

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 5, 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.: 2022-247**

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**

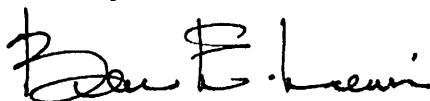
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Aye
Jason Porter	Absent

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 FO**APPLICATION FOR REZONING ORDINANCE 2022-0247****MAY 5, 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 **2022-0247**.

Location: 10155 New Kings Road

Real Estate Number: 002731-1000

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

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

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Community General Commercial (CGC)

Planning District: North, District 6

Owner/Applicant: Babette Ashley, Esq.
Brennan, Manna & Diamond, LP
800 West Monroe Street
Jacksonville, FL 32202

Owner: Adesa Florida, LLC
11299 North Illinois Street
Carmel, IN 46032

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0247** seeks to rezone 0.40± acres of a property from Residential Low Density-60 (RLD-60) to Commercial Community General-2 (CCG-2) in order to bring the entire parcel under the same zoning district and utilize the property for commercial business. The larger portion of property used as a service garage is within the CCG-2 zoning district. Placing the smaller RLD-60 portion of the property in the CCG-2 zoning district will make the whole property conforming to the zoning code. The Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) 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. There is a companion Land Use Amendment, **2022-0246 (L-5679-22C)**. The proposed LUA is for Low Density Residential (LDR) 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. The Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) 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-5679-22C (Ordinance 2022-0246) that seeks to amend the portion of the site that is within the Low Density Residential (LDR) land use category to Community General Commercial (CGC). 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 Future Land Use Element (FLUE), CGC in the Suburban Area is intended to provide development in a nodal development pattern. Plan amendment requests for new CGC designations are preferred in locations that are supplied with full urban services; abutting a roadway classified as an arterial or higher on the Functional Highway Classification Map.

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 properties is located in the Suburban Area and According to the JEA Availability letter dated March 10, 2022, submitted with the application, the site has access to water and sewer service. The proposed use will be in compliance with Policy 1.2.9.

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.

The property is currently spilt zoned between Commercial Community General-2 (CCG-2) to the west along New Kings Road and Residential Low Density-60 (RLD-60) to the east. Approval of the rezoning to bring the entire parcel under the same zoning district will comply with Objective 3.2 by promoting the existing commercial properties.

Evacuation Zone

The subject site is within Evacuation Zone C. As such, the land use application was routed to the City's Emergency Preparedness Division (EPD) for review and comment. EPD was provided with the land use application and the development potential of the proposed land use amendment change. Per EPD, no impacts to countywide evacuation times are anticipated from the amendment proposed in L-5679-22C. Proximity to New Kings Road indicates sufficient access to evacuation routes (I-295 and I-95). Site design techniques that minimize disruption to existing traffic flow are encouraged. Any development should incorporate appropriate mitigation techniques to reduce flood vulnerability and minimize impacts to the floodplain.

Policy 7.1.6

The City shall not amend the Future Land Use Element or the Future Land Use Map series unless; the requested change can be determined to not exceed the established hurricane evacuation times; the requested change is for a lower density; or the requested change for increased density provides adequate remedies to reduce impacts on hurricane evacuation times which exceed the acceptable standard.

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 CCG-2 in order bring the entire parcel under the same zoning district and utilize the property for commercial business.

SURROUNDING LAND USE AND ZONING

The subject property is located on the east side of New Kings Road, classified as a major arterial roadway. This section of New King Road many of the properties are split zoned between CCG-2 closer to the roadway and RLD-60 further back from the roadway. Properties along New Kings Road includes uses outside storage, commercial retail sales, and office space. Properties to the east are zoned RLD-60 and developed with Single-Family Dwellings. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-2	Retail Store
South	CGC/LDR	CCG-2/RLD-60	Single Family Dwelling
East	LDR	RLD-60	Single Family Dwelling
West	CGC	CCG-2	Office Space

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-2 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **April 21, 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 2022-0247 be **APPROVED**.



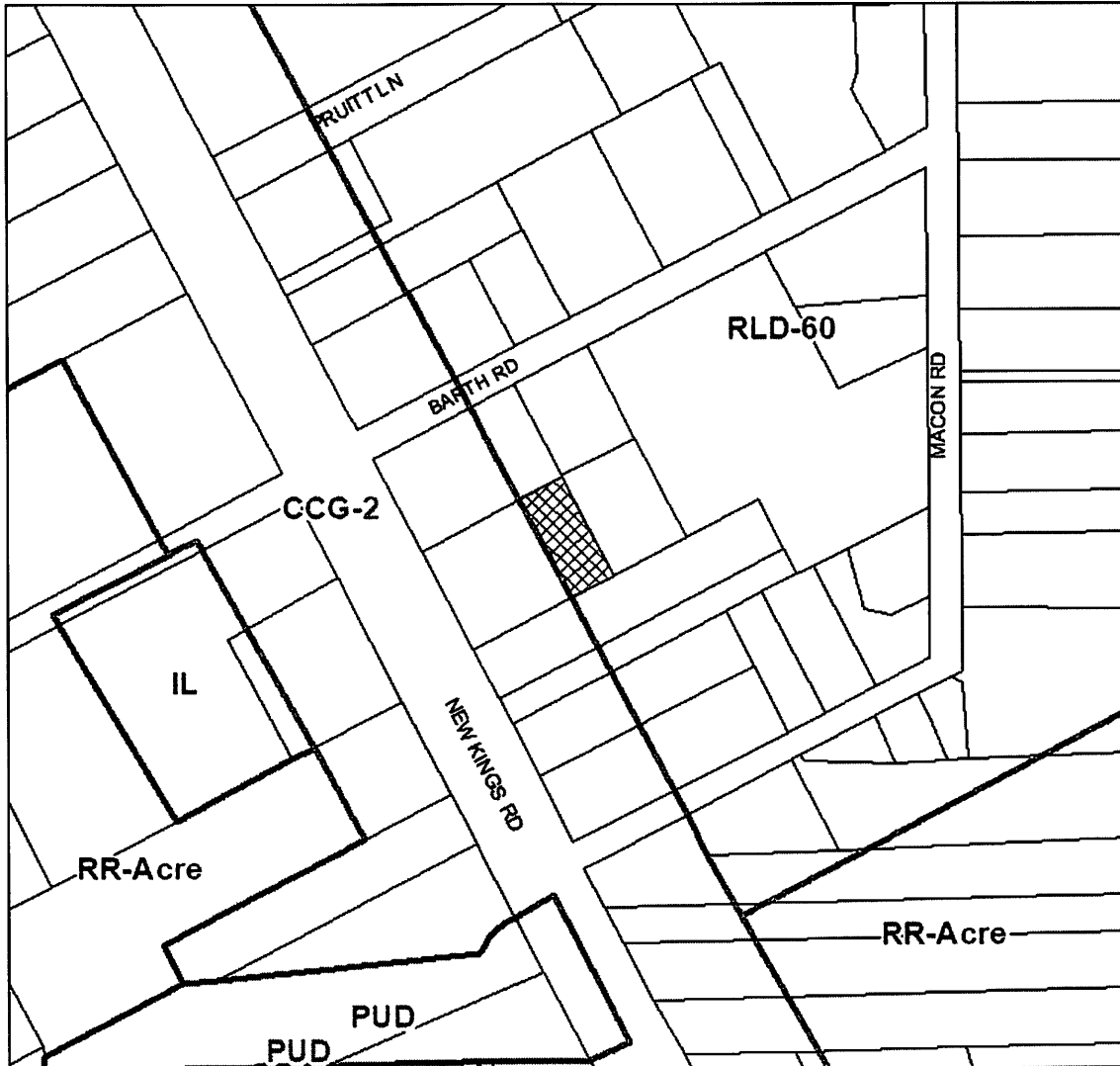
Aerial View

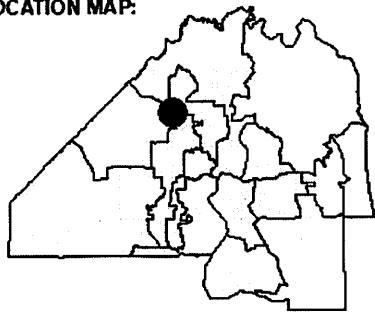
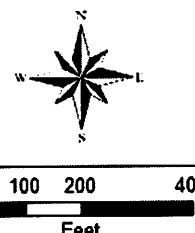
Source: JaxGIS Map



View of the Subject Property

Source: Planning & Development Department 04/21/2022



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>0 100 200 400 Feet</p>
	<p>TRACKING NUMBER</p> <p>T-2022-4105</p>	<p>COUNCIL DISTRICT:</p> <p>8</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 # 2022-0247 Staff Sign-Off/Date ELA / 03/23/2022
 Filing Date 04/12/2022 Number of Signs to Post 1
 Hearing Dates:
 1st City Council 05/10/2022 Planning Commission 05/05/2022
 Land Use & Zoning 05/17/2022 2nd City Council 05/24/2022
 Neighborhood Association THE EDEN GROUP INC.
 Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 4105 Application Status FILED COMPLETE
 Date Started 02/20/2022 Date Submitted 02/20/2022

General Information On Applicant

Last Name	First Name	Middle Name
ASHLEY	BABETTE	
Company Name		
BRENNAN, MANNA & DIAMOND, LP		
Mailing Address		
800 WEST MONROE STREET		
City	State	Zip Code
JACKSONVILLE	FL	32202
Phone	Fax	Email
9043661500	9043661501	BLASHLEY@BMDPL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
ADESA	FLORIDA	
Company/Trust Name		
ADESA FLORIDA, LLC		
Mailing Address		
C/O ADESA, INC., 11299 NORTH ILLINOIS STREET		
City	State	Zip Code
CARMEL	IN	46032
Phone	Fax	Email
3178151100		LAURAGRETENCORD@ADESA.COM

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 002731 1000	8	6	RLD-60	CCG-2

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

Existing Land Use Category
 LDR

Land Use Category Proposed?
 If Yes, State Land Use Application #
 5679

Total Land Area (Nearest 1/100th of an Acre) 0.40

Justification For Rezoning Application

A REVIEW OF THE EXISTING LAND USE AND ZONING DESIGNATIONS FOR THE IMMEDIATE AND SURROUNDING AREA CLEARLY REFLECTS THAT THIS PART OF THE NEW KINGS ROAD CORRIDOR IS PRIMARILY DESIGNATED AND UTILIZED FOR COMMERCIAL BUSINESSES. FURTHERMORE, IT IS ONLY THE SMALLER BACK-END OF THE SUBJECT PROPERTY THAT CARRIES THE RESIDENTIAL LAND USE AND ZONING DESIGNATIONS, WHICH ARE NOT CONSISTENT WITH THE REMAINDER OF THE PARCEL OR THE NATURE OF THE COMMERCIAL USES THAT EXIST ON THIS PROPERTY OR ALONG THIS CORRIDOR

Location Of Property

General Location

NORTHWEST OF THE I-295 W INTERCHANGE, NORTH SIDE OF ROAD.

House #	Street Name, Type and Direction	Zip Code
10155	NEW KINGS RD	32219

Between Streets

BARTH ROAD and MACON 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
0.40 Acres @ \$10.00 /acre: \$10.00

3) Plus Notification Costs Per Addressee

13 Notifications @ \$7.00 /each: \$91.00

4) Total Rezoning Application Cost: \$2,111.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

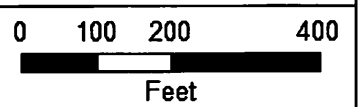
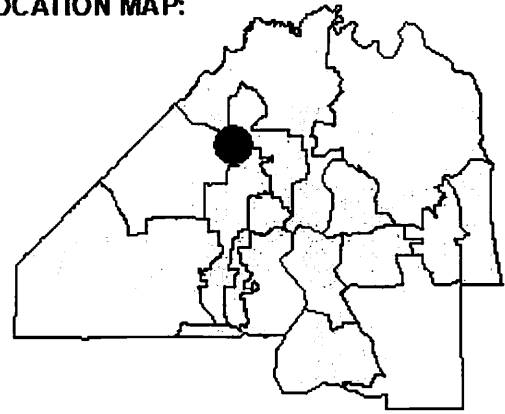


REQUEST SOUGHT:

FROM: RLD-60

TO: CCG-2

LOCATION MAP:



COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2022-4105

**EXHIBIT 2
PAGE 1 OF 1**

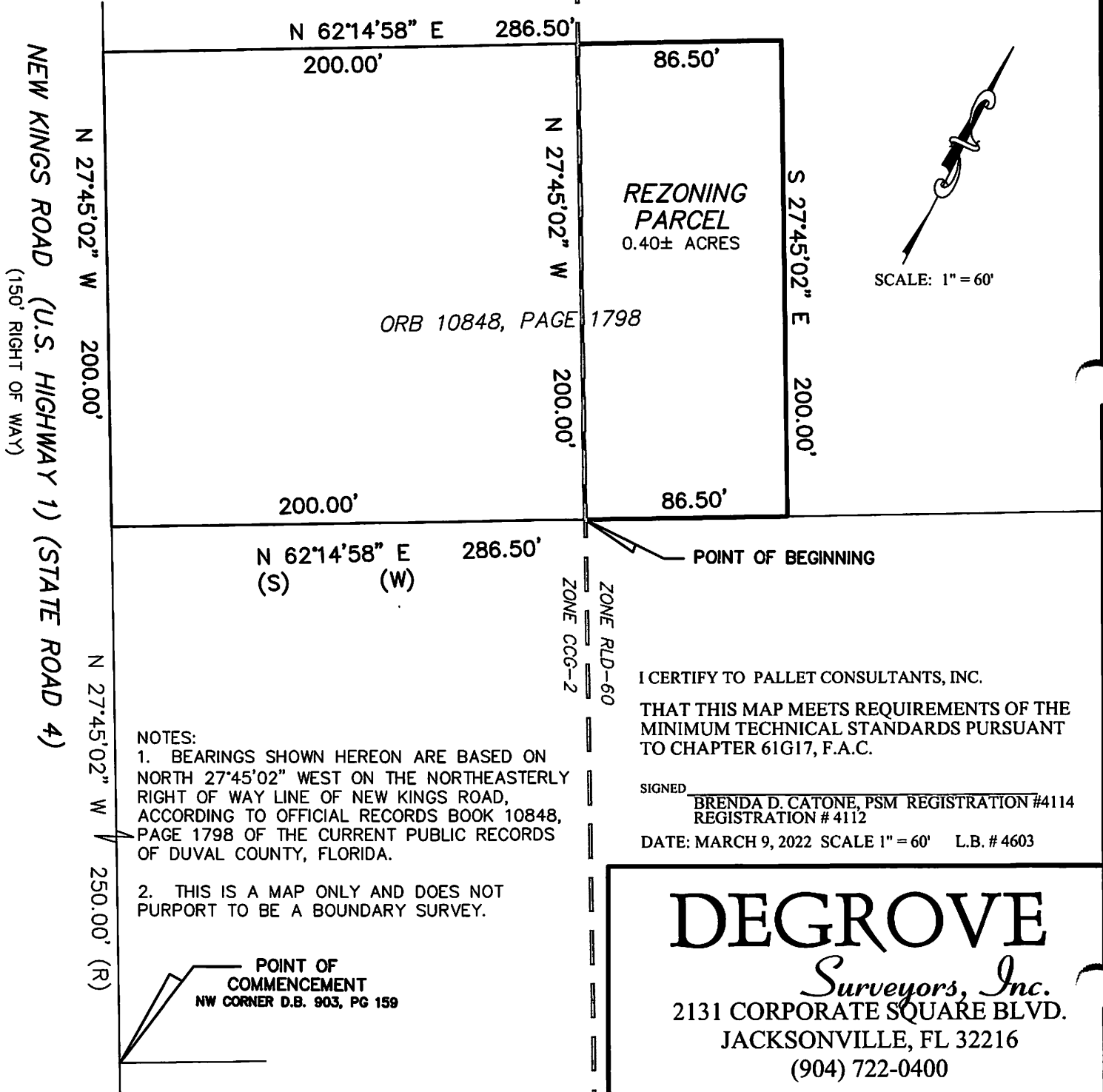
MAP OF

REZONING PARCEL

ALL THAT PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 10848, PAGE 1798 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 200 FEET THEREOF, LYING IN SECTION 13, TOWNSHIP 1 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY AND DESCRIBED IN DEED DATED APRIL 7TH, 1941, BETWEEN THE D.C. CORPORATION AND O.O HAYES AND BEATRICE KATHERINE HAYES, RECORDED IN DEED BOOK 903 PAGE 159 OF SAID PUBLIC RECORDS; THENCE NORTH 27 DEGREES 45 MINUTES 02 SECONDS WEST ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 4 (ALSO KNOWN AS U.S. HIGHWAY NO. 1 AND NEW KINGS ROAD), A DISTANCE OF 250.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 10848, PAGE 1798; THENCE NORTH 62 DEGREES 14 MINUTES 58 SECONDS EAST ALONG THE SOUTHEASTERLY LINE OF SAID LANDS, 200.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 27 DEGREES 45 MINUTES 02 SECONDS WEST, ALONG A LINE PARALLEL WITH AND LYING 200.00 FEET NORTHEASTERLY OF SAID NORTHEASTERLY RIGHT OF WAY LINE, 200.00 FEET TO THE NORTHWESTERLY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 10848, PAGE 1798; THENCE NORTH 62 DEGREES 14 MINUTES 58 SECONDS EAST, ALONG SAID NORTHWESTERLY LINE, 86.50 FEET; THENCE SOUTH 27 DEGREES 45 MINUTES 02 SECONDS EAST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS, 200.00 FEET TO THE SOUTHEAST CORNER OF THEREOF; THENCE SOUTH 62 DEGREES 14 MINUTES 58 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID LANDS, 86.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.40 ACRES MORE OR LESS.



**REZONING
PARCEL**
0.40± ACRES

SCALE: 1" = 60'

ORB 10848, PAGE 1798

POINT OF BEGINNING

I CERTIFY TO PALLET CONSULTANTS, INC.
THAT THIS MAP MEETS REQUIREMENTS OF THE
MINIMUM TECHNICAL STANDARDS PURSUANT
TO CHAPTER 61G17, F.A.C.

SIGNED BRENDA D. CATONE, PSM REGISTRATION #4114
REGISTRATION # 4112
DATE: MARCH 9, 2022 SCALE 1" = 60' L.B. # 4603

NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON
NORTH 27°45'02" WEST ON THE NORTHEASTERLY
RIGHT OF WAY LINE OF NEW KINGS ROAD,
ACCORDING TO OFFICIAL RECORDS BOOK 10848,
PAGE 1798 OF THE CURRENT PUBLIC RECORDS
OF DUVAL COUNTY, FLORIDA.

2. THIS IS A MAP ONLY AND DOES NOT
PURPORT TO BE A BOUNDARY SURVEY.

POINT OF
COMMENCEMENT
NW CORNER D.B. 903, PG 159

DEGROVE
Surveyors, Inc.
2131 CORPORATE SQUARE BLVD.
JACKSONVILLE, FL 32216
(904) 722-0400