

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 17, 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.: 2022-108**

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**

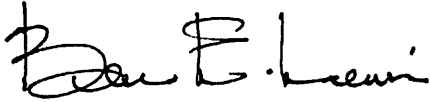
Planning Commission Recommendation: **Approve**

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	Absent
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, stylized 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 FOR

APPLICATION FOR REZONING ORDINANCE 2022-0108

MARCH 17, 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 **2022-0108**.

Location: 0 US 301 Highway S
Between Clay County Line and Wellhausen Road

Real Estate Number: 001203-0050

Current Zoning District: Agriculture (AGR)

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

Current Land Use Category: Agriculture IV (AGR IV)

Proposed Land Use Category: Community/General Commercial (CGC)

Planning District: District 4 – Southwest

Applicant/Agent: Wyman Duggan, Esq
Rogers Tower, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: Kevin Keeling
15020 NW 142nd Street
Williston, Florida 32696

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0108** seeks to rezone 7.03± acres of a property from Agriculture (AGR) to Commercial Community General-2 (CCG-2). The request is being sought to allow for the development of an outdoor storage facility for RV, ATV, Boats, and trailers. The subject site borders the City boundary with Clay County on the western side of US 301.

Staff also notes a companion Small Scale Land Use Amendment L-5650-21C (**Ordinance 2022-0107**) that seeks to amend the land use from Agriculture-IV (AGR-IV) to Community/General Commercial (CGC).

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 that with the approval of companion Small Scale Land Use Amendment L-5650-21C (**Ordinance 2022-0107**), the subject property will be located in the Community/General Commercial (CGC) 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. Zoning application Ordinance 2022-108 has a companion land use application, Ordinance 2022-107/ L-5650-21C that is changing the land use from AGR-IV to CGC in the Rural Development Area on the subject 7.03 acre site. The subject site abuts the Duval/Clay County line and is located along the west side of U.S. Highway 301, a 4-lane divided highway that is classified as a principal arterial roadway. The site is currently undeveloped.

The uses surrounding the site are primarily large lot residential and agriculturally designated land. However, there are also non-residential uses including a church and a gas station north of the site on the west side of Highway 301. Additionally, a land use amendment from AGR-IV to CGC was approved (Ordinance 2020-4-E) just north of the site on the east side of Highway 301. This site is currently used as a racetrack.

The Community/General Commercial (CGC) land use category is intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse

set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Plan amendment requests for CGC in the Rural Area are discouraged because they would potentially encourage urban sprawl.

The proposed CCG-2 rezoning is consistent with the proposed CGC land use amendment application for the subject site.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element (FLUE):

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

The subject site is located in a rural area that is heavily agricultural in nature. The proposed rezoning to allow for a storage use is not inconsistent with the surrounding area and uses, and will serve the residences along US Highway 301 in both Duval and Clay County.

Policy 3.1.17

The City shall, through Land Development Regulations, require higher density residential development and supporting commercial facilities to locate on major arterial or collector roads used for mass transit routes, and in proximity to major employment areas in order to ensure the efficient use of land, public facilities, and services, and transportation corridors.

The proposed commercial district is located on Major Arterial Roadway. The proposed use is consistent with policy 3.1.17.

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 CCG-2 in order to permit for outdoor storage. The subject site will be required to meet all applicable laws in regards to developing on the wetlands on site.

SURROUNDING LAND USE AND ZONING

The subject property is located at the City's southern boundary with Clay County. The proposed rezoning to CCG-2 would allow for a storage use along US Highway 301, a major arterial roadway. Furthermore, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	AGR-IV	AGR	Single Family Dwelling
East	AGR-IV	AGR	Vacant Timber
South	CLAY COUNTY	COUNTY	Timberland
West	AGR III	AGR	Vacant Timber

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **March 2, 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 **2022-0108** be **APPROVED**.



Aerial View



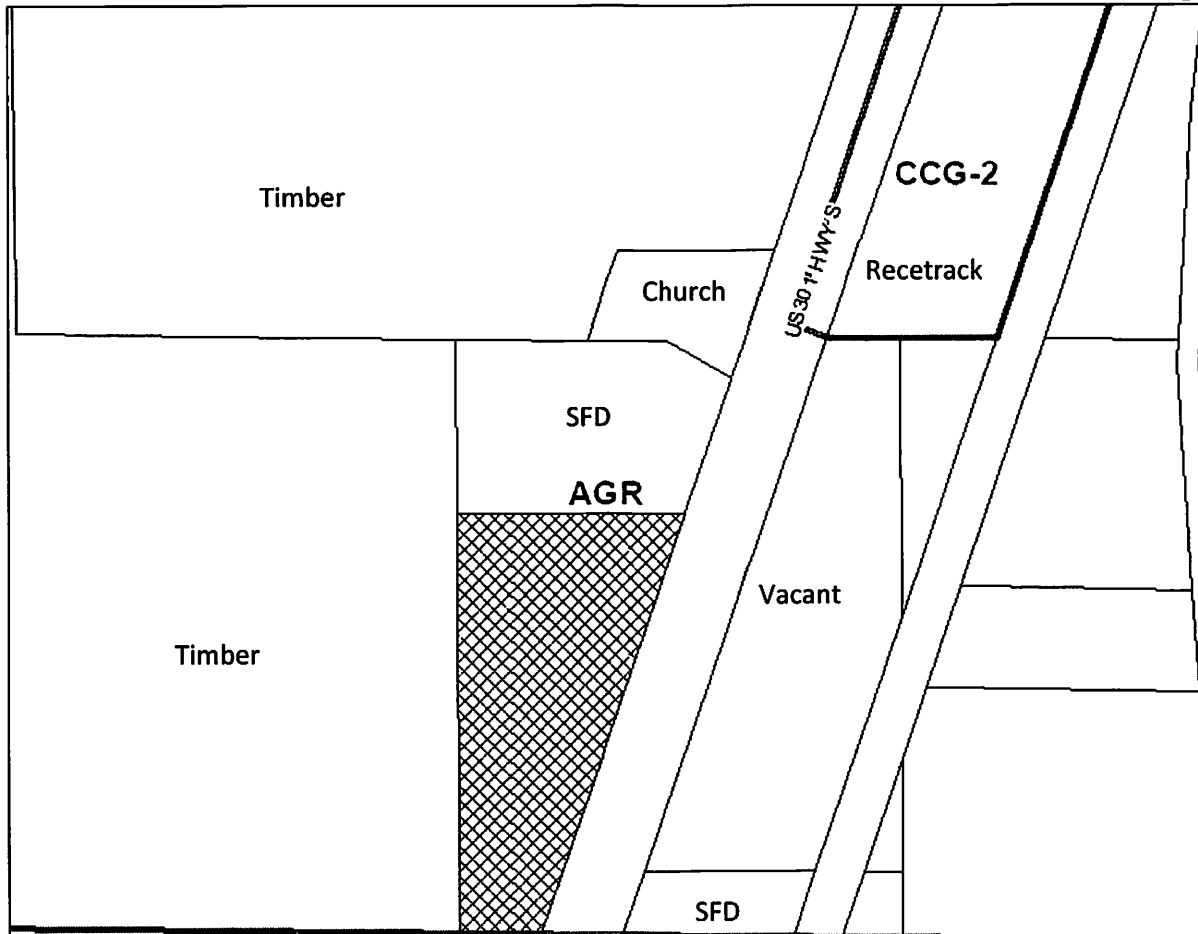
View of the Subject Site



View of the neighboring retail store south of the Subject Site in Clay County



View of the single family dwelling to the north of the Subject Site



Clay County Line

<p>REQUEST SOUGHT:</p> <p>FROM: AGR</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p>	<p>0 130 260 520 Feet</p> <p>COUNCIL DISTRICT: 12</p>
<p>ORDINANCE NUMBER ORD-2022-0108</p>	<p>TRACKING NUMBER T-2021-3962</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0108 **Staff Sign-Off/Date** CMC / 02/07/2022
Filing Date 02/18/2022 **Number of Signs to Post** 5
Hearing Dates:
1st City Council 03/17/2022 **Planning Commission** 03/22/2022
Land Use & Zoning 04/05/2022 **2nd City Council** 04/12/2022
Neighborhood Association N/A
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3962 **Application Status** FILED COMPLETE
Date Started 12/20/2021 **Date Submitted** 12/20/2021

General Information On Applicant

Last Name DUGGAN **First Name** WYMAN **Middle Name** R
Company Name ROGERS TOWERS, P.A.
Mailing Address 1301 RIVERPLACE BOULEVARD, SUITE 1500
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043983911 **Fax** 9043960663 **Email** WDUGGAN@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name KEELING **First Name** KEVIN **Middle Name**
Company/Trust Name
Mailing Address 15020 NW 142ND STREET
City WILLISTON **State** FL **Zip Code** 32696
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 001203 0050	12	4	AGR	CCG-2

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

Existing Land Use Category

AGR-IV

Land Use Category Proposed?

If Yes, State Land Use Application #

5650

Total Land Area (Nearest 1/100th of an Acre) 7.03

Justification For Rezoning Application

COMPANION TO SMALL SCALE TO PERMIT THE DEVELOPMENT OF AN RV, ATV, BOAT, AND TRAILER STORAGE FACILITY.

Location Of Property

General Location

MAXVILLE

House #	Street Name, Type and Direction	Zip Code
0	US301 HWY S	32234

Between Streets

CLAY COUNTY LINE and WELLHAUSEN ROAD

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

7.03 Acres @ \$10.00 /acre: \$80.00

3) Plus Notification Costs Per Addressee

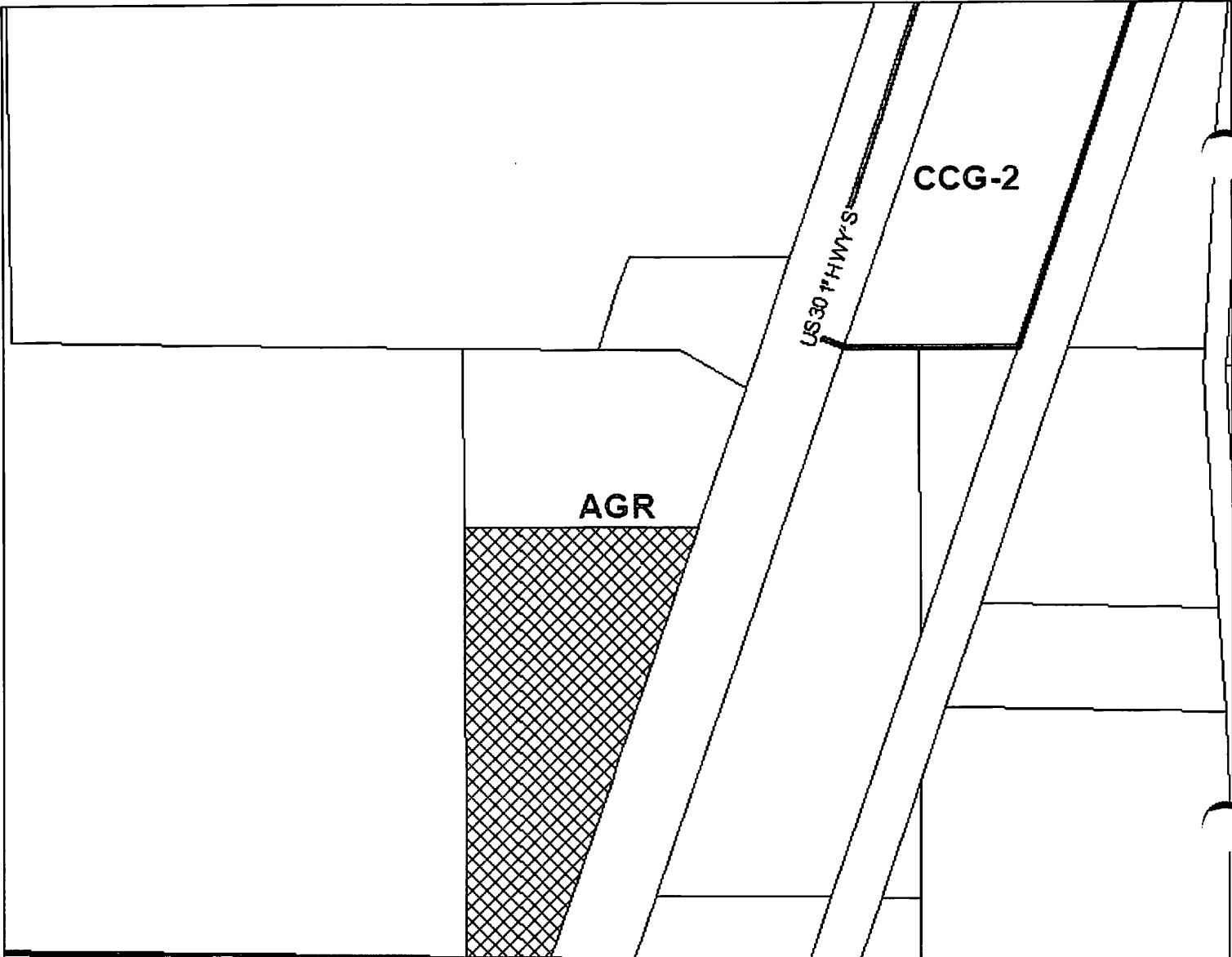
6 Notifications @ \$7.00 /each: \$42.00

4) Total Rezoning Application Cost: \$2,122.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT 1
LEGAL DESCRIPTION

The East 1/2 of Farm 30, Maxville Farms, as per plat thereof recorded in Plat Book 3, page 94, of the public records of Duval County, Florida, lying in Section 32, Township 3 South, Range 23 East; except that part of Farm 30 being described in Deed Book 1490, page 72, and also except any part lying in public road, of the current public records of Duval County, Florida.

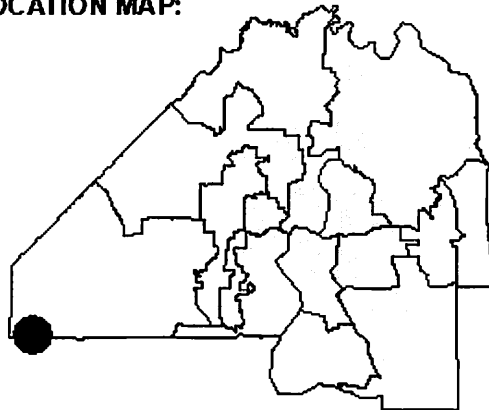


REQUEST SOUGHT:

FROM: AGR

TO: CCG-2

LOCATION MAP:



0 130 260 520



Feet

COUNCIL DISTRICT:

12

TRACKING NUMBER

T-2021-3962

**EXHIBIT 2
PAGE 1 OF 1**