

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO****APPLICATION FOR REZONING ORDINANCE 2019-0293****JULY 23, 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 **2020-0293**.

***Location:*** 6422 Union Heights Road

***Real Estate Number:*** 003583-0000, 003585-0000, 003591-0000

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

***Proposed Zoning District:*** Industrial Light (IL)

***Current Land Use Category:*** Low Density Residential (LDR)

***Proposed Land Use Category:*** Light Industrial (LI)

***Planning District:*** District 5—Northwest

***Applicant/Agent:*** Lyudmyla Hryhorchuk  
AH Auto Works  
1708 West Road  
Jacksonville, Florida 32216

***Owner:*** Andriy Kryhorchuk  
AH Auto Works  
1708 West Road  
Jacksonville, FL 32216

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2020-0293** seeks to rezone 2.25± acres from Residential Low Density-60 (RLD-60) to Industrial Light (IL). The property is located in the Low Density Residential (LDR) land use category within the Suburban Area of the Future Land Use Element of the 2030 Comprehensive Plan. Land-Use Companion application Ordinance 2020-0292 is requesting Land-Use change from Low Density Residential (LDR) to Light Industrial (LI). The applicant is requesting the rezoning in order to operate a diesel mechanics business.

The applicant has provided a JEA letter as part of the rezoning application, which states that the site does not have access to centralized water or sewer services within 1/4 of a mile of the subject site.

According to Florida Statute Chapter 381, 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.

### **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 Light Industrial (LI) 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 is intended to provide 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. Principal uses within the LI land use category include uses such as, light assembly and manufacturing, packaging, storage/warehousing, recycling facilities, business/professional offices and medical clinics.

### **Future Land Use Element**

#### **Policy 1.1.21**

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 subject property is located between properties that are zoned Industrial Heavy and will act as a transitional zoning district between heavy industrial and residential districts. The proposed rezoning of IL will be compatible with other uses already existing within the surrounding area.*

#### **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 not deviate from the character of the area from which it serves therefore being in compliance with Policy 3.2.7.*

### **Industrial Zones**

The subject property is located within the “Industrial Situational Compatibility” Zone. “Industrial Sanctuary” and “Industrial Situational Compatibility” Zones are areas identified on the Industrial Preservation Map (Map L-23) of the Future Land Use Element of the 2030 Comprehensive Plan as strategically located industrial lands for future industrial expansion and economic development.

#### **Policy 3.2.29**

The City shall continue to update its comprehensive inventory and mapping of Industrial lands to identify and protect existing strategically located industrial lands for future expansion and economic development. These areas are crucial to the long term economic well-being of the City and are identified on the Industrial Preservation Map (Map L-23) as “Industrial Sanctuary” or “Areas of Situational Compatibility”.

#### **Policy 3.2.30**

The area shown on the Industrial Preservation Map (Map L-23) as “Industrial Sanctuary” or “Areas of Situational Compatibility” are presumed to be appropriate for land use map amendments to industrial categories, subject to a case-by-case review of consistency with State and regional plans and the Comprehensive Plan.

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 RLD-60 to IL in order in order to operate a diesel mechanics business.

**SURROUNDING LAND USE AND ZONING**

The 2.25 acre subject property is located along the south side of Union Heights Road between Old Kings Road and the Norfolk Southern Railway. The property is surrounded by similar uses including manufacturing and outside storage within Zoning Districts Industrial Light and Industrial Heavy. Union Heights Road is predominately vacant lots with a railcar services to the north of Union Height Road. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	HI	IH	Manufacturing
South	HI	IL	Manufacturing
East	LI	IL	Railroad
West	LI	RLD-60	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 June 30, 2020 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 **2020-0293** be **APPROVED**.



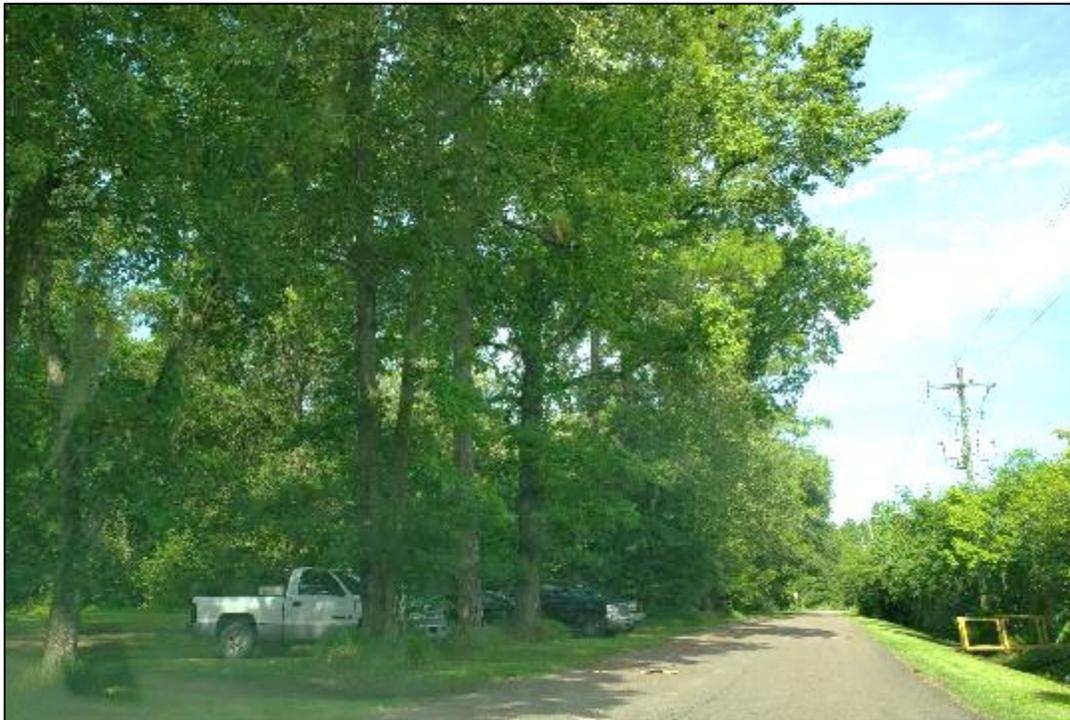
**Aerial View**

**Source: JaxGIS**



**View of Subject Property**

**Source: Planning & Development Department 06/30/2020**



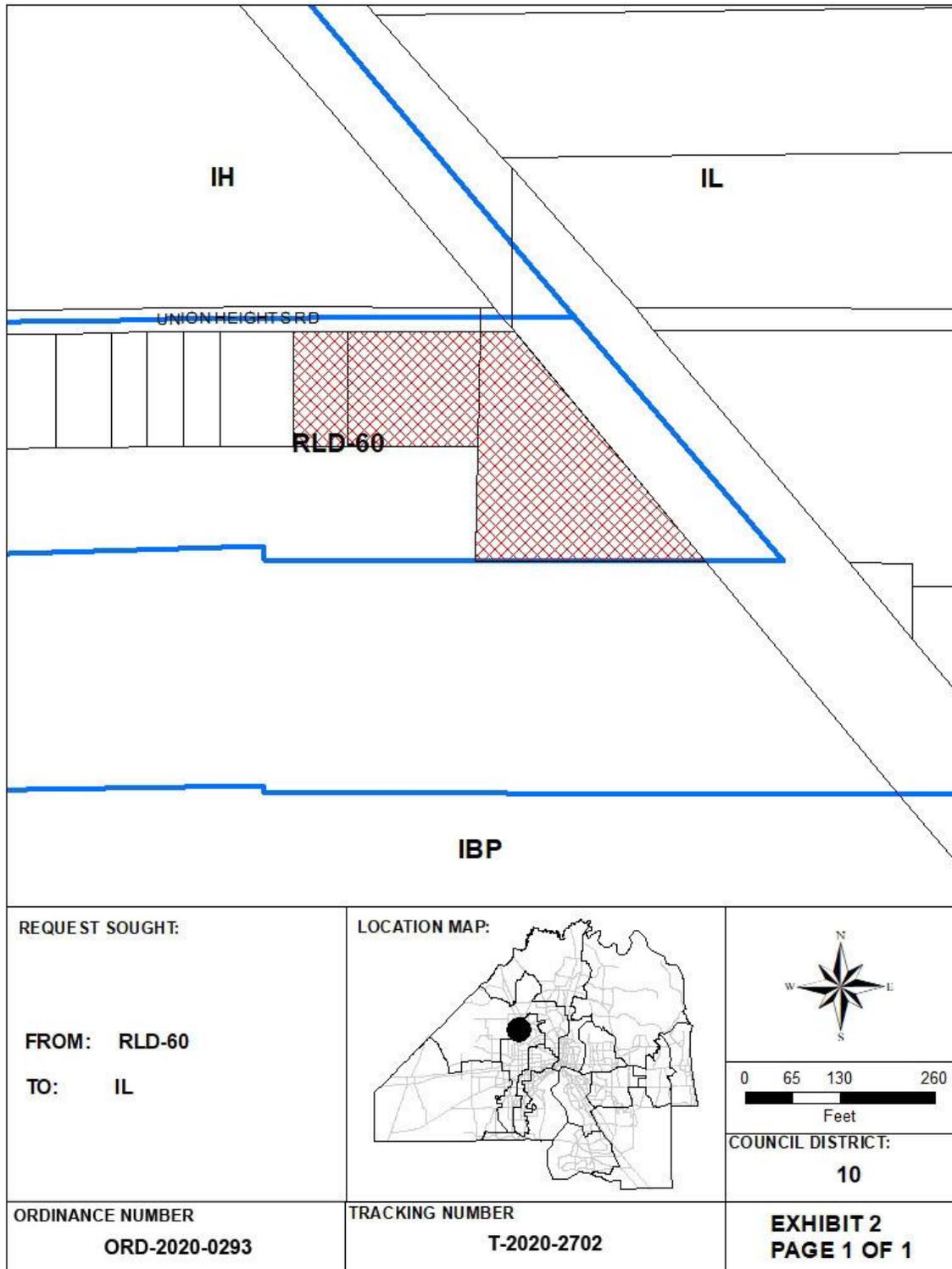
**Looking West along Union Heights Road**

**Source: Planning & Development Department 06/30/2020**



**View of Property to the North**

**Source: GoogleMaps**



**Legal Map**  
 Source: JaxGIS Map