

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 18, 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.: 2021-108**

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**

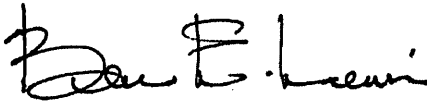
Planning Commission Recommendation: **Approve**

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

Planning Commission Vote:	5-0
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	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 2021-0108

MARCH 18, 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 2021-0108.

Location: 2230 Westmont Street
Between Philips Highway and I-95

Real Estate Number(s): 130398-0000

Current Zoning District(s): Residential Medium Density-D (RMD-D)

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

Current Land Use Category: Medium Density Residential (MDR)

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

Planning District: Southeast, District 3

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

Owner: Andrew Pradella
2989 Philips Highway, LLC
2989 Philips Highway
Jacksonville, Florida. 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-0108** seeks to rezone approximately 0.16 +/- acres of land from Residential Medium Density-D (RMD-D) to Commercial Community/General-2 (CCG-2). The rezoning is being sought to bring an entire business property into the same zoning district. A nearby property was recently rezoned from CO to CCG-2 under ordinance **2020-0299**.

A companion Small Scale Land Use Amendment is also being applied for to change the Land Use Category from MDR to CGC through Ordinance 2021-0107. The Planning and Development Department is recommending approval of the Land Use Amendment.

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 proposed 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. CGC also allows for multi-family residential at densities up to 60 DU per acre in the Urban Priority Area, subject to the provision that residential uses shall not be the sole use and shall not exceed 80 percent of a development. Principal uses in the CGC land use category include but are not limited to Commercial retail sales and service establishments including auto sales, restaurants, financial institutions and business/professional offices.

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

Yes. This proposed rezoning to CCG-2 is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

Policies 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

The proposed rezoning to CCG-2 will continue to promote the viability of the commercial corridor of Philips Highway in which the existing business fronts.

Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The proposed rezoning would allow the existing business to expand onto the vacant portion of their property that is zoned RMD-D. The proposed would allow the expansion of the business onto the parcel that is currently vacant and would be considered infill development.

SURROUNDING LAND USE AND ZONING

The immediate area surrounding the two subject parcels is partially developed as a commercial area with the properties being split between the RMD-D and CCG-2 Zoning Districts. The surrounding Uses, Land Use Categories and Zoning Districts are as follows:

Adjacent Property	Land Use Category	Use	Zoning District	Current Use
North	MDR		RMD-D	Multi-Family Dwellings
South	CGC		PUD	Warehouse / Distribution
East	MDR		RMD-D	Vacant / Single Family Dwelling
West	CGC		CCG-2	Warehouse / Storage

SUPPLEMENTAL INFORMATION

Upon visual inspection by the City Planner on March 10, 2021 the required Notice of Public Hearing sign was posted.



Source: Planning and Development

Date: March 10, 2021

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2021-0108 be **APPROVED**.



