

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 6, 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.: 2021-831**

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**

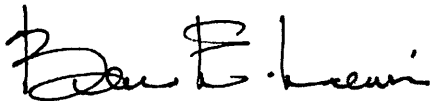
Planning Commission Commentary: **There were no speakers in opposition and little discussion among the Commissioners.**

Planning Commission Vote: **5-0**

David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Joshua Garrison	Absent
Dawn Motes	Absent
Jason Porter	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 2021-831

JANUARY 6, 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 **2021-831**.

Location: 12233 Sago Avenue West between New Berlin Road and Main Street North

Real Estate Numbers: 107440-0000, 106860-0010, 106863-00000

Current Zoning District: Commercial Neighborhood (CN)

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

Current Land Use Category: Neighborhood Commercial (NC)

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

Planning District: 6 - North

Applicant/Agent: H. Timothy Gillis, Esq.
Shutts & Bowen, LLP
300 South Orange Avenue, Suite 1600
Orlando, Florida 32801

Owner: G. Paul Dorsey, III
Happywoods DG, LLC
3636 N. Causeway Blvd., Suite 200
Metairie, Louisiana 70000

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-493** seeks to rezone 6.62 acres of the subject property from the Commercial Neighborhood (CN) to Commercial Community/General-1 (CCG-1) Zoning District. The subject property contains a 12,425 square foot retail center/Winn-Dixie constructed in 1978, a bank and restaurant. The property owner is requesting the rezoning to increase the number of permitted commercial uses.

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 Neighborhood Commercial (NC) 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5611-21C (Ordinance 2021-830) that seeks to amend the portion of the site that is within the Neighborhood Commercial (NC) land use category to Community/General Commercial (CGC). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land use Map Series L-5611-21C be approved. 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 application is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

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.

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.

Objective 3.4 Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, education and recreational 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. The subject property meets the requirements of the CCG-1 Zoning District as set forth in Section 656.313 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	NC	CN	Bank, church
East	PBF	PBF-1	Retention Pond
South	PBF	PBF-1	COJ Oceanway Park/Community Center
West	CGC	CCG-1	Fast food restaurant, undeveloped, church

The Oceanway corridor has a mix of zoning districts with CCG-1, CCG-2, CN and CO fronting New Berlin Road. Behind the commercial districts are residential districts. The proposed rezoning will allow for additional commercial uses that would be in keeping with the zoning character along New Berlin Road and Main Street North. Therefore, the proposed rezoning to CCG-1 will be consistent and compatible with the adjacent properties established in the vicinity.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on December 8, 2022, the required Notice of Public Hearing sign was posted.

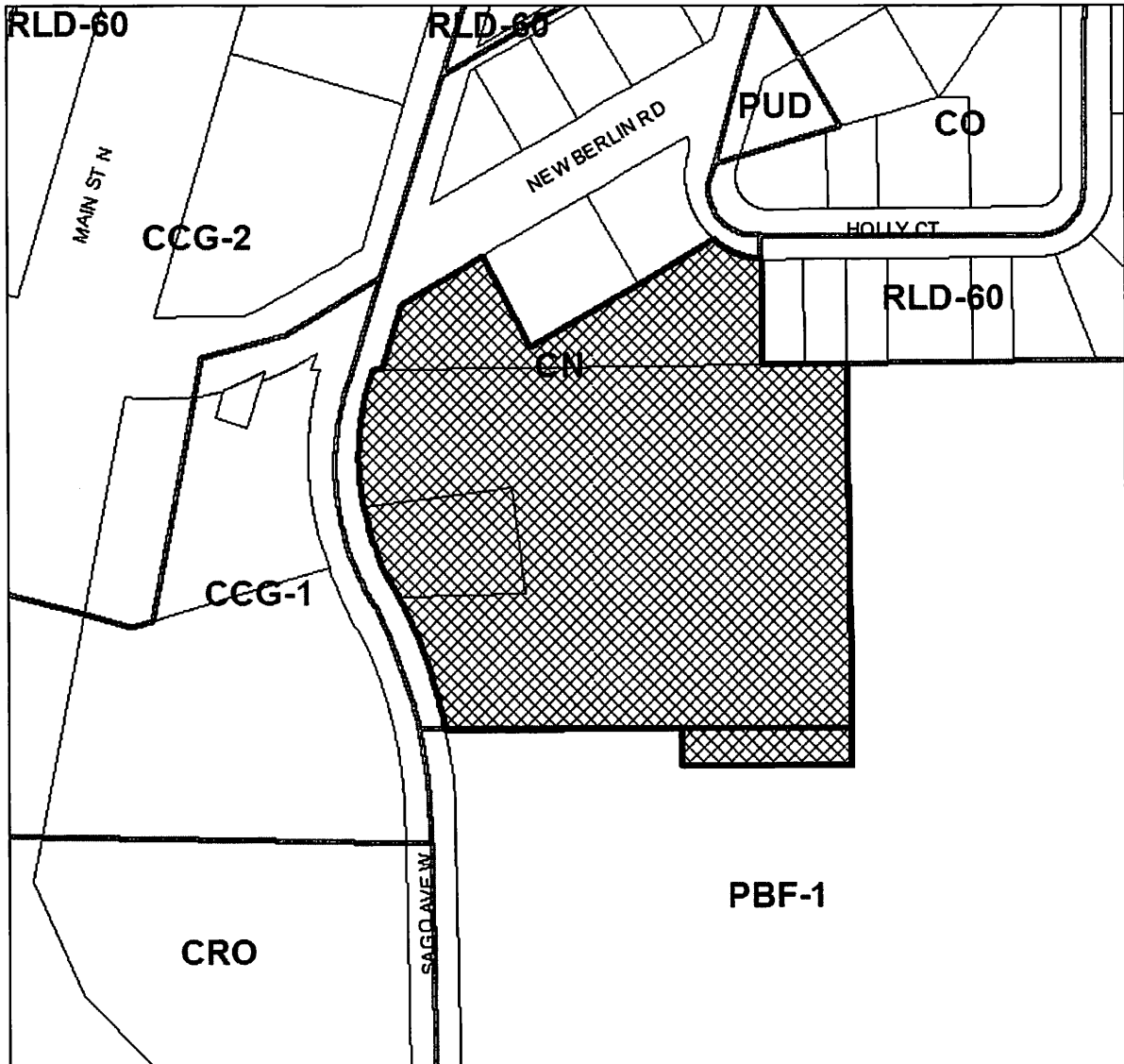


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2021-831 be APPROVED.



Aerial view of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: CN</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p>	<p>0 65 130 260 Feet</p> <p>COUNCIL DISTRICT: 7</p>
<p>ORDINANCE NUMBER ORD-2021-0831</p>	<p>T-2021-3783</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0831 **Staff Sign-Off/Date** BEL / 11/01/2021
Filing Date 11/03/2021 **Number of Signs to Post** 4
Hearing Dates:
1st City Council 01/11/2022 **Planning Commission** 01/06/2022
Land Use & Zoning 01/19/2022 **2nd City Council** 01/25/2022
Neighborhood Association M & M DAIRY, INC., THE EDEN GROUP, INC.
Neighborhood Action Plan/Corridor Study DUNN & MAIN CORRIDOR STUDY

Application Info

Tracking # 3783 **Application Status** PENDING
Date Started 09/09/2021 **Date Submitted** 10/18/2021

General Information On Applicant

Last Name **First Name** **Middle Name**
Company Name
Mailing Address
City **State** **Zip Code**
 JACKSONVILLE FL
Phone **Fax** **Email**

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name **First Name** **Middle Name**
 DORSEY, III G. PAUL
Company/Trust Name
 HAPPYWOODS DG, L.L.C.
Mailing Address
 3636 N. CAUSEWAY BLVD., SUITE 200
City **State** **Zip Code**
 METAIRIE LA 70002
Phone **Fax** **Email**
 5045930400 5044649639 PDORSEY3@GMAIL.COM

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 107440 0000	7	6	CN	CCG-1
Map 106860 0010	7	6	CN	CCG-1
Map 106863 0000	7	6	CN	CCG-1

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

Existing Land Use Category

NC

Land Use Category Proposed?

If Yes, State Land Use Application #

5611

Total Land Area (Nearest 1/100th of an Acre) 6.62

Justification For Rezoning Application

TO ALLOW ADDITIONAL PROPERTY USES.

Location Of Property

General Location

12233 & 12309 SAGO AVE. W (ENTIRE WINN-DIXIE SHOPPING CENTER AND OUTPARCEL)

House #	Street Name, Type and Direction	Zip Code
12233	SAGO AVE W	32218

Between Streets

NEW BERLIN RD. and I-295

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**
 6.62 Acres @ \$10.00 /acre: \$70.00
- 3) Plus Notification Costs Per Addressee**
 28 Notifications @ \$7.00 /each: \$196.00
- 4) Total Rezoning Application Cost: \$2,266.00**

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

October 18, 2021

PARCEL A:

That certain piece, parcel or tract of land situate, lying and being in the City of Jacksonville, County of Duval, State of Florida, more particularly described as follows:

A portion of Tract 20, together with a portion of Lot 13, according to Commissioner's Plat of Section 11 of a subdivision of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida as recorded in Chancery Order Book 115, Page 282 and a portion of Lots 15 and 5 and all of Lots 1 through 4, and the portion of that certain 20 foot alley all being in Block 9, OCEANWAY, according to the Plat recorded in Plat Book 11, Page 49, Current Public Records of said county, all being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of Section 11, said John Broward Grant; thence South 89 degrees 08 minutes 42 seconds West along the North line of said 1/4, said line also being the South line of said Oceanway, 450 feet to the point of beginning; thence continue South 89 degrees 08 minutes 42 seconds West along said North line, 183.37 feet to a point, said point being the intersection of said North line with Southeasterly prolongation of the Northeasterly line of Lot 10, Block 9, said Oceanway; thence North 30 degrees 44 minutes 18 seconds West along said prolongation, 114.68 feet to the center line of a 20 foot alley in said Block 9; thence South 59 degrees 15 minutes 42 seconds West along said center line 145 feet; thence North 30 degrees 44 minutes 18 seconds West, 135 feet to the Southeasterly right of way line of New Berlin Road: thence South 59 degrees 15 minutes 42 seconds West along said right of way line, said line being coincident with the Northwesterly line of Lots 5, 4, 3, 2, and 1, said Block 9, 100 feet to the Southeasterly right of way line of Palm Avenue (an 80 foot right of way); thence South 16 degrees 20 minutes 18 seconds West along said right of way line, 98.83 feet to the Northerly line of said Lot 13; thence South 89 degrees 08 minutes 42 seconds West, 10.47 feet to the Southeasterly right of way line of Palm Avenue (a 60 foot right of way); thence South 16 degrees 34 minutes 33 seconds West along said right of way line, 22.99 feet to the point of curve in said right of way line; thence Southwesterly along said right of way line, said line being a curve concave Easterly, having a radius of 245.72 feet, a chord bearing and distance of South 01 degree 35 minutes 01 second West, 127.13 feet respectively to the Northwesterly corner of lands described in Official Records Volume 243, Page 375; thence around the three boundary lines of lands described in said deed, thusly, North 89 degrees 20 minutes 35 seconds East, 177.80 feet, South 06 degrees 45 minutes 55 seconds East, 125 feet and South 89 degrees 20 minutes 35 seconds West, 150 feet to the Southwest corner of lands described in said deed; thence South 19 degrees 34 minutes 45 seconds East along Northeasterly right of way line of said Palm Avenue 90.8 feet to the point of curve in said right of way line; thence continue Southerly along said right of way line, said line being a curve concave Westerly, having a radius of 583.35 feet, a chord bearing and distance of South 17 degrees 33 minutes 53 seconds East, 41.01 feet respectively; thence North 89 degrees 16 minutes 45 seconds East, 496.11 feet; thence North 01 degree 38 minutes 59 seconds West, 399.85 feet to the point of beginning.

Less and except Parcel 109.1, described in Order of Taking recorded in Official Records Book 7327, Page 2163.

PARCEL B:

A portion of Lot 15, and the portion of that certain 20 foot alley, both being in Block 9, OCEANWAY, according to the Plat recorded in Plat Book 11, Page 49, Current Public Records of Duval County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Lot 15; thence North 0 degrees 46 minutes 59 seconds West along the dividing line between Lots 15 and 16, said Oceanway, 125.36 feet to the Southerly right of way line of Holly Court; thence northwesterly along said right of way line, said line being a curve concave to the North, a chord bearing and distance of North 71 degrees 17 minutes 59 seconds West, 65 feet to the intersection of said right of way line with the center line of that certain 20 foot alley lying in Block 9; thence South 59 degrees 20 minutes 01 seconds West along said center line, 96.23 feet to its intersection with the Southeasterly prolongation of the Northeasterly line of Lot 10, Block 9, said Oceanway; thence South 30 degrees 39 minutes 59 seconds East along said prolongation, 114.5 feet to its intersection with the Southerly line of said Lot 15; thence North 89 degrees 13 minutes 01 seconds East along said South line, 87.85 feet to the point of beginning.

PARCEL E:

That certain piece, parcel or tract of land situate, lying and being in the City of Jacksonville, County of Duval, State of Florida, more particularly described as follows:

A portion of Tract 20 and a portion of Lot 13 according to Commissioner's Plat of Section 11 of a subdivision of John Broward Grant in Government Section 37, Township 1 North, Range 27 East, Duval County, Florida as recorded in Chancery Order Book 115, Page 282, Public Records Duval County, Florida and being more particularly described as follows:

Commence at the intersection of the South line of Oceanway as recorded in Plat Book 11, Page 49 of the Current Public Records of said County with the Easterly right of way line of Palm Avenue (an 80 foot right of way) as shown on said Plat of Oceanway; thence South 89 degrees 08 minutes 42 seconds West (actual), (South 89 degrees 15 minutes 30 seconds West, Deed) along the said South line of Oceanway, 10.47 feet to the Easterly right of way line of said Palm Avenue (a 60 foot right of way at this point); thence South 16 degrees 34 minutes 33 seconds West (actual), (South 16 degrees 29 minutes 30 seconds West, Deed) along said Easterly right of way line of Palm Avenue, 22.99 feet to the P.C. of a curve to the left, having a radius of 245.72 feet; thence around and along said curve South 01 degree 35 minutes 01 seconds West (actual) (South 01 degree 29 minutes 54 seconds West, Deed), 127.13 feet (chord distance and bearing) for a point of beginning; thence along said curve South 16 degrees 29 minutes 38 seconds East (actual), (South 16 degrees 34 minutes 46 seconds East, Deed), 26.45 feet (chord distance and bearing) to the P.T. of said curve; thence continuing along said Easterly right of way line of Palm Avenue, South 19 degrees 34 minutes 45 seconds East (actual), (South 19 degrees 39 minutes 50 seconds East, Deed), 104.49 feet; thence North 89 degrees 20 minutes 35 seconds East (actual), (North 89 degrees 15 minutes 30 seconds East, Deed), 150 feet; thence North 06 degrees 45 minutes 55 seconds West (actual), (North 06 degrees 51 minutes, West, Deed), 125 feet thence South 89 degrees 20 minutes 35 seconds West (actual), (South 89 degrees 15 minutes 30 seconds West, Deed), 177.80 feet to the point of beginning. The above

described lands being the same lands as described in Official Records Volume 243, Page 375, Public Records of said County.

PARCEL F:

A portion of Tract 20, according to Commissioner's Plat of Section 11 of the subdivision of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida as recorded in Chancery Order Book 115, Page 282 of said County being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of Section 11 of said John Broward Grant; thence South 89 degrees 13 minutes 01 seconds West along the North line of said 1/4, said line also being the South line of Oceanway as recorded in Plat Book 11, page 49, current public records of said County, 450 feet; thence South 01 degree 38 minutes 59 seconds East, 400 feet to the Point of Beginning, said Point of Beginning being the southeast corner of lands described in this deed as Parcel A; thence continue South 01 degree 38 minutes 59 seconds East, 50 feet; thence South 89 degrees 20 minutes 35 seconds West, 200 feet; thence North 01 degree 38 minutes 59 seconds West, 50 feet to a point in the South line of said Parcel A; thence North 89 degrees 20 minutes 35 seconds East along said South line, 200 feet to the Point of Beginning.

PARCEL SIGN SITE:

A portion of Lot 13, Commissioner's Plat of Section 11 of a subdivision of the John Broward Grant in Section 37, Township 1 North, Range 27 East, Duval County, Florida, as recorded in Chancery Order Book 115, Page 282 of said county and being more particularly described as follows:

Commence at the intersection of the Southwesterly right of way line of Palm Avenue (an 80 foot right of way) and the Southeasterly right of way line of New Berlin Road (a 60 foot right of way); thence South 59 degrees 15 minutes 42 seconds West along said Southeasterly right of way line, 78.23 feet to the point of beginning; thence continue South 59 degrees 15 minutes 42 second West along said right of way line, 59.06 feet; thence South 16 degrees 38 minutes 02 seconds West, 25 feet; thence South 73 degrees 21 minutes 58 seconds East, 40 feet; thence North 16 degrees 37 minutes 54 seconds East, 68.46 feet to the point of beginning.

LESS and except the lands conveyed in Warranty Deed recorded in Official Records Book 7554, Page 495.

PARCEL C:

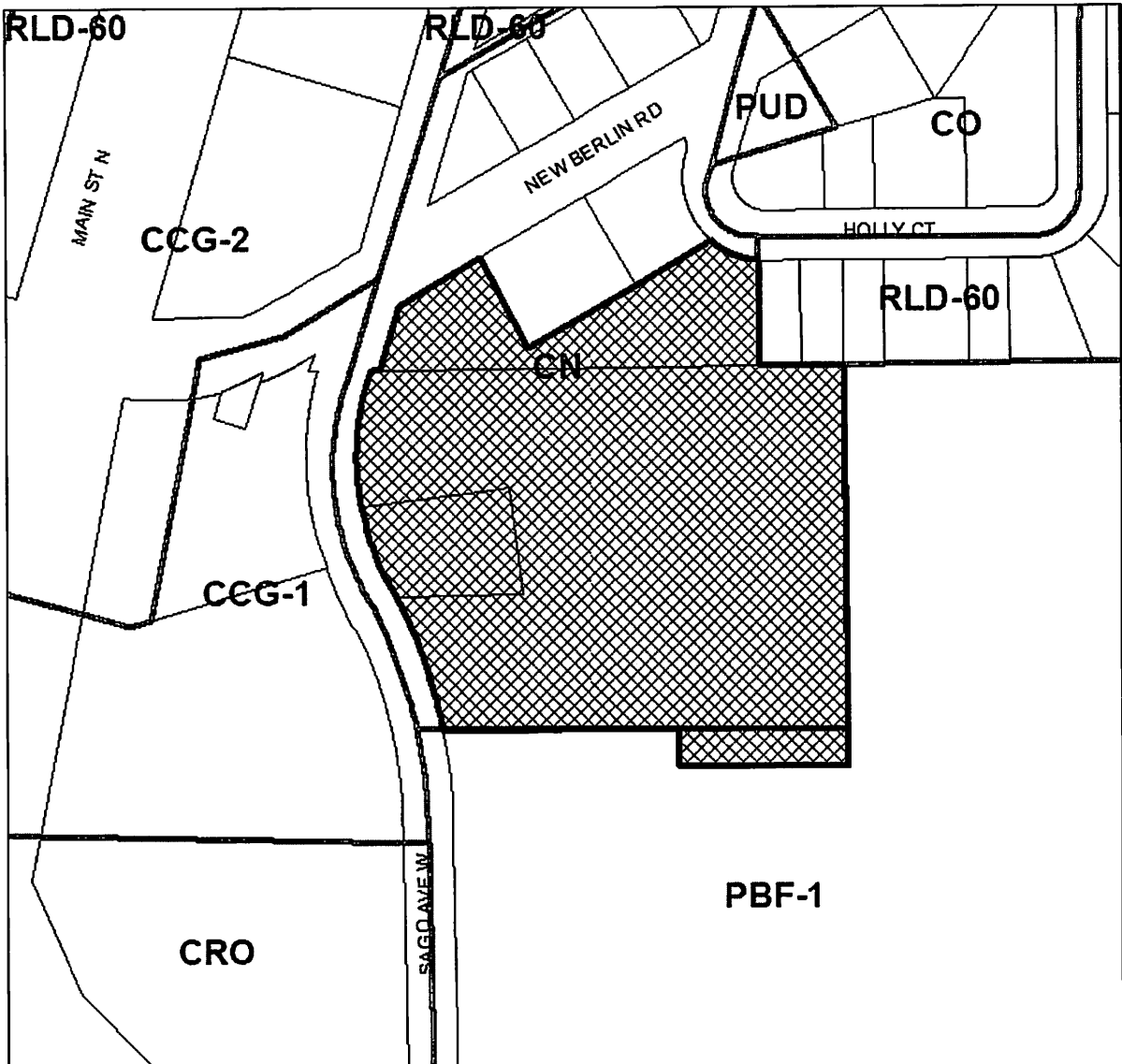
EASEMENT PARCEL

A non-exclusive, perpetual and alienable easement for ingress, egress and utilities on, over and across the following described land:

Lot 10 and a portion of Lot 9 and a portion of the Northwest 1/2 of an alley (now closed), all in Block 9, Oceanway, according to the plat recorded in Plat Book 11, page 49, Duval County, Florida being more particularly described as follows:

Begin at the intersection of the Northeasterly line of said Lot 10 and the Southeasterly right of way line of New Berlin Road (a 60 foot right of way); thence South $30^{\circ}44'18''$ East along the Northeasterly line of said Lot 10 and a Southeasterly prolongation thereof, 135 feet to the center line of said alley; thence South $59^{\circ}15'42''$ West along said center Line, 30 feet; thence North $30^{\circ}44'18''$ West, 135 feet to a point in said Southeasterly right of way line; thence North $59^{\circ}15'42''$ East along said right of way line, 30 feet to the Point of Beginning.

Together with perpetual non-exclusive drainage easement created in Official Records Book 4551, Page 1131, Public Records of Duval County, Florida.

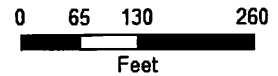
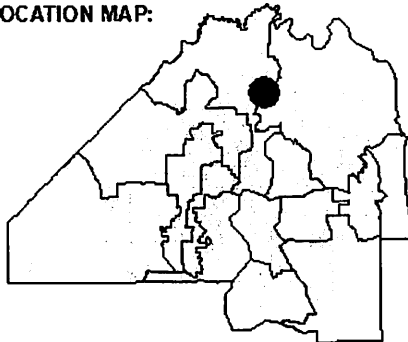


REQUEST SOUGHT:

FROM: CN

TO: CCG-1

LOCATION MAP:



COUNCIL DISTRICT:

7

T-2021-3783

**EXHIBIT 2
PAGE 1 OF 1**