

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

May 19, 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.: 2022-300**

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: 8-0

David Hacker, Chair Aye

Alex Moldovan, Vice Chair Aye

Ian Brown, Secretary Aye

Marshall Adkison Aye

Daniel Blanchard Aye

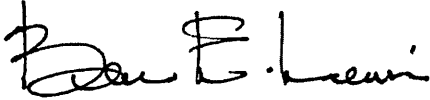
Jordan Elsbury Aye

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 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 FOR

APPLICATION FOR REZONING ORDINANCE 2022-300

MAY 19, 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 **2022-300**.

Location: 2600 5th Street West between Huron Street and McDuff Avenue North

Real Estate Numbers: 049707-0010, 049706-0010

Current Zoning District: Commercial Community General-2 (CCG-2)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Community General Commercial (CGC)

Proposed Land Use Category: Light Industrial (LI)

Planning District: Northwest, District 5

Applicant/Agent: Cyndy Trimmer, Esq.
Driver McAfee Hawthorne & Diebenow, PLLC
1 Independent Drive, Suite 1200
Jacksonville, FL 32204

Owner Jacksonville Alliance for Kipp Schools, Inc.
1440 McDuff Avenue North
Jacksonville, FL 32254

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-300** seeks to rezone a parcel, approximately 12.88 acres from CCG-2 to the IL Zoning District in order to use a property for additional parking for the adjacent KIPP School. The area immediately surrounding the subject property is industrial in nature.

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 Community General Commercial (CGC) 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-5638-21C (Ordinance 2022-299) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Light Industrial (LI). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land Use Map Series L-5638-21C 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 furthers the following goals, objectives, and policies of the 2030 Comprehensive Plan's Future Land Use Element (FLUE):

Policy 1.1.24 The City will encourage new development to locate in the Urban Core, Southwest, North, and Northwest planning districts through such measures as economic incentives, greater marketing assistance, etc.

The property has been used as a church since 1944. In 1953 a rectory/apartment building was built on the subject property. With the current RLD-60 zoning district it is not logical to believe this site would become single family dwellings with industrial zoning surrounding the property. The new owner will use the property for their building construction business and any storage needed.

Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

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 pending approval of the Land Use Companion Application L-5638-21C (Ord. 2022-299).

SURROUNDING LAND USE AND ZONING

The subject property is located 5th Street West, between Huron Street and McDuff Avenue North. The area is primarily industrial with the CSX Terminal, Coca-Cola Bottling, COJ Public Works facility. There are residential dwellings approximately 900 feet to the west and south. 5th Street West is classified as a Collector Roadway. The site has access to full urban services.

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LI	IL	Warehouse. Industrial uses
East	CGC	CCG-2	Kipp School
South	PBF	PBF-1	COJ Public Works
West	LI	IL	Distribution

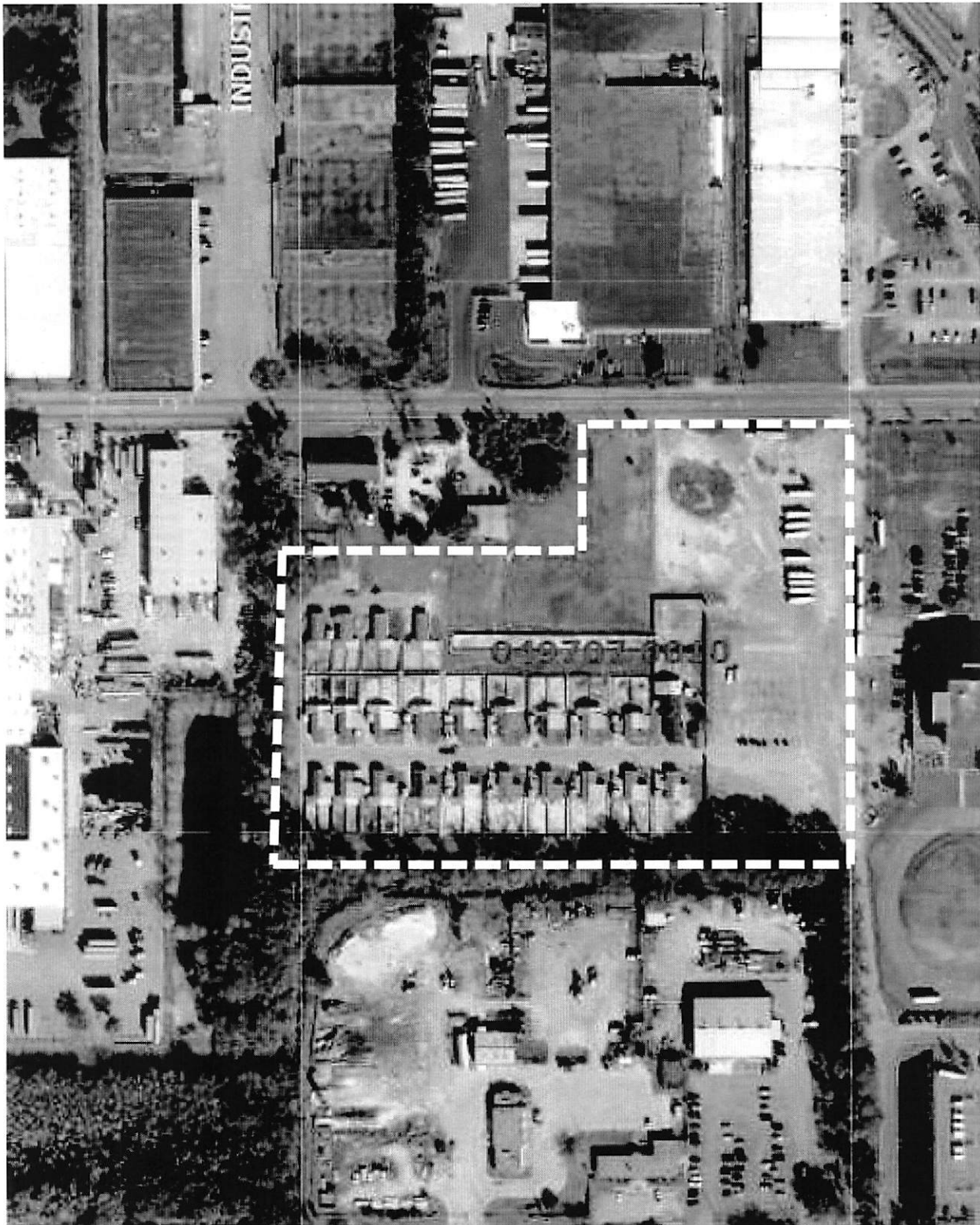
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 6, 2022, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

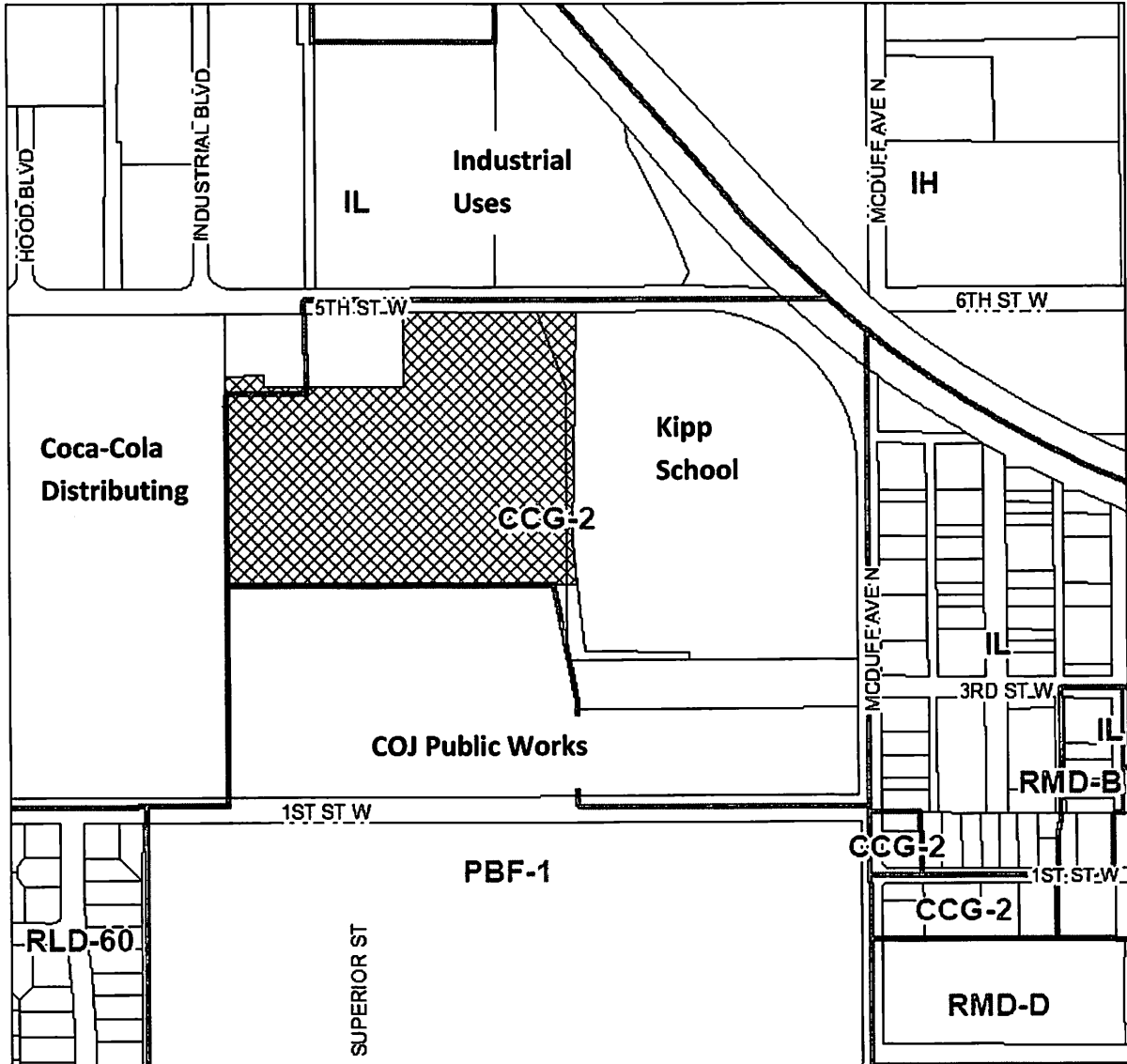
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2022-300 be **APPROVED**.

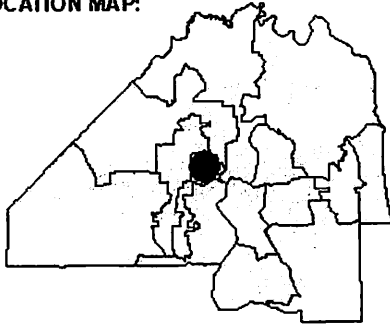
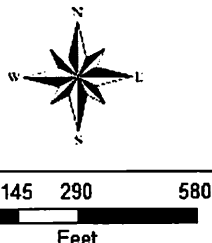


Aerial view of subject property.



View of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-2</p> <p>TO: IL</p>	<p>LOCATION MAP:</p> 	 <p>0 145 290 580 Feet</p>
<p>ORDINANCE NUMBER ORD-2022-0300</p>	<p>TRACKING NUMBER T-2021-3916</p>	<p>COUNCIL DISTRICT: 9</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0300 **Staff Sign-Off/Date** BEL / 01/12/2022
Filing Date 04/08/2022 **Number of Signs to Post** 2
Hearing Dates:
1st City Council 05/24/2022 **Planning Commission** 05/19/2022
Land Use & Zoning 06/07/2022 **2nd City Council** 06/14/2022
Neighborhood Association JOSHUA CHRISTIAN ACADEMY
Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 3916 **Application Status** PENDING
Date Started 11/23/2021 **Date Submitted** 11/23/2021

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
JACKSONVILLE ALLIANCE FOR KIPP SCHOOLS, INC.
Mailing Address
1440 MCDUFF AVENUE NORTH
City JACKSONVILLE **State** FL **Zip Code** 32254
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	049707 0010	9	5	CCG-2	IL
Map	049706 0010	9	5	CCG-2	IL

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

Existing Land Use Category

CGC

Land Use Category Proposed?**If Yes, State Land Use Application #**

5638

Total Land Area (Nearest 1/100th of an Acre) 12.88**Justification For Rezoning Application**

APPLICANT SEEKS TO USE THE PROPERTY FOR PARKING IN CONJUNCTION WITH ITS ADJOINING BUSINESS.

Location Of Property**General Location**

SOUTH OF 5TH STREET WEST AND WEST OF MCDUFF AVENUE NORTH

House #	Street Name, Type and Direction	Zip Code
2600	5TH ST W	32254

Between Streets

HURON STREET and MCDUFF AVENUE NORTH

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**
 12.88 Acres @ \$10.00 /acre: \$130.00
- 3) Plus Notification Costs Per Addressee**
 11 Notifications @ \$7.00 /each: \$77.00
- 4) Total Rezoning Application Cost: \$2,207.00**

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT 1

LEGAL DESCRIPTION

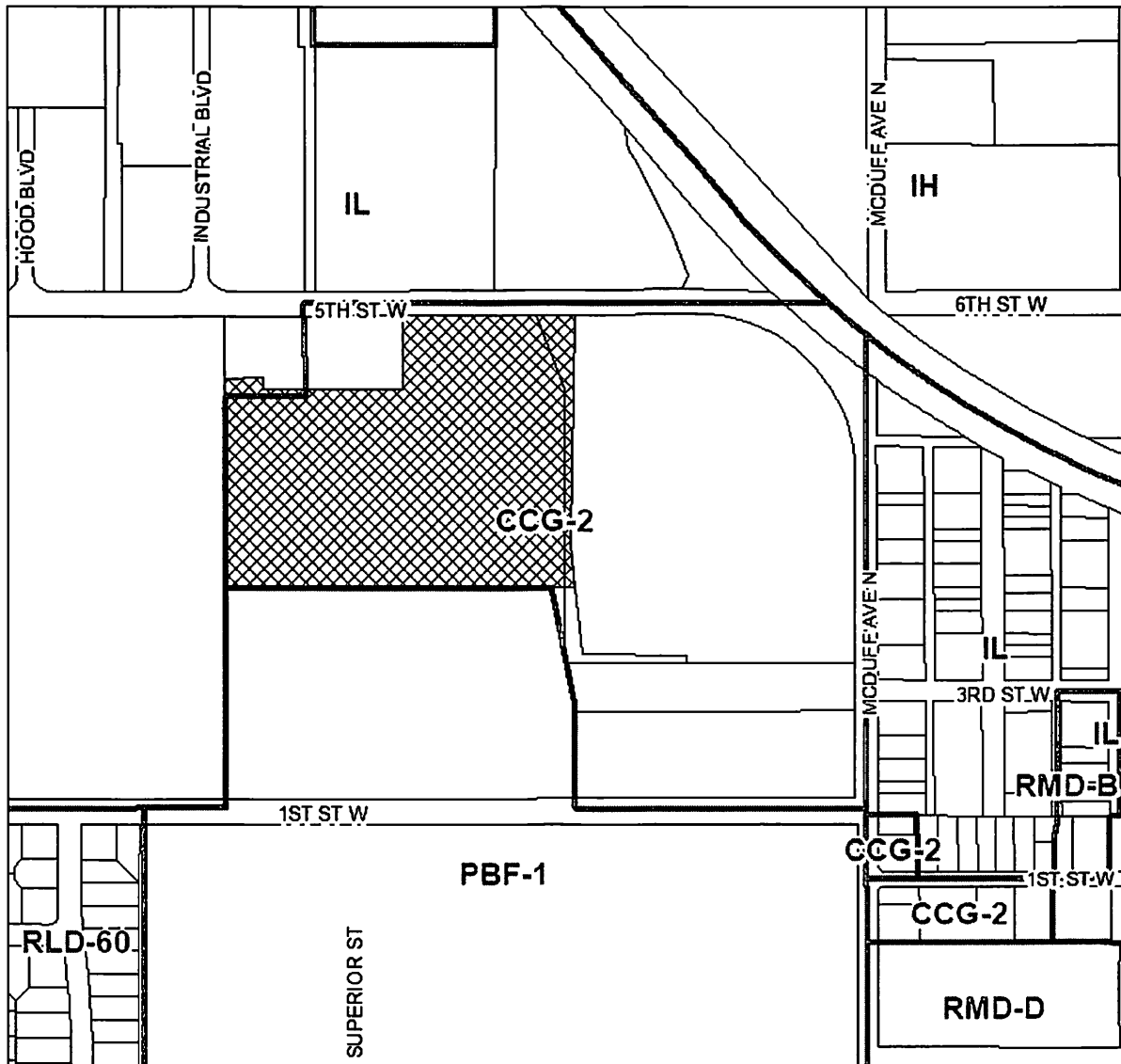
NOVEMBER 23, 2021

PARCEL 1

All of the lands in the North one-half of the Southwest Quarter of Section 9, Township 2 South, Range 26 East, Duval County, Florida acquired by Jacksonville Kennel Club, Inc. and described in deeds recorded in Deed Book 1395, page 319, and in Deed Book 1396, page 99, and in Official Records Volume 4310, page 1008, LESS AND EXCEPT THEREFROM the lands conveyed by Jacksonville Kennel Club, Inc. to Episcopal Children's Services, Inc. as described in that certain deed recorded in Official Records Book 15480, page 190, all of which instruments were recorded in the current public records of Duval County, Florida

PARCEL 2

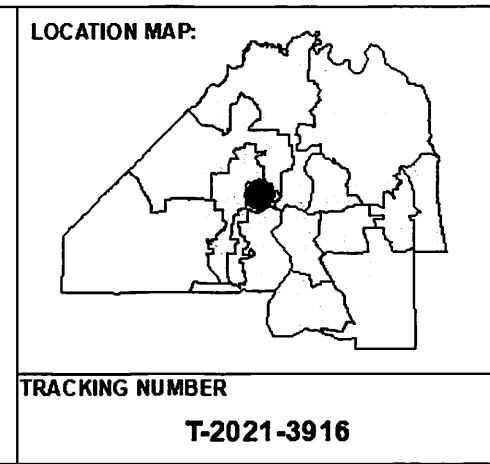
All of the lands in the North one-half of the Southwest Quarter of Section 9, Township 2 South, Range 26 East, Duval County, Florida and which is part of either Lots 12 and 13 of the Mann Estate, a subdivision according to plat thereof recorded to Plat Book 1, pages 97 and 98 of the former public records of Duval County, Florida that lies (a) adjacent to and westerly of the lands previously transferred by Jacksonville Kennel Club, Inc. to Jacksonville Alliance for Kipp Schools, Inc. by deed dated June 30, 2009 and recorded in Official Records Book 14924, page 1414 of the current public records of Duval County, Florida, and (b) adjacent to and easterly of lands conveyed to Jacksonville Kennel Club, Inc., by deed dated September 17, 1949 and recorded in Deed Book 1395, page 319, of said public records.



REQUEST SOUGHT:

FROM: CCG-2

TO: IL



A north arrow pointing upwards, with 'N' at the top, 'S' at the bottom, 'E' to the right, and 'W' to the left.

0 145 290 580
Feet

COUNCIL DISTRICT:

9

EXHIBIT 2
PAGE 1 OF 1