

City of Jacksonville, Florida

Lenny Curry, Mayor

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

March 4, 2021

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2021-71**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan 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**

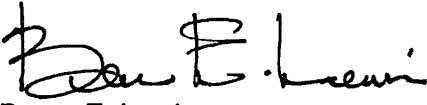
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Ian Brown	Absent
Alex Moldovan	Aye
Jason Porter	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, 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 2021-0071

MARCH 4, 2021

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 2021-0071.

Location: 1225 Howard Road; Between Interstate-295 and Creek Point Boulevard

Real Estate Number: Portion of 109686 0000

Current Zoning District: Residential Medium Density-A (RMD-A)

Proposed Zoning District: Commercial Community/General-2 (CCG-2)

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

Planning District: District 6—North

Applicant/Agent: Paul Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Owner: Eyad Malih
Sam Properties Investments, LLC
11399 Glenlaurel Oaks Circle
Jacksonville, FL 32257

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance 2021-0071 seeks to rezone 0.31± acres of a property from Residential Medium Density-A (RMD-A) to Commercial Community/General-2 (CCG-2). Currently the property is split zoned with CCG-2 zoning along the western portion of the property and RMD-A along the eastern and northern portion. The applicant is seeking the rezoning to expand the CCG-2 zoning, while still maintaining the RMD-A zoning along the east portion of the subject parcel.

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. 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 will be located in the Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

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

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. Currently the site has a MDR land use designation. According to the Future Land Use Element (FLUE), CGC in the Suburban Development 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. Principal uses include, but are not limited to, commercial retail sales and service establishments including auto sales; restaurants; hotels and motels; offices; financial Institutions; multi-family dwellings; and commercial recreational and entertainment facilities.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element

Policy 1.2.9

Require new development and redevelopment in the Central Business District, Urban

Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

In reference to the attached JEA Availability Letter, 2020-4112, the proposed development shall maintain connection to City water and sewer.

Policy 3.2.4

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 at the subject site supports this policy by keeping the eastern portion of the property as RMD-A, while allowing the western portion of the property to be utilized for commercial uses.

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 RMD-A to CCG-2 in order to permit the development of commercial uses.

SURROUNDING LAND USE AND ZONING

The subject property is located at the corner of Pulaski Road and Howard Road. The proposed rezoning to CCG-2 would allow the applicant to bring the western portion of the property into a consistent zoning district. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-A	Vacant
East	MDR	RMD-A	Single-Family Dwellings
South	CGC/MDR	CCG-2/RMD-A	Gas Station, Single-Family Dwellings
West	CGC/LDR	CCG-2/RLD-60	Single-Family Dwellings

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-2 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

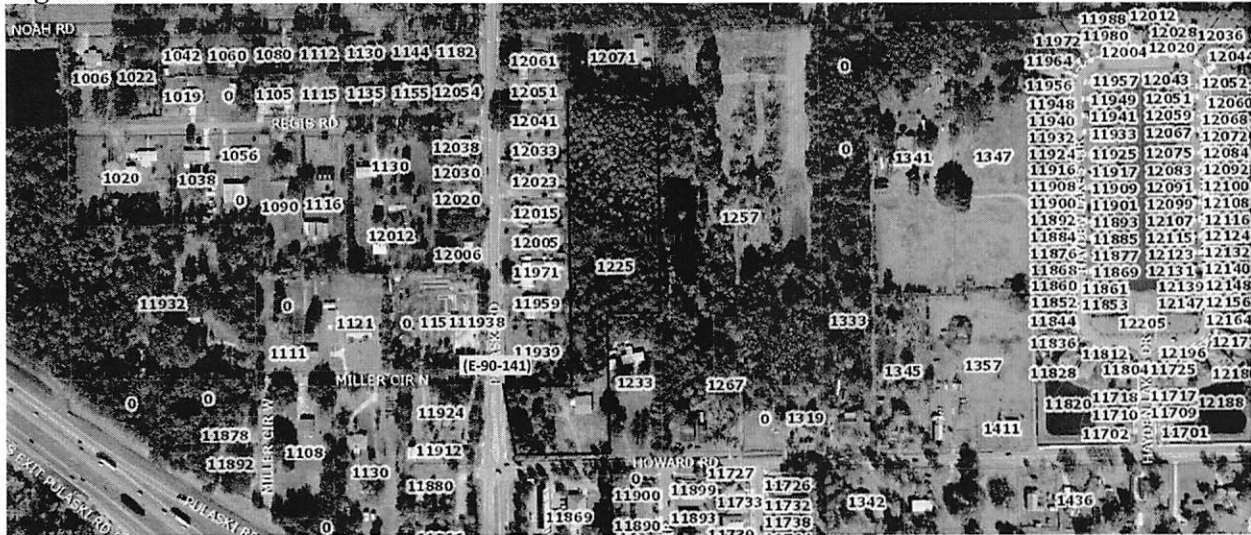
Upon visual inspection of the subject property on February 25, 2021 by the Planning and Development Department, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2021-0071 be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 2/25/2021

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 2/25/2021

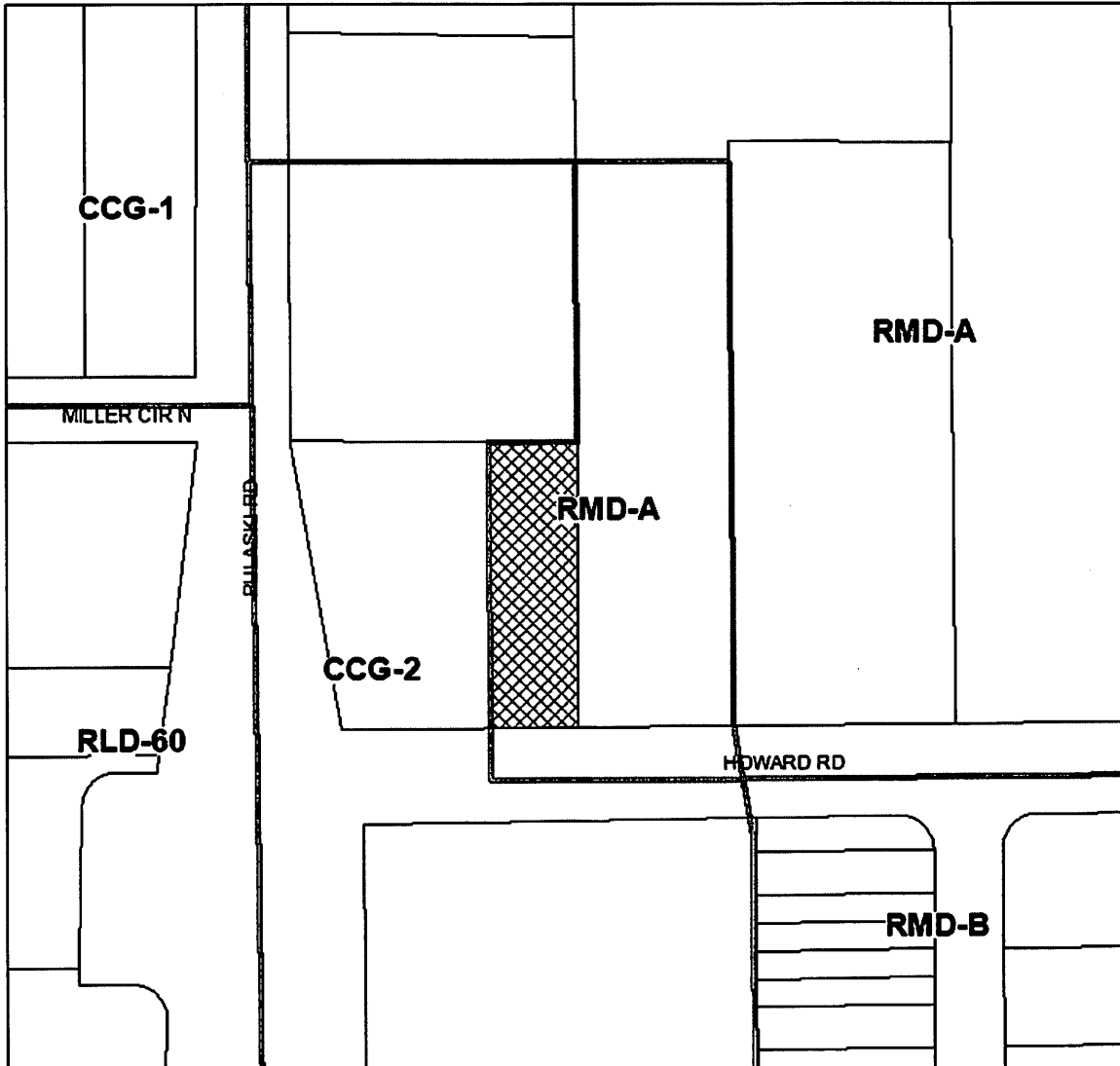
View of the subject property from Howard Road.

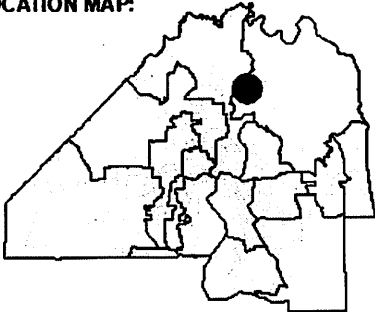
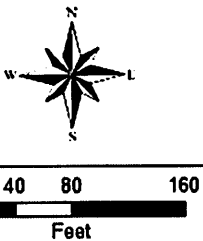
Figure C:



Source: Planning & Development Dept, 2/25/2021

View of the subject property at the corner of Howard Road and Pulaski Road.



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	
<p>ORDINANCE NUMBER ORD-2021-0071</p>	<p>TRACKING NUMBER T-2020-3273</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0071 **Staff Sign-Off/Date** KPC / 01/26/2021
Filing Date 02/09/2021 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 03/09/2021 **Planning Commission** 03/04/2021
Land Use & Zoning 03/16/2021 **2nd City Council** N/A
Neighborhood Association M & M DAIRY INC; THE EDEN GROUP INC.
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3273 **Application Status** SUFFICIENT
Date Started 12/03/2020 **Date Submitted** 12/03/2020

General Information On Applicant

Last Name HARDEN **First Name** PAUL **Middle Name** M.
Company Name
LAW OFFICE OF PAUL M. HARDEN
Mailing Address
501 RIVERSIDE AVENUE, SUITE 901
City JACKSONVILLE **State** FL **Zip Code** 32202
Phone 9043965731 **Fax** 9043995461 **Email** PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name MALIH **First Name** EYAD **Middle Name**
Company/Trust Name
SAM PROPERTIES INVESTMENTS, LLC
Mailing Address
11399 GLENLAUREL OAKS CIRCLE
City JACKSONVILLE **State** FL **Zip Code** 32257
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 109686 0000	2	6	RMD-A	CCG-2

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) 0.31

Justification For Rezoning Application

TO ALIGN THE EASTERLY BOUNDARY LINE OF THE SUBJECT PARCEL WITH THE ADJACENT, CONTIGUOUS EXISTING COMMERCIAL ZONING DESIGNATION.