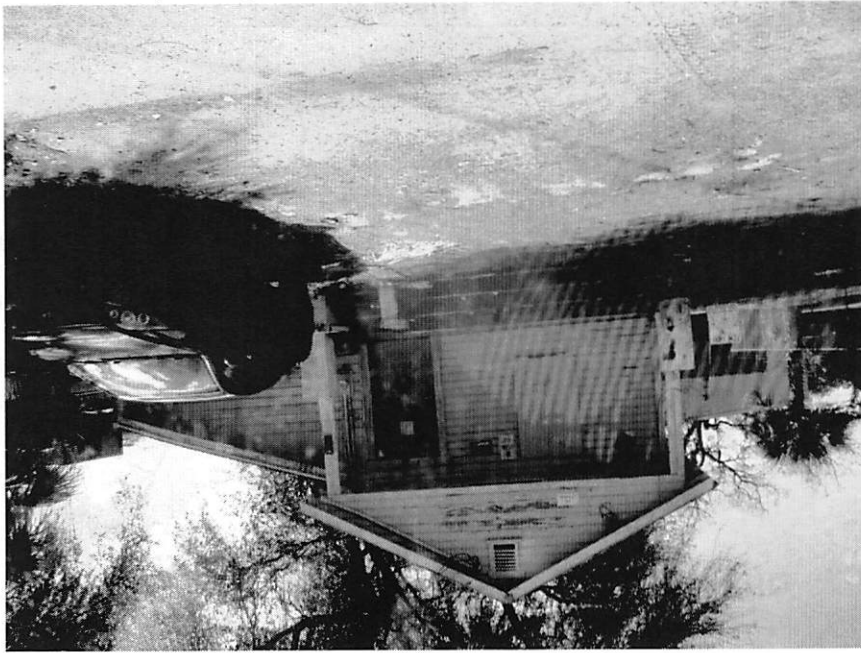
Aerial Photo

Source: JaxGIS
Date: March 5, 2021



View of the Subject Site

Source: Planning and Development
Date: March 10, 2021



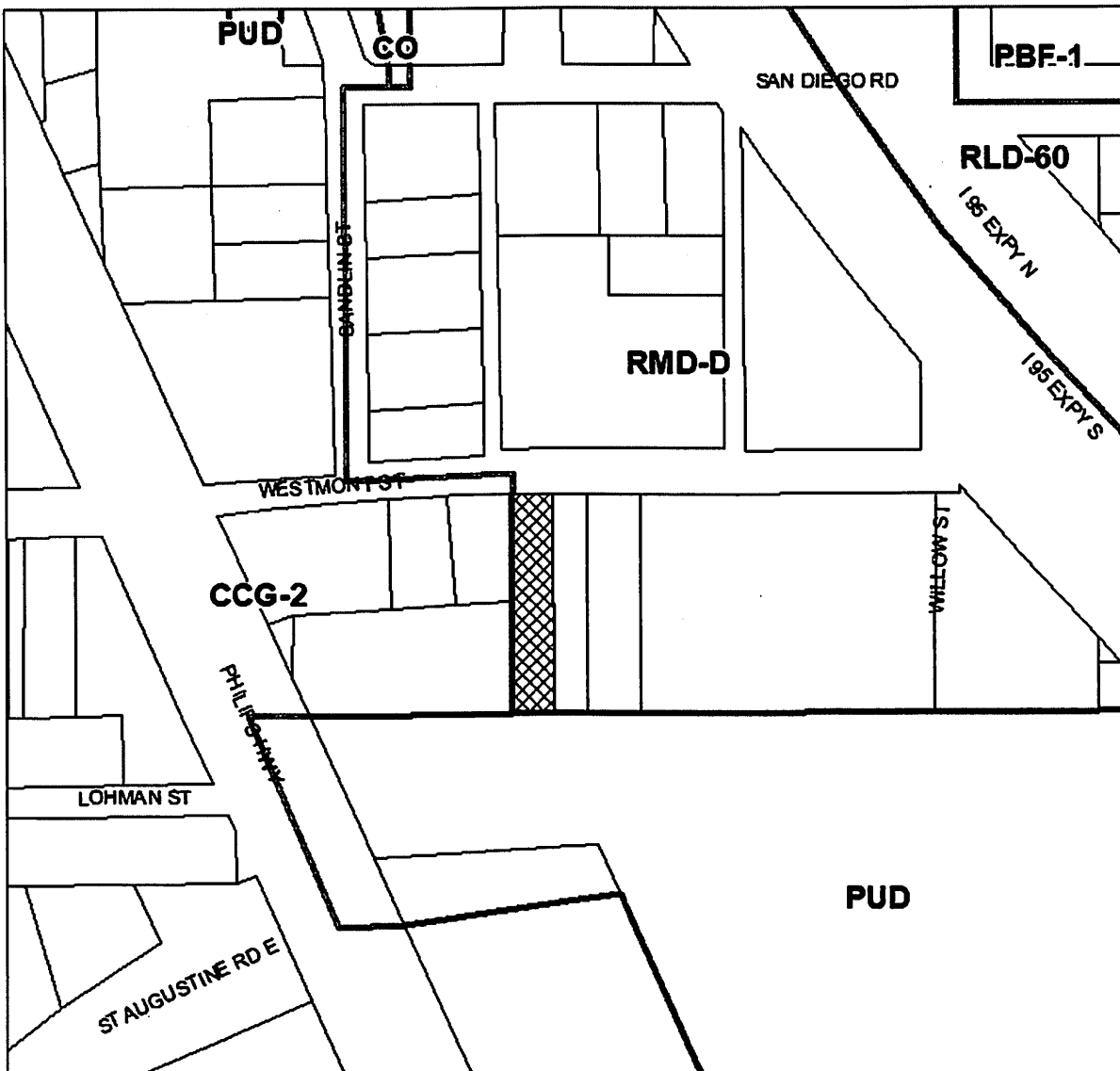
View of the neighboring property to the north.

