

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

October 21, 2021

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.: 2021-640**

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**

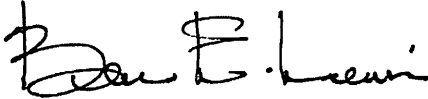
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 78-0

David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Joshua Garrison	Aye
Dawn Motes	Absent
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 fluid and cursive, with the first name "Bruce" being the most prominent.

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 2021-0640

OCTOBER 7, 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 **2021-0640**.

Location: 0 Lem Turner Road
Between Lannie Road and Braddock Road

Real Estate Number: 002449-0090

Current Zoning District: Commercial Neighborhood (CN)

Proposed Zoning District: Residential Rural- Acre (RR-Acre)

Current Land Use Category: Community General Commercial (CGC)

Proposed Land Use Category: Residential Rural (RR)

Planning District: North, District 6

Applicant/Agent: Peter King
Bellatrix Ventures, LLC
404 W 70th Street
Jacksonville, Florida 32208

Owner: Shari Grahem
7.71 Lem Turner Road LLC
PO Box 1694
Callahan, Florida. 32011

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-0640** seeks to rezone 3.71± acres of a property from Commercial Neighborhood (CN) to Residential Rural-Acre (RR-ACRE). The property is currently located in the Community General Commercial (CGC) land use category within the Rural Area of the Future Land Use Element of the 2030 Comprehensive Plan. There is a companion Land Use Amendment, **2021-0639 (L-5575-21C)**. The proposed LUA is for Community General

Commercial (CGC) to Residential Rural (RR). The applicant seeks to develop the site for residential 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 request is for a conventional rezoning to allow downzoning of the property for rural type living and transitional intensity use between commercial and the surrounding Agriculture – IV (AGR-IV) zoning.

Zoning application Ordinance 2021-640 has a companion land use application, Ordinance 2021-639 / L-5575-21C, that seeks a change to the land use from Community / General Commercial (CGC) to Rural Residential (RR). The 3.71 acre subject site is located at 0 Lem Turner Road, southeast of the intersection of Lannie Road and Lem Turner Road (SR 115). The site is currently in the CGC land use category and within the Rural Development Area.

RR in the Rural Development Area is intended to provide rural estate residential opportunities. The principal use is single family dwellings.

The proposed zoning change to Rural Residential – Acre (RR-Acre) is consistent with the proposed land use category change to RR.

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 rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. RR in the Rural Area is intended to provide low density development. Development which includes low density larger lots is preferred. The maximum gross density in the Rural Area is 2 units/acre.

The proposed RR land use category is consistent with the proposed RR-Acre zoning district.

Future Land Use Element

Policy 1.1.10

Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

The proposed rezoning to RR-Acre will allow for one acre lots as a transition along Lem Turner Road from the surrounding AGR properties, and the CN parcel that was recently approved for a 20 pump filling station.

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 proposed rezoning is less intense than the existing Commercial Neighborhood Zoning Category. The proposed rezoning will be compatible with the rural nature of the surrounding area.

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 RR-Acre in order to permit the development of residential uses.

SURROUNDING LAND USE AND ZONING

The property is located on the south corner of Lem Turner Road, which is classified as a minor arterial road, between Lem Turner Road, and Lannie Road. The subject property is located between residential uses to the south and east, and agricultural uses to the north and west. The Surrounding Land Use Categories and Zoning Districts are as followed:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC / AGR-III	CN / AGR	Proposed Gas Station /Agricultural Farm
South	AGR-IV	AGR	Single Family Dwelling
East	AGR-IV	AGR	Single Family Dwelling
West	AGR-III	AGR	Agricultural Farm

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

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 27, 2021** by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



*Source: Planning and Development Department
Date: September 29, 2021*

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2021-0640** be **APPROVED**.



Aerial View

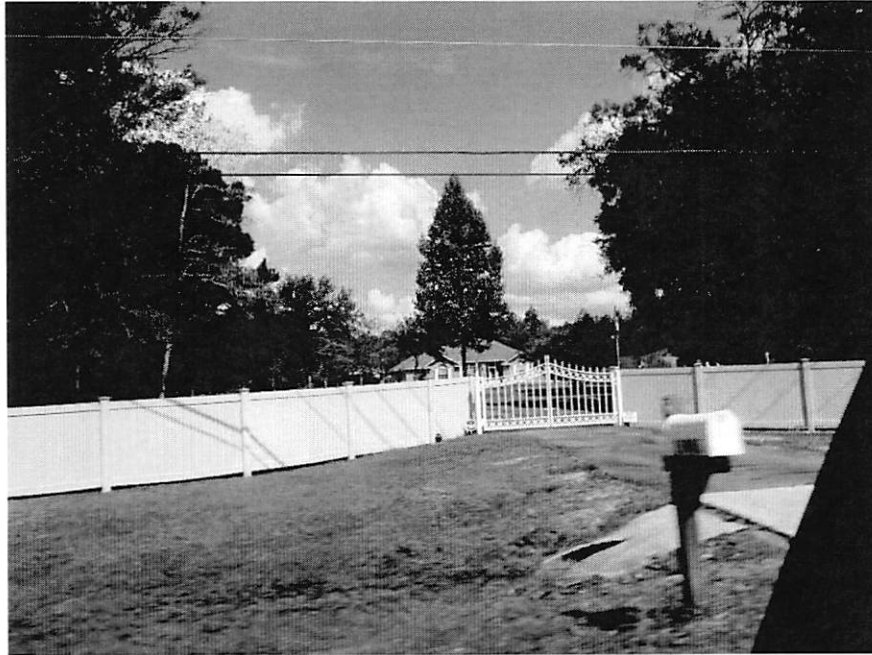
Source: JaxGIS Map



View of the Subject Site

Source: Planning and Development Department

Date: September 29, 2021



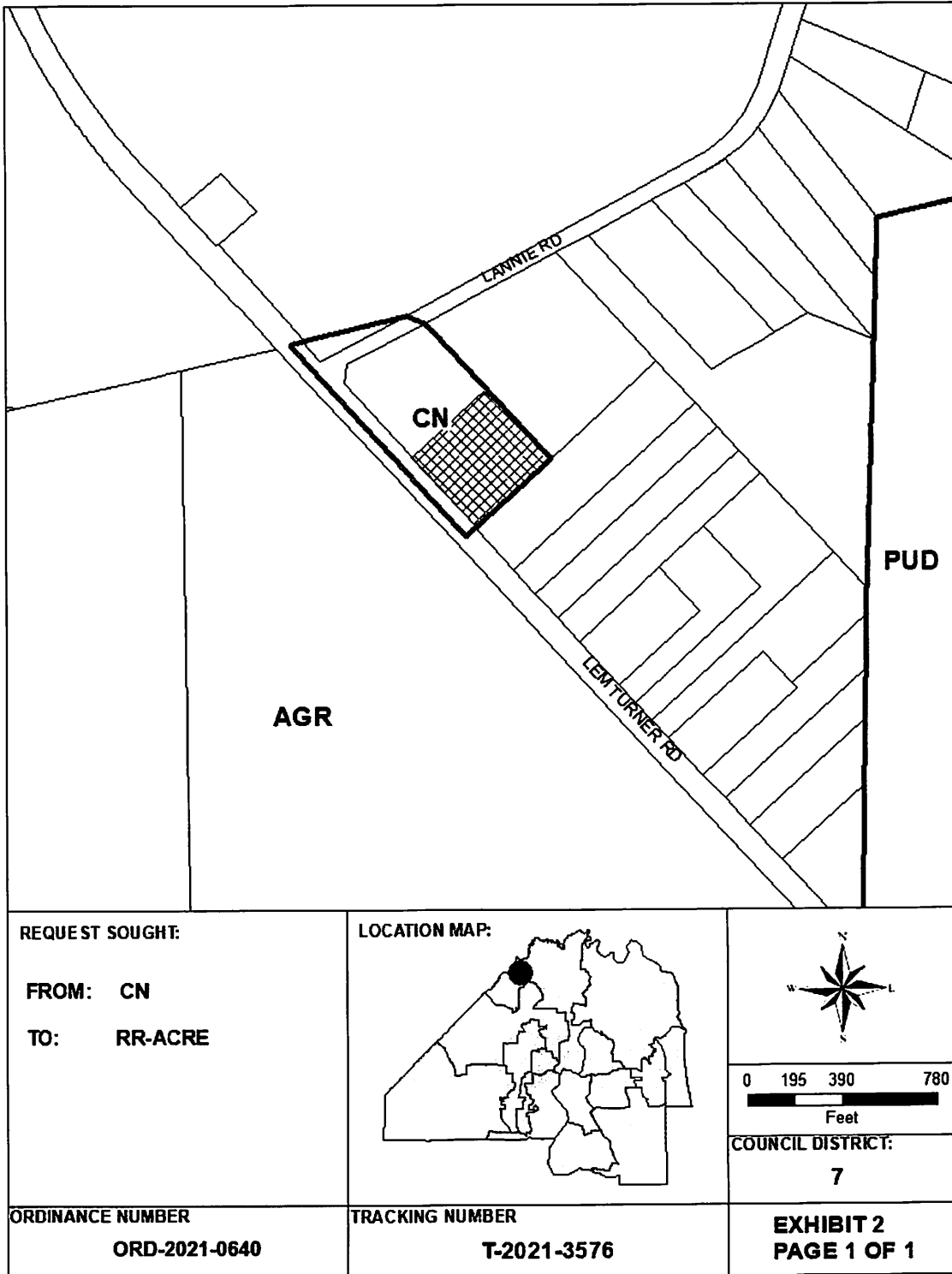
View of the neighboring property to the east

Source: Planning and Development Department
Date: September 29, 2021



View of the neighboring property to the west that was recently approved for a filling station

Source: Planning and Development Department
Date: August 27, 2021



Legal Map

Source: JaxGIS

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0640 **Staff Sign-Off/Date** CMC / 08/09/2021
Filing Date 09/10/2021 **Number of Signs to Post** 2
Hearing Dates:
1st City Council 10/12/2021 **Planning Commission** 10/07/2021
Land Use & Zoning 10/19/2021 **2nd City Council** 10/26/2021
Neighborhood Association THE EDEN GROUP INC.
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3576 **Application Status** FILED COMPLETE
Date Started 06/03/2021 **Date Submitted** 06/07/2021

General Information On Applicant

Last Name KING **First Name** PETER **Middle Name** J
Company Name BELLATRIX VENTURES, LLC
Mailing Address 404 W 70TH ST
City JACKSONVILLE **State** FL **Zip Code** 32208
Phone 9047109375 **Fax** **Email** PETERKINGJAX@GMAIL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name GRAHEM **First Name** SHARI **Middle Name**
Company/Trust Name 7.71 LEM TURNER LLC
Mailing Address PO BOX 1694
City CALLAHAN **State** FL **Zip Code** 32011
Phone 9047592782 **Fax** **Email** SHARI@GH LANDINVEST.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 002449 0090	7	6	CN	RR-Acre

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 # 5575
Total Land Area (Nearest 1/100th of an Acre) 3.71

Justification For Rezoning Application

DOWNZONING OF PROPERTY FOR RURAL TYPE LIVING. TRANSITIONAL INTENSITY USE BETWEEN COMMERCIAL AND SURROUNDING AGR-IV

Location Of Property

General Location 600 SOUTH OF CORNER OF LANNIE ROAD AND LEM TURNER ROAD

House #	Street Name, Type and Direction	Zip Code
	LEM TURNER RD	

Between Streets

LANNIE ROAD

and BRADDOCK 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**
3.71 Acres @ \$10.00 /acre: \$40.00
- 3) Plus Notification Costs Per Addressee**
5 Notifications @ \$7.00 /each: \$35.00
- 4) Total Rezoning Application Cost:** \$2,075.00

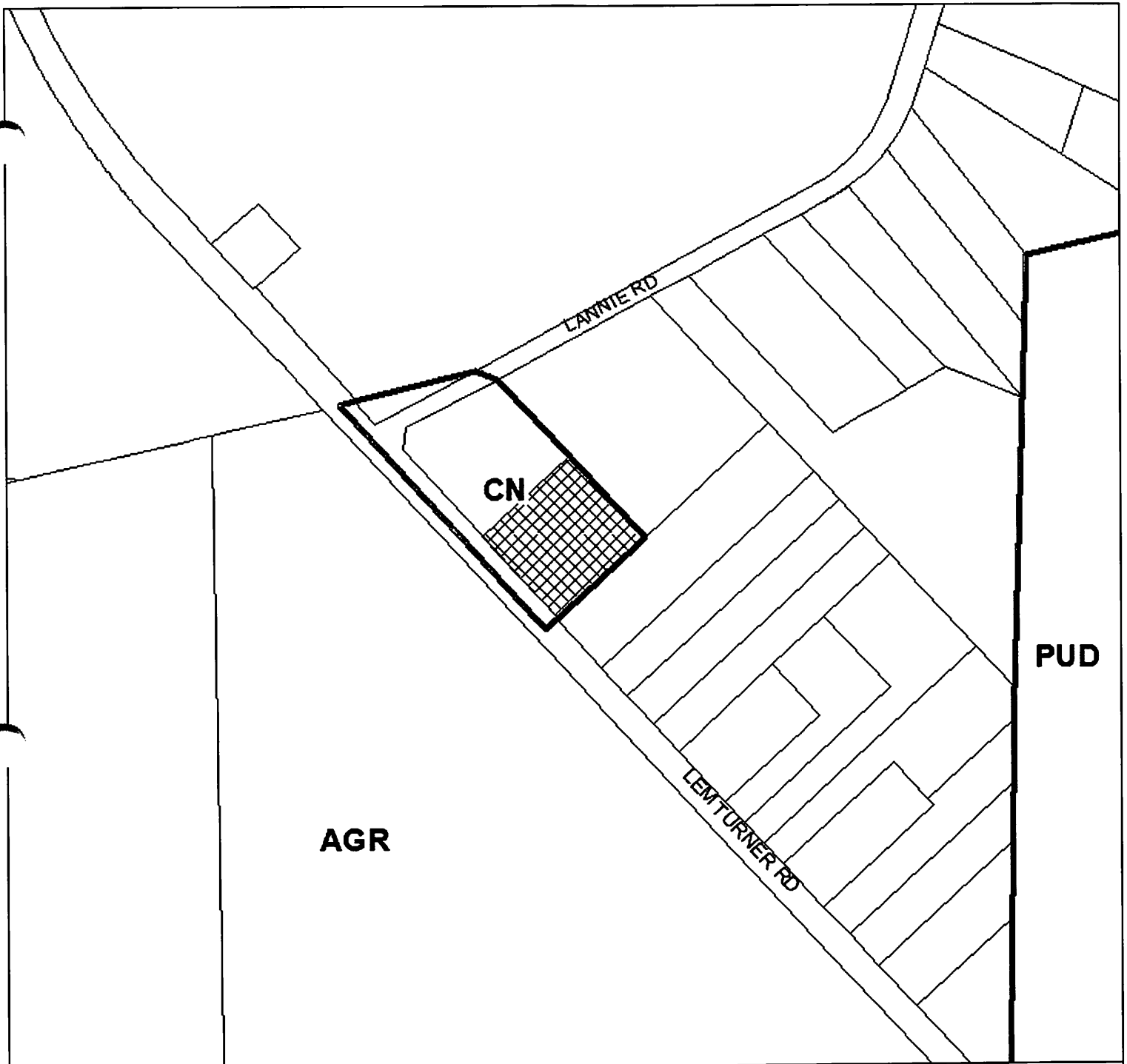
NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT 1

Legal Description

July 2, 2021

A PORTION OF LOTS 3 AND 4, SUBDIVISION OF PART OF THE WILLIAM A. OGILVIE ESTATE IN SECTION 13, TOWNSHIP 1 NORTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 9, PAGE 10, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF LANNIE ROAD (A 66.00 FOOT RIGHT OF WAY) WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF LEM TURNER ROAD (A 120.000 FOOT RIGHT OF WAY AS NOW ESTABLISHED) THENCE NORTH 61°55'35"EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF LANNIE ROAD 64.67 FEET; THENCE CONTINUE NORTH 61°55'35"EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, 363.00 FEET; THENCE SOUTH 42°36'30"EAST, 372.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 42°36'30"EAST, 390.48 FEET TO ITS INTERSECTION WITH THE NORTHWESTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 9734, PAGE 1375, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 47°23'30"WEST, ALONG SAID NORTHWESTERLY BOUNDARY OF OFFICIAL RECORDS VOLUME 9734, PAGE 1375, 413.98 FEET TO ITS INTERSECTION WITH THE AFORESAID NORTHEASTERLY RIGHT OF WAY LINE OF LEM TURNER ROAD; THENCE NORTH 42°36'30"WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, 390.48 FEET; THENCE NORTH 47°23'30"EAST, 413.98 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 3.71 ACRES MORE OR LESS.

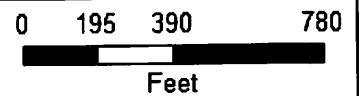
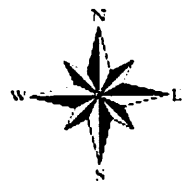
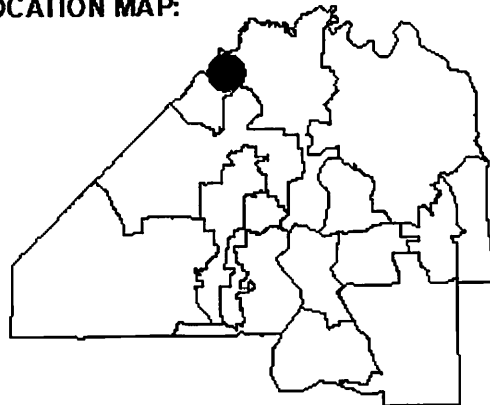


REQUEST SOUGHT:

FROM: CN

TO: RR-ACRE

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2021-3576

**EXHIBIT 2
PAGE 1 OF 1**



Availability Letter

Peter King

7/13/2021

Bellatrix Ventures, LLC

404 West 70th Street

Jacksonville, Florida 32208

Project Name: 771 Lem Turner

Availability #: 2021-2974

Attn: Peter King

Thank you for your inquiry regarding the availability of Electric, 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

Sincerely,

 A Water, Sewer Reclaim
Availability Request Team

Availability Number: 2021-2974

Request Received On: 7/2/2021

Availability Response: 7/13/2021

Prepared by: Ji Soo Kim

Expiration Date: 07/13/2023

Project Information

Name: 771 Lem Turner

Address:

County: Duval County

Type: Electric,Sewer,Water

Requested Flow: 1850

Parcel Number: 002449 0090

Location: Corner of Lem Turner and Lannie Road

Description: 20 pump gas station and four dwelling units

Potable Water Connection

Water Treatment Grid:

Connection Point #1:

Connection Point #2:

Water Special Conditions: JEA is not the service provider for this property.

Sewer Connection

Sewer Grid:

Connection Point #1:

Connection Point #2:

Sewer Special Conditions: JEA is not the service provider for this property.

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: