

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 6, 2022

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2022-709**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico 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**

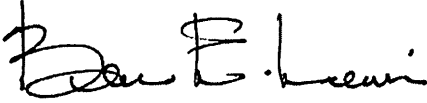
Planning Commission Commentary: There was one speaker in opposition, whose concerns were noises from the railroad and other industrial uses and requested a sound reduction wall and lighting restrictions. The Commissioners indicated an uncomplimentary buffer is required adjacent to the residential subdivision and there is a wide existing drainage ditch which will act as a buffer.

Planning Commission Vote: 5-0

Alex Moldovan, Chair	Absent
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Absent
Jordan Elsbury	Absent
Joshua Garrison	Aye
David Hacker	Absent
Nicole Padgett (Alternate)	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 that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

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 TO

APPLICATION FOR REZONING ORDINANCE 2022-0709

OCTOBER 20, 2022

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 **2022-0709**.

Location: 0 New Kings Road, between Edgewood Avenue North and 45th Street West

Real Estate Number: 029868 0000

Current Zoning District: Industrial Business Park (IBP)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Light Industrial (LI)

Planning District: Northwest, District 5

Applicant/Agent: Marshall Phillips, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

Owner: Home Om Real Estate Corporation
168 Jones Creek Drive
Jupiter, FL 33458

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0709** seeks to rezone approximately 7.89± acres of property from Industrial Business Park (IBP) to Industrial Light (IL). The property is located in the Light Industrial (LI) land use category within the Urban Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request to rezone the property is to allow for the parking and storage of trucks and trailers, along with other industrial uses permitted in the IL zoning district.

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. Zoning application, Ordinance 2022-709, seeks to change the zoning district of the subject site from IBP to IL. The 7.89-acre subject site is located on the east side of New Kings Road (US-1 / SR-5), at 0 New Kings Road a major arterial road, between Edgewood Avenue North and 45th Street West. The site is in the LI land use category and within the Urban Development Area. The subject site consists of 7.89 acres. Almost the entire property is located in the 0.2% annual chance flood hazard zone. Approximately 6 acres of the subject site is in the Adaptation Action Area.

According to the Category Description of the Future Land Use Element (FLUE), Light Industrial (LI) is a category, which provides for the location of industrial uses, which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemicals and wastes. Site access to roads classified as collector or higher is preferred. Truck storage is a permitted use within the LI land use category.

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

This proposed rezoning is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element

Objective 3.2

Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The proposed rezoning to IL will continue to promote the viability of the commercial/industrial corridor of New Kings Road.

Adaptation Action Area

The City of Jacksonville implemented the 2015 Peril of Flood Act (Chapter 2015-69, Laws of Florida) by establishing an Adaptation Action Area (AAA). The AAA boundary is an area that experiences coastal flooding due to extreme high tides and storm surge. The area is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. Ordinance 2021-732-E expands the AAA boundaries to those areas within the projected limits of the Category 3 storm surge zone and those contiguous areas of the 100-year and 500-year Flood Zones.

Approximately 6.0 acres of the property is located within the AAA boundary (Ordinance 2021-732-E). The applicant has been made aware of the AAA boundaries and encouraged to address the new policies through site design, clustering of development and other resiliency efforts.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed rezoning may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 0.51 of an acre

General Location(s): The eastern portion of the property

Quality/Functional Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition, the wetland has no clear or significant impact on the City's waterways.

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 IBP to IL in order to allow for Industrial Light uses.

SURROUNDING LAND USE AND ZONING

The subject site is located on the east side of New Kings Road, a major arterial roadway, near the intersection of 45th Street West, a collector roadway. New Kings Road and properties west of New Kings Road consist primarily of commercial and industrial uses. To the east of the subject property is primarily single-family dwellings. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Single-family dwellings
South	LI/CGC	IL/CCG-2	Outdoor storage, service garage, commercial
East	LDR	RLD-60	Single-family dwellings
West	LI	IL/CCG-2	Outdoor storage, service garage, commercial

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

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **October 12, 2022** by the Planning and Development Department, the required Notice of Public Hearing sign **was** posted.



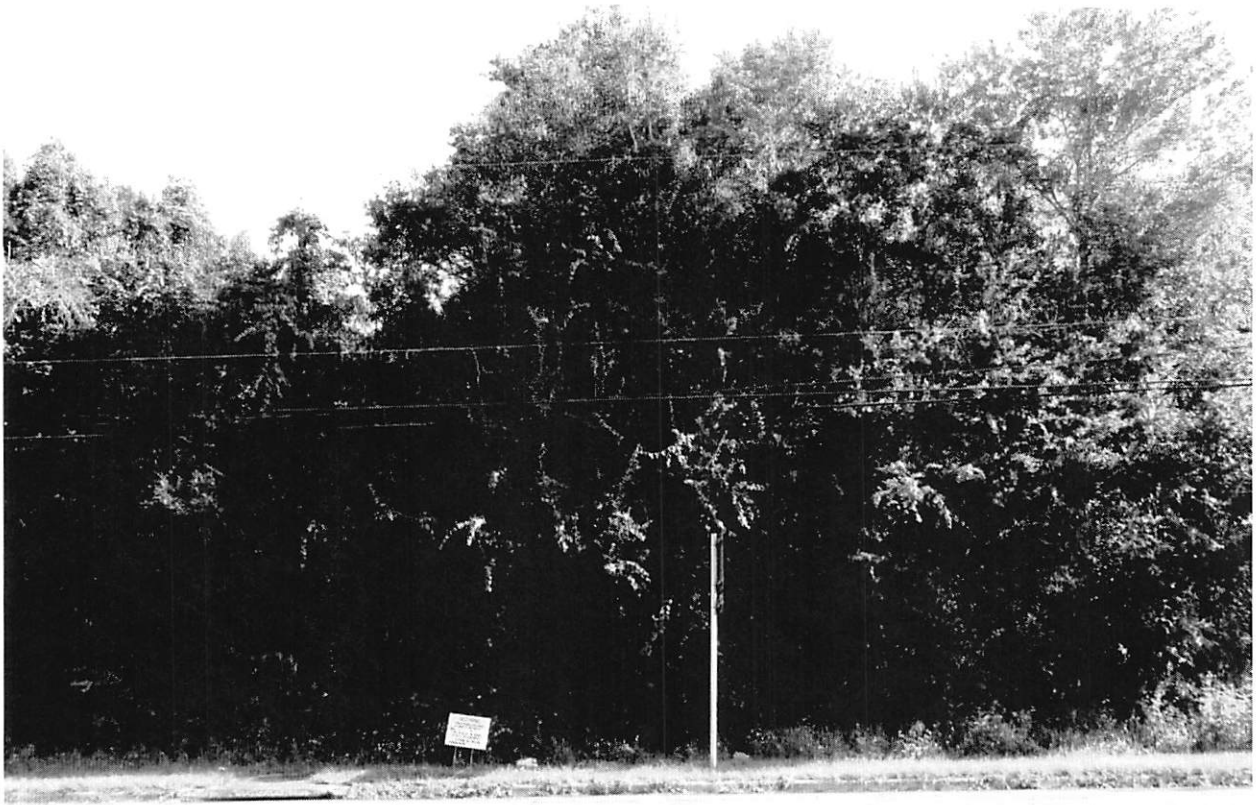
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2022-0709** be **APPROVED**.



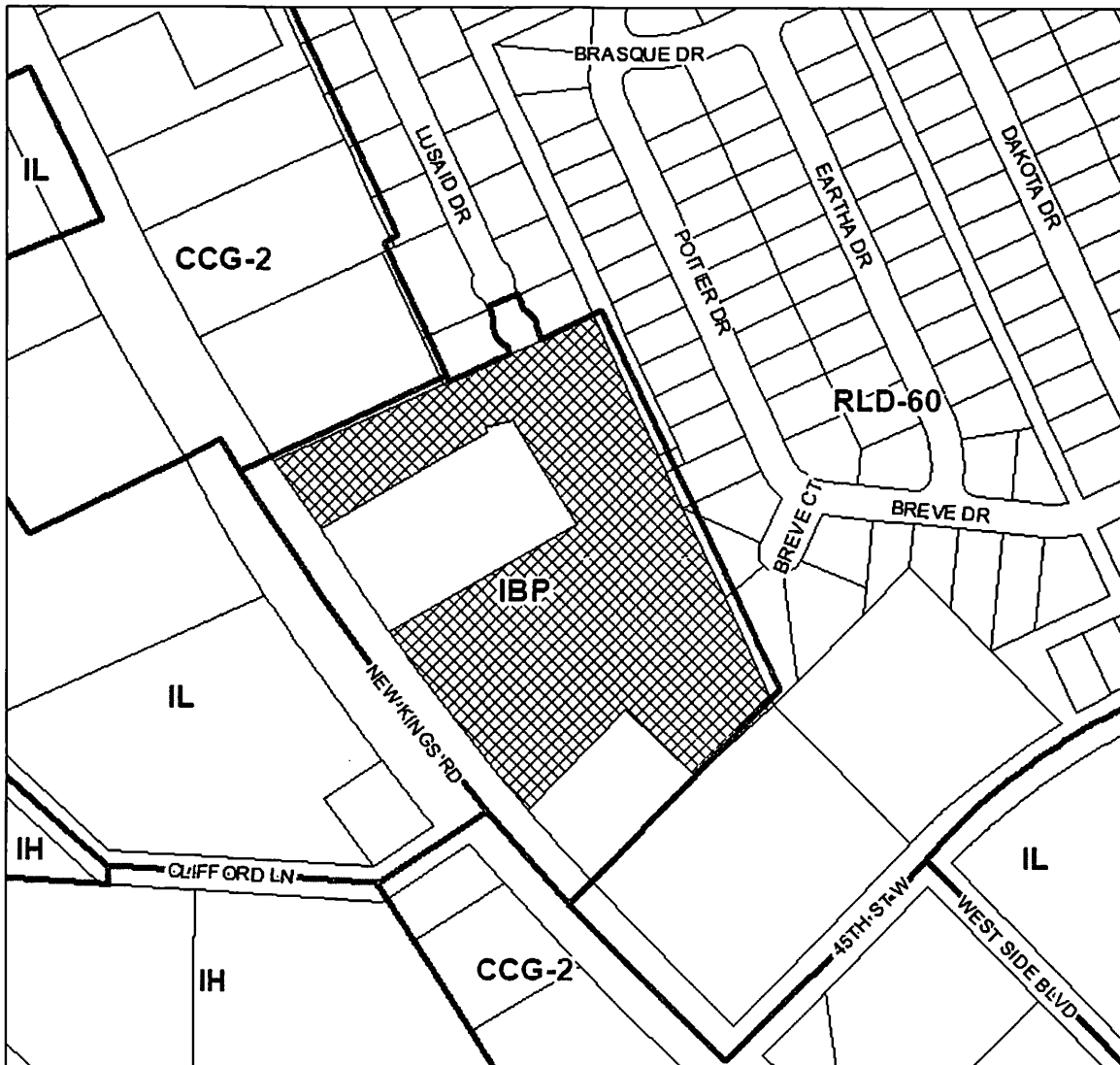
Source: Planning & Development Department, 10/13/2022

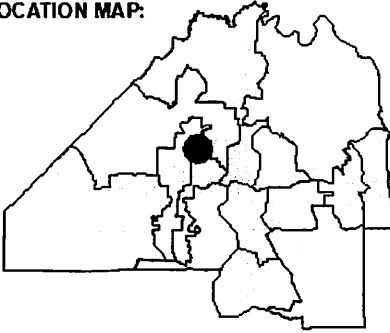

Aerial view of the subject property, facing north.



Source: Planning & Development Department, 10/13/2022

View of the subject property from New Kings Road.



<p>REQUEST SOUGHT:</p> <p>FROM: IBP</p> <p>TO: IL</p>	<p>LOCATION MAP:</p>  <p>TRACKING NUMBER</p> <p>T-2022-4375</p>	 <p>0 100 200 400 Feet</p> <p>COUNCIL DISTRICT:</p> <p>10</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>
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Legal Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0709 **Staff Sign-Off/Date** KPC / 08/25/2022
Filing Date 09/12/2022 **Number of Signs to Post** 3
Hearing Dates:
1st City Council 10/25/2022 **Planning Commission** 10/20/2022
Land Use & Zoning 11/01/2022 **2nd City Council** N/A
Neighborhood Association KINLOCK CIVIC ASSOCIATION
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 4375 **Application Status** PENDING
Date Started 07/07/2022 **Date Submitted** 07/07/2022

General Information On Applicant

Last Name PHILLIPS **First Name** MARSHALL **Middle Name** H
Company Name
 ROGERS TOWERS, P.A.
Mailing Address
 1301 RIVERPLACE BLVD, SUITE 1500
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043465535 **Fax** 9043960663 **Email** HPHILLIPS@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info
Last Name SEE **First Name** BELOW **Middle Name**
Company/Trust Name
 HOME OM REAL ESTATE CORPORATION
Mailing Address
 168 JONES CREEK DRIVE
City JUPITER **State** FL **Zip Code** 33458
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 029868 0000	10	5	IBP	IL

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

Existing Land Use Category

LI

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 7.89

Justification For Rezoning Application

TO PERMIT THE PARKING AND STORAGE OF TRUCKS AND TRAILERS AS WELL AS OTHER USES ALLOWED IN IL THAT ARE COMPATIBLE WITH THE SURROUNDING AREA.

Location Of Property

General Location

EAST SIDE OF NEW KINGS RD, SOUTH OF EDGEWOOD AVE N.

House #	Street Name, Type and Direction	Zip Code
0	NEW KINGS RD	32209

Between Streets

EDGEWOOD AVE N and 45TH ST. W

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

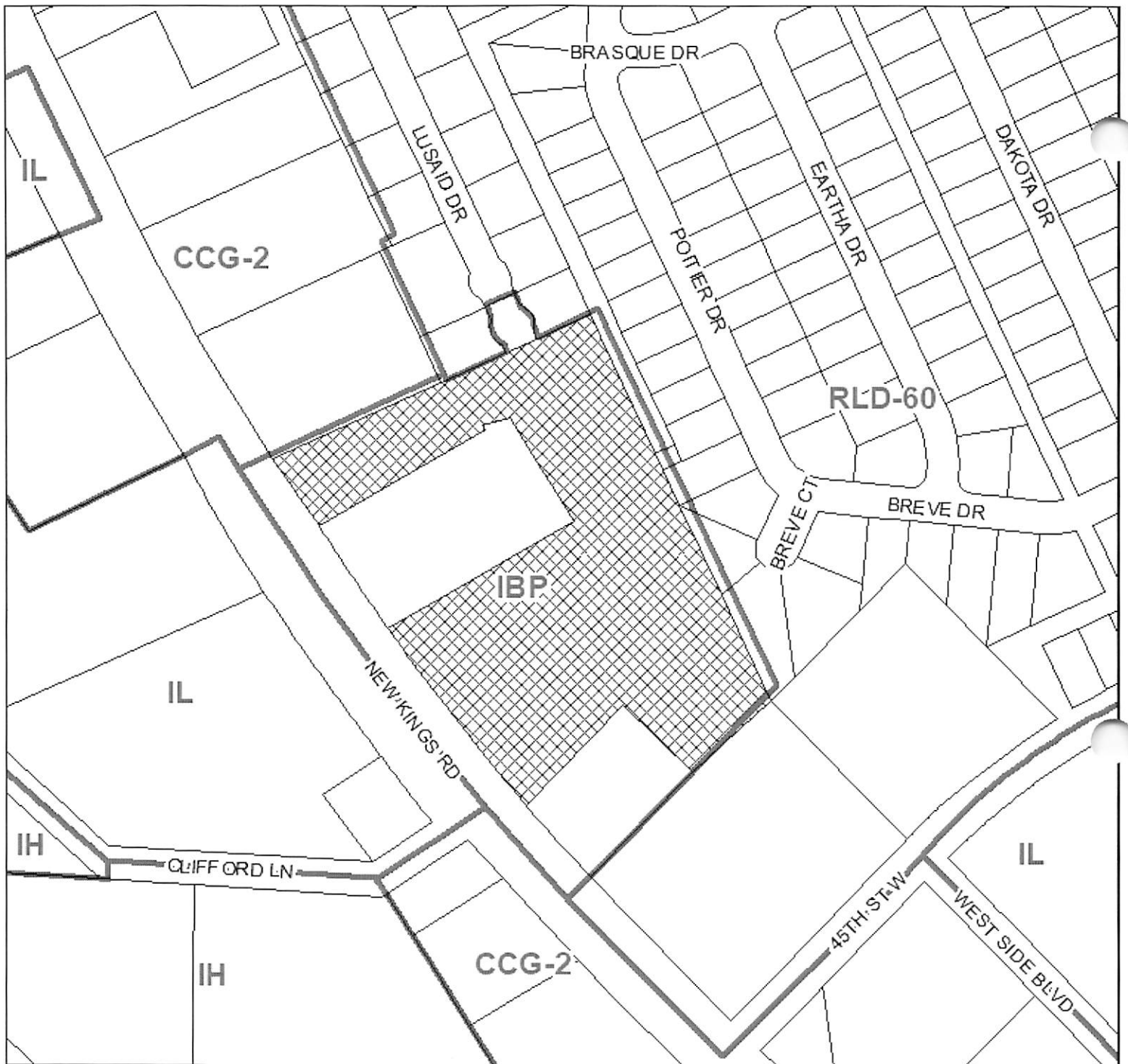
- 1) Rezoning Application's General Base Fee:** \$2,000.00
 - 2) Plus Cost Per Acre or Portion Thereof**
7.89 Acres @ \$10.00 /acre: \$80.00
 - 3) Plus Notification Costs Per Addressee**
57 Notifications @ \$7.00 /each: \$399.00
 - 4) Total Rezoning Application Cost:** \$2,479.00
- NOTE: Advertising Costs To Be Billed to Owner/Agent**

LEGAL DESCRIPTION

A portion of the Frederick Hartley Grant, Section 44, together with a portion of the Charles F. Sibbald Grant, Section 39, all lying in Township 1 South, Range 26 East, Duval County, Florida and being more particularly described as follows:

Begin at the Southwest corner of Floradale Unit 7 as recorded in Plat Book 29, Pages 100 and 100A of the Public Records of said County; thence South $44^{\circ} 46' 10''$ West, 266.45 feet; thence North $45^{\circ} 14' 00''$ West, 179.4 feet; thence South $44^{\circ} 46' 10''$ West, 187.32 feet to a point lying on the Easterly right-of-way line of U. S. Highway 1 (State Road #15 - a 120 foot right-of-way as now established) also being a point on a curve leading to the right; thence along and around the arc of said curve and along said right-of-way line, being concave Northeasterly and having a radius of 5659.65 feet, an arc distance of 784.31 feet, said arc being subtended by a chord bearing and distance of North $36^{\circ} 39' 25''$ West, 786.68 feet to a point on said curve; thence North $65^{\circ} 19' 37''$ East along the Westerly prolongation of the Southerly line of Kinnard Unit Three, as recorded in Plat Book 31, Page 7 of the Public Records of said County, 647.56 feet to a point lying on the Westerly line of said Floradale Unit 7; thence South $24^{\circ} 53' 53''$ East along last said line, 775.24 feet to the Point of Beginning.

Less and except any part recorded in Official Records of Duval County, Official Records Book 3379, Page 404, Official Records Book 5124, Page 913, Official Records Book 5877, Page 629 and Official Records Book 6962, Page 1933.

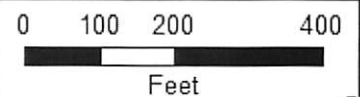
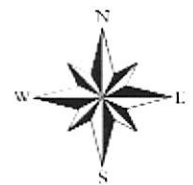
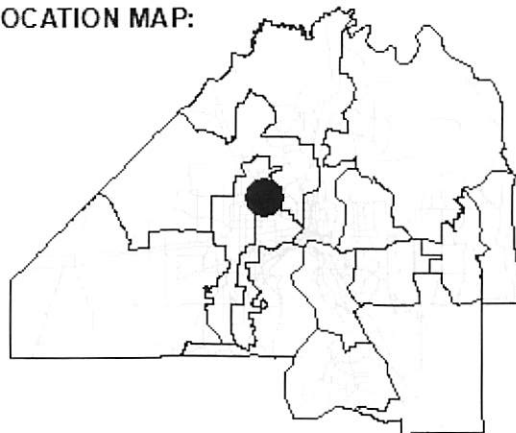


REQUEST SOUGHT:

FROM: IBP

TO: IL

LOCATION MAP:



COUNCIL DISTRICT:

10

TRACKING NUMBER

T-2022-4375

EXHIBIT 2
PAGE 1 OF 1



Availability Letter

M. Hayden Phillips

6/28/2022

1301 Riverplace Boulevard #1500
Jacksonville, Florida 32207

Project Name: 0 New Kings Rd Zoning
Availability #: 2022-2355

Attn: M. Hayden Phillips

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.

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

https://www.jea.com/water_and_wastewater_development

Sincerely,

Corey Cooper
coopcl@jea.com
(904) 544-2057

Availability Number: 2022-2355

Request Received On: 6/13/2022

Availability Response: 6/28/2022

Prepared by: Corey Cooper

Expiration Date: 06/27/2024

Project Information

Name: 0 New Kings Rd Zoning

Address: 0 NEW KINGS RD, JACKSONVILLE, FL 32209

County: Duval County

Type: Electric,Sewer,Water

Requested Flow: 40

Parcel Number: 029868 0000

Location:

Description: My client wants to rezone the property from Industrial Business Park (IBP) to Industrial Light (IL) and use the property for storage of trucks and trailers.

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Existing 8" water main within New Kings Rd. R/W.

Connection Point #2:

Water Special Conditions: Connection point not reviewed for site fire protection requirements. Private fire protection analysis is required. Submit your plans for water/waste water review by Step 2 in Sages.

Sewer Connection

Sewer Grid: Buckman

Connection Point #1: Existing sewer manhole within the rear right of way.

Connection Point #2: Existing 18" force main within New Kings Rd. R/W.

Sewer Special Conditions: Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JEA. If gravity flow cannot be achieved, then Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). If needed, a development meeting can be scheduled prior to submitting a plan set. Request development meeting through the JEA Sages program, Step 2, and select Development Meeting.

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:

Subsequent steps you need
to take to get service:

Request As-Built drawings and/or GIS maps by going to Step 1 in Sages. Submit your plans for water/waste water review by Step 2 in Sages. After your plans, permits and shop drawings have been approved, as applicable, you can request a Pre-Construction Meeting by accessing Step 4 in Sages. Any required inspections you need for your project can be requested by accessing Step 4 in Sages. Project As-Builts can be submitted by accessing Step 4 in Sages. After your permits are cleared, you can submit your project Acceptance Package by accessing Step 5 in Sages. After your project has been accepted you can submit your Commercial New Service Application by accessing Step 2 in Sages.