Location Of Property**General Location**

NEC OF HOWARD RD AND PULASKI RD

House #	Street Name, Type and Direction	Zip Code
1225	HOWARD RD	32218

Between Streets

I-295 and CREEK POINT BLVD

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

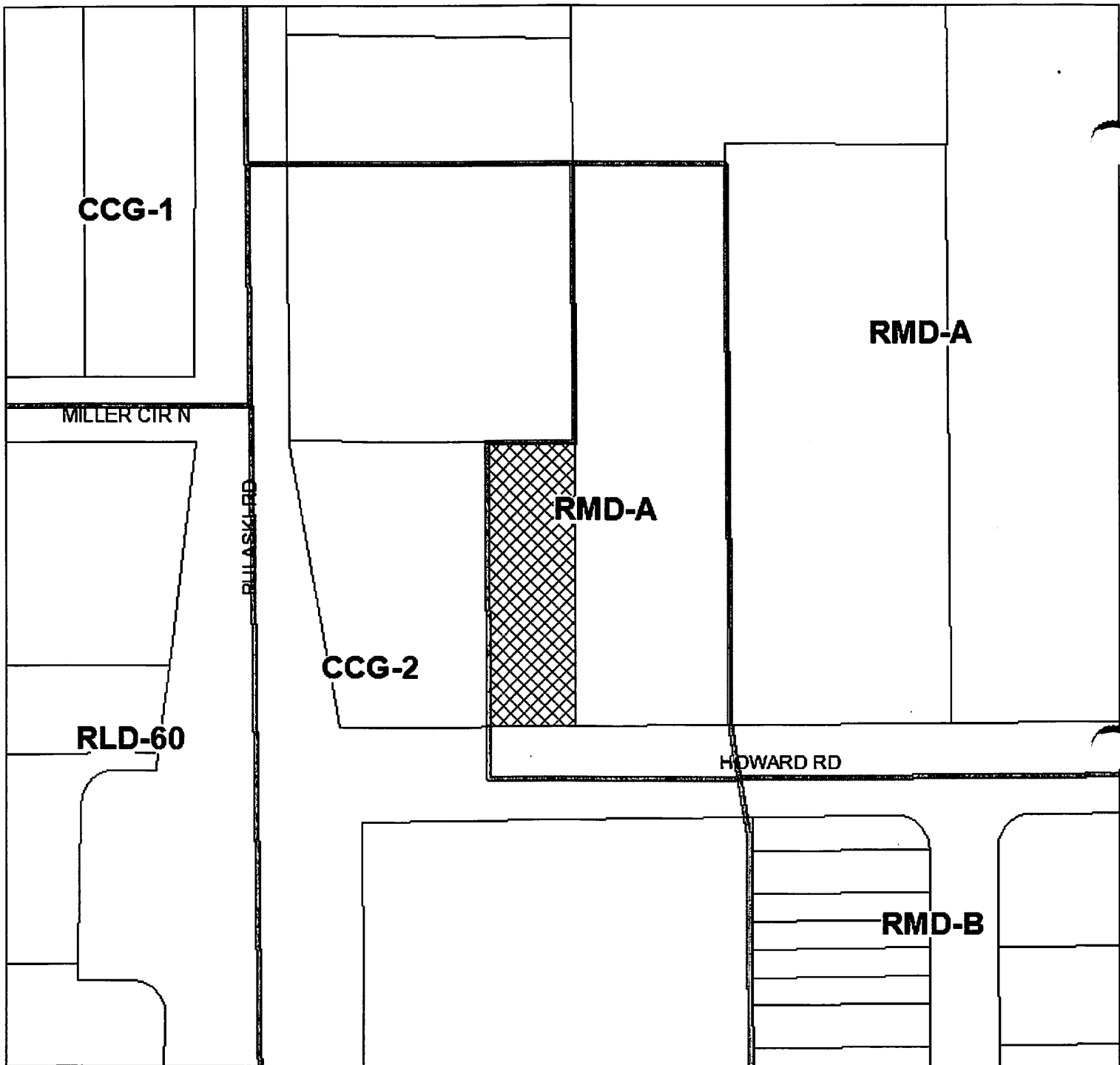
Filing Fee Information

- 1) Rezoning Application's General Base Fee: \$2,000.00
 - 2) Plus Cost Per Acre or Portion Thereof
0.31 Acres @ \$10.00 /acre: \$10.00
 - 3) Plus Notification Costs Per Addressee
23 Notifications @ \$7.00 /each: \$161.00
 - 4) Total Rezoning Application Cost: \$2,171.00
- NOTE: Advertising Costs To Be Billed to Owner/Agent**

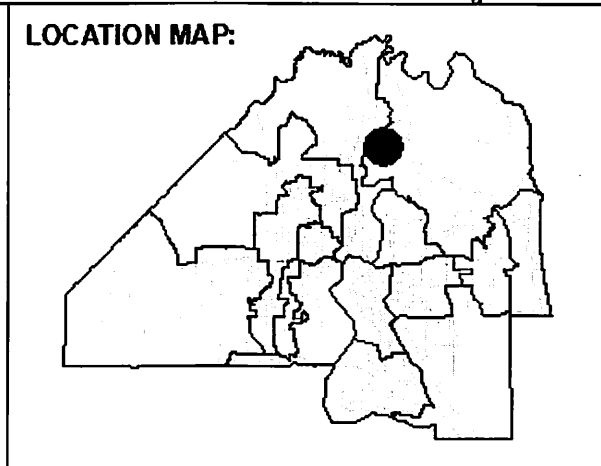
Legal Description

THE EASTERLY 65 +/- FEET OF THE FOLLOWING PARCEL (CURRENTLY ZONED RMD-A):

