

City of Jacksonville, Florida

Donna Deegan, Mayor

City Hall at St. James
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Jacksonville, FL 32202
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September 7, 2023

The Honorable Ronald B. Salem, Pharm. D., 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.: 2023-413**

Dear Honorable Council President Salem, 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	Absent
Daniel Blanchard	Aye
David Hacker	Aye
Morgan Roberts	Aye

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
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION 2023-0413

SEPTEMBER 7, 2023

Location: 620 Chaffee Road South, at the corner of Chaffee Road South and Crystal Springs Road

Real Estate Number: 001848 0000

Zoning Exception Sought: Permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4

Current Zoning District: Commercial Community/General-1 (CCG-1)
Residential Medium Density-MH (RMD-MH)

Current Land Use Category: Community/General Commercial (CGC)
Medium Density Residential (MDR)

Planning District: District 5 – Northwest

Applicant/Agent: Steve Diebenow, Esq.
Driver, McAfee, Hawthorne and Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: First Coast Energy, L.L.P.
7014 A.C. Skinner Parkway, Suite 290
Jacksonville, FL 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Zoning Exception **E-23-50/2023-413** seeks to permit outdoor seating, categorized as outside sales and service in the Zoning Code, to develop a Daily's convenience store with a covered patio area. The subject property is a 4.88 acre site located near the intersection of Chaffee Road South and Crystal Springs Road. The subject property is currently split-zoned between RMD-MH and CCG-1, however there is a companion rezoning (**2023-0412**) to rezone a portion of the RMD-MH to CCG-1. The property is currently developed as a Shell gas station and Daily's convenience store, however, the applicant is intending to demolish the existing structure and reconfigure the site to accommodate a gas station and a car wash.

There is a companion Small Scale Land Use Amendment L-5830-23C (**Ordinance 2023-0411**) that seeks to amend the land use on the property from Medium Density Residential (MDR) to Community/General Commercial (CGC). Lastly, there is a companion administrative deviation (**AD-23-50/2023-0414**) to increase required parking spaces, and make adjustments to driveway access and uncomplimentary buffers.

DEFINITION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

(i) Will the proposed use be consistent with the 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 with the approval of companion Small Scale Land Use Amendment L-5830-23C (**Ordinance 2023-0411**), 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 2045 Comprehensive Plan.

Community/General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. The proposed gas station and car wash are permitted in the CGC land use category.

Future Land Use Element:

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.

The proposed rezoning at the subject site would promote the balance of residential and commercial uses within the immediate area given the subject property’s primary access and location along Chaffee Road and promotes the redevelopment of an underutilized lot.

Objective 3.2
 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 would sustain an existing but underutilized commercial parcel along Chaffee Road South and provide commercial services to the surrounding neighborhood.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city’s geographic information data, the Planning and Development Department has determined the general location, size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 0.25 of an acre

General Location(s): The wetlands on site is a small portion of a larger wetland system associated with McGirts Creek. However, the wetland is located on the southern portion of the subject property and approximately 700 feet away from McGirts Creek. The flat elevations prove that the wetlands in this vicinity are depressional where flood waters at this location will not recede into McGirts Ctreek but percolate into the groundwater table.

Airport Environment Zone

Height Restriction Zone

The site is located within the 150-foot Height and Hazard Zone for OLF Whitehouse. Zoning will limit development to a maximum height of 150 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Future Land Use Element

Objective 2.6

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities in accordance with the requirements of Section 163.3177, F.S.

Policy 2.6.16

Airport Height and Hazard zones (HH) exist around all military and civilian airports within the city limits of Jacksonville. The horizontal limits of the zones and limitations on heights of obstructions within these zones are defined for each military airport in Naval Facilities Engineering Command (NAVFAC) P-80.3 01/82, on file with the Planning and Development Department, and for each civilian airport in Title 14, Code of Federal Regulations (CFR), Part 77 guidelines, on file with the Planning and Development Department. In order to assure that Title 14, CFR, Part 77 guidelines and NAVFAC P-80.3 01/82 guidelines are not exceeded and that no structure or obstruction is permitted that would raise a minimal obstruction clearance altitude, a minimum vectoring descent altitude or a decision height, all cell towers and any structure or obstruction that would extend into an Airport (HH) requires, in writing, comment from the U.S. Navy. Although written documentation from the U.S. Navy for military HH and from the FAA or JAA for civilian HH is not required for proposed structure heights below the listed height, United States Code (USC) Title 14, CFR Part 77 still applies

Notice Zone

The site is also located in a Military Influence Zone for OLF Whitehouse

Military Influence Zones

Known as Airport Notice Zones in the Land Development Regulations. They encompass all lands within accident potential zones, the lighting regulation zone for OLF Whitehouse, the 60-64.99 DNL noise contour, and the one hundred fifty (150) foot Height and Hazard Zone or inner horizontal and conical surface zones as shown on the Military and Civilian Influence Zones.

Execution of an Airport Notice Zone Acknowledgement for properties located within these zones is required pursuant to Section 656.1010, Ordinance Code.

Future Land Use Element**Policy 2.6.14**

To ensure safety and education of citizens occupying properties that are located near military and civilian airports, the City requires disclosure of airport proximity to prospective owners or lessees in the Military and Civilian Influence Zones depicted on the Military and Civilian Influence Zones Map.

(ii) Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?

Yes. The subject property is located at the intersection of Chaffee Road South and located just south of Interstate-10. The subject property is surrounded primarily by single-family dwellings to the north and west and commercial development to the east. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-MH	Mobile Home Park
East	CGC	CCG-1	Supermarket, Restaurants
South	CGC/LDR	CCG-1/RR-Acre	Vacant
West	MDR	RMD-MH	Mobile Home Park

(iii) Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?

No. It is the opinion of the Planning and Development Department that the proposed use will not have a negative environmental impact on the health, safety, and welfare of the community. The proposed use is similar to other uses in the surrounding area.

(iv) Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?

No. In relation to surrounding property uses, the proposed use will not generate additional traffic than what is currently in the area nor be detrimental to parking conditions as the subject site will have sufficient parking on-site. The applicant has filed a companion Administrative Deviation to increase the required parking.

(v) Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?

No. The proposed use will not have a detrimental effect on the future development of contiguous properties as much of the surrounding area has been developed. Approving the exception would allow for redevelopment of an underutilized commercial parcel. The proposed use will be incidental to the primary use of a gas station and car wash.

- (vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

No. The proposed use will not create objectionable or excessive noise, lights, vibrations, fumes, odors, dust. The activity generated by this use will be similar to the activity being generated by nearby commercial uses. The area is a commercial node with several similar uses, including restaurants and retail stores. It is not expected that this use will generate any more activity than the surrounding uses already do.

- (vii) *Will the proposed use overburden existing public services and facilities?*

No. The proposed use will not overburden existing public services or facilities. The proposed outside seating will not increase the demand for public services greater than what is currently available to the site.

- (viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes. The subject property has three (3) access points, as shown in the submitted site plan.

- (ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

Yes. The proposed use will be consistent with the definition of a Zoning Exception and with the zoning classification standards found in the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **August 31, 2023** the Planning and Development Department staff observed that the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception E-23-50/2023-0413 be **APPROVED**.

Figure A:



Source: Planning & Development Department, 8/18/2023
Aerial view of the subject site and parcel, facing north.

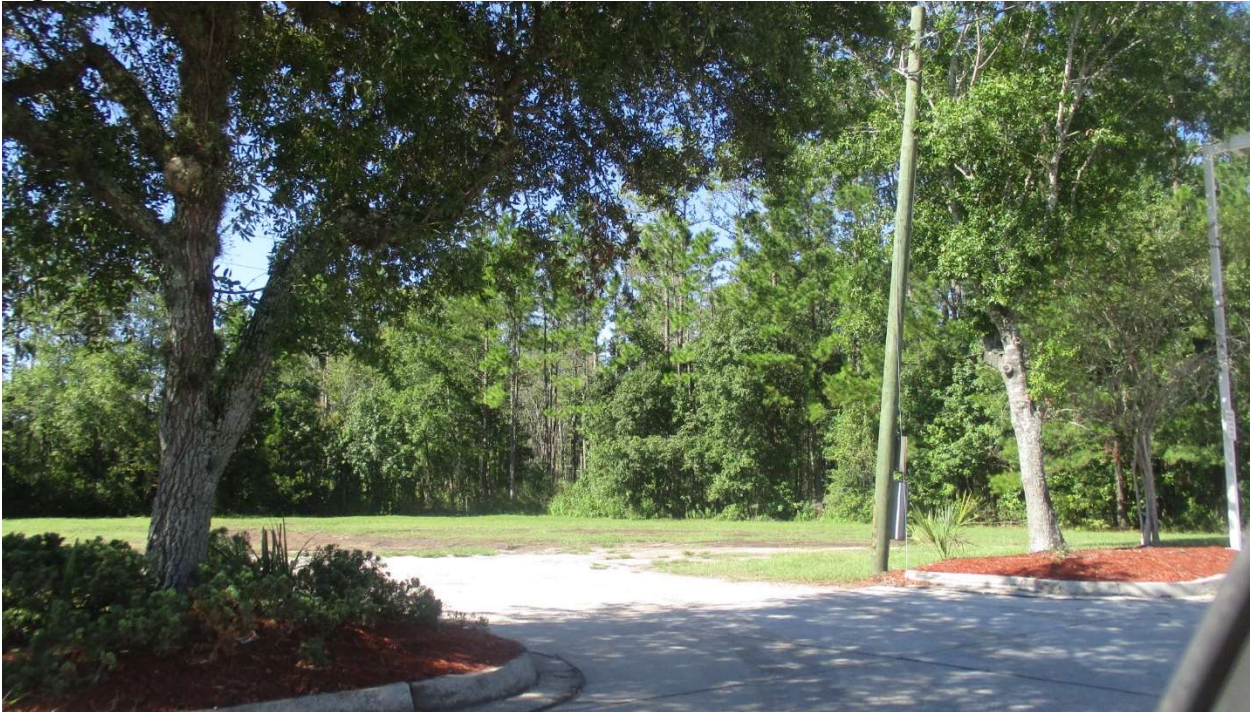
Figure B:



Source: Planning & Development Department, 08/31/2023

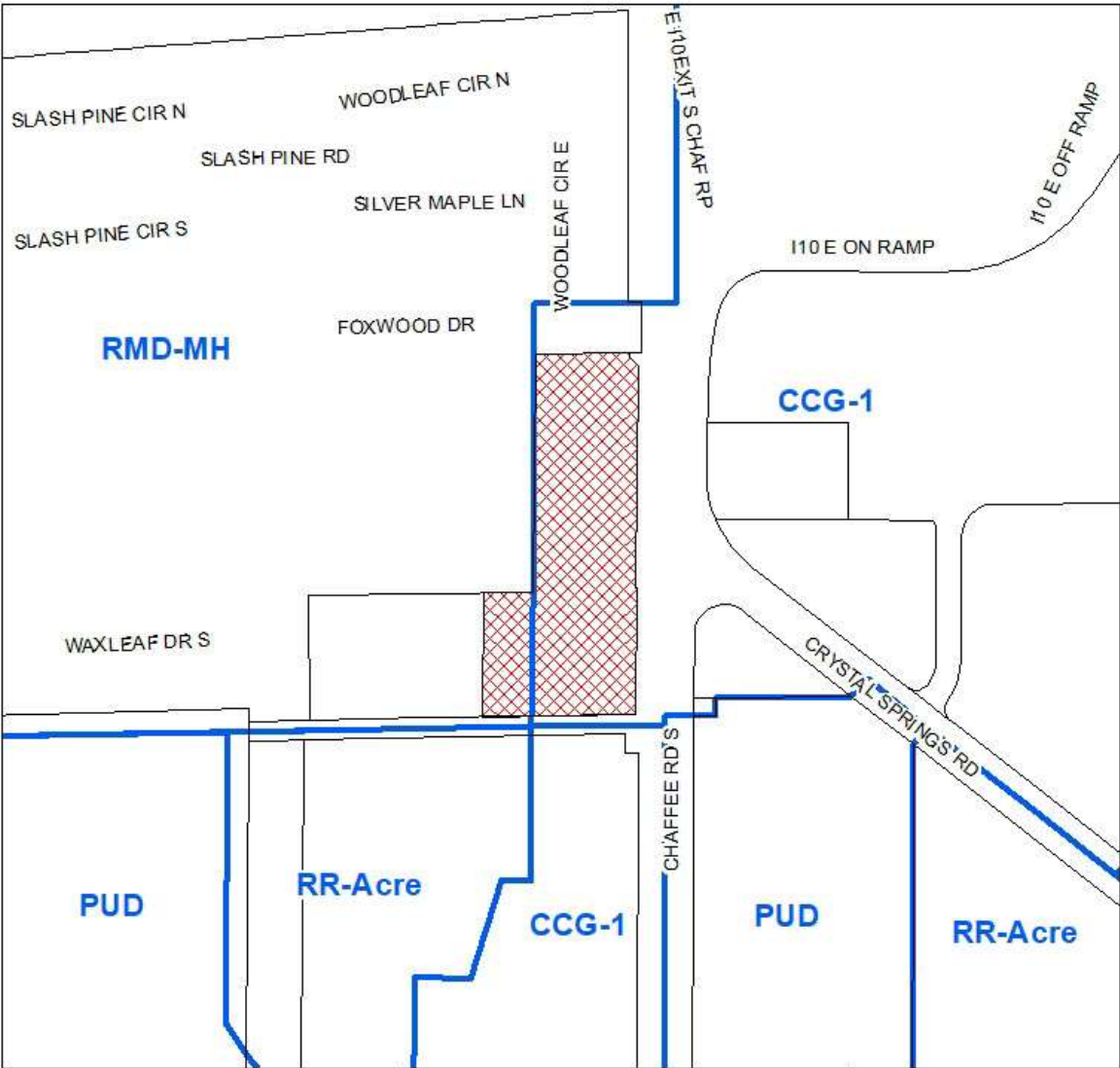
View of the existing gas station that will be demolished and replaced with a car wash facility.

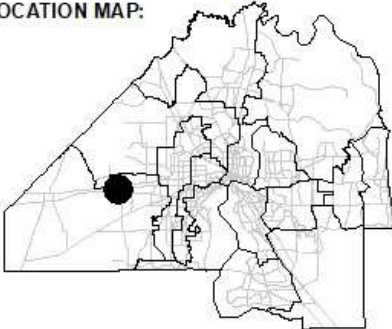

Figure C:



Source: Planning & Development Department, 08/31/2023

View of the subject property where the new convenience store and fill stations will be located.



<p>REQUEST SOUGHT:</p> <p>PERMANENT OR RESTRICTED OUTSIDE SALE AND SERVICE, MEETING THE PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA SET FORTH IN PART 4</p>	<p>LOCATION MAP:</p> 	 <p>0 100 200 400 Feet</p> <p>COUNCIL DISTRICT: 12</p>
<p>ORDINANCE NUMBER ORD-2023-0413</p>	<p>TRACKING NUMBER E-23-50</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>