

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2020-0171

JUNE 26, 2020

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 **2020-0171**.

Location: North of Heckscher Drive and East of Browns Creek

Real Estate Number: 159985-0000; 159986-0000; 159987-0000; 159964-0000; 159965-0000; 160790-0000; 160790-0040

Current Zoning District: Industrial Water (IW)

Proposed Zoning District: Conservation (CSV)

Current Land Use Category: Water Dependent/Water Related (WD/WR)

Proposed Land Use Category: Conservation (CSV)

Planning District: District 6—North

Applicant/Agent: City of Jacksonville
C/O Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, Florida 32202

Owner: Clovis A. Wood
5144 Heckscher Drive
Jacksonville, Florida 32226

Chris Hughes
US Department of Interior – National Park Service
5144 Heckscher Drive
Jacksonville, Florida 32226

Angela Klug
The Nature Conservancy
2500 Maitland Center Parkway, Suite 311
Maitland, Florida

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2020-0171** seeks to rezone 7.18± acres of land from Industrial Water (IW) to Conservation (CSV). The request is being sought to preserve environmentally sensitive lands that are recognized as aquatic preserves and contain salt water marsh wetlands. (see **Figure A**).

The subject site consists of seven (7) parcels along Heckscher Drive, between Blount Island Boulevard and Browns Creek. Five (5) parcels are located on the north side of Heckscher Drive and two (2) are on the south. The property is located within the boundaries of the North Vision Plan and is currently undeveloped.

There is a companion Small-Scale Land Use Amendment L-5407-19C (**Ordinance 2020-0170**) that seeks to amend the land use on the property from Water Dependent/Water Related (WD/WR) to Conservation (CSV).

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 with the approval of companion Small Scale Land Use Amendment L-5407-19C (**Ordinance 2020-0170**), the subject property will be located in the Conservation (CSV) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

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. Currently the site has a WD/WR land use designation. According to the Future Land Use Element (FLUE),

the Conservation (CSV) Future Land Use Category identifies areas with valuable environmental resources, such as sensitive vegetation, high value habitat, wetlands, high aquifer recharge potential, carbon sinks and unique coastal areas. Some resource systems are highly sensitive and easily destroyed by indiscriminate human activity. The CSV category includes areas that are protected through public or private nonprofit ownership and management. Development potential in these areas is generally limited to open space, resource and recreational uses. Conservation areas may include regional, state or national forests, parks, sanctuaries, preserves and Special Management Areas. More specific uses and activities permitted in these areas are guided by the approved management plans for each area when such plans exist.

The subject site is an environmentally sensitive coastal property, identified as a salt marsh within the CHHA and a flood zone. The applicant for the proposed rezoning is the City of Jacksonville, having received authorization from the property owners.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element:

Policy 1.5.2

Permit no new development, expansion or replacement of existing development in areas designated on the Future Land Use Map series as Conservation, unless development is undertaken by federal, state or local government in the public interest, and the impacts are mitigated.

The subject properties are environmentally sensitive lands as they are recognized as aquatic preserves and contain salt water marsh wetlands. The proposed rezoning to Conservation (CSV) will protect the lands by prohibiting development.

Conservation/Coastal Management Element:

Policy 4.1.19

The City shall sponsor placing “Environmentally Sensitive Lands” into Conservation land use category and zoning district and/or conservation easement, where there is a willing property owner.

After receiving authorization from the property owners, the proposed rezoning will place approximately 7.18 acres of environmentally sensitive lands into the Conservation (CSV) land use category and the Conservation (CSV) zoning district.

Policy 4.4.3

The City shall act as applicant for property owners who voluntarily place their high functional valued wetland into the Conservation land use category and/or Conservation zoning district.

The subject property is owned by the National Park Service, the Nature Conservancy and a private party. Having received authorizations from all three (3) property owners, the applicant is the City of Jacksonville.

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 IW to CSV in order to preserve the environmentally sensitive lands onsite—all while adhering to local, state, and federal regulations mentioned below:

Flood Zones:

Approximately 0.10 of an acre of the subject site is located within the VE flood zone. The rest of the subject site is entirely within the AE flood zone. The VE flood zone is defined as an area within the 100-year coastal floodplain or SFHA that also has additional hazards associated with storm waves. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm of Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. In result, any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.



Flood Zone Map

For more information regarding flood zones, please see the attached memo from Community Planning Division.

Wetlands:

Approximately 7.18 acres of the subject site is located within Category I wetlands. The wetlands cover the entire subject property. Any development within the wetlands must meet the performance standards in Conservation/Coastal Management Element (CCME) Policy 4.1.3.

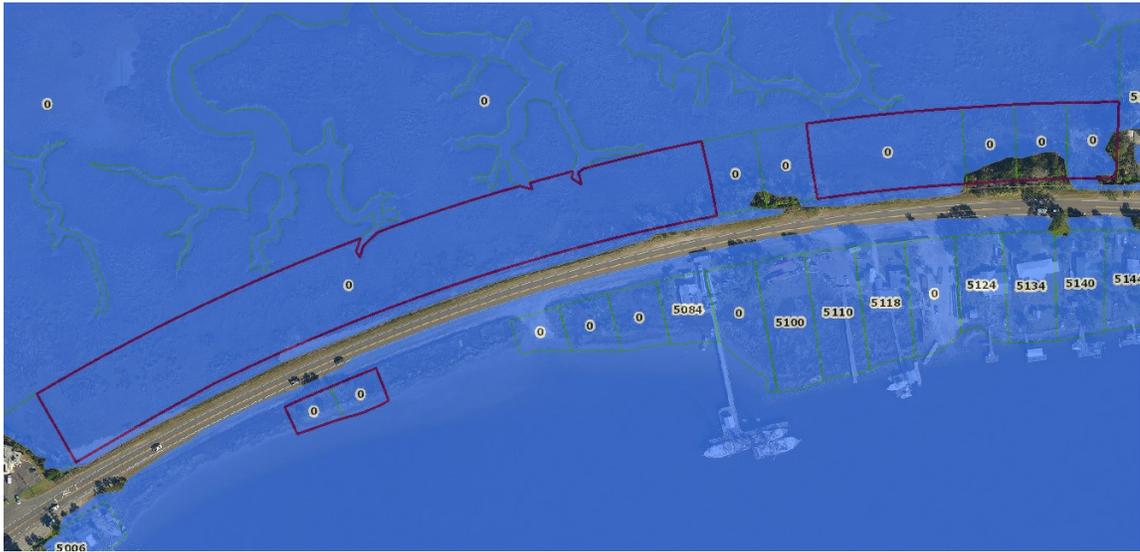


Wetlands Map

For more information regarding wetlands, please see the attached memo from Community Planning Division.

Coastal High Hazard Area (CHHA) / Adaptation Action Area (AAA):

Approximately 7.18 of an acre of the subject site is located within a Coastal High Hazard Area (CHHA) and Adaptation Action Area (AAA), as defined by Sections 163.3178(2)(h) and 163.3164(1), Florida Statutes. Site design should cluster development away and avoid development in the CHHA/AAA.



CHHA Map

SURROUNDING LAND USE AND ZONING

The subject property is located on the north and south sides of Heckscher Drive and east of Browns Creek. The 7.38-acre site abuts a larger 187-acre parcel that is in the Conservation land use category. The rezoning request to the CSV Zoning District will allow for the preservation of environmentally sensitive lands. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	PBF	CSV	Wetlands/Marsh
East	WD/WR	IW/RLD-90	Single-Family Dwellings
South	CSV	CS	Single-Family Dwellings
West	WD/WR	RLD-90	Undeveloped/Commercial

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

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **March 23, 2020** 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 **2020-0171** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 3/12/20

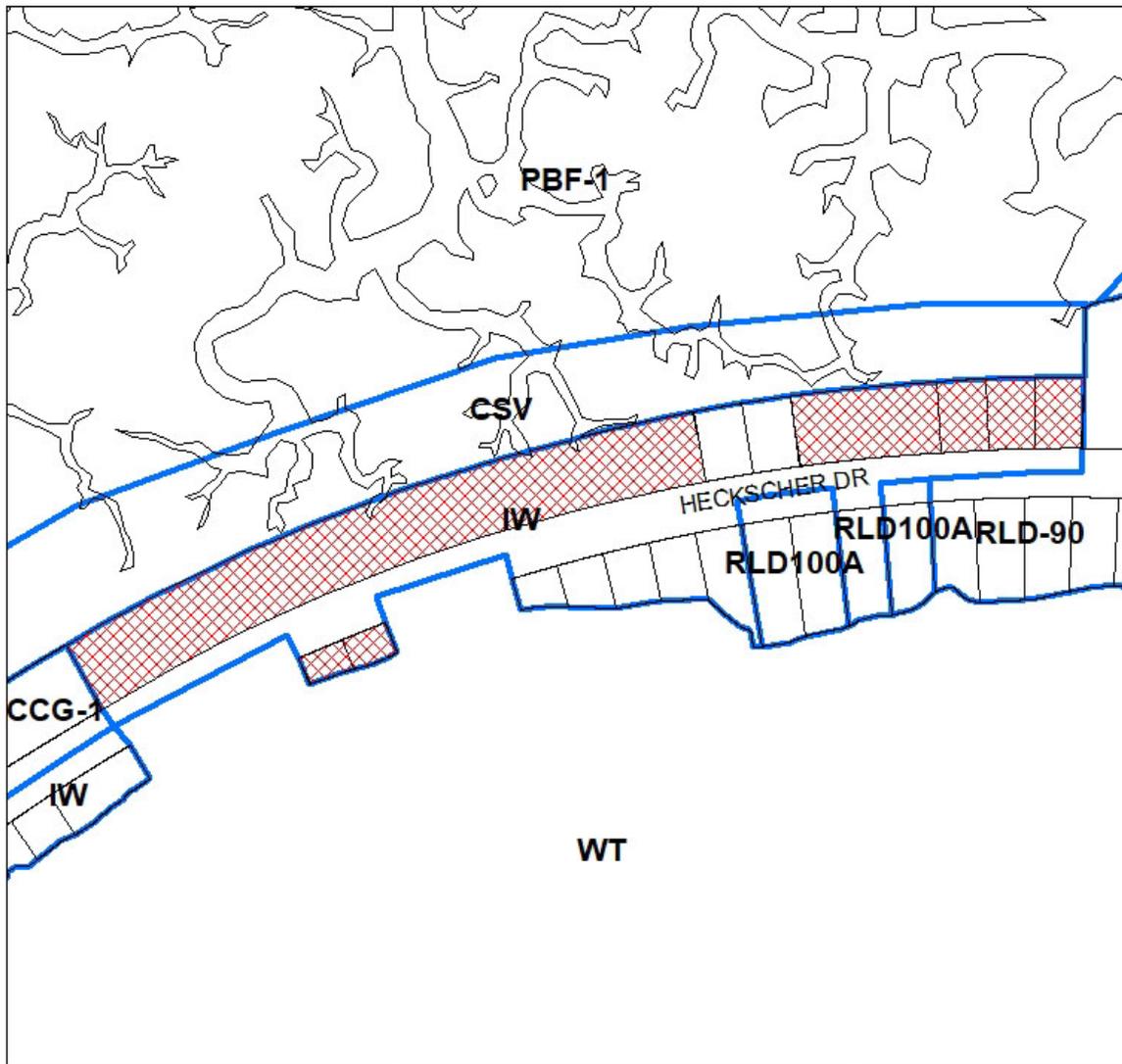
Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 3/13/20

View of Hecksher Drive and the subject property, facing east.



<p>REQUEST SOUGHT:</p> <p>FROM: IW</p> <p>TO: CSV</p>	<p>LOCATION MAP:</p>	<p>0 115 230 460 Feet</p> <p>COUNCIL DISTRICT: 2</p>
<p>ORDINANCE NUMBER ORD-2020-0171</p>	<p>TRACKING NUMBER T-2019-2587</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>