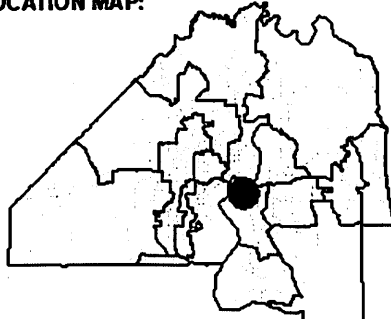

Source: Planning and Development
Date: March 10, 2021



View of the Apartment complex to the south of the Subject Site

Source: Planning and Development
Date: March 10, 2021



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-D</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>0 45 90 180 Feet</p>
<p>ORDINANCE NUMBER ORD-2021-0108</p>	<p>TRACKING NUMBER T-2020-3282</p>	<p>COUNCIL DISTRICT: 5</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map

Source: JaxGIS
Date: March 5, 2021

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0108 Staff Sign-Off/Date CMC / 01/28/2021
 Filing Date 02/19/2021 Number of Signs to Post 1

Hearing Dates:

1st City Council 03/23/2021 Planning Commission 03/18/2021
 Land Use & Zoning 04/06/2021 2nd City Council 04/13/2021

Neighborhood Association SPRINGPARK NEIGHBORHOOD ASSOCIATION
 Neighborhood Action Plan/Corridor Study US -1 CORRIDOR

Application Info

Tracking # 3282 Application Status FILED COMPLETE
 Date Started 12/09/2020 Date Submitted 12/09/2020

General Information On Applicant

Last Name First Name Middle Name
 HARDEN PAUL M.

Company Name
 LAW OFFICE OF PAUL M. HARDEN

Mailing Address
 501 RIVERSIDE AVENUE, SUITE 901

City State Zip Code
 JACKSONVILLE FL 32202

Phone Fax Email
 9043965731 9043995461 PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name First Name Middle Name
 PRADELLA ANDREW

Company/Trust Name
 2989 PHILIPS HIGHWAY, LLC

Mailing Address
 2989 PHILIPS HIGHWAY

City State Zip Code
 JACKSONVILLE FL 32207

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 130398 0000	5	3	RMD-D	CCG-2

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

Existing Land Use Category
 MDR

Land Use Category Proposed?

If Yes, State Land Use Application #
 5510

Total Land Area (Nearest 1/100th of an Acre) 0.16

Justification For Rezoning Application

TO MAKE THE LAND USE AND ZONING DESIGNATION COMMERCIAL CONSISTENT WITH THE ADJACENT, CONTIGUOUS COMMERCIAL PROPERTY UNDER ONE OWNERSHIP ENTITY.

Location Of Property

General Location
 SOUTH SIDE OF WESTMONT ST, EAST OF PHILIPS HWY

House # Street Name, Type and Direction Zip Code
 2230 WESTMONT ST 32207

Between Streets

PHILIPS HWY and I-95

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
0.16 Acres @ \$10.00 /acre: \$10.00

3) Plus Notification Costs Per Addressee
24 Notifications @ \$7.00 /each: \$168.00

4) Total Rezoning Application Cost: \$2,178.00

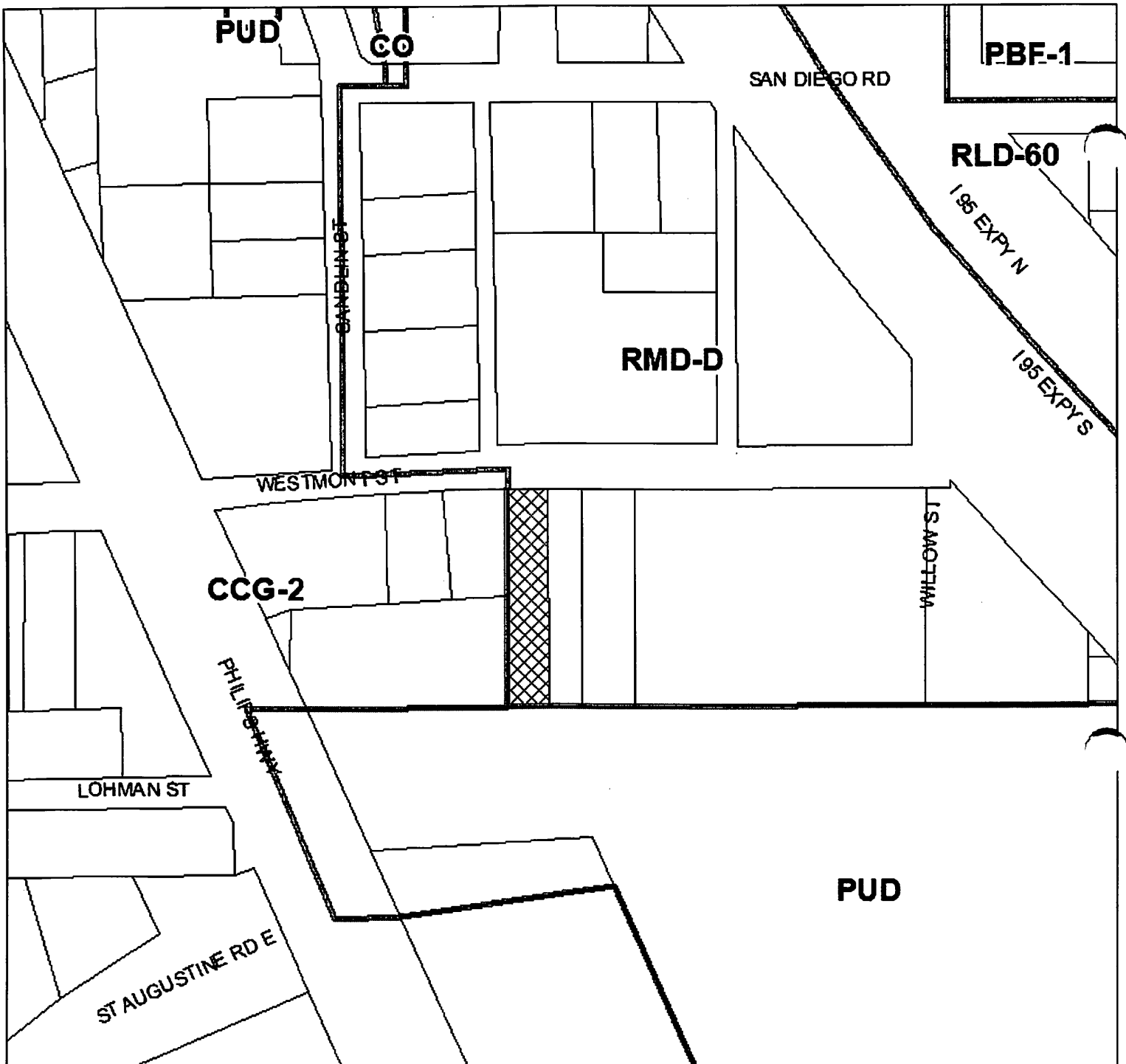
NOTE: Advertising Costs To Be Billed to Owner/Agent

December 9, 2020

Legal Description

THAT CERTAIN PIECE, PARCEL TRACT OF LAND IN THE WILLIAM CRAIG GRANT, SECTION 44, TOWNSHIP 2 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, DESCRIBED IN THE 5TH PARCEL OF DEED RECORDED IN DEED BOOK 470, PAGE 150 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF CERTAIN ½ ACRE TRACT OF LAND AS DESCRIBED IN DEED BOOK 383, PAGE 336 THENCE SOUTH 88°20' WEST, 144 FEET TO THE NORTHWEST CORNER OF THE FANNIE E. THORPE PROPERTY, DEED RECORDED IN DEED BOOK 449, PAGE 58, AS THE POINT OF BEGINNING; THENCE SOUTH 88°20' WEST, 67.2 FEET; THENCE SOUTH 2° EAST, 206.6 FEET TO AN IRON; THENCE NORTH 88°20' EAST, 67.2 FEET TO THE SOUTHWEST CORNER OF THE FANNIE E. THORPE TRACT; THENCE NORTH 2° WEST, 206.6 FEET ALONG THE WEST LINE OF THE THORPE TRACT TO THE POINT OF BEGINNING, AND BEING A PART OF LOT 9 OF THE WILLIAM CRAIG GRANT, SECTION 44, TOWNSHIP 2 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA; EXCEPTING HOWEVER THEREOF THE EASTERLY 30 FEET THEREOF DESCRIBED IN DEED BOOK 1708, PAGE 182 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY.

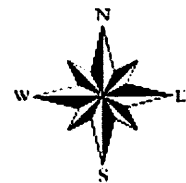
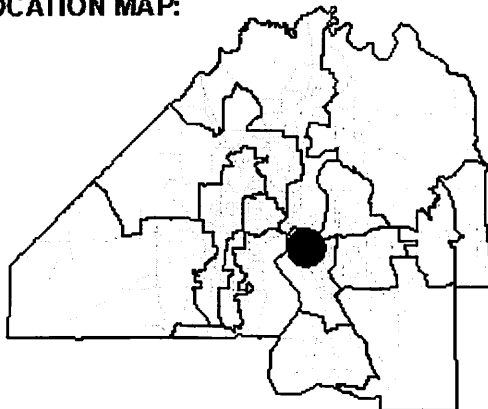


REQUEST SOUGHT:

FROM: RMD-D

TO: CCG-2

LOCATION MAP:



0 45 90 180



Feet

COUNCIL DISTRICT:

5

TRACKING NUMBER

T-2020-3282

**EXHIBIT 2
PAGE 1 OF 1**



Availability Letter

Jennifer Cherry

12/14/2020

501 Riverside Avenue, Suite 901

Select or enter, Florida 32202

Project Name: 2230 Westmont

Availability #: 2020-4202

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 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/

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: 2020-4202

Request Received On: 12/9/2020

Availability Response: 12/14/2020

Prepared by: Corey Cooper

Expiration Date: 12/14/2022

Project Information

Name: 2230 Westmont

Address: 2230 WESTMONT ST, JACKSONVILLE, FL 32207

County: Duval County

Type: Sewer,Water

Requested Flow: 100

Parcel Number: 130398 0000

Location: South side of Westmont St, East of Philips Hwy

Description: Request is for zoning approval to change the land use from residential to commercial. No development is planned currently.

Potable Water Connection

Water Treatment Grid:

Connection Point #1: Existing 4-inch water main within Westmont St. ROW.

Connection Point #2:

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:

Connection Point #1: Existing 8-inch gravity sewer main within Westmont St. ROW.

Connection Point #2:

Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JE. 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,

Sewer Special Conditions: 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: