

# City of Jacksonville, Florida

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*Lenny Curry, Mayor*

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

April 4, 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.: 2023-173**

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**

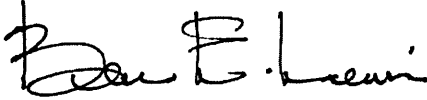
Planning Commission Recommendation: **Approve**

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	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Aye
David Hacker	Absent

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B".

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 2023-0173**

**April 6, 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 2023-0173.

***Location:*** 9964 Old Baymeadows Road  
Between Old Baymeadows Road and  
Baymeadows Road

***Real Estate Number(s):*** 148633-0800

***Current Zoning District(s):*** Commercial Neighborhood (CN)

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

***Current Land Use:*** Community General Commercial (CGC)

***Planning District:*** Southeast, District 3

***Applicant:*** John Kenneth Rice, Esq.  
Gunster  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, Florida 33401

***Owner:*** William W. Rayburn  
Publix Super Markets, Inc.  
3300 Publix Corporate Parkway  
Lakeland, Florida 33811

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance 2023-0173 seeks to rezone approximately 5.69 +/- acres of land from Commercial Neighborhood (CN) to Commercial Community/General-1 (CCG-1). The rezoning is being sought to make upgrades to the current Publix Super Market and so they can request an exception to sell alcohol as well. The property is currently located in the Community/General Commercial (CGC) land use category within the Suburban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan.

## 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. Currently the site has a Community/General Commercial (CGC) land use designation. According to the Future Land Use Element (FLUE), CGC in the Suburban Area is intended to provide development in a nodal development pattern. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services; abut a roadway classified as an arterial or higher on the Functional Highway Classification Map; and which are located in areas with an existing mix of non-residential uses. Nodal sites with two or more boundaries on a transportation right-of-way shall be considered preferred locations for these uses.

### *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 1.1.22** 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.

*The new development to the Publix Super Market will not lead to urban sprawl and will remain true to the current land use. The new development and future development will service the surrounding area more efficiently.*

**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 proposed rezoning to CCG-1 will continue to promote the viability of the commercial corridor of Old Baymeadows Road and Baymeadows Road.*

**Policy 3.2.2** The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

*The proposed rezoning would allow the existing business to make improvements to the structure and interior development. The proposed rezoning is not creating any new commercial properties, but rather would allow the currently zoned commercial property to better service the residential community near this property.*

**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 CN to CCG-1 to allow for additional commercial uses.

**SURROUNDING LAND USE AND ZONING**

The subject site is located on the south side of Old Baymeadows Road between Baymeadows Road and Old Baymeadows Road. The immediate area surrounding the subject location is developed as a commercial area with the properties being split between the PUD and CN Zoning Districts. The surrounding Uses, Land Use Categories and Zoning Districts are as follows:

Adjacent Property	Land Category	Use	Zoning District	Current Use
North	CGC		PUD (1991-0030)	Public College
South	NC		PUD (1990-0662)	Shopping Center
East	NC		PUD (1988-1232)	Shopping Center
West	CGC		CN	Shopping Center

### SUPPLEMENTAL INFORMATION

Upon visual inspection by the City Planner on March 21, 2023, the required Notice of Public Hearing signs were posted.



Source: Planning and Development

Date: March 21, 2023

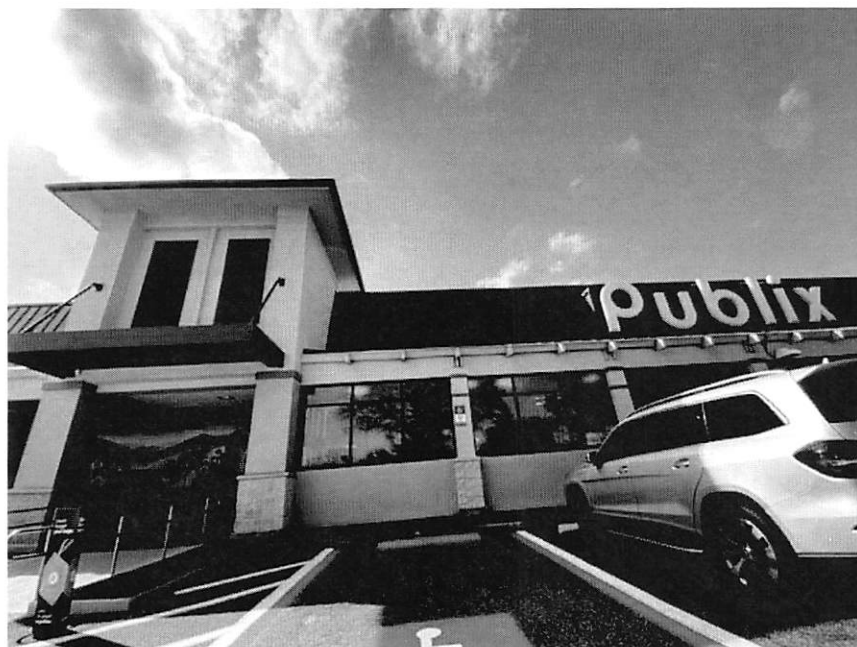
### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2023-0173** be **APPROVED**.



