

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING Ord. 2014-0261

MAY 22, 2014

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 Ord. 2014-0261.

Location: Near the southeast quadrant of the intersection of Interstate 95 and Pecan Park Road

RE Number: 108127-0000

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

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: North (6)

City Council District: The Honorable Ray Holt, District 11

Applicant/Agent: Brenda B. Ezell
Lewis Longman & Walker, P.A.
245 Riverside Avenue, Suite 150
Jacksonville, Florida 32202

Owner: George Morris
GHM Real Estate & Development, Inc.
2220 County Road 201 West, Suite 108-328
Jacksonville, FL 32259

Staff Recommendation: APPROVE

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GENERAL INFORMATION

Application for Rezoning Ord. 2014-0261 seeks to rezone an undeveloped 11.52 acre parcel from the CCG-1 to CCG-2 zoning district. The purpose of the application is to develop an interstate travel stop for cars and trucks and having gas with associated retail, fast food and minor truck repair. The site is located in the suburban development area and is at the interchange with an interstate highway.

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 is located in the CGC functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan and is consistent therewith.

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 located in areas with an existing mix of non-residential uses. Nodal sites with two or more boundaries on a transportation right-of-way shall be considered preferred locations for these uses.

CGC - SUBURBAN AREA USES

The uses provided herein shall be applicable to all CGC sites within the Suburban Area.

Principal Uses: Commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices, Business and Professional Offices including veterinary offices; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities; Auto repair and sales, mobile home/motor home rental and sales, boat storage and sales; Off street parking lots and garages; Filling stations; and Uses associated with and developed as an integral component of TOD.

The proposed zoning designation will support the intended uses for this functional land use category.

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

Yes. The proposed amendment is consistent with the following policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

FLUE Policy 1.1.11

Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

FLUE Policy 3.2.7

The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

The proposed intensive commercial development is consistent with its location proximate to an interstate highway intersection and adjacent to a heavy equipment rental facility and two existing service stations.

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. The subject property can meet the lot requirements of the CCG-2 zoning district as set forth in Section 656.321 of the Zoning Code. However, subsequent to this application, the Department has received an Administrative Deviation request in relation to the proposed site plan to relocate required interior tree plantings, and to slightly widen two access driveways to the adjoining private roadway. These requests will be evaluated independently and according to the applicable provisions of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The subject 11.52 acre parcel is located to the southeast of the intersection of Interstate 95 and Pecan Park Road and fronts both roads. The property is undeveloped and is located in the suburban development area. The parcel adjoins one service station to the east and heavy equipment rental business (Ring Power Corporation) to the south. Access will be directly to Pecan Park Road and also through two cross access points sharing the private driveway with

Ring Power Corporation. The surrounding land use categories, zoning and uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	CCG-1	Pecan Park Road and 2 Service Stations
South	CGC	PUD 2003-1460-E	Heavy Equipment Rental
East	CGC	PUD 2003-1460-E	Access way/ Undeveloped
West	CGC	CCG-2	I-95 / Flea Market

Therefore, the proposed rezoning is consistent and compatible with the adjacent and nearby commercial and residential zoning districts.

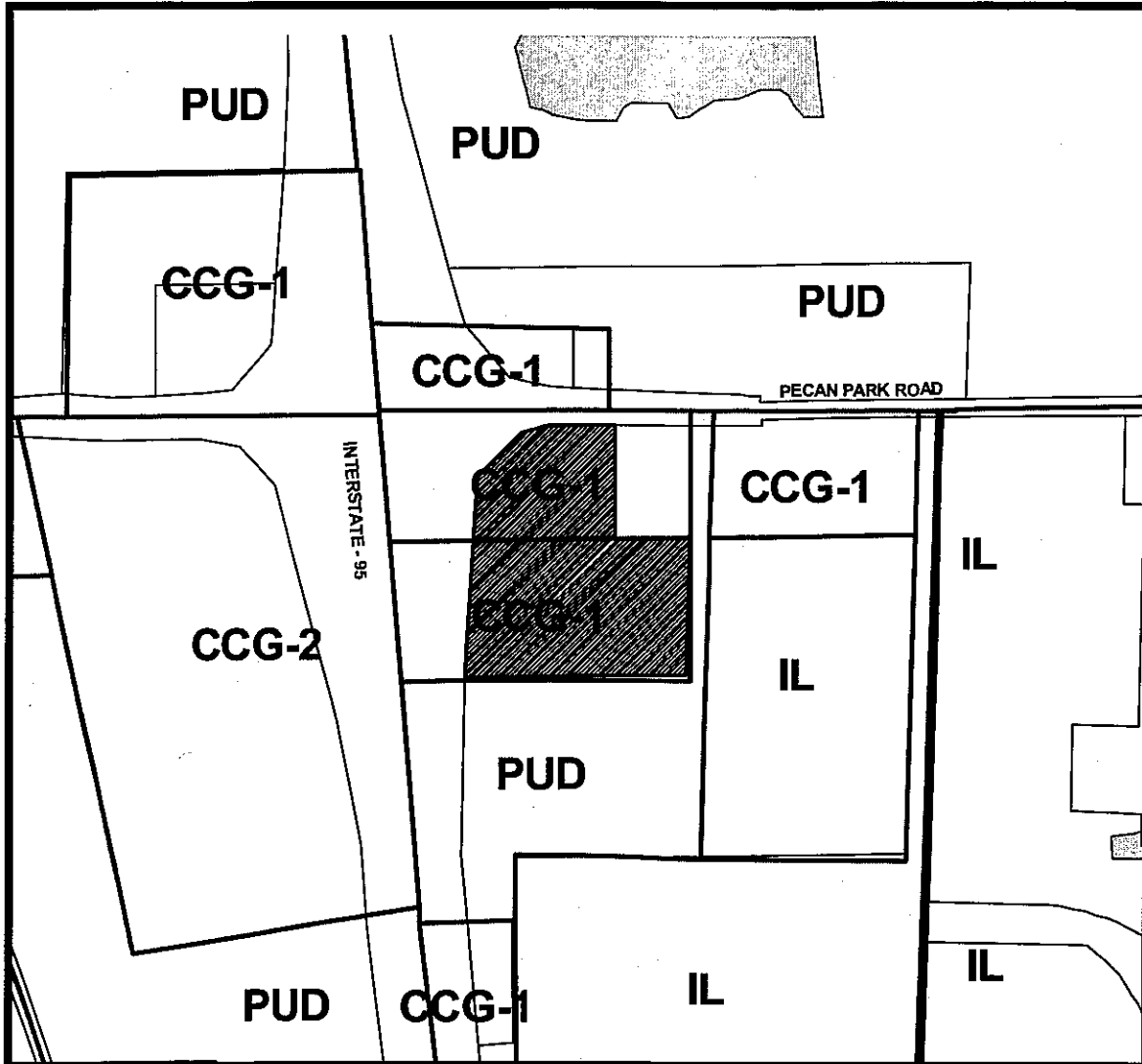
SUPPLEMENTARY INFORMATION



Upon visual inspection of the subject property on May 1, 2014, the required Notice of Public Hearing sign WAS posted.

RECOMMENDATION

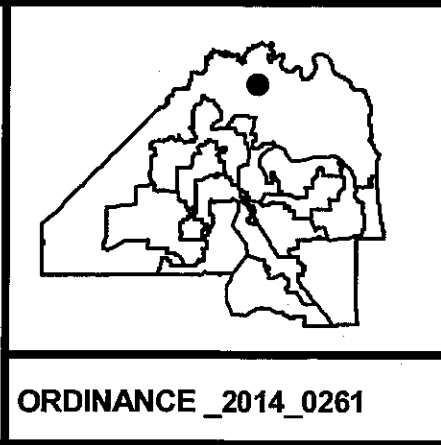
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning ORD. 2014-0261 be APPROVED.



REQUEST SOUGHT:

FROM: CCG-1

TO: CCG-2



N
W E
S

0100 Feet

COUNCIL DISTRICT:
11

ORDINANCE_2014_0261

FILE COPY

Map

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

Land Use Category Proposed?

If Yes, State Land Use Application # Land Use Category

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

Justification For Rezoning Application

APPLICANT IS DEVELOPING A TRAVEL STOP FOR CARS AND TRUCKS, WITH A GAS STATION AND FAST FOOD COMPONENT, AND WILL PROVIDE MINOR TRUCK REPAIRS.

Location Of Property

General Location

House #	Street Name, Type and Direction	Zip Code
<input type="text" value="0"/>	<input type="text" value="PECAN PARK RD"/>	<input type="text" value="32218"/>

Between Streets

and

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**
11.52 Acres @ \$10.00 /acre: \$120.00
- 3) **Plus Notification Costs Per Addressee**
13 Notifications @ \$7.00 /each: \$91.00
- 4) **Total Rezoning Application Cost:** \$2,211.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

RE # 108127-0000

A PORTION OF LOT 8, TISON'S SUBDIVISION OF THE CHARLES GRANT, SECTION 40, TOWNSHIP 1 NORTH, RANGE 27 EAST, AS RECORDED IN PLAT BOOK 1 PAGE 150 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND/OR A PORTION OF BLOCK 15, 16 AND 17, PECAN PARK, AS RECORDED IN PLAT BOOK 6, PAGES 41 AND 42 OF SAID CURRENT PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 3438, PAGE 13 OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, SAID POINT LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF PECAN PARK ROAD (A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED); THENCE SOUTH 00°22'33" EAST, ALONG THE WESTERLY LINE OF LAST SAID LANDS, 379.31 FEET TO THE SOUTHERLY LINE OF LAST SAID LANDS; THENCE NORTH 89°19'26" EAST, ALONG LAST SAID LINE, 239.94 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 11366, PAGE 2184 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTH 01°30'54" WEST, ALONG LAST SAID LINE, 462.43 FEET TO THE NORTHERLY LINE OF LAST SAID LANDS; THENCE SOUTH 89°20'59" WEST, ALONG LAST SAID LINE, 746.03 FEET TO THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE 95 (STATE ROAD NO. 9, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED); THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY, ALONG LAST SAID LINE, RUN THE FOLLOWING FOUR (4) COURSES AND DISTANCES: COURSE NO. 1: NORTH 02°23'04" EAST, 94.36 FEET; COURSE NO. 2: NORTH 05°49'24" EAST, 579.04 FEET; COURSE NO. 3: NORTH 40°56'25" EAST, 203.51 FEET; COURSE NO. 4: NORTH 83°35'42" EAST, 100.50 FEET TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF PECAN PARK ROAD; THENCE NORTH 86°53'32" EAST, ALONG LAST SAID LINE, 220.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 498,280 SQUARE FEET OR 11.44 ACRES, MORE OR LESS.

March 25, 2014

EXHIBIT 1
Page 1 of 1

EXHIBIT A
Property Ownership Affidavit

Date: _____

City of Jacksonville

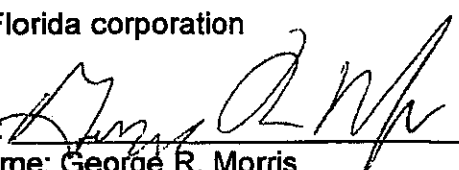
City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 214 North Hogan Street, Edward Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, George R. Morris, hereby certify that I am President of GHM Real Estate & Development, Inc., a Florida corporation, which is the Owner of the property described in the attached legal description, **Exhibit 1**, in connection with filing application(s) for rezoning of the property, and administrative deviation, submitted to the Jacksonville Planning and Development Department.

GHM REAL ESTATE & DEVELOPMENT, INC.,
a Florida corporation

By: 
Name: George R. Morris
Its: President
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 13 day of March, 2014 by George R. Morris, President of GHM Real Estate & Development, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced FIDL as identification.



(Notary Signature)
Typed or Printed Name: Tiffany Norman
Notary Public, State of Florida
Commission Number: FF 071506
Commission Expires: 2/1/16



Exhibit B

Owner's Authorization For Agent

Rick Sheffield + Brenda Ezell is hereby authorized to act on behalf of GMH Real Estate & Development, Inc., the owner of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to the Agencies listed below, as may be necessary, for applications related to development permits or other actions pursuant to:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Rezoning/Modification | <input checked="" type="checkbox"/> Stormwater Management Permit |
| <input checked="" type="checkbox"/> Zoning Exception | <input checked="" type="checkbox"/> Access Management |
| <input checked="" type="checkbox"/> Appeals, if necessary | <input checked="" type="checkbox"/> Water and Sewer Approvals |
| <input checked="" type="checkbox"/> Concurrency | <input checked="" type="checkbox"/> Wetland Permits |
| <input checked="" type="checkbox"/> Construction Permits | <input checked="" type="checkbox"/> Other permits, as may be required |

GMH REAL ESTATE & DEVELOPMENT, INC.

BY:

[Signature]
G. Robert Morris, President
904-571-2361

State of FL
County of St. Johns

Sworn to and subscribed before me this 11 day of Feb, 2014 by G. Robert Morris. He is personally known to me and did not take an oath.



[Signature]
Lauren Christ
Typed or Printed Name
Notary Public, State of Florida
Commission Number EE 828867
My commission expires: 8-21-2016

Agencies:

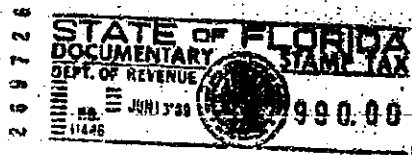
- City of Jacksonville
- Florida Department of Environmental Protection
- U. S. Department of the Navy

- Jacksonville Electric Authority
- Florida Department of Transportation
- St. Johns River Water Management District
- U.S. Army Corps of Engineers

OFFICIAL RECORDS

SPECIAL WARRANTY DEED

STATE OF FLORIDA)
COUNTY OF DUVAL)



RETURN TO GRANTEE

THIS INDENTURE, made this 21st day of June, 1989, between UNION OIL COMPANY OF CALIFORNIA, a California corporation, with an office at 1650 East Golf Road, Schaumburg, Cook County, Illinois 60196, herein called "Grantor", and G.H.M. REAL ESTATE OF FLORIDA, INC., a Florida corporation, P.O. Box 638, Baldwin, Florida 32234, herein called "Grantee".

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, its successors and assigns, forever, the following described land situated in Duval County, Florida. to-wit:

That certain piece, parcel or tract of land lying in and being part of Lot 8, Tison's Subdivision of The Charles Grant, Section 40, Township 1 North, Range 27 East, City of Jacksonville, Duval County, Florida, as recorded in Plat Book 1, Page 150, of the Former Public Records of Duval County, Florida, and/or part of Block 15, 16, 17, and 30, Pecan Park, as recorded in Plat Book 6, Pages 41 and 42, of the Current Public Records of said County, being more particularly described as follows:

3

From the intersection of the Southerly right-of-way of Pecan Park Road, a 60-foot right-of-way as now established, with the Easterly right-of-way of the Interstate Highway I-95 Limited Access right-of-way, S.00°40'41"E., a distance of 20.0 feet to the Southerly right-of-way of said Limited Access right-of-way; thence S.86°54'31"W., by and along said right-of-way, a distance of 172.47 feet for a POINT OF BEGINNING, thence, S.01°28'40"W., a distance of 1453.76 feet, thence, S.89°19'19"W., a distance of 621.33 feet, thence, S.00°13'56"E., a distance of 1571.22 feet, thence, S.89°40'52"W., a distance of 107.24 feet to the Easterly right-of-way of said I-95, and a point on a curve, said point having a radial bearing of N.87°23'15"W., thence, Northwesterly, by and along said right-of-way, around and along a curve to the left, said curve having a radius of 5879.58 feet and a delta of 07°37'26", an arc distance of 782.36 feet (N.01°11'58"W., 781.78 feet, chord bearing and

This instrument prepared by M. K. CRONIN, Attorney for UNION OIL COMPANY OF CALIFORNIA, 1650 East Golf Road, Schaumburg, Illinois 60196.

OFFICIAL RECORDS

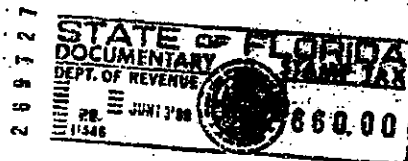
distance) to a point of tangency, thence, N.05°00'41"W., by and along said right-of-way, a distance of 597.61 feet to an angle point, thence, N.01°00'41"W., by and along said right-of-way, a distance of 454.78 feet to an angle point, thence, N.02°25'02"E., a distance of 321.45 feet to an angle point, thence, N.05°50'49"E., a distance of 579.03 feet to an angle point, thence, N.40°57'14"E., a distance of 203.51 feet to an angle point, thence, N.83°36'41"E., a distance of 100.40 feet to an angle point, thence, N.86°54'31"E., a distance of 220.46 feet to the West boundary of those lands as described in Official Records Volume 3438, Page 13, of the Current Public Records of said Duval County, Florida, thence, S.00°22'40"E., by and along said West boundary, a distance of 379.27 feet to the South boundary of said lands, thence, N.89°19'19"E., by and along said South boundary, a distance of 239.94 feet to the East boundary of said lands, thence, N.00°22'40"W., by and along said East boundary, a distance of 389.42 feet to the Southerly right-of-way of said Limited Access right-of-way; thence, N.86°54'31"E., by and along said right-of-way, a distance of 78.96 feet to the POINT OF BEGINNING.

SUBJECT TO any and all restrictions, covenants, conditions, zoning ordinances, rights-of-way and easements of record, if any, affecting said land.

SUBJECT ALSO TO the qualification hereinafter provided, as a part of the consideration for this conveyance, the Grantee, for itself, its successors and assigns, covenants and agrees to and with Grantor, its successors and assigns, that no diesel fuel will be sold on the conveyed property. This restriction shall attach and run with the land, and shall be noted on all subsequent deeds or other documents affecting title of any part of the 28.597 acre tract. This restriction shall be effective for 15 years after the date of the deed to which the Deed Restriction appertains, or for such shorter time as law requires for validity hereof. Failure of Union Oil Company of California or its successors or assigns to object to any violation of this Deed Restriction shall not constitute waiver of future or repeated or other violations of this restriction, or waiver of the restriction itself.

Together with all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and to have and to hold the same in fee simple forever.

Grantor hereby fully warrants the title to said land, and will defend the same, against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise.



OFFICIAL RECORDS

IN WITNESS WHEREOF, UNION OIL COMPANY OF CALIFORNIA has caused these presents to be signed in its name by its Vice President and its corporate seal to be affixed by its Assistant Secretary, the day and year above written.

Signed, Sealed and Delivered in the Presence of:

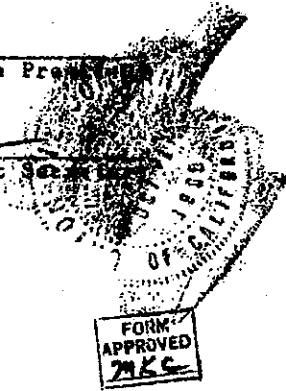
UNION OIL COMPANY OF CALIFORNIA

Paul Grant

By D.M. Jacobs Vice President

Sherrill S. Mangels

By J. [unclear] Assistant Secretary



STATE OF ILLINOIS)
COUNTY OF COOK)

I hereby certify that on this day before me, an officer duly authorized in the State aforesaid and in the county aforesaid to take acknowledgments, personally appeared D. M. JACOBS and D. B. MAUREL, to me known and known to be the persons described in and who executed the foregoing instrument as Vice President and Assistant Secretary, respectively, of the corporation named therein and severally acknowledged before me that they executed the same as such officers in the name and on behalf of such corporation.

WITNESS my signature and official seal in the County and State last aforesaid this 2nd day of June, 1989.

My commission expires: 060851 Barbara A. Buzzelli (SEAL)
Notary Public in and for Cook County, Illinois

SEPT. 3, 1990

FILED AND RECORDED IN PUBLIC RECORDS OF DUVAL COUNTY FLA
JUN 13 4 12 PM '89
RECORDS VERIFIED
Sherrill S. Mangels
CLERK OF CIRCUIT COURT

"OFFICIAL SEAL"
BARBARA A. BUZZELLI
Notary Public, State of Illinois
My Commission Expires 9/3/90
