

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

December 3, 2020

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2020-684**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan 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**

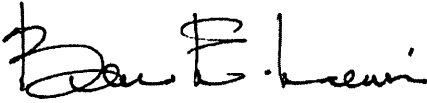
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 7-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	Aye
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 2020-0684

DECEMBER 3, 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 **2020-0684**.

Location: 8565 Mallory Road

Real Estate Number: 006962-0010

Current Zoning District: Industrial Light (IL)

Proposed Zoning District: Industrial Heavy (IH)

Current Land Use Category: Light Industrial (LI)

Proposed Land Use Category: Heavy Industrial (HI)

Planning District: District 5—Northwest

Applicant/Agent: Paul M. Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Diane Warren
8565 Mallory Road LLC
9104 Woodjack Court
Jacksonville, FL 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2020-0684** seeks to rezone 1.61± acres of developed property from Residential Low Density-60 (RLD-60) to Industrial Light (IL) in order to permit the use of industrial manufacturing, distribution, storage or wholesaling use, specifically insecticide. The property is developed with an 8,500 square foot warehouse structure but is currently vacant. The Planning and Development Department finds that the subject property is located in the Light Industrial (LI) 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-5487-20C (Ordinance 2020-0683) that seeks to amend the subject property that is within the Light Industrial (LI) land use category to Heavy Industrial (HI).

The parcel is located in the 300-foot Height and Hazard Zone for Herlong Recreational Airport and OLF Whitehouse. Additionally, the site is within the 60 db noise contour range, military notice zone and Lighting Regulation Zone for OLF Whitehouse. Planning and Development received comments from NAS Jacksonville Air Operations which include:

- All lighting and in the parking area shall be designed and installed facing downward towards the Southeast to localize illumination on the subject property and to minimize unreasonable interference or impact on Airport Naval Operations
- All sag lenses, drop lenses and convex lenses shall be prohibited. All lighting lamp sources shall be metal halide, non-reflective casing, compact fluorescent or LED. No strobe lights or rotating lights.
- The maximum light pole height should not exceed twenty feet (20'- 0") instead of 30'.
- An exterior lighting design plan, including a photometric plan, pole and fixtures schedules shall be submitted NAS Jacksonville Air Operations and the Community Planning and Liaison Officer for review and approval.

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 the subject property to be located in the Heavy Industrial (HI) 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. According to the Future Land Use Element (FLUE), LI Future Land Use Category is intended to provide for the location of industrial uses which have fewer objectionable impacts than Heavy Industrial on residential areas such as noise, odor, toxic chemicals and wastes. Generally, light assembly, manufacturing, packing, processing, and storage/warehousing are principal uses in this category.

The HI Future Land Use category uses are generally the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air and water pollution and transportation conflicts. Heavy Industrial uses shall be located with convenient access to the transportation network that includes major highways, railroads, airports and port facilities. Principal uses include uses such as mining, heavy manufacturing, repair, fabrication and processing.

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.

According to the application, the site will be served by JEA for both water and sewer. The JEA Availability letter provided by the applicant dated February 21, 2020 identifies a water main within the Mallory Road right-of-way, approximately 325 feet from the property, requiring water main construction in the right-of-way and individual water services. Additionally, an existing force main for sewer connection is within the Devoe Street right-of-way, approximately 1,200 feet east of the property, requiring for connection the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main.

In accordance to Chapter 381, F.S., the site cannot dispose of industrial wastes into private septic systems. Construction permits may not be issued for an onsite sewage treatment and disposal system in any area used or zoned for industrial or manufacturing purposes where a publicly owned or investor owned sewage treatment system is available (located within one-fourth mile) or where the system will receive toxic, hazardous, or industrial waste. Buildings located in areas zoned or used for industrial or manufacturing purposes, when such buildings are to be served by onsite sewage treatment and disposal systems, must receive written approval from the Department of Health. Approvals will not be granted when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals. Once an onsite disposal system is permitted, the owner must obtain an annual system operating permit and change of

use requires the owner or tenant to obtain a new annual system operating permit from the Department of Health.

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 subject properties will continue to promote the existing Industrial Uses within the general surrounding area by vacant piece of property to be utilized by a new business. Due to these reasons the subject properties will be in compliance with Objective 3.2.

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 subject properties will be utilized by a new business and will not deviate from the character of the area from which it serves therefore being in compliance with Policy 3.2.7.

Airport Environment Zone

The site is located within the 300 foot Height and Hazard Zone for the Herlong Recreational Airport and OLF Whitehouse. Zoning will limit development to a maximum height of less than 300', unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

The site is also within the 60 db Day-Night Sound Level (DNL) noise contour range. As such this area is within the Military Notice Zone for OLF Whitehouse. In accordance with Section 656.1010, the plat for a subdivision shall indicate which lots are located within a Civilian Influence Zone. No person shall sell, transfer, or lease land within a Civilian Influence Zone, unless the prospective owner, transferee or lessee has been given a disclosure of airport proximity in writing, at the time of contract of sale, transfer, or lease.

Additionally, this site is in the Lighting Regulation Zone for OLF Whitehouse. In accordance with 656.1005.2(d)(6), all artificial lighting equipment, including but not limited to flood lights and search lights, whether temporary or permanent installations, shall have positive optical controls so that no light is emitted above the horizontal plane. No building permit shall be granted in this zone unless this requirement has been met.

Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

The subject property will have to meet the height requirements of the Industrial Light Zoning District, which will be below the 500 maximum height requirements of airfield restrictions on the property.

Policy 2.5.5C

Within the 60DNL or higher area as depicted on Map L-22, entertainment assembly uses are only permitted in PUD developments or pursuant to preliminary site development reviews in accordance with Section 656.1003 that were approved prior to March 27, 2007 or those uses meeting the nonconforming uses definition in Section 656.1008 of the City of Jacksonville Zoning Code. All other uses are allowed subject to disclosure requirements.

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 IL to IH in order to permit the use of industrial manufacturing, distribution, storage or wholesaling use, specifically insecticide.

SURROUNDING LAND USE AND ZONING

The subject site is located the end of north side of Mallory Road, a local road which dead-ends. It is also located within the Urban Development Area, Planning District 5 and Council District 12. The property is surrounding by similar industrial uses all located within the zoning district of Industrial Light. Surrounding property uses include: warehousing, open storage, and manufacturing. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LI	IL	Warehousing
South	LI	IL	Open Storage
East	LI	IL	Manufacturing
West	LI	IL	Open Storage

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



View of Subject Property

Source: Planning & Development Department 11/17/2020



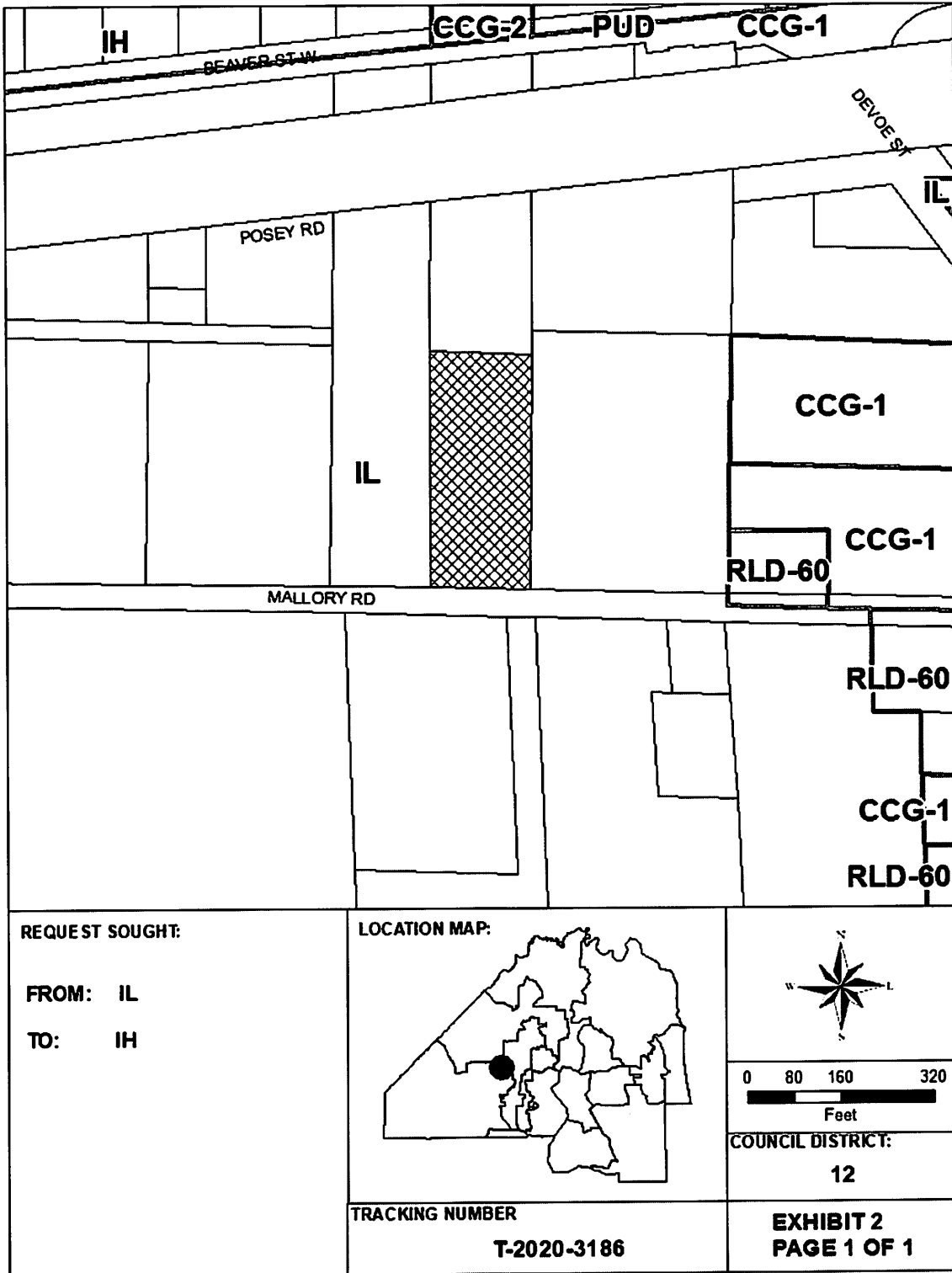
View of Property to the South

Source: Planning & Development Department 11/17/2020



View of Property to the East

Source: Planning & Development Department 11/17/2020



Legal Map
 Source: JaxGIS Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2020-0684 **Staff Sign-Off/Date** ELA / 11/10/2020

Filing Date 11/10/2020 **Number of Signs to Post** 1

Hearing Dates:

1st City Council 12/08/2020 **Planning Commission** 12/03/2020

Land Use & Zoning 01/05/2021 **2nd City Council** N/A

Neighborhood Association THOMAS JEFFERSON CIVIC CLUB, WEST JAX CIVIC ASSOCIATION

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3186

Application Status FILED COMPLETE

Date Started 10/12/2020

Date Submitted 10/12/2020

General Information On Applicant

Last Name	First Name	Middle Name
HARDEN	PAUL	M.

Company Name
LAW OFFICE OF PAUL M. HARDEN

Mailing Address
501 RIVERSIDE AVENUE, SUITE 901

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043965731	9043995461	PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
WARREN	DIANE	

Company/Trust Name
8565 MALLOR RD LLC

Mailing Address
9104 WOODJACK CT

City	State	Zip Code
JACKSONVILLE	FL	32256

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	006962 0010	12	5	IL	IH

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 #

5487

Total Land Area (Nearest 1/100th of an Acre) 1.61

Justification For Rezoning Application

AN INDUSTRIAL MANUFACTURING, DISTRIBUTION, STORAGE OR WHOLESALING USE, SPECIFICALLY INSECTICIDE

Location Of Property

General Location

ON THE NORTH SIDE OF MALLORY RD, WEST OF DEVOE ST

House #	Street Name, Type and Direction	Zip Code
8565	MALLORY RD	32220

Between Streets

BEAVER ST and I-10

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

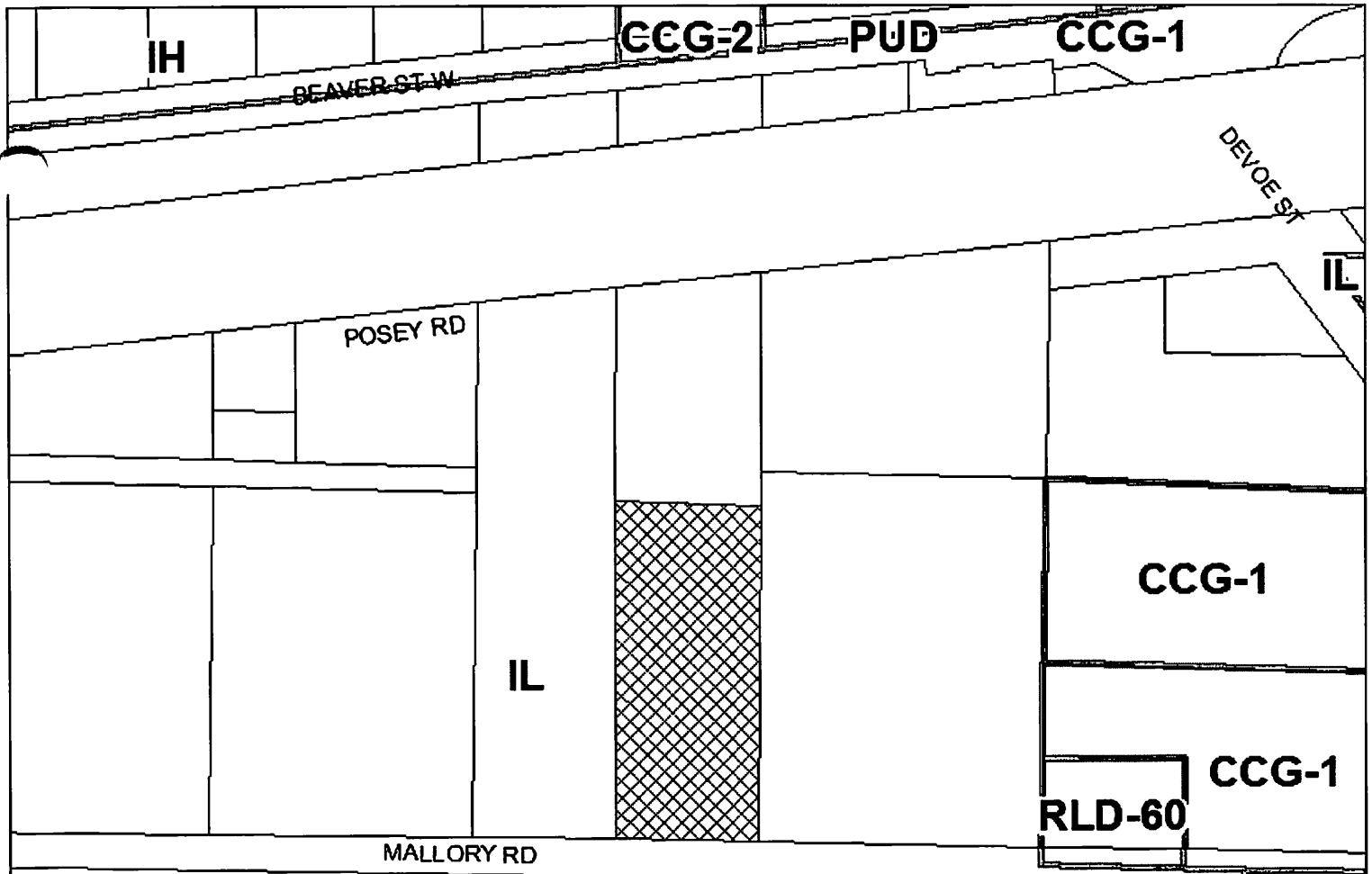
I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my 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
1.61 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee
13 Notifications @ \$7.00 /each: \$91.00
- 4) Total Rezoning Application Cost: \$2,111.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

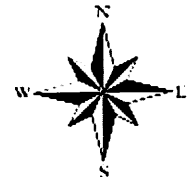
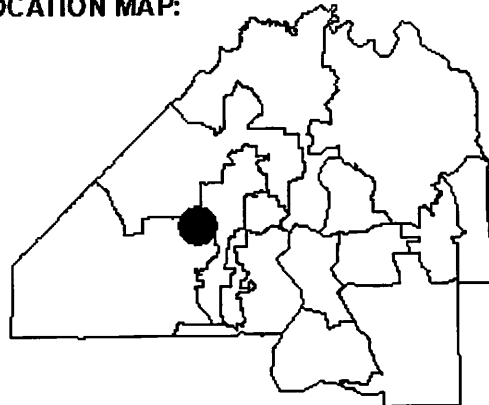


REQUEST SOUGHT:

FROM: IL

TO: IH

LOCATION MAP:



0 80 160 320



Feet

COUNCIL DISTRICT:

12

TRACKING NUMBER

T-2020-3186

EXHIBIT 2

PAGE 1 OF 1

LEGAL DESCRIPTION

PART OF TRACT 6, BLOCK 2, SECTION 22, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 93, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 6; THENCE NORTH 88°03'52" WEST, 164.44 FEET. ALONG THE SOUTH LINE OF SAID TRACT 6; THENCE NORTH 00°10'36" EAST, 455.97 FEET; THENCE SOUTH 88°03'52" EAST, 165.57 FEET TO THE EAST LINE OF SAID TRACT 6; THENCE SOUTH 00°19'08" WEST, 455.94 FEET, ALONG THE EAST LINE OF SAID TRACT 6, TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY PART THEREOF LYING IN RIGHT OF WAY OF MALLORY ROAD.



ELECTRIC

WATER

SEWER

RECLAIMED

21 West Church Street
Jacksonville, Florida 32202-3139

Diane B. Warren
8565 Mallory Road LLC
9104 Woodjack Ct
Jacksonville, FL, 32256

February 21, 2020

Project Name: 8565 Mallory Rd
Availability#: 2020-0619

Attn: Diane B. Warren,

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 two years 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. 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 from the third party owner providing applicant with the right to construct the utilities.

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, https://www.jea.com/water_and_wastewater_development

Sincerely,

JEA Water, Sewer Reclaim
Availability Request Team



21 West Church Street
 Jacksonville, Florida 32202-3139

ELECTRIC WATER SEWER RECLAIMED

Availability#: 2020-0619
 Request Received On: 2/7/2020
 Availability Response: 2/21/2020
 Prepared by: Roderick Jackson

Project Information

Name: 8565 Mallory Rd
 Type: Office Building
 Requested Flow: 460 gpd
 Location: 8565 Mallory Rd end of street
 Parcel ID No.: 006962 0010
 Description: Is there water & sewer close enough for connection

Potable Water Connection

Water Treatment Grid: NORTH GRID
 Connection Point #1: No water main abuts this property. Existing 8-inch water main within the Mallory Rd ROW, approx. 325 +/- LF East of this property.
 Connection Point #2: NA
 Special Conditions: Lot will require water main construction in right-of-way and individual water services. Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JEA. JEA must approve construction and accept the lines prior to meter issuance.

Sewer Connection

Sewer Treatment Plant: BUCKMAN
 Connection Point #1: No sewer main abuts this property. Existing 4-inch force main within the Devoe St ROW, approx. 1200 LF east of this property.
 Connection Point #2: NA
 Special Conditions: 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.). Send force main connection condition requests, with availability number, to fmconnections@jea.com.

Reclaimed Water Connection

Sewer Region/Plant: N/A
 Connection Point #1: No reclaim in the foreseeable future
 Connection Point #2: NA
 Special Conditions: N/A

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. POC location to be field verified by developer during project design which includes a level A SUE report. Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JEA. If needed a pre-design meeting may be scheduled prior to submitting a plan set. Send pre-design 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/.