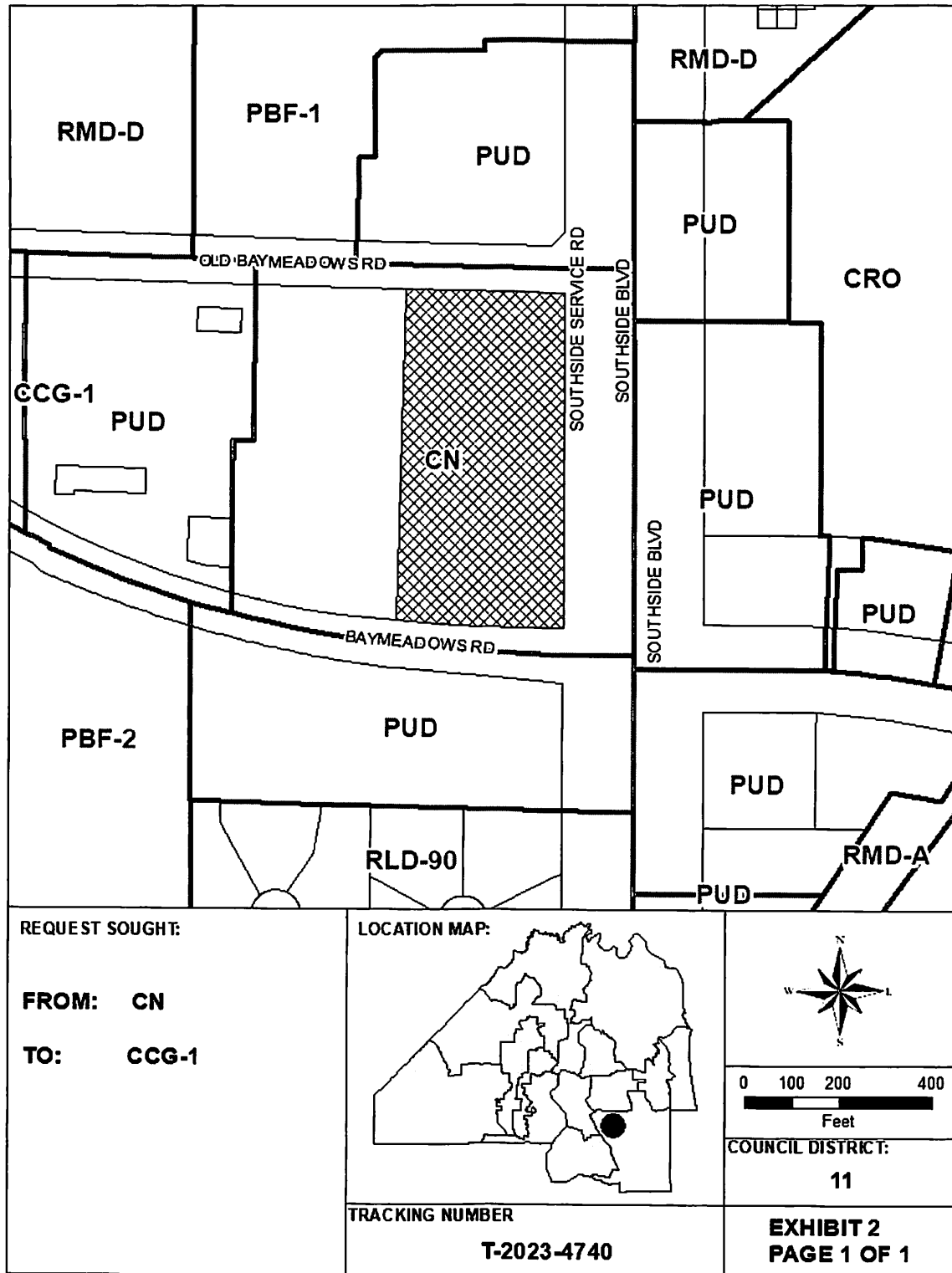
Aerial Photo

Source: JaxGIS



View of the Subject property.

Source: Planning and Development  
Date: March 21, 2023



**Legal Map**

Source: JaxGIS



# Application For Rezoning To Conventional Zoning District

## Planning and Development Department Info

**Ordinance #** 2023-0173 **Staff Sign-Off/Date** CAF / N/A

**Filing Date** N/A **Number of Signs to Post** 5

### Hearing Dates:

**1st City Council** 04/11/2023 **Planning Commission** 04/06/2023

**Land Use & Zoning** 04/18/2023 **2nd City Council** N/A

**Neighborhood Association** BETTER BAYMEADOWS INC.; HILLWOOD CONDOMINIUMD;  
VILLAGE GREEN; BAYMEADOWS COMMUNITY COUNCIL; LOS LAGOS; LINKSIDE AT  
BAYMEADOWS

**Neighborhood Action Plan/Corridor Study**

## Application Info

**Tracking #** 4740 **Application Status** SUFFICIENT

**Date Started** 01/23/2023 **Date Submitted** 01/31/2023

## General Information On Applicant

**Last Name** RICE **First Name** JOHN **Middle Name** KENNETH

**Company Name**  
GUNSTER

**Mailing Address**  
777 SOUTH FLAGLER DRIVE, SUITE 500 EAST

**City** WPB **State** FL **Zip Code** 33401

**Phone** 5616500588 **Fax** 5616712553 **Email** JRICE@GUNSTER.COM

## General Information On Owner(s)

Check to fill first Owner with Applicant Info

**Last Name** RAYBURN **First Name** WILLIAM **Middle Name** W

**Company/Trust Name**  
PUBLIX SUPER MARKETS, INC.

**Mailing Address**  
3300 PUBLIX CORPORATE PARKWAY

**City** LAKELAND **State** FL **Zip Code** 33811

**Phone** **Fax** **Email**

## 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 148633 0800	11	3	CN	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)** 5.68

**Justification For Rezoning Application**

REZONING TO UPGRADE AND REBUILD EXISTING GROCERY STORE

**Location Of Property**

**General Location**

<b>House #</b>	<b>Street Name, Type and Direction</b>	<b>Zip Code</b>
9964	OLD BAYMEADOWS RD	32256

**Between Streets**

OLD BAYMEADOWS ROAD                      **and**    SOUTHSIDE SERVICE 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.

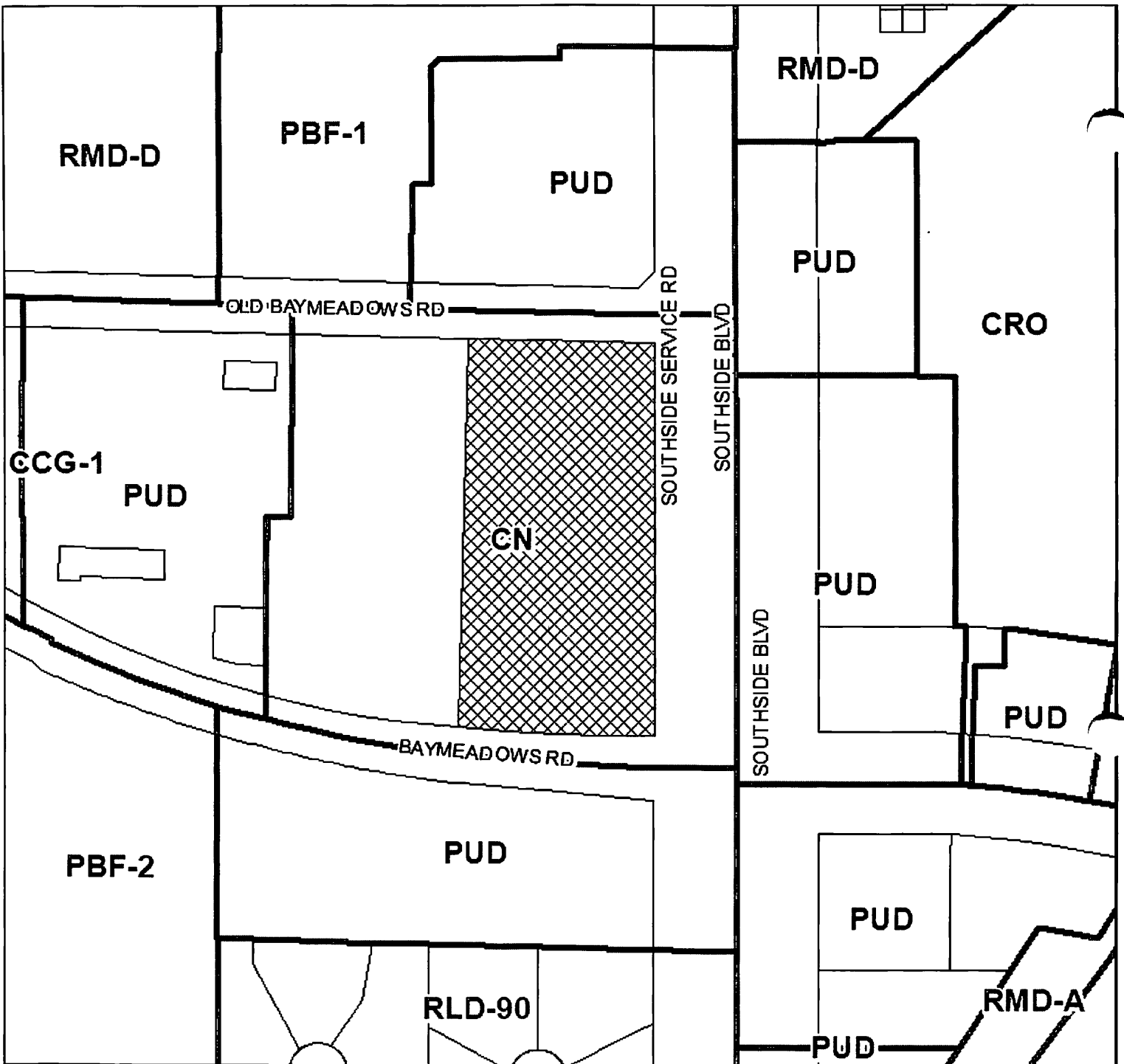
### Application Certification

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  
      5.68 Acres @ \$10.00 /acre: \$60.00
- 3) Plus Notification Costs Per Addressee  
      Notifications @ \$7.00 /each:
- 4) Total Rezoning Application Cost:  
      **NOTE: Advertising Costs To Be Billed to Owner/Agent**

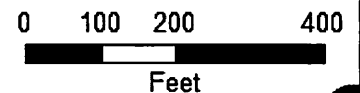
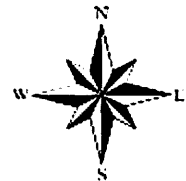
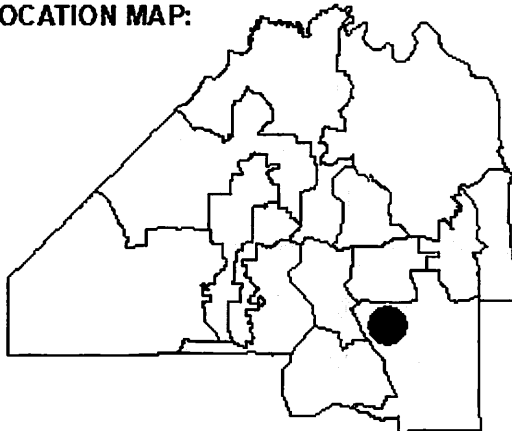


**REQUEST SOUGHT:**

**FROM: CN**

**TO: CCG-1**

**LOCATION MAP:**



**COUNCIL DISTRICT:**  
**11**

**TRACKING NUMBER**

**T-2023-4740**

**EXHIBIT 2**  
**PAGE 1 OF 1**

# ORDINANCE \_\_\_\_\_

## Legal Description

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### Parcel 1:

A parcel of land in section 25, Township 3 South, Range 27 East, Duval County, Florida, more particularly described as follows:

Begin at the point of intersection of the southerly right of way line of Old Baymeadows Road (a 100-foot right of way) with the westerly right of way line of Southside Boulevard (a 300-foot right of way) and run South  $00^{\circ} 01' 50''$  East along said westerly right of way line a distance of 700.00 feet to a point in the northerly line of the right of way of the road described in Official Records Volume 3310, page 1194 of the public records of said county; run thence westerly and northwesterly along said northerly line of said right of way as follows: First Course, South  $89^{\circ} 58' 10''$  West a distance of 244.13 feet to a point of curvature; Second Course, along the arc of a curve, concave northeasterly and having a radius of 1,859.86 feet, a chord distance of 113.77 feet to a point, the bearing of the aforementioned chord being North  $88^{\circ} 16' 40''$  West; run thence North  $1^{\circ} 25' 40''$  East a distance of 705.40 feet to a point in said southerly right of way line of Old Baymeadows Road; run thence South  $88^{\circ} 34' 20''$  East along said right of way line, a distance of 340.00 feet to the Point of Beginning.

### Parcel 2:

Together with easement rights set forth in Reciprocal Easement Agreement by and between Stockton, Whatley, Davin & Company, and Publix Super Markets, Inc. recorded March 1, 1974 in Official Records Book 3675, Page 1111; Reciprocal Easement Agreement by and between Stockton, Whatley, Davin & Company, and Indiana Florida Realty Trust recorded November 15, 1976 in Official Records Book 4761, Page 760, Public Records of Duval County, Florida., Public Records of Duval County, Florida.

### Parcel 3:

Together with easement rights set forth in Access Easement Agreement by and between Deerwood Village Mall, L.C. and Publix Super Markets, Inc. recorded May 25, 2001 in Official Records Book 10004, Page 599, Public Records of Duval County, Florida.

WARRANTY DEED OFFICIAL RECORDS

THIS INDENTURE, made this 15th day of February, 1974, between STOCKTON, WHATLEY, DAVIN & COMPANY, a Florida corporation, hereinafter called the grantor, which term shall include its successors and assigns, and PUBLIX SUPER MARKETS, INC., a Florida corporation, post-office address, Post Office Box 407, Lakeland, Florida 33802, hereinafter called the grantee, which term shall include its successors and assigns.

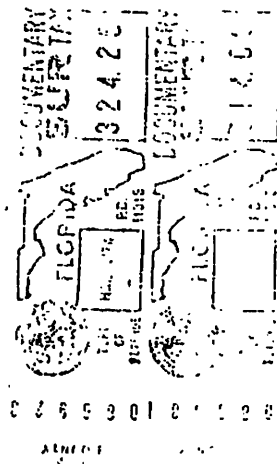
WITNESSETH, That the said grantor for and in consideration of the sum of One Dollar, lawful money of the United States of America, and other valuable considerations to the grantor paid by the grantee, receipt of which being hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said grantee forever all of that certain property situate, lying and being in the County of Duval, State of Florida, described as follows:

A parcel of land in Section 25, Township 3 South, Range 27 East, Duval County, Florida, more particularly described as follows:

Begin at the point of intersection of the southerly right of way line of Baymeadows Road (a 100-foot right of way) with the westerly right of way line of Southside Boulevard (a 300-foot right of way) and run South 00° 01' 50" East along said westerly right of way line a distance of 700.00 feet to a point in the northerly line of the right of way of the road described in Official Records Volume 3310, page 1194 of the public records of said county; run thence westerly and northwesterly along said northerly line of said right of way as follows: First Course, South 89° 58' 10" West a distance of 244.13 feet to a point of curvature; Second Course, along the arc of a curve, concave northeasterly and having a radius of 1,859.86 feet, a chord distance of 113.77 feet to a point, the bearing of the aforementioned chord being North 88° 16' 40" West; run thence North 1° 25' 40" East a distance of 705.40 feet to a point in said southerly right of way line of Baymeadows Road; run thence South 88° 34' 20" East along said right of way line, a distance of 340.00 feet to the Point of Beginning.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances unto the said grantee in fee simple.

AND as a part of the consideration for this conveyance, the grantor, by the execution and delivery hereof, and the grantee, by the acceptance hereof, covenant and agree, as a covenant running with the title to the land described in and conveyed hereby for a period of twenty (20) years from and after the date of the recording hereof, that the land described in and conveyed



OFFICIAL RECORDS

hereby and the improvements erected thereon shall be used only as a retail supermarket and retail drug store; provided, however, that such covenants shall automatically expire and terminate prior to the end of said 20-year period if and on the date there is constructed on the land described in and conveyed hereby a retail supermarket building containing at least 34,000 square feet of floor space and a retail drug store building containing at least 10,000 square feet of floor space and such retail supermarket and such retail drug store are both opened to the public for business.

And the said grantor does hereby fully warrant the title to the land described in and conveyed hereby and will warrant and defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to ad valorem taxes levied or which may become a lien subsequent to December 31, 1973 and to the lien of all special assessments levied or assessed subsequent to the date hereof.

IN WITNESS WHEREOF, the grantor has caused this warranty deed to be executed by its duly authorized officers and its corporate seal to be hereunto affixed the day and year first above written.

Signed, sealed and delivered in the presence of:

STOCKTON, WHATLEY, DAVIN & COMPANY

James C. McArthur By William F. Aberly Executive Vice President  
James A. Franklin Attest Anne G. Kennedy Assistant Secretary

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF DUVAL

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared William F. Aberly and Anne G. Kennedy to me known to be the persons described in and who executed the foregoing instrument as Executive Vice President and Assistant Secretary, respectively, of Stockton, Whatley, Davin & Company, the corporation named therein, and severally acknowledged to and before me that they executed the same as the act and deed of said corporation.

WITNESS my hand and official seal in said County and State this 27<sup>th</sup> day of February, 1974.

James A. Franklin  
Notary Public, State of Florida  
at Large  
My commission expires Nov 7, 1977

(Notarial Seal)

74- 14795  
MAR 1 12 55 PM '74



## Availability Letter

Lionel Perez

2/13/2023

ENGLAND-THIMS & MILLER, INC.

14775 Old St Augustine Rd

Jacksonville, Florida 32258

Project Name: Publix Store #177

Availability #: 2023-0394

Attn: Lionel Perez

Thank you for your inquiry regarding the availability of Electric, Reclaim, 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/](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](https://www.jea.com/water_and_wastewater_development)

cerely,

JEA Water, Sewer Reclaim  
Availability Request Team

Availability Number: 2023-0394

Request Received On: 2/7/2023

Availability Response: 2/13/2023

Prepared by: Susan West

Expiration Date: 02/12/2025

### Project Information

Name: Publix Store #177

Address: 9964 OLD BAYMEADOWS RD, JACKSONVILLE, FL 32256

County: Duval County

Type: Electric,Reclaim,Sewer,Water

 Requested Flow: 7228.65

Parcel Number: 148633 0800

Location: Northwest Corner Southside Blvd and Baymeadows

Description: 9964 Old St. Augustine Road

### Potable Water Connection

Water Treatment Grid: South Grid

Connection Point #1: Existing 8 inch water main north of property

Connection Point #2: Existing 8 inch water main along Southside Blvd

Water Special Conditions:

Connection point not reviewed for site fire protection requirements. Private fire protection analysis is required.

### Sewer Connection

Sewer Grid: Arlington East

Connection Point #1: Existing 8 inch gravity sewer main north of property

Connection Point #2: Existing 8 inch gravity sewer main east of property

Sewer Special Conditions: Any food service establishment or commercial/institutional kitchen that is connected to the JEA sewer system is required to participate in the FOG program. Please contact 665-7404 for additional information.

### Reclaimed Water Connection

Reclaim Grid: N/A

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions: JEA does not anticipate having reclaim water in this area in the foreseeable future.

### 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: Point of connection location(s) to be field verified by developer during project design. If needed, a development meeting may be scheduled prior to submitting a plan set through the SagesGov portal. Copies of reference drawings may also be requested using the SagesGov portal.

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

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

**Request a Development Meeting with the water/wastewater team by going to Step 2 in Sages. If you need representative from the electric or real estate team please indicate that on your application. Don't forget to upload your utility layout with your application.**

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