A PORTION OF SECTION 16, SUBDIVISION OF THE JOHN BROWARD GRANT, SECTION 46, TOWNSHIP 1 SOUTH, RANGE 27 EAST, CITY OF JACKSONVILLE, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECT/ON OF THE NORTHERLY RIGHT-OF-WAY LINE OF HOWARD ROAD, (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), WITH THE EASTERLY RIGHT-OF-WAY LINE OF PULASKI RD, (A RIGHT-OF-WAY OF VARIABLE WIDTHS): THENCE NORTH 04° 07' 23" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 209.09 FEET TO A POINT SITUATE ON THE SOUTHERLY BOUNDARY LINE OF LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS VOLUME 4512, PAGE 1015, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY, THENCE NORTH 89° 49' 35" EAST, ALONG SAID SOUTHERLY LINE, DEPARTING FROM SAID EASTERLY RIGHT-OF-WAY LINE 194.51 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE SOUTH 0° 01' 30" EAST, 208.72 FEET TO THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF HOWARD ROAD; THENCE SOUTH 89° 52' 00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 179.57 FEET TO THE POINT OF BEGINNING.



REQUEST SOUGHT:
FROM: RMD-A
TO: CCG-2



A north arrow is shown with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left. Below it is a scale bar with markings at 0, 40, 80, and 160, with the word 'Feet' centered below the bar.

COUNCIL DISTRICT:
2

TRACKING NUMBER
T-2020-3273

EXHIBIT 2
PAGE 1 OF 1



Availability Letter

Jennifer Cherry

12/11/2020

501 RIVERSIDE AVE STE 901
JACKSONVILLE, Florida 32202

Project Name: Howard Road Commercial

Availability #: 2020-4112

Attn: Jennifer Cherry

Thank you for your inquiry regarding the availability of 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 Condition stated in each section contain pertinent information and additional requirements as well as further instructions. In the event the point of connection is located within a JEA easement located on private property not owned by applicant, applicant shall be responsible to obtain a temporary construction easement (TCE) from the third party owner providing applicant with the right to construct the utilities. **The TCE will need to be provided by JEA prior to setting up a pre-construction meeting.**

Main Extensions and/or Offsite Improvements:

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. **It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida.** All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found at:

https://www.jea.com/engineering_and_construction/water_and_wastewater_development/reference_materials/

Reservation of Capacity:

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found at

https://www.jea.com/water_and_wastewater_development

Sincerely,

JEA Water, Sewer Reclaim
Availability Request Team

Availability Number: 2020-4112

Request Received On: 12/3/2020

Availability Response: 12/11/2020

Prepared by: Corey Cooper

Expiration Date: 12/11/2022

Project Information

Name: Howard Road Commercial

Address: 1225 HOWARD RD, JACKSONVILLE, FL 32218

County: Duval County

Type: Sewer,Water

Requested Flow: 750

Parcel Number: 109686 0000

Location: Corner of Howard Rd and Pulaski Rd

Description: Commercial building

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Existing 8-inch water main within Howard Rd. ROW.

Connection Point #2: Existing 12-inch water main within Pulaski Rd. ROW.

Connection point not reviewed for site fire protection requirements. Private fire protection analysis is required. For the estimated cost of connecting to the JEA system, please submit request via Sages

Water Special Conditions: under Step 2 with APPROVED plans showing where the proposed connections will be installed.

Plans must be accompanied with fire flow calculations both need to be signed and sealed by a licensed engineer.

Sewer Connection

Sewer Grid: District 2/Cedar Bay

Connection Point #1: Existing 8-inch gravity sewer main within Pulaski Rd. ROW.

Connection Point #2: Existing 4-inch force main within Howard Rd. ROW. Existing 20-inch force main within Pulaski Rd. ROW.

Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). Request a force main connection pressure letter through the JEA Sages program by entering your availability number and accessing the project portal. If needed, a

development meeting can be scheduled prior to submitting a plan set. Request development meeting through the JEA Sages program by entering your availability number and accessing the project portal. Development Meeting, Force Main Connection Pressure Letter and Plan Submittal

Sewer Special Conditions: requests can be made within Step 2 of the project portal. Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JEA. If gravity flow cannot be achieved, then Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). If needed, a development meeting can be scheduled prior to submitting a plan set. Request development meeting through the JEA Sages program by entering your availability number and accessing the project portal. Development Meeting, and Plan Submittal requests can be made within Step 2 of the project portal.

Reclaimed Water Connection

Reclaim Grid:

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions:

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: