

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.: 2021-642**

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**

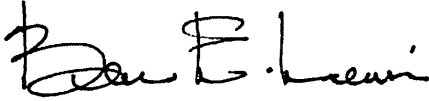
Planning Commission Commentary: There were no speakers in opposition. There was concern about locating residential on a former landfill. Generally the project is in an appropriate location.

Planning Commission Vote: 6-1

David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Nay
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 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 FO**APPLICATION FOR REZONING ORDINANCE 2021-0642****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 **2021-0642**.

Location: 0 Philips Highway
Between Lenior Avenue and Bowdenale Avenue

Real Estate Number: 152602-0100

Current Zoning District: Commercial Community General-1 (CCG-1)

Proposed Zoning District: Residential Medium Density-D (RMD-D)

Current Land Use Category: Community General Commercial (CGC)

Proposed Land Use Category: Medium Density Residential (MDR)

Planning District: Southeast, District 3

Applicant/Agent: Curtis L. Hart
Hart Resources LLC
8051 Tara Lane
Jacksonville, FL 32216

Owner: Arthur Solomon
U.S. Ruby Corp
157 Church Street, Suite 700
New Haven, CT 06510

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-0642** seeks to rezone 43.69 ± acres of a property from Commercial Community General-1 (CCG-1) to Residential Medium Density-D (RMD-D) to allow for residential development. The property is currently located in the Community General Commercial (CGC) land use category within the Urban Priority Area of the Future Land Use Element of the 2030 Comprehensive Plan. There is a companion Land Use Amendment, **2021-**

0641 (L-5512-21C). The proposed LUA is for Community General Commercial (CGC) to Medium Density Residential (MDR).

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 Community General Commercial (CGC) 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-5512-21C (Ordinance 2021-0641) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Medium Density Residential (MDR). Staff is recommending that Application for Land Use Amendment 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 rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. MDR in the Urban Priority Area allows for residential development at a density of 7 to 20 dwelling units per acre, when full urban services are available on the site.

The subject property is a Brownfield Site with an active Brownfields Site Redevelopment Agreement (BSRA). At the time of this report, there are no records of a Site Rehabilitation Cleanup Order (SRCO), which is issued when cleanup on site has been completed, on the DEP's online database. Additional information is provided below.

The proposed MDR land use category is consistent with the proposed RMD-D zoning district.

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.

The subject properties is located in the Urban Priority Area and According to the JEA Availability letter dated April 24, 2019, submitted with the application, the site has access to water and sewer service. The proposed use will be in compliance with Policy 1.2.9.

Industrial Zones

The subject property is located within the “Industrial Situational Compatibility” Zone. “Industrial Sanctuary” and “Industrial Situational Compatibility” Zones are areas identified on the Industrial Preservation Map (Map L-23) of the Future Land Use Map series of the Future Land Use Element of the 2030 Comprehensive Plan as strategically located industrial lands for future industrial expansion and economic development.

Policy 3.2.30

The area shown on the Industrial Preservation Map (Map L-23) as “Industrial Sanctuary” or “Areas of Situational Compatibility” are presumed to be appropriate for land use map amendments to industrial categories, subject to a case-by-case review of consistency with State and regional plans and the Comprehensive Plan.

Brownfield Site

The subject site is a former landfill and designated Brownfield. A Brownfield Site is property where the expansion, redevelopment, or reuse of the property may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Tax credits may be available for properties designated as a Brownfield Site.

This site is referenced by the Department of Environmental Protection (DEP) as “Phillips Highway Site” – DEP Site ID# 160202001. In 2003, the site’s previous owner entered into a Brownfield Site Redevelopment Agreement (BSRA) with the DEP. At of the time of this report, there are no records of a Site Rehabilitation Cleanup Order (SRCO), which is issued when cleanup on site has been completed, on the DEP’s online database. According to the companion land use application, the applicant has indicated that the site will be cleaned up prior to development.

US-1 Corridor Study

The subject site is located within the boundaries of the US Corridor Study. The study breaks the corridor into smaller segments for evaluation and recommendations. The subject site is located within the central north segment of the corridor study. The study states that the northern and central northern segments are located near Downtown and the countless employment opportunities near the Baymeadows and J. Turner Butler Boulevard intersections, any infill development location on adjacent to these segments should be encouraged. The application would provide an infill residential development opportunity, consistent with the US-1 Corridor Study’s recommendations.

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 CCG-1 to RMD-D in order to permit the development of residential uses.

SURROUNDING LAND USE AND ZONING

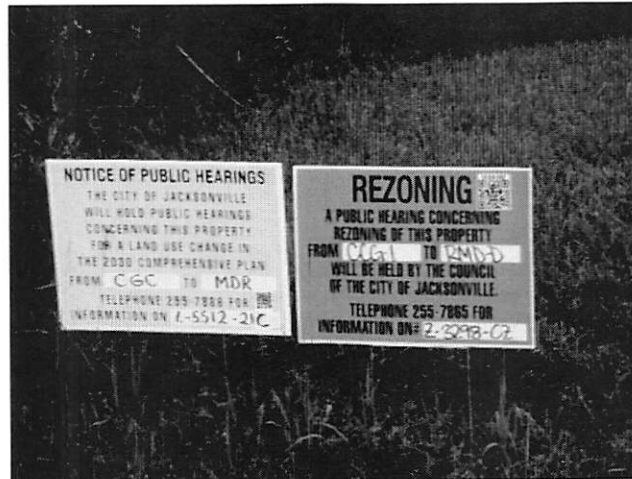
The property is located on the east side of Philips Highway, which is classified as a major arterial roadway, between Lenior Avenue and Bowdenale Avenue. The 43.69± acre subject site is the site of a former landfill and is currently undeveloped. The property is surrounded by commercial retail and office space along the portion Philips Highway considered a commercial corridor. Center Point Business Park is adjacent to the subject property with majorities of the properties being used for office space and warehousing zoned Industrial Business Park. The proposed use will create a mixed use development area by bringing residential uses to the area. Similar multi-family residential developments, surrounded by commercial and office uses, exist off of Philips Highway including Deerfoot Point and Windsor Falls communities, both zoned Planned Unit Developments.

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Vacant
South	CGC	CCG-1/2	Retail Store
East	BP	IBP	Warehouse/ Office Space
West	HI	IH	Railroad

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

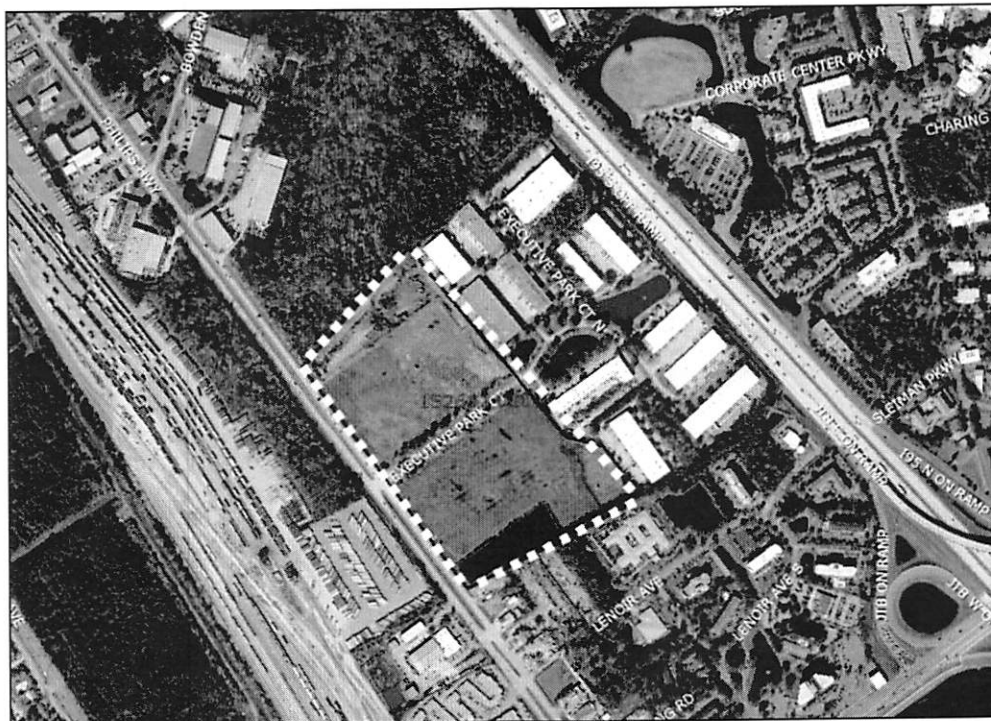
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 14, 2021** by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



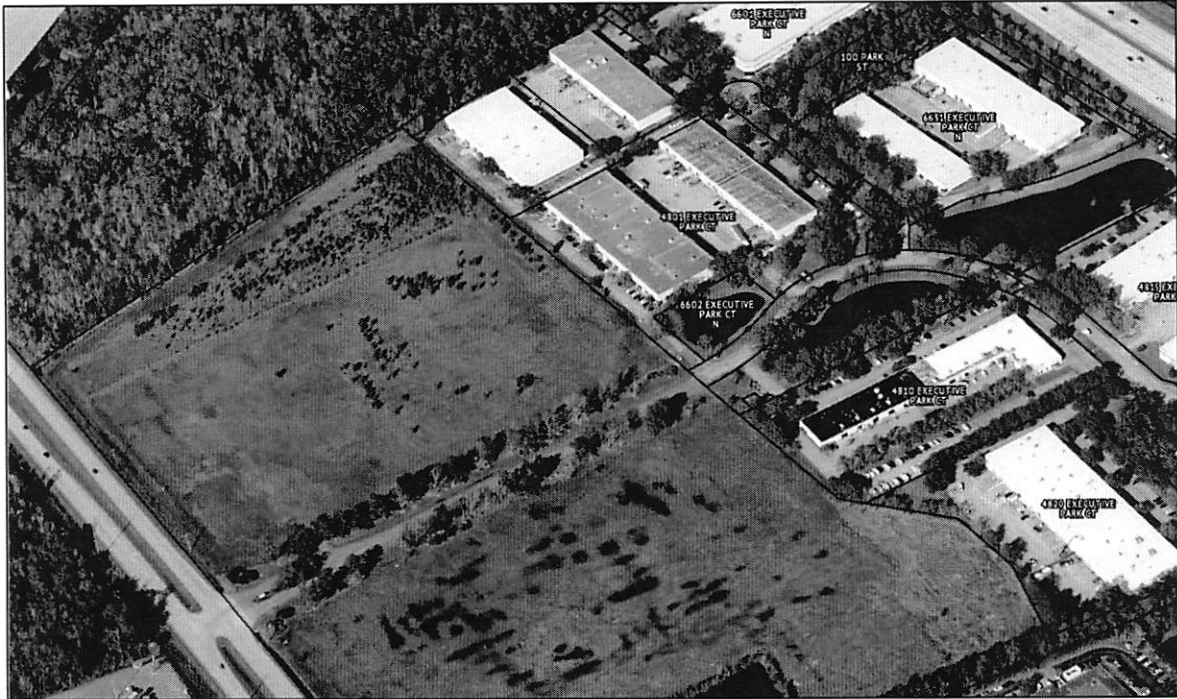
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2021-0642** be **APPROVED**.



Aerial View

Source: JaxGIS Map



View of Subject Property

Source: JAXGIS Maps



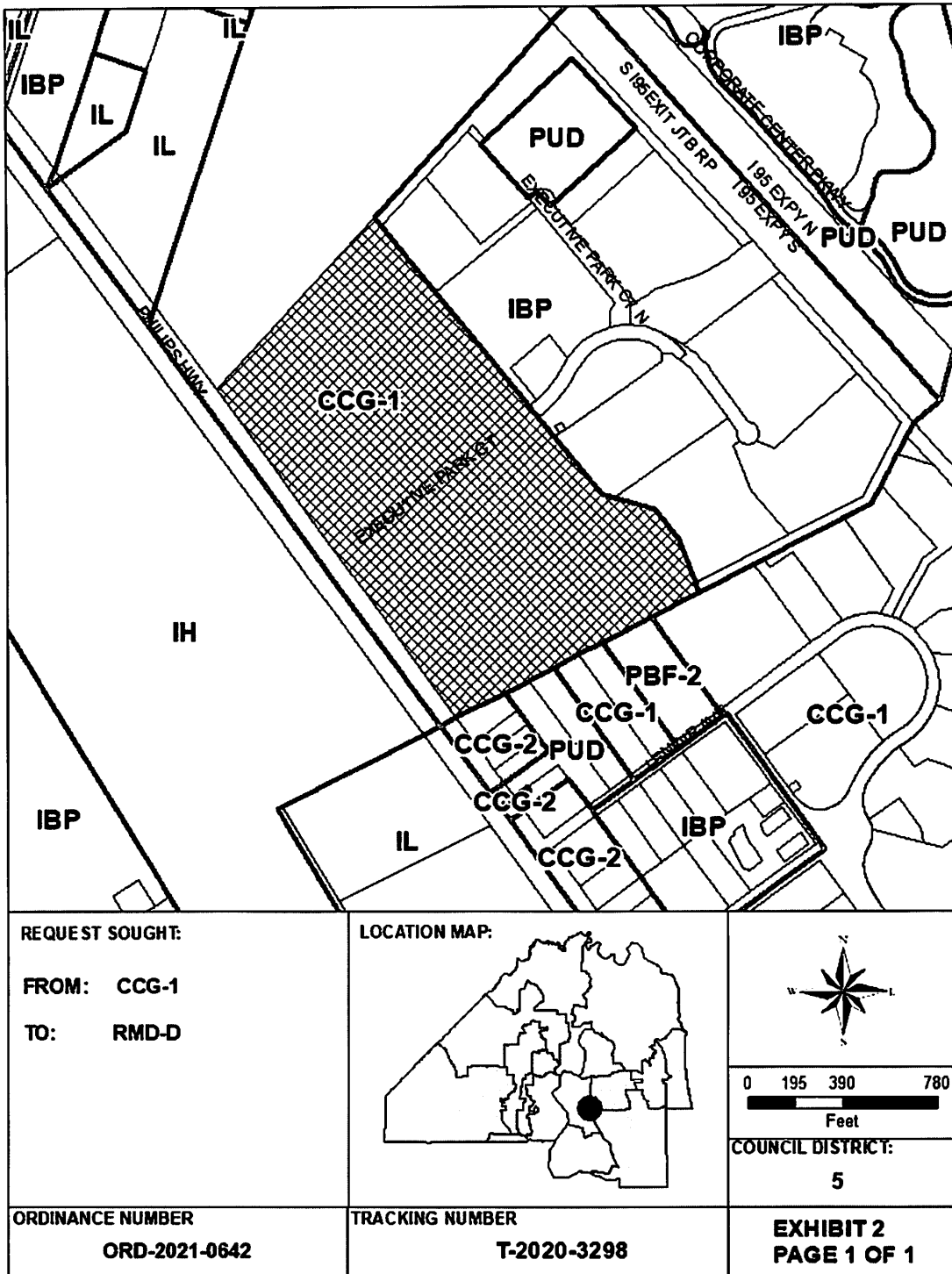
View of Subject Property

Source: Planning & Development Department 09/14/2021



View of Property to the East

Source: Planning & Development Department 09/14/2021



Legal Map
 Source: JaxGIS Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0642 **Staff Sign-Off/Date** ELA / 08/23/2021
Filing Date 09/14/2021 **Number of Signs to Post** 9
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 N/A
Neighborhood Action Plan/Corridor Study US-1 CORRIDOR

Application Info

Tracking # 3298 **Application Status** FILED COMPLETE
Date Started 12/21/2020 **Date Submitted** 12/21/2020

General Information On Applicant

Last Name HART **First Name** CURTIS **Middle Name** L
Company Name
 HART RESOURCES LLC
Mailing Address
 8051 TARA LANE
City JACKSONVILLE **State** FL **Zip Code** 32216
Phone 9049935008 **Fax** **Email** CURTISHART@HARTRESOURCES.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name SOLOMON **First Name** ARTHUR **Middle Name** D
Company/Trust Name
 U. S. RUBY CORP
Mailing Address
 157 CHURCH STREET, SUITE 700
City NEW HAVEN **State** CT **Zip Code** 06510
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 152602 0100	5	3	CCG-1	RMD-D

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 #**

5512

Total Land Area (Nearest 1/100th of an Acre) 43.69**Justification For Rezoning Application**

THIS APPLICATION TO CHANGE THE ZONING FROM CGC-1 TO RMD-D WILL CREATE A MIX USE DEVELOPMENT AREA BY BRINGING MULTIFAMILY RESIDENTIAL USES SUCH AS APARTMENTS OR TOWNHOMES ALONG PHILIPS HIGHWAY, A COMMERCIAL CORRIDOR. THE PROPERTY IS A VACANT FORMER LANDFILL AND WILL BE CLEANED UP PRIOR TO DEVELOPMENT. PUBLIC UTILITIES THROUGH JEA ARE AVAILABLE THROUGHOUT THE SITE.

Location Of Property**General Location**

NORTH OF JTB ON THE EAST SIDE OF PHILIPS HWY

House #	Street Name, Type and Direction	Zip Code
0	PHILIPS HWY	32216

Between Streets

LENIOR AVE and BOWDENA AVE

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

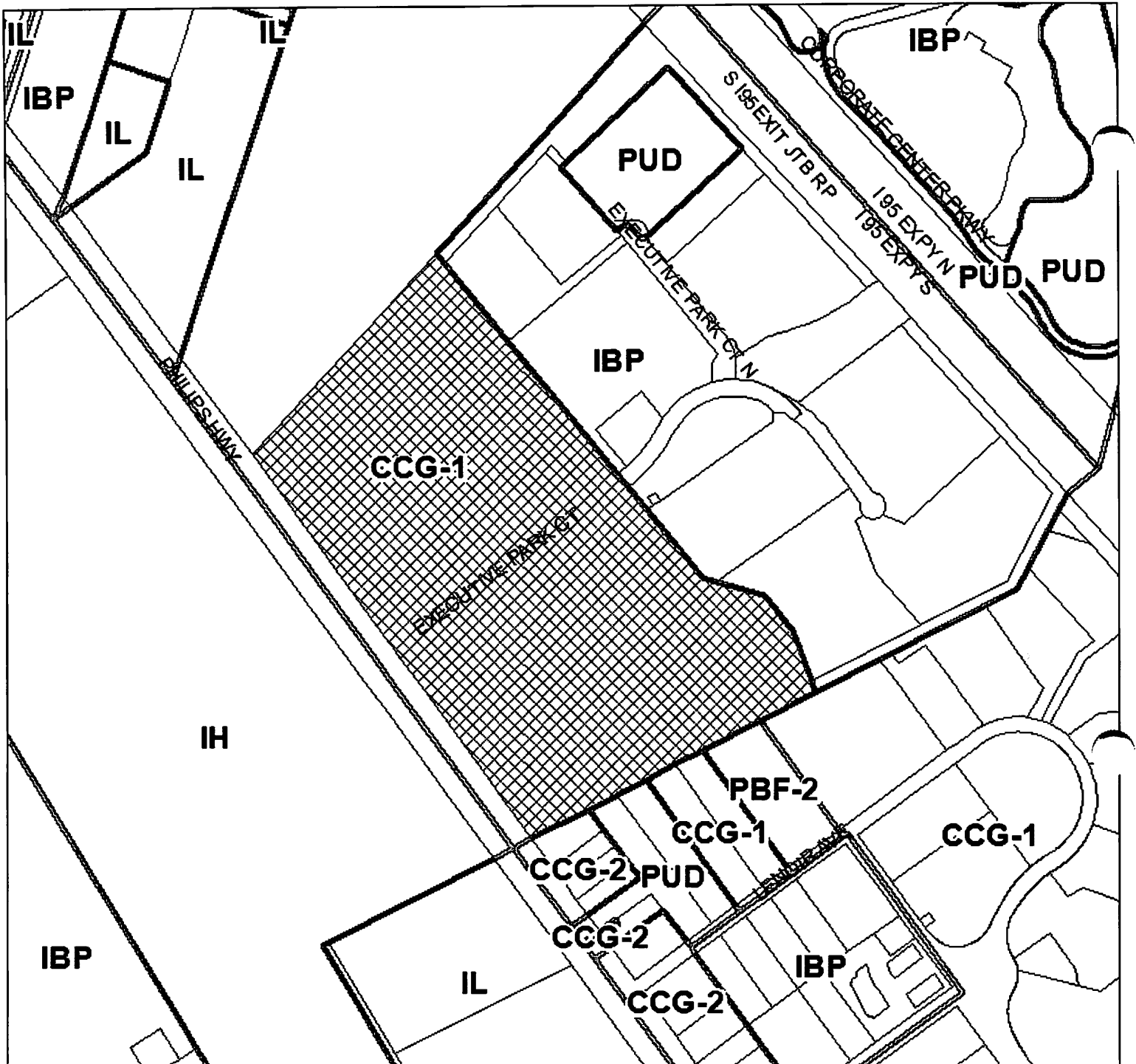
I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my 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
43.69 Acres @ \$10.00 /acre: \$440.00
- 3) Plus Notification Costs Per Addressee
14 Notifications @ \$7.00 /each: \$98.00
- 4) Total Rezoning Application Cost: \$2,538.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

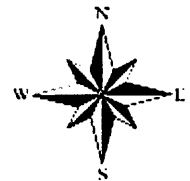
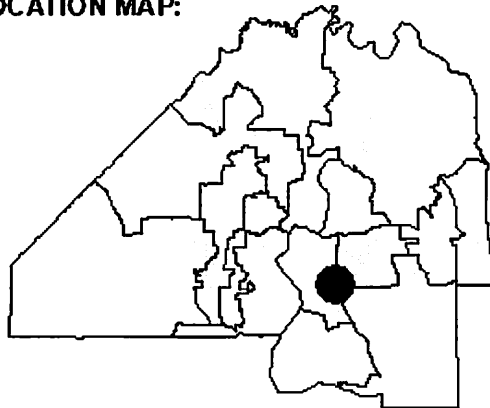


REQUEST SOUGHT:

FROM: CCG-1

TO: RMD-D

LOCATION MAP:



0 195 390 780



Feet

COUNCIL DISTRICT:

5

TRACKING NUMBER

T-2020-3298

**EXHIBIT 2
PAGE 1 OF 1**

LEGAL DESCRIPTION

A PART OF THE F. RICHARD GRANT, SECTION 56, TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY, COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF BOWDENDALE AVENUE (A 66 FOOT RIGHT OF WAY) WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF PHILLIPS HIGHWAY (U.S. HIGHWAY NO. 1, A 150 FOOT RIGHT OF WAY); THENCE SOUTH 35°57'00" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF PHILLIPS HIGHWAY, A DISTANCE OF 1456.21 FEET TO THE CENTERLINE OF A 90 FOOT FLOODWAY TO THE STATE OF FLORIDA AS RECORDED IN DEED BOOK 600, PAGE 317 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; THENCE NORTH 42°40'44" EAST, ALONG SAID CENTERLINE, A POINT OF BEGINNING; THENCE NORTH 42°40'44" EAST, ALONG SAID CENTERLINE, A; THENCE NORTH 42°40'44" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 951.62 FEET TO THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD VOLUME 6076, PAGE 1014; THENCE SOUTH 39°15'03" EAST, ALONG THE SOUTHWESTERLY LINE OF LAST SAID LANDS AND ALONG THE SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 6076, PAGE 1018, A DISTANCE OF 1475.70 FEET; THENCE SOUTH 74°31'49" EAST, CONTINUING ALONG LAST SAID SOUTHWESTERLY LINE, A DISTANCE OF 230.00 FEET; THENCE SOUTH 37°31'49" EAST, CONTINUING ALONG LAST SAID SOUTHWESTERLY LINE, A DISTANCE OF 160.00 FEET; THENCE SOUTH 20°01'49" EAST, CONTINUING ALONG LAST SAID SOUTHWESTERLY LINE, A DISTANCE OF 239.47 FEET TO THE NORTHWESTERLY LINE OF ACREAGE REPLAT OF SOUTHSIDE FARM AS RECORDED IN PLAT BOOK 14, PAGE 99; THENCE SOUTH 62°55'47" WEST, ALONG LAST SAID NORTHWESTERLY LINE, A DISTANCE OF 1113.41 FEET TO THE AFOREMENTIONED NORTHEASTERLY RIGHT OF WAY LINE OF PHILLIPS HIGHWAY; THENCE NORTH 35°57'00" WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1683.78 FEET TO THE POINT OF BEGINNING.



21 West Church Street
Jacksonville, Florida 32202-3139

ELECTRIC

WATER

SEWER

RECLAIMED

Meagan Perkins
Hart Resources LLC
8051 Tara Lane
Jacksonville, FL, 32216

April 24, 2019

Project Name: Philips Highway
Availability#: 2019-1324

Attn: Meagan Perkins,

Thank you for your inquiry regarding the availability of electric, potable water, sanitary sewer and reclaimed water (WS&R) service. The eight digit availability number referenced 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 one year from the date above.

Point of Connection:

A summary of connection points for WS&R 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 strongly recommends field verification of all POCs prior to any construction to ensure connection availability. If this availability request is for a sewer lateral, prior to relying on the described POC and/or any reference drawings, the applicant shall request and pay for a JEA field locate, for a cost of \$491.00, to determine the actual location and suitability of this potential POC. Please note the Special Conditions stated in each section contain pertinent information and additional requirements as well as further instructions.

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 on jea.com.

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 the subsequent link, JEA Stages of a Project or by following the steps below:

- ⇒ Visit www.jea.com
- ↳ Select Working with JEA
- ↳ Select Stages of a Project

Sincerely,

JEA Water, Sewer Reclaim
Availability Request Team



21 West Church Street
Jacksonville, Florida 32202-3139

ELECTRIC

WATER

SEWER

RECLAIMED

Availability#: 2019-1324
Request Received On: 4/18/2019
Availability Response: 4/24/2019
Prepared by: Susan West

Project Information

Name: Philips Highway
Type: Single Family
Requested Flow: 100,000 gpd
Location: 0 Philips Highway at the corner of Philips Highway and Executive Park Court
Parcel ID No.: 152602 0100
Description: 400 townhome subdivision

Potable Water Connection

Water Treatment Grid: SOUTH GRID
Connection Point #1: Existing 12 inch water main (or 10 inch stub out) along Executive Park Ct
Connection Point #2: Existing 16 inch water main along Phillips Highway along property frontage
Special Conditions: Fire protection needs to be addressed.

Sewer Connection

Sewer Treatment Plant: ARLINGTON EAST
Connection Point #1: Existing 8 inch gravity main stub to parcel on Executive Park Ct
Connection Point #2: NA
Special Conditions:

Reclaimed Water Connection

Sewer Region/Plant: N/A
Connection Point #1:
Connection Point #2: NA
Special Conditions:

General Comments:

Electric Availability: 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. Point of connection location(s) to be field verified by developer during project design. Send pre-application meeting requests, with availability number, to wsedevprojrequests@jea.com. Copies of reference drawings may be requested from the JEA Record online at https://www.jea.com/engineering_and_construction/request_an_as-built_drawing/.