# 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

January 20, 2022

The Honorable Samuel Newby, President The Honorable Rory Diamond, LUZ Chair And Members of the City Council City Hall 117 West Duval Street Jacksonville, Florida 32202

RE: Planning Commission Advisory Report

**Ordinance No.: 2021-869** 

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairperson Diamond 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

David Hacker, Chair Aye

Alex Moldovan, Vice Chair Aye

Ian Brown, Secretary Aye

Marshall Adkison Ave

Daniel Blanchard Absent

Joshua Garrison Ave

Dawn Motes Absent

Jason Porter Absent

## Planning Commission Report Page 2

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

Sincerely,

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

## 2021-0869

LOCATION: 0 Chaffee Road, Jacksonville, FL 32210

REAL ESTATE NUMBER: 012906 0050; 012912 0010; 012899 0010; 012900 0600; 01290

0410: 012906 0060

#### **DEVIATION SOUGHT:**

1. Decrease minimum number of off-street parking spaces from 679 to 642.

2. Decrease minimum number of loading spaces from 10 required to 0 loading spaces.

PROPOSED ZONING: CRO (CURRENTLY CCG-1)

PROPOSED LAND USE: RPI (CURRENTLY CGC)

**COUNCIL DISTRICT: 12 PLANNING DISTRICT: 4** 

**SIGNS POSTED: 13** 

#### **OWNER:**

Millennial Christian Schools, Inc. 5975 Park Street Jacksonville, FL 32202

CTB3, LLC 2100 Ocean Drive South #1D Jacksonville, FL 32250

Sahasra Investments LLC 319 Saint Johns Forest Boulevard Saint Johns, FL 32259

## **AGENT:**

Cyndy Trimmer, Esq. McAfee, Hawthorne and Drive, Diebenow, PLLC One Independent Drive, Suite 1200 Jacksonville, FL 32202

## STANDARDS, CRITERIA AND FINDINGS

## 1. Is this situation unique or similar to other properties in the neighborhood?

## **Recommendation:**

Unique. The applicant is proposing to develop the 22.83 acre subject property with approximately 360 multi-family dwelling units. According to the parking standards set forth in Section 656.604(a)(2) of the Zoning Code, the following are required for each bedroom type:

- 1.5 spaces for studio units (500 SF or less)
- 1.75 spaces for one bedroom units
- 2 spaces for two bedroom units
- 2.25 spaces for three or more bedroom units

to the provided site plan, the According development will have 18 one bedroom units and 18 two bedroom units, which would require 675 parking spaces, along with an additional 4 spaces for staff.

The applicant has also filed for a companion rezoning (Ordinance 2021-0868) in order to change the conventional zoning district from Commercial Community/General-1 (CCG-1) to Commercial, Residential Office (CRO) as well as a companion Small Scale Land Use Amendment L-5633-21C (Ordinance 2021-0867) to amend the land use on the property from Community/General Commercial (CGC) to Residential-Professional-Institutional (RPI).

2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...

#### Recommendation:

Yes. There are practical and economic difficulties associated with carrying out the strict letter of the regulation as the proposed multi-family dwelling units would have to conform to parking formulas that warrant more parking and more land availability. As such, the presence of Category III wetlands on the subject property severely restricts where additional parking can be placed.

3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.

## Recommendation:.

Yes. The request is not based upon a desire to reduce the cost of developing the site. Rather, granting of this deviation would accomplish a result in the public interest by allowing the applicant to develop an underutilized commercial property.

4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...

## **Recommendation:**

Yes. Staff finds no evidence that the proposed deviation is likely to diminish property values in the surrounding area or alter the essential character of the area.

5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...

#### **Recommendation:**

Yes. The proposed deviation is unlikely to have a detrimental effect on the public health, safety or welfare, nor create a public expense or potential nuisance.

6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.

#### **Recommendation:**

Yes. The proposed deviation is in harmony with the spirit and intent of the Zoning Code, which seeks to allow infill development of sites, encourage the development of pedestrian-oriented, walkable communities, and promote the health, safety and

	general welfare of the public as outlined in the 2030 Comprehensive Plan.
7. The City landscape architect has/has not recommended the proposed deviation.	N/A
8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.	

PLANNER RECOMMENDATION: APPROVE

DATE OF REPORT: 1/11/2022





Source: Planning & Development Department, 1/13/2022

Aerial view of the subject site and parcel facing north.

Figure B:



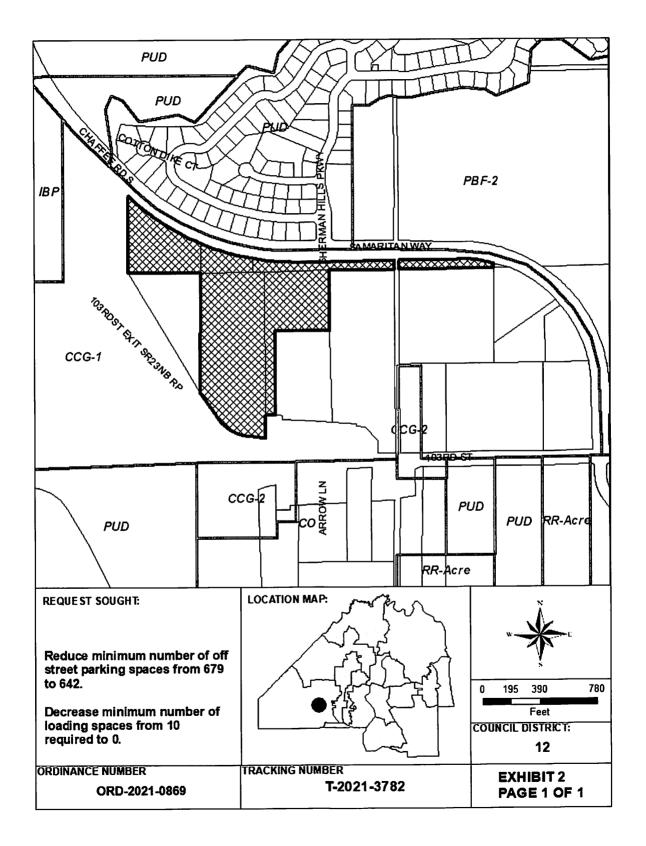
Source: Planning & Development Department, 1/13/2022
The Notice of Public Hearing signs were posted.





Source: Planning & Development Dept, 8/1/19

View of the subject parcel, facing north.



32205

## **Application For Administrative Deviation**

Planning and Development Department Info-

Application # 2021-0869 Staff Sign-Off/Date KPC / 11/15/2021

Filing Date 11/29/2021 Number of Signs to Post 13

**Current Land Use Category CGC** 

**Deviation Sought REDUCE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES** FROM 679 TO 642; DECREASE MINIMUM NUMBER OF REQUIRED LOADING SPACES FROM 10

Applicable Section of Ordinance Code 656.604(A)(2) & 656.605(C)(2)

Notice of Violation(s) N/A **Hearing Date** 01/20/2022

**Neighborhood Association WEST JAX CIVIC ASSOCIATION** 

Overlay N/A

-Application Info-

3782 Tracking # **Application Status PENDING Date Submitted Date Started** 09/09/2021 09/09/2021

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

State Zip Code City **JACKSONVILLE** FL 32202

**Phone** Fax **Email** 

9048070185 904 CKT@DRIVERMCAFEE.COM

General Information On Owner(s)-

**Last Name First Name Middle Name** 

N/A N/A

**Company/Trust Name** 

MILLENNIAL CHRISTIAN SCHOOLS, INC.

**Mailing Address 5975 PARK STREET** 

**JACKSONVILLE** 

State Zip Code City FL

**Phone** Fax **Email** 

**Last Name First Name Middle Name** 

N/A N/A

**Company/Trust Name** 

CTB3, LLC

**Mailing Address** 

2100 OCEAN DRIVE SOUTH #1D

City **State Zip Code**  JACKSONVILLE FL 32250

Phone Fax Email

Last Name First Name Middle Name

N/A N/A

Company/Trust Name

SAHASRA INVESTMENTS LLC

**Mailing Address** 

319 SAINT JOHNS FOREST BLVD.

CityStateZip CodeSAINT JOHNSFL32259

Phone Fax Email

#### **Property Information-**

Previous Zoning Application Filed?

If Yes, State Application No(s)

Мар	RE#	Council District	Planning District	Current Zoning District(s)
Мар	012906 0050	12	4	CCG-1
Мар	012912 0010	12	4	CCG-1
Мар	012899 0010	12	4	CCG-1
Мар	012900 0600	12	4	CCG-1
Мар	012900 0410	12	4	CCG-1
Мар	012906 0060	12	4	CCG-1

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

Total Land Area (Nearest 1/100th of an Acre) 22.83

In Whose Name Will The Deviation Be Granted RCBF PROPERTIES, LLC

Is transferability requested? Yes No

If approved, the administrative deviation is transferred with the property.

### **Location Of Property-**

**General Location** 

NORTH OF 103RD STREET AND SOUTH OF SAMARITAN WAY/CHAFFEE ROAD SOUTH

House # Street Name, Type and Direction Zip Code
0 SAMARITAN WAY 32210

**Between Streets** 

103RD STREET and SAMARITAN WAY

**Utility Services Provider** 

City Water/City Sewer Well/Septic City Water/Septic City Sewer/Well

## Deviation sought-

Click on a check box to provide details pertaining to the deviation sought.

Reduce required minimum lot area from to square feet.

Increase maximum lot coverage from % to %.

Increase maximum height of structure from	to feet.
Reduce required yard(s)	
Reduce minimum number of off-street parking s	paces from 679 to 642 .
Increase the maximum number of off-street park	king spaces from to .
Reduce setback for any improvements other that in the CCG-1 zoning district from a residential zonet.	
Reduce setback for any improvements other that in the CCG-2 zoning district from a residential zo feet.	
Decrease minimum number of loading spaces fro spaces.	om 10 required to 0 loading
Reduce the dumpster setback from the required 5 fee	et along:
North to feet;	
East to feet;	
South to feet;	
West to feet.	
Decrease the minimum number of bicycle parkin spaces.	g spaces from required to
Reduce the minimum width of drive from	feet required to feet.
Reduce vehicle use area interior landscape from	square feet to
square feet.	Square rece to
Increase the distance from the vehicle use area feet.	to the nearest tree from <b>55</b> feet maximum to
Reduce the number of terminal island trees from terminal islands.	terminal islands required to
Reduce the landscape buffer between vehicle use	e area along
Enter Street Name	from 10 feet per linear feet of
frontage and <b>5</b> feet minimum width required to feet minimum width.	feet per linear feet of frontage and
Reduce the number of shrubs along Enter Stree	t Name from
required to shrubs.	
Reduce the number of trees along Enter Street	Name from
required to trees.	
Reduce the perimeter landscape buffer area between <b>5</b> feet minimum width required along:	vehicle use area and abutting property from
North boundary to feet;	
East boundary to feet;	
South boundary to feet;	
West boundary to feet.	
Reduce the number of trees along:	
North property boundary from requir	
years;	ed to trees;
East property boundary from require	·

West property boundary from	required to	trees.	
Increase the maximum width of the	driveway access fro	om Enter Street Name	
from 24 36 48 feet requir			
Decrease the minimum width of the	driveway access fro	om Enter Street Name	
from 24 36 48 feet requir	ed to feet		
Increase the maximum width of the driv along:	eway access to adjo	oining property from <b>24</b> feet required	
North to feet;			
East to feet;			
South to feet;			
West to feet.			
Decrease the minimum width of the drivalong:	reway access to adj	pining property from <b>24</b> feet required	
North to feet;			
East to feet;			
South to feet;			
West to feet.			
Reduce the uncomplimentary land use b	ouffer width from 10	feet wide required along:	
North property boundary to	feet wide;		
East property boundary to	feet wide;		
South property boundary to	feet wide;		
West property boundary to	feet wide.		
Reduce the uncomplimentary land use buffer trees along:			
North property boundary from	required to	trees;	
East property boundary from	required to	trees;	
South property boundary from	required to	trees;	
West property boundary from	required to	trees.	
Reduce the uncomplimentary land use trequired along:	ouffer visual screen	from <b>6</b> feet tall and <b>85</b> % opaque	
North property boundary to	feet tall and	%;	
East property boundary to	feet tall and	%;	
South property boundary to	feet tall and	%;	
West property boundary to	feet tall and	%.	

Rea	uired	Attac	:hme	nts ·
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The following items must be attached to the application.	
Survey	
Site Plan	
Property Ownership Affidavit (Exhibit A)	
Agent Authorization if application is made by any person other than the property owner (Exhibit B)	
Legal Description - may be written as either lot and block, or metes and bounds (Exhibit 1)	
Proof Of Property Ownership - may be print-out of property appraiser record card if individual owner, https://paopropertysearch.coj.net/Basic/Search.aspx, or print-out of entry	

from the Florida Department of State Division of Corporations if a corporate owner, https://search.sunbiz.org/Inquiry/CorporationSearch/ByName

-Supplemental Information————————————————————————————————————	
Letter From DCFS, Department of Children and Family Services - day care uses only	
Letter from the applicable Home Owner's Association, stating that the request meets their architectural and aesthetic requirements; or letter stating that the subject parcel is no within the jurisdiction of a Home Owner's Association - residential only	t
Elevations, must be drawn to scale - height increase requests only	

#### Criteria

Section 656.101(a), Ordinance Code, defines an administrative deviation as "a relaxation of the terms of the Zoning Code requirements for minimum lot area, yards, number of offstreet parking spaces, landscaping, maximum lot coverage and maximum height of structures, including fences, which the Zoning Administrator is authorized to grant pursuant to the procedures set forth in Section 656.109(e) through (j)."

Section 656.109(e) through (j), Ordinance Code, provides that, with respect to action upon Applications for Administrative Deviations, the Zoning Administrator shall grant a deviation only if substantial competent evidence exists to support a positive finding based on each of the following criteria:

I. The need for the proposed deviation arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the subject property alone; or this issue is common to numerous sites.

THE NEED FOR THE PROPOSED DEVIATION ARISES OUT OF THE PHYSICAL SURROUNDINGS, SHAPE, OR CONDITIONS LIMITED TO THE SUBJECT PROPERTY ALONE, HEREIN DEFINED. APPLICANT PROPOSES TO DEVELOP A MIXED-USE PROJECT (THE "PROJECT") ON A PORTION OF THE 22.83 ACRES OF PROPERTY AT 0 BRANAN FIELD CHAFFEE ROAD, 0 CHAFFEE ROAD SOUTH, AND 0 103RD STREET, JACKSONVILLE, FLORIDA (RE#S 012906 0050; 012912 0010; 012899 0010; 012900 0600; 012900 0410; 012906 0060) (COLLECTIVELY, THE "PROPERTY"). THE UNIQUE SHAPE OF THE PROPERTY AND THE DESIGNS FOR THE MULTI-FAMILY STRUCTURES DO NOT READILY LEND THEMSELVES TO MEETING THE REQUIRED PARKING AND LOADING SPACES AS DELINEATED IN PART 6 OF THE ZONING CODE. ACCORDINGLY, APPLICANT REQUESTS AN ADMINISTRATIVE DEVIATION TO REDUCE THE NUMBER OF OFF-STREET PARKING SPACES FROM SIX-HUNDRED SEVENTY-NINE (679) REQUIRED TO SIX-HUNDRED FORTY-TWO (642) SPACES, A REDUCTION OF FORTY-TWO (42) SPACES, AND TO DECREASE THE MINIMUM NUMBER OF OFF-STREET LOADING SPACES FROM TEN (10) TO ZERO (0).

1. There are practical or economic difficulties in carrying out the strict letter of the regulation;

YES. THERE ARE PRACTICAL AND ECONOMIC DIFFICULTIES IN CARRYING OUT THE STRICT LETTER OF THE ZONING CODE. AS DETAILED ABOVE, DEVELOPMENT OF THE PROPERTY IS CONSTRICTED BY SITE GEOMETRY AND WETLANDS, WHICH OCCUPY A PORTION OF THE PROPERTY. ACCORDINGLY, APPLICANT HAS DESIGNED THE SITE IN ORDER TO PROVIDE OFF-STREET PARKING AT A RATIO OF 1.78 SPACES PER UNIT. FURTHER, THE AISLES HAVE SUFFICIENT SPACE TO PROVIDE LOADING SPACES WHEN NEEDED, WHICH IS ALSO CONSISTENT WITH MARKET DEMAND.

2. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees.

NO. THE GRANT OF ADMINISTRATIVE DEVIATIONS WILL NOT REDUCE THE COST OF DEVELOPING THE SITE. THIS REQUEST IS BASED UPON A DESIRE TO DEVELOP AN UNDERUTILIZED PARCEL OF LAND, WHERE THE DEVELOPER MUST BALANCE DEMAND FOR PARKING WITH CITY LANDSCAPE REQUIREMENTS WITHIN A CONFINED SPACE.

3. The proposed deviation will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation;

THE PROPOSED DEVIATION WILL NOT DIMINISH PROPERTY VALUES, NOR ALTER THE ESSENTIAL CHARACTER OF, THE AREA SURROUNDING THE SITE AND WILL NOT SUBSTANTIALLY INTERFERE WITH OR INJURE THE RIGHTS OF OTHERS WHOSE PROPERTY WOULD BE AFFECTED BY THE DEVIATION. THE PROJECT WILL ENHANCE THE AREA BY REPLACING UNDEVELOPED PROPERTY WITH MODERN MULTI-FAMILY RESIDENCES. THE SINGLE-FAMILY HOMES ACROSS CHAFEE ROAD SOUTH DO NOT FACE THE PROJECT, AND THE PROPOSED COMMERCIAL DEVELOPMENT FRONTING 103RD STREET SHOULD ASSIST THE SURROUNDING PROPERTY VALUES.

4. The proposed deviation will not be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law:

THE PROPOSED DEVIATIONS WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE, RESULT IN ADDITIONAL PUBLIC EXPENSE, THE CREATION OF NUISANCES, OR CONFLICT WITH ANY OTHER APPLICABLE LAW. THE OFF-STREET PARKING SPACES WILL BE SUFFICIENT TO MEET MARKET DEMAND FOR THE PROJECT WITHOUT CREATING ANY OFF-SITE EFFECT.

5. The proposed deviation has been recommended by a City landscape architect, if the deviation is to reduce required landscaping; and

APPLICANT DOES NOT SEEK A PROPOSED DEVIATION RELATING TO MINIMUM REQUIRED LANDSCAPING.

The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.

YES. THE PROJECT WILL FURTHER THE PUBLIC INTEREST BY ALLOWING VACANT PROPERTY TO BE DEVELOPED INTO MODERN MULTI-FAMILY HOUSING MASSED ADJACENT TO 103RD STREET AND CECIL COMMERCE PARKWAY, WHILE PRESERVING THE ENVIRONMENTALLY SENSITIVE AREAS OF THE PARCEL. THE JACKSONVILLE HEIGHTS ARE IS THE FOCUS OF NEW COMMERCIAL AND SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, AND APPROVAL OF THE REQUEST WILL ALLOW PROVISION OF A MULTI-FAMILY HOUSING ALTERNATIVE SITED APPROPRIATELY NEAR MINOR ARTERIALS. ADDITIONALLY, THE REQUESTED DEVIATION FURTHERS THE FOLLOWING GOALS, OBJECTIVES, AND POLICIES OF THE FUTURE LAND USE ELEMENT (FLUE) OF THE 2030 COMPREHENSIVE PLAN: OBJECTIVE 1.1, POLICY 1.1.9, POLICY 1.1.24, POLICY 1.1.25, GOAL 3, OBJECTIVE 3.2.

If the deviation is proposed to correct an existing violation, the Zoning Administrator shall also consider the following:

(i) Whether the violation was created by the applicant with the intent to violate the provisions of this Zoning Code;

APPLICANT HAS NOT CREATED ANY VIOLATION WHICH MAY EXIST.

- (ii) The length of time the violation has existed without receiving a citation; and APPLICANT IS NOT AWARE OF ANY PRIOR CITATIONS FOR THE PROPERTY.
- (iii) Whether the violation occurred as a result of construction which occurred prior to the acquisition of the property by the owner.

APPLICANT IS NOT AWARE OF ANY EXISTING VIOLATION.

## **Public Hearings-**

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

#### **Application Certification-**

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Agreed to and submitted

#### Filing Fee Information-

1) Non-residential District Base Fee

\$952.00

2) Plus Notification Costs Per Addressee

Notifications @ \$7.00/each:

- 3) Total Application Cost:
- \* Applications filed to correct existing zoning violations are subject to a double fee.
- \*\* The fee for the advertisement is in addition to the above fees. The newspaper will send the invoice directly to the applicant.

## Exhibit 1

## **LEGAL DESCRIPTION November 9, 2021**

## **PARCEL WEST**

A PORTION TRACTS 2, 3, 4, 5, 6, 13, 14 AND 15, BLOCK 3, SECTION 7, TOWNSHIP 3 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT RECORDS OF DUVAL COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTIONS THEREOF LYING WITHIN ANY ROAD RIGHTS-OF-WAY.

## TOGETHER WITH

## PARCEL EAST

A PORTION OF TRACT 8, BLOCK 4, SECTION 7, TOWNSHIP 3 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT RECORDS OF DUVAL COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTIONS THEREOF LYING WITHIN ANY ROAD RIGHTS-OF-WAY.

