

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2020-131

MARCH 19, 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 **2020-131**.

Location: 0 New Berlin Road; between I-295 and Pickettville Road

Real Estate Numbers: 108433-0000 & 108433-0200

Current Zoning District: Agriculture (AGR)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Agriculture-III (AGR-III)

Proposed Land Use Category: Light Industrial (LI)

Planning District: North, District 6

Applicant/Agent: Curtis Hart
Hart Resources LLC
8051 Tara Lane
Jacksonville, FL 32216

Owner Melissa Ware
Jacksonville Sisters, LLC
St Johns River Partners, LLC
4402 Majestic Bluff Drive South
Jacksonville, FL 32225

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2020-131** seeks to rezone two parcels, approximately 36.35 acres in size, from the AGR to the IL zoning district in order to bring a non-conforming use into compliance in order to be consistent with surrounding properties. The subject property is located on the east side of New Berlin Road, north of Port Jacksonville Parkway, and south of the existing

Jacksonville Clay Target Sports. The area immediately surrounding the subject property is industrial in nature.

There is a companion Large Scale Land Use Amendment, L-5386-19A (Ord. 2020-130) requesting that the subject property be changed from Agriculture-III to Light Industrial.

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 request is for a zoning district change from Agriculture to IL. Concurrently there is a land use application to change the land use category from AGR-III to LI. The owner would like to make a non-conforming use property to a legal conforming property. If the land use application is approved, then the rezoning would be consistent with the land use category.

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:

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. Plan and have an adverse impact on adjoining or nearby uses. Consider office and high density residential development as a viable alternative in land use reviews.

The property has been used for industrial uses for years at this location. With the current AGR zoning district it is not logical to believe this site would be used for any of the uses in the Agriculture Zoning District when it has been used for outdoor storage for several years. These two parcels are the only ones zoned for agriculture for miles.

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.

The subject properties are 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. The properties are also adjacent to a parcel in the Situational Compatibility zone.

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-5386-19A (Ord. 2020-130).

SURROUNDING LAND USE AND ZONING

The subject property is located north of I-295 and south of Cedar Point Road, along New Berlin Road. The area is primarily industrial in nature with warehouses and distribution centers.

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	PBF	PBF-1	Target Shooting (Outdoor recreation)
East	PBF	PBF-1	Landfill
South	PBF	PBF-1	Landfill
	LI	IL	Office (utility)
West	LI	PUD 2014-0060-E	Warehousing

The properties immediately adjacent to the subject site to the north, south, and east are Public City owned properties. Properties on the western side of New Berlin are used for industrial use from warehousing to distribution. New Berlin is a collector roadway.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on March 3, 2020, 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 **2019-485** be **APPROVED**.



Aerial



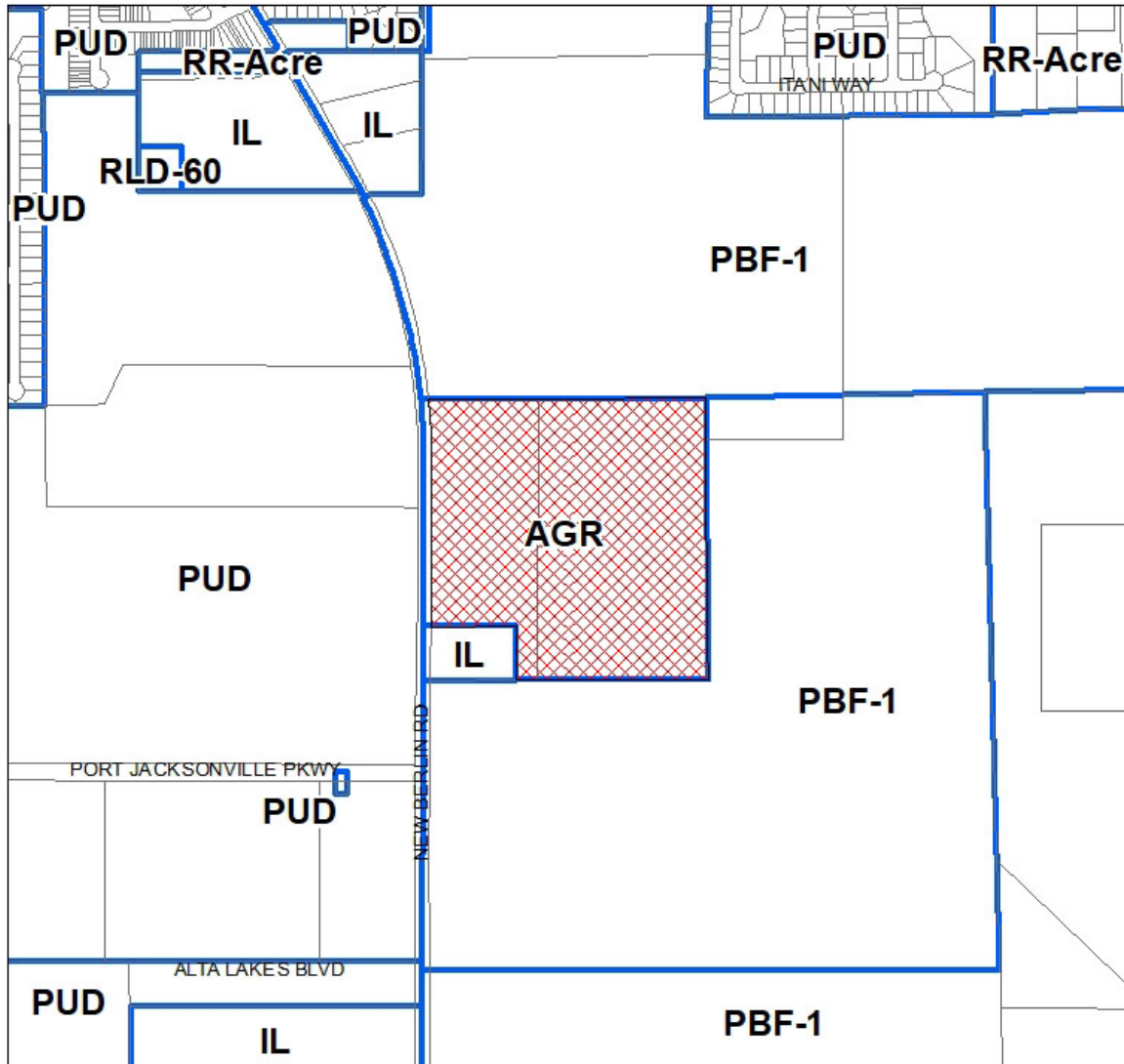
Subject Property

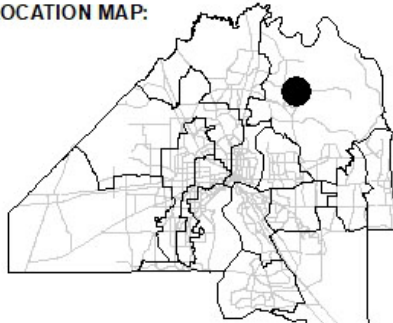
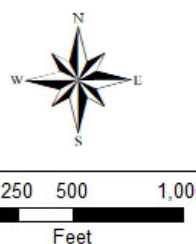
*Source: COJ, Planning & Development Department
Date: 03/03/2020*



Property to the west

*Source: COJ, Planning & Development Department
Date: 03/03/2020*



<p>REQUEST SOUGHT:</p> <p>FROM: AGR</p> <p>TO: IL</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT: 2</p>
<p>ORDINANCE NUMBER ORD-2020-0131</p>	<p>TRACKING NUMBER T-2019-2427</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>