

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.: 2021-648**

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: **Deny**

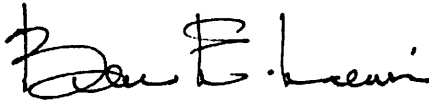
Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition. The Commissioners felt the proposed office use would not create any negative impacts.

Planning Commission Vote:	7-0
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 2021-648

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 2021-648.

Location: 8152 La Marne Drive between Kathy Street and Normandy Boulevard

Real Estate Number: 009345-0000

Zoning District: Residential Low Density-60 (RLD-60)

Requested Zoning District: Commercial Residential Office (CRO)

Current Land Use Category: Low Residential Density (LDR)

Proposed Land Use Category: Residential Professional Institutional (RPI)

Planning District: Southwest - 4

Applicant: Brian Leonard
All Weather Contractors, Inc.
1702 Lindsey Road
Jacksonville, Florida 32221

Owner: Brian Leonard
All Weather Contractors, Inc.
1702 Lindsey Road
Jacksonville, Florida 32221

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Rezoning to Conventional Zoning District 2021-648 seeks to rezone a 0.25 acre parcel from the RLD-60 to CRO Zoning District. According to the Duval County Property Appraisers database, the subject property contains a single family dwelling constructed in 1958. The request is to allow for an accounting office for All Weather Contractors, Inc. whose office/storage yard is across Lindsey Road

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 2010 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 2010 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?

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. There is a companion application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5598-21C (Ordinance 2021-647) that seeks to amend the portion of the site that is within the Low Density Residential (LDR) land use category to Residential Professional Institutional (RPI). **Staff is recommending that Application for Land Use Amendment be denied.**

Thus, the fact that the CRO Zoning District is a primary zoning district within the RPI functional land use category does not ensure overall consistency with the 2030 Comprehensive Plan. The transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important to a predominately single-family residential area when a business office is being introduced, as is proposed in this application. Therefore, while the proposed uses are consistent with the category description of the functional land use category, the intensity and scale of the project is not consistent with the intent of the 2030 Comprehensive Plan.

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

No. The proposed rezoning is inconsistent with the 2030 Comprehensive Plan and does not further the following Goals, Objectives and Policies contained herein, including the following:

Objective 1.1, ensure that the type, rate and distribution of growth in the City results in the compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms and public/private

coordination. The subject property is located adjacent to properties zoned Commercial Office and are developed with office uses.

Policy 1.1.7, which calls for a 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 CRO zoning district provides for compatible and consistent uses adjacent to commercial properties. In addition, the CRO zoning district allows for banks, savings and loan institutions and similar uses (but not drive-thru tellers) which would be compatible with the surrounding office development.

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.

Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

Staff has concerns that approving the application will begin a gradual intensification of the property from an office to employee parking to overnight parking of work vehicles which will disrupt the expected privacy of the adjacent residential dwellings.

3. ***Does the proposed rezoning conflict with any portion of the City's land use regulations?***

Yes. Though the site may meet the minimum requirements for the CRO district as required by section 656.311, Ordinance Code the site, may not be able to accommodate the additional parking requirements and landscaping requirements for the use or other uses permissible within the zoning district.

SURROUNDING LAND USE AND ZONING

The 0.25 acre site is developed with a single family dwelling. The surrounding area is developed as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-60	Single family dwellings
East	LDR	RLD-60	Single family dwellings
South	RPI	PUD (09-109)	Multi-family dwellings
West	CGC	CCG-1	All Weather contractors, Inc.

This portion of Lindsey Road is developed with a mixture of single family dwellings, duplexes, city parks and self-storage facility. There are CCG-1 uses at the intersection of Normandy Blvd and Lindsey Road. The general trade contractor site is the atypical use along Lindsey Road. There are no commercial uses on the east side of Lindsey Road. The CRO Zoning District and the uses allowed therein would be incompatible and inconsistent with the existing and proposed uses within the area.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 29, 2021, the required Notice of Public Hearing signs was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2021-648 be **DENIED**.



Residential dwelling to be converted to office.



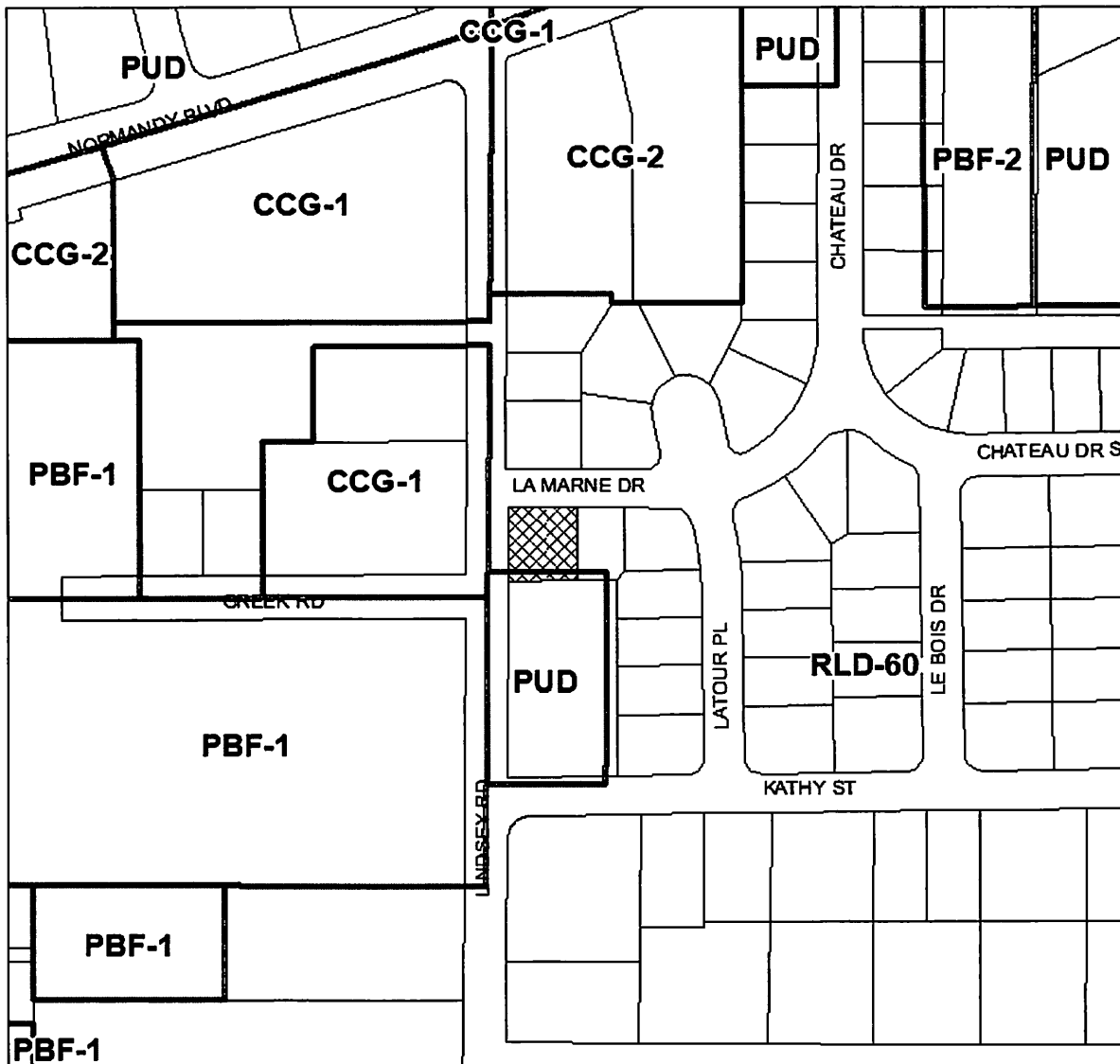
Residential dwelling adjacent to subject property

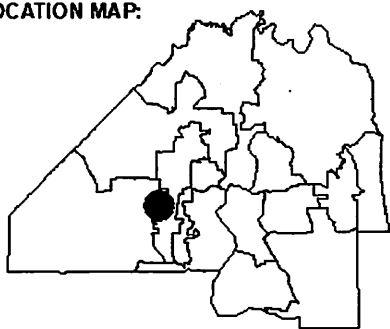
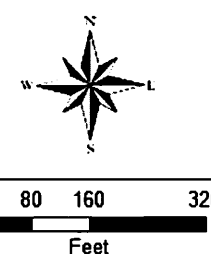


Residential dwelling across La Marne Drive



Aerial view of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CRO</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>12</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0648</p>	<p>TRACKING NUMBER</p> <p>T-2021-3623</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0648 **Staff Sign-Off/Date** BEL / 08/30/2021
Filing Date 09/01/2021 **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** N/A
Neighborhood Association WEST JAX CIVIC ASSOC.
Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 3623 **Application Status** PENDING
Date Started 06/28/2021 **Date Submitted** 06/28/2021

General Information On Applicant

Last Name LEONARD **First Name** BRIAN **Middle Name**
Company Name
ALL WEATHER CONTRACTORS, INC.
Mailing Address
1702 LINDSEY RD.
City JACKSONVILLE **State** FL **Zip Code** 32221
Phone 9047817060 **Fax** 9046195011 **Email** VDUTTINGER@ALLWEATHERCONTRACTORS.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name LEONARD **First Name** BRIAN **Middle Name**
Company/Trust Name
ALL WEATHER CONTRACTORS, INC.
Mailing Address
1702 LINDSEY RD.
City JACKSONVILLE **State** FL **Zip Code** 32221
Phone 9047817060 **Fax** 9046195011 **Email** VDUTTINGER@ALLWEATHERCONTRACTORS.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 009345 0000	12	4	RLD-60	CRO

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

Existing Land Use Category

LDR

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 0.25

Justification For Rezoning Application

WE WOULD LIKE TO CHANGE THIS HOUSE INTO AN ACCOUNTING OFFICE FOR ALL WEATHER CONTRACTORS WITH VERY LITTLE PEOPLE & VEHICLE TRAFFIC. WE WOULD BE A LARGER ASSET TO THE NEIGHBORHOOD WITH SURVEILLANCE CAMERAS, SECURITY SYSTEM AND BEAUTIFYING THE LANDSCAPE. WE HAVE ALREADY ASSISTED JSO IN 2 PREVIOUS MURDERS WITH OUR SURVEILLANCE CAMERAS AND NEIGHBOR ACROSS FROM OFFICE HELPED WHEN SOMEONE STOLE HIS MOTORCYCLE.

Location Of Property

General Location

SUB-DIVISION BETWEEN FOURACE RD & NORMANDY BLVD.

House #	Street Name, Type and Direction	Zip Code
8152	LA MARNE DR	32221

Between Streets

LINDSEY RD. and NORMANDY BLVD.

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
0.25 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
28 Notifications @ \$7.00 /each: \$196.00
- 4) Total Rezoning Application Cost: \$2,206.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

EXHIBIT "A"

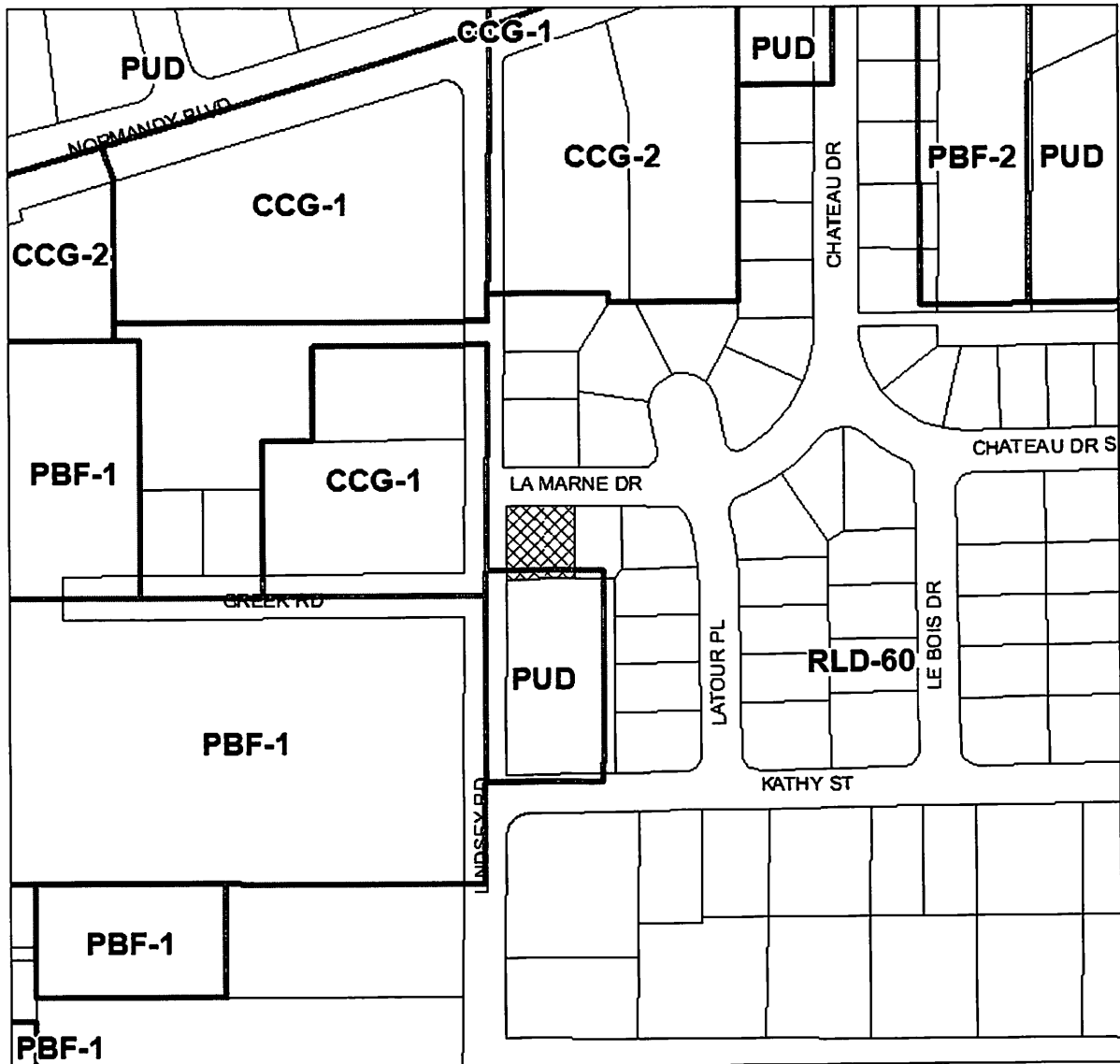
THE FOLLOWING PROPERTY IN DUVAL COUNTY, FLORIDA:

LOT 1, BLOCK 3, NORMANDY VILLAGE UNIT 2, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 5, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PROPERTY ADDRESS: 8152 LA MARNE DRIVE, JACKSONVILLE, FL 32221

June 28, 2021

**Exhibit 1
Page 1 of 1**

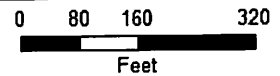
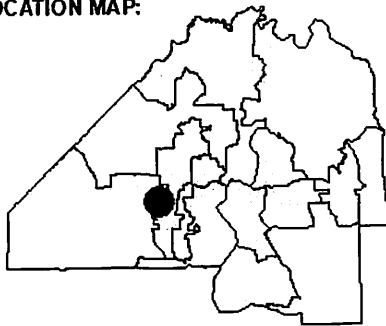


REQUEST SOUGHT:

FROM: RLD-60

TO: CRO

LOCATION MAP:



COUNCIL DISTRICT:

12

TRACKING NUMBER

T-2021-3623

EXHIBIT 2
PAGE 1 OF 1