

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

March 3, 2022

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.: 2022-73**

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: **Approve**

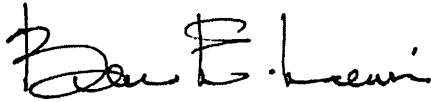
Planning Commission Recommendation: **Approve**

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

Planning Commission Vote:	7-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Jordan Elsbury	Aye
Joshua Garrison	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 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 OF
APPLICATION FOR REZONING ORDINANCE 2022-0073

MARCH 3, 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 2022-0073.

Location: 0 Philips Highway (SR-5)

Real Estate Number: 168152-0220

Current Zoning District: Agriculture (AGR)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Business Park (BP)

Proposed Land Use Category: Light Industrial (LI)

Planning District: Southeast, District 3

Applicant: Cyndy Trimmer, Esq.
Driver, McAfee, Hawthorne and Diebenow, PLLC
1 Independent Drive, South 1200
Jacksonville, Florida 32202

Owner: Sphinx Management, Inc.
219 N. Nernan Street
Jacksonville, Florida 32202

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance 2022-0073 seeks to rezone 27.91± acres of property from Agriculture (AGR) to Industrial Light (IL). The property is located in the Business Park (BP) land use category within the Suburban Area of the Future Land Use Element of the 2030 Comprehensive Plan. Land-Use Companion application L-5527-21A (Ord. 2022-0071) is requesting Land-Use change from Business Park (BP) to Light Industrial (LI). The reason for the rezoning request is seeking to allow for industrial uses consistent with the zoning to the north of the subject property. There is a companion rezoning to Planned Unit Development (Davis Creek

PUD) with Ord. 2022-0072 seeking to rezone approximately 54.48± acres in order to unify the properties under a common plan to promote complimentary uses throughout including: multi-family residential, commercial, and to preserve land for conservation.

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. The Planning and Development Department finds that the subject property is located in the Business Park (BP) 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-5527-21A (**Ordinance 2022-0071**) that seeks to amend the portion of the site that is within the Business Park (BP) land use category to Industrial Light (IL). Staff is recommending that Application for Land Use Amendment be approved.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Ordinance Code.

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 Category Description of the Future Land Use Element (FLUE), the BP Future Land Use category is intended to accommodate commercial office and light industrial uses. Commercial offices should comprise the majority of the category land area, while service, major institutional and light industrial uses constitute the remaining land area. Residential uses are also permitted in appropriate locations as identified under the Development Area uses.

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. Light industrial activities are permitted uses within the LI land use category.

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.

The subject property is located in the Suburban Area and will be served by both centralized Water and Sewer. The proposed use will be in compliance with Policy 1.2.9.

Flood Zones

Approximately 12.26 acres of the subject site are located within flood zones of which 0.17 of an acre are within the AE-Floodway, 6.27 acres are within the AE flood zone and 5.82 acres are within the in the 0.2 Percent Annual Chance Flood Hazard flood zone. 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 or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

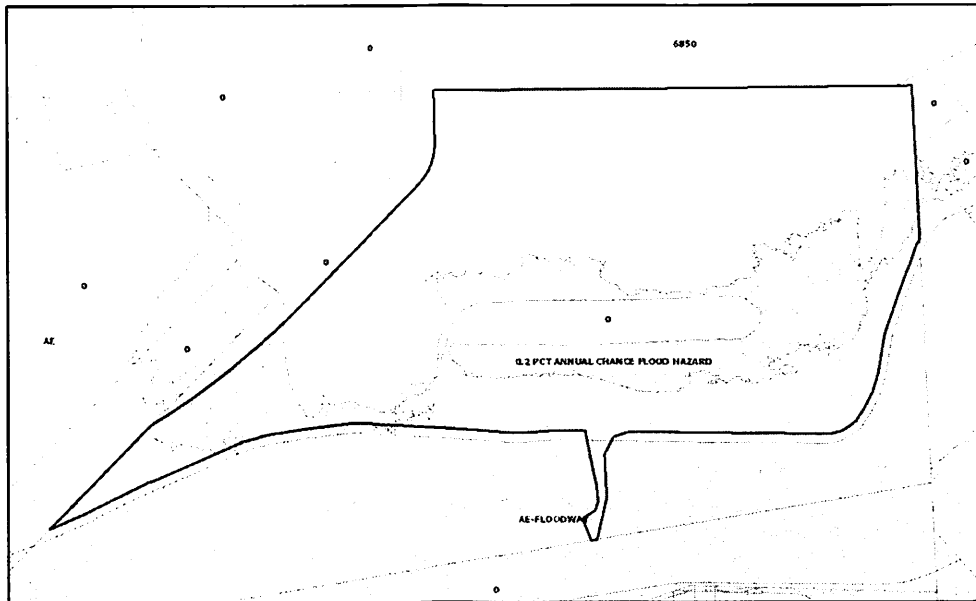
The AE Floodway are areas within the 100-year floodplain or SFHA where flood insurance is mandatory if construction is allowed within the floodway. Areas located within AE Floodway zones should be left intact as construction and filling within these areas is severely restricted.

The AE flood zone is defined as areas within the 100-year floodplain or SFHA where flood insurance is mandatory.

The 0.2 Percent Annual Chance Flood Hazard Flood Zone is an area within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards.

Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance. Most of the land located within the floodway, along

with a 25-foot wide floodway buffer, is proposed to be placed in the CSV land use category.



Wildlife Survey

The applicant submitted a wildlife site assessment in May 2021 on file with the Planning and Development Department. Listed wildlife species utilizing the subject property were not observed during the site assessment. However, listed species with the potential to occur on the subject property were included due to the existing habitat. If the St. Johns River Water Management District (SJRWMD), and/or local government permits are required for the proposed development, U.S. Fish and Wildlife Service (USFWS) and/or Fish and Wildlife Conservation (FWC) may be notified and allowed to comment on listed species with the potential to occur on the subject property. Additional information may be requested from the applicant to document whether the project proposes to impact any potentially occurring listed wildlife species.

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 AGR to IL to allow for industrial light uses.

SURROUNDING LAND USE AND ZONING

The 27.91± parcel is located on the east side of Energy Center Drive, private roadway owned by JEA, and north of Philips Highway, a major arterial roadway. The subject property is located within the boundaries of the Southeast Jacksonville Vision Plan area. Just north is approximately 175 acres of property owned and operated by Jacksonville Electric Authority as an electric-

generating station and undeveloped land to the west and east. South of the subject property is 54.48± acres seeking a rezoning to PUD under Ord. #2022-0072; companion to this rezoning. If approved the area will be developed with a mix of multi-family dwellings and commercial uses. Additionally, PUD Ord. 2015-0699 Copperleaf Subdivision is developed with single-family dwellings with lot sizes primarily 50 feet in width.

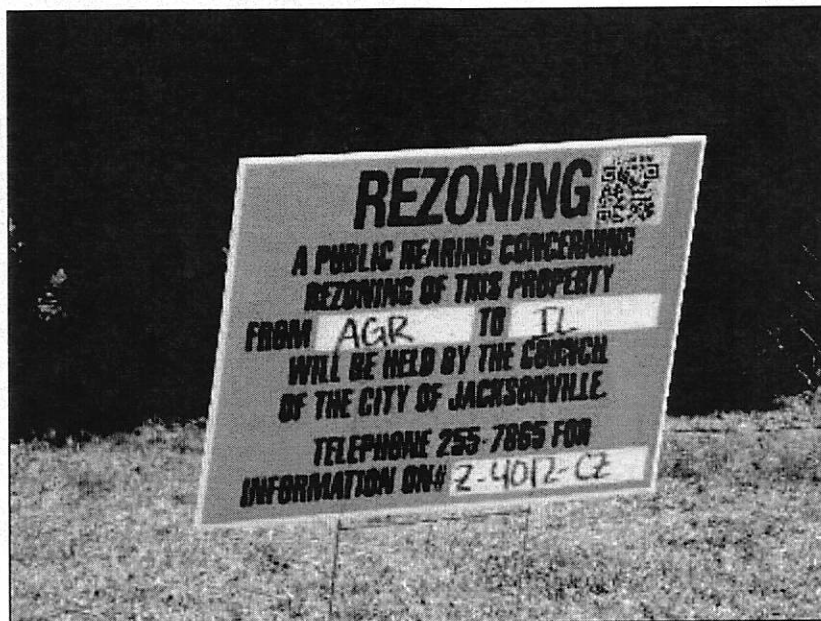
The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	PBF	PUD: 2009-0532	Jacksonville Electric Authority
South	LDR	PUD: 2015-0699	Single Family Dwellings
East	MU	PUD: 2009-0157	Vacant
West	BP	AGR	Vacant

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.

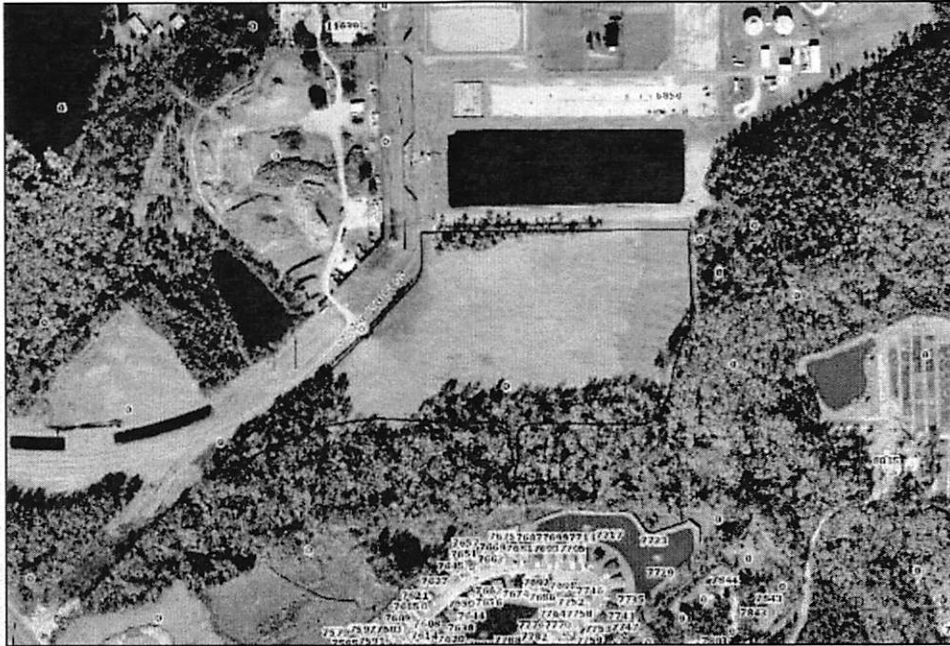
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **February 16, 2022** 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 2022-0073 be **APPROVED**.



Aerial View

Source: JaxGIS Map



Subject Site

Source: Planning & Development Department 02/16/2022



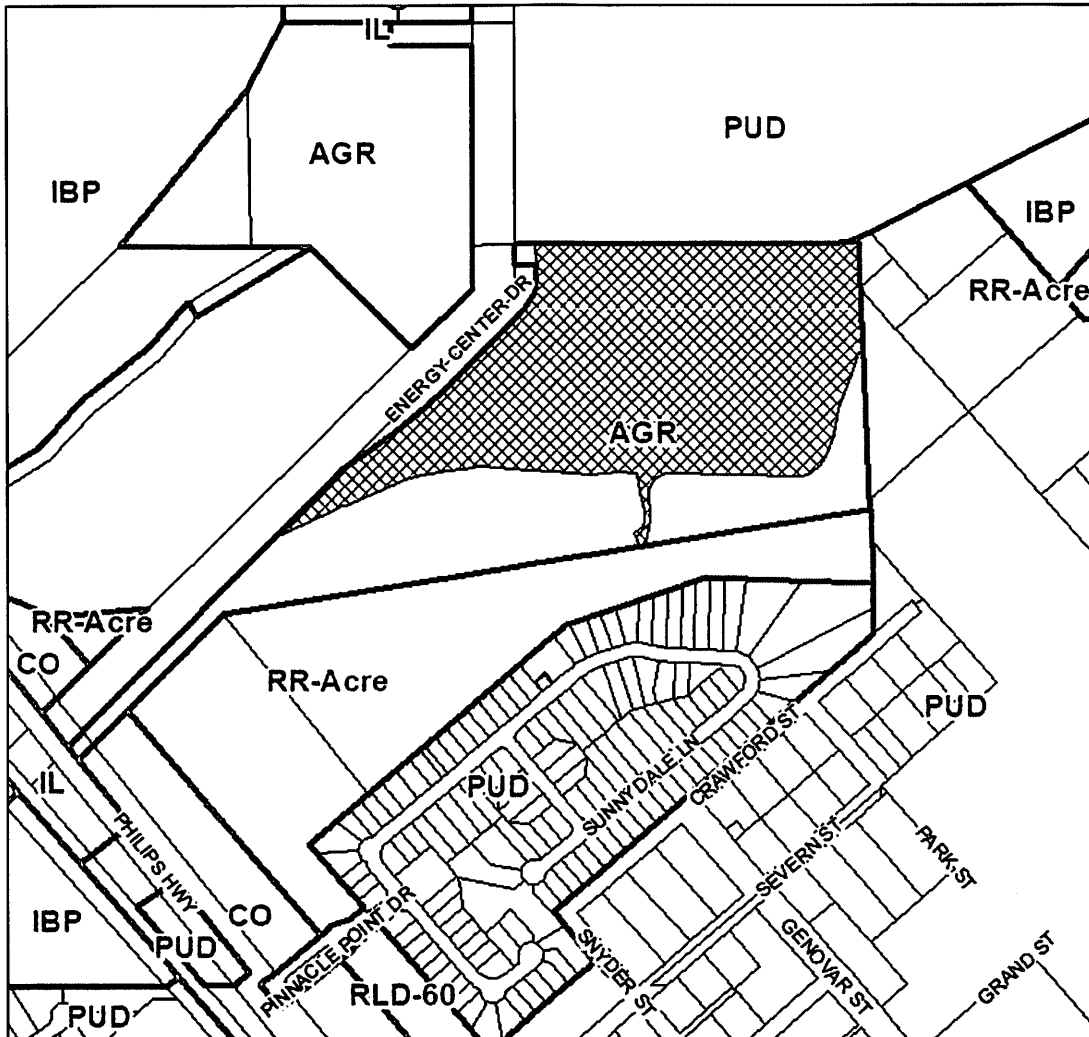
View of Property to the North

Source: Planning & Development Department 02/16/2022



View of Property to the West

Source: Planning & Development Department 02/16/2022



<p>REQUEST SOUGHT:</p> <p>FROM: AGR</p> <p>TO: IL</p>	<p>LOCATION MAP:</p>	<p>0 195 390 780</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>11</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2022-0073</p>	<p>TRACKING NUMBER</p> <p>T-2022-4012</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Legal Map
 Source: JaxGIS Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0073 **Staff Sign-Off/Date** ELA / 01/24/2022
Filing Date 02/08/2022 **Number of Signs to Post** 5
Hearing Dates:
1st City Council 03/08/2022 **Planning Commission** 03/03/2022
Land Use & Zoning 03/15/2022 **2nd City Council** 03/22/2022
Neighborhood Association N/A
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 4012 **Application Status** FILED COMPLETE
Date Started 01/11/2022 **Date Submitted** 01/11/2022

General Information On Applicant

Last Name TRIMMER **First Name** CYNDY **Middle Name**
Company Name
 DRIVER, MCAFEE, HAWTHORNE AND DIEBENOW, PLLC
Mailing Address
 1 INDEPENDENT DRIVE, SUITE 1200
City JACKSONVILLE **State** FL **Zip Code** 32202
Phone 9048070185 **Fax** 904 **Email** CKT@DRIVERMCAFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name N/A **First Name** N/A **Middle Name**
Company/Trust Name
 SPHINX MANAGEMENT, INC.
Mailing Address
 219 N. NERNAN STREET
City JACKSONVILLE **State** FL **Zip Code** 32202
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 168152 0220	11	3	AGR	IL

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

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

5527

Total Land Area (Nearest 1/100th of an Acre) 27.91

Justification For Rezoning Application

THIS REZONING APPLICATION SEEKS TO ALLOW INDUSTRIAL LIGHT USES CONSISTENT WITH THE ZONING TO THE NORTH OF THE PROPERTY.

Location Of Property

General Location

EAST OF PHILIPS HIGHWAY AND WEST OF SR 9B.

House #	Street Name, Type and Direction	Zip Code
0	PHILIPS HWY	

Between Streets

PHILIPS HWY and SR 9B

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

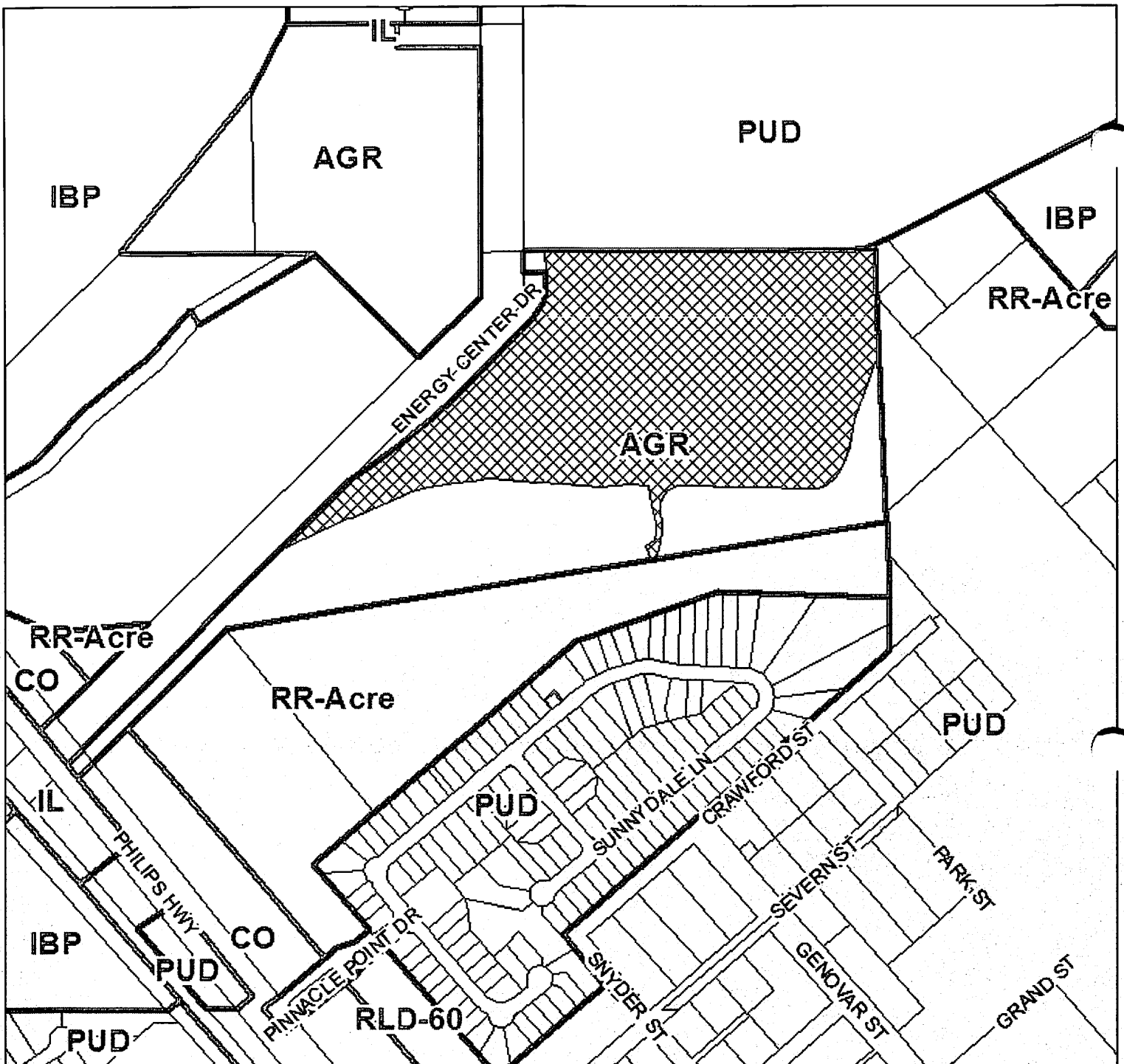
I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my 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**
27.91 Acres @ \$10.00 /acre: \$280.00
- 3) Plus Notification Costs Per Addressee**
16 Notifications @ \$7.00 /each: \$112.00
- 4) Total Rezoning Application Cost:** \$2,392.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

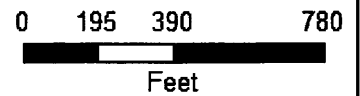
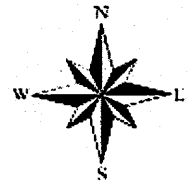
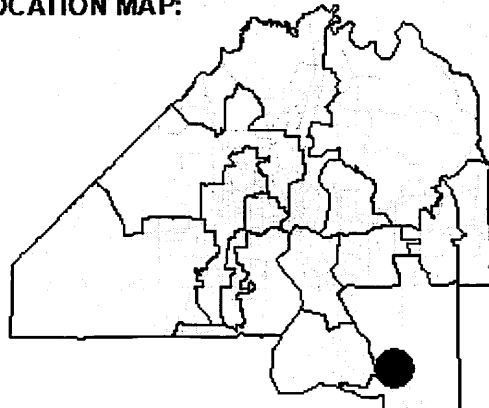


REQUEST SOUGHT:

FROM: AGR

TO: IL

LOCATION MAP:



COUNCIL DISTRICT:

11

TRACKING NUMBER

T-2022-4012

**EXHIBIT 2
PAGE 1 OF 1**