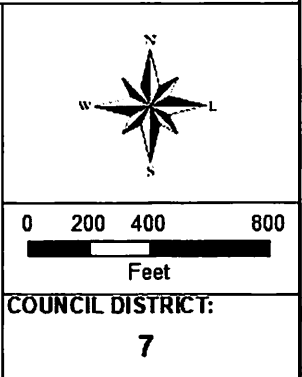
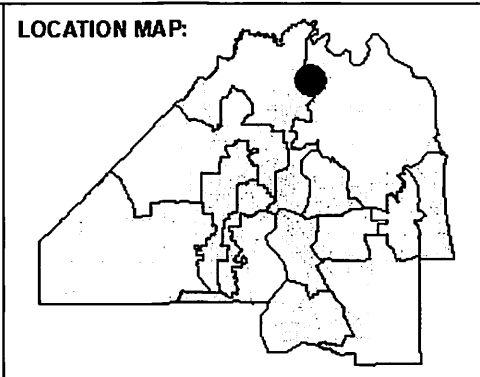


View of the Subject Site from the proposed entrance



REQUEST SOUGHT:

FROM: PUD
TO: ROS



COUNCIL DISTRICT:
7

ORDINANCE NUMBER
ORD-2022-0546

TRACKING NUMBER
T-2022-4176

EXHIBIT 2
PAGE 1 OF 1

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0546 Staff Sign-Off/Date CMC / 06/21/2022

Filing Date 07/22/2022 Number of Signs to Post 1

Clearing Dates:

1st City Council 08/18/2022 Planning Commission 08/24/2022

Land Use & Zoning 09/07/2022 2nd City Council 09/13/2022

Neighborhood Association M & M DAIRY INC; THE EDEN GROUP INC.

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 4176 Application Status FILED COMPLETE

Date Started 03/23/2022 Date Submitted 03/24/2022

General Information On Applicant

Last Name	First Name	Middle Name
TRIMMER	CYNDY	

Company Name

DRIVER, MCAFEE, HAWTHORNE AND DIEBENOW, PLLC

Mailing Address

1 INDEPENDENT DRIVE, SUITE 1200

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9048070185	904	CKT@DRIVERMCAFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
NA	NA	

Company/Trust Name

CHESSER REALTY LLC

Mailing Address

1340 S OCEAN BLVD UNIT 1605

City	State	Zip Code
POMPANO BEACH	FL	33062

Phone	Fax	Email

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 1998-0628

Map	RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
	106220 0000	7	6	PUD	ROS

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) 19.00

Justification For Rezoning Application

APPLICANT SEEKS THIS REZONING TO PERMIT THE EXISTING RECREATIONAL USE.

Location Of Property

General Location

SOUTH OF BERNARD ROAD, EAST OF WADE ROAD

House #	Street Name, Type and Direction	Zip Code
0	BERNARD RD	32218

Between Streets

BERNARD ROAD and WADE 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

19.00 Acres @ \$10.00 /acre: \$190.00

3) Plus Notification Costs Per Addressee

20 Notifications @ \$7.00 /each: \$140.00

Total Rezoning Application Cost: \$2,330.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT 1

LEGAL DESCRIPTION

March 23, 2022

DESCRIPTION:

A PORTION OF GOVERNMENT LOT 7 IN THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 7, ALSO BEING THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 16; THENCE SOUTH 89°21'08" EAST ALONG THE NORTH LINE OF GOVERNMENT LOT 7 AND THE NORTH LINE OF SAID SOUTHWEST ¼ A DISTANCE OF 25.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF WADE ROAD (NON-MAINTAINED 50-FOOT RIGHT-OF-WAY) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°21'08" EAST ALONG SAID NORTH LINE A DISTANCE OF 4.97 FEET ; THENCE CONTINUE ALONG SAID NORTH LINE, NORTH 89°59'30" EAST ALONG A DISTANCE OF 35.03 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°09'38" EAST ALONG A LINE LYING 65 FEET EAST OF (AS MEASURED PERPENDICULARLY) AND PARALLEL TO THE WEST LINE OF SAID GOVERNMENT LOT 7 A DISTANCE OF 808.53 FEET; THENCE NORTH 89°50'22" EAST A DISTANCE OF 60.00 FEET TO THE EAST LINE OF A VARIABLE WIDTH JACKSONVILLE ELECTRIC AUTHORITY (JEA) 230 KV TRANSMISSION LINE AS SHOWN ON THAT CERTAIN SURVEY BY LD BRADLEY SURVEYORS (#10266X DATED MARCH 1974); THENCE DEPARTING SAID EAST LINE, NORTH 48°49'21" EAST A DISTANCE OF 583.30 FEET; THENCE NORTH 25°04'14" EAST A DISTANCE OF 108.81 FEET; THENCE NORTH 89°59'30" EAST 484.99 FEET; THENCE SOUTH 00°00'30" EAST A DISTANCE OF 905.13 FEET TO THE SOUTH LINE OF GOVERNMENT LOT 7; SAID POINT BEARING SOUTH 89°29'14" WEST 1125.56 FEET FROM THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 7; THENCE SOUTH 89°29'14" WEST ALONG SAID SOUTH LINE A DISTANCE OF 1069.10 FEET TO THE AFORESAID EAST RIGHT-OF-WAY LINE OF WADE ROAD; THENCE NORTH 00°09'38" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1240.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.00 ACRES, MORE OR LESS.

THE WEST 100 FEET OF THESE LANDS BEING SUBJECT TO A JEA 230KV TRANSMISSION LINE RIGHT-OF-WAY.

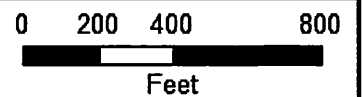
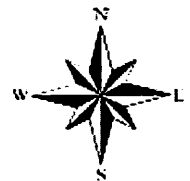
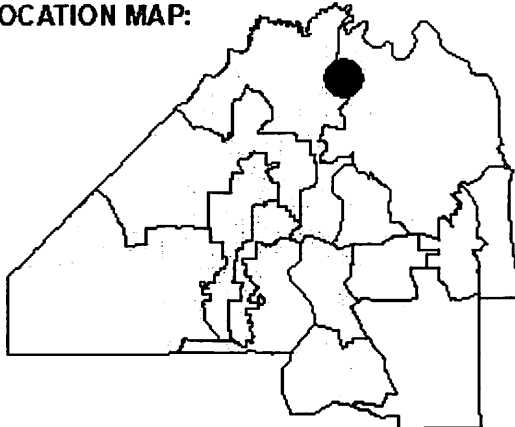


REQUEST SOUGHT:

FROM: PUD

TO: ROS

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2022-4176

**EXHIBIT 2
PAGE 1 OF 1**