

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

December 9, 2021

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.: 2021-801**

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**

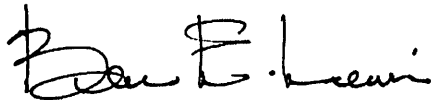
Planning Commission Recommendation: **Approve**

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	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Joshua Garrison	Aye
Dawn Motes	Absent
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, appearing to read "Bruce E. Lewis". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

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 OF

APPLICATION FOR REZONING ORDINANCE 2021-0801

DECEMBER 9, 2021

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 **2021-0801**.

Location: 1930 Beaver Street West,
Between Beaver Street West and Stockton Street

Real Estate Number: 076772 0000

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

Proposed Zoning District: Industrial Light (IL)

Current Zoning District: Community General Commercial (CGC)

Proposed Zoning District: Light Industrial (LI)

Planning District: Northwest, District 5

Applicant/Owner: Cyndy Trimmer
Driver, McAfee, Hawthorne and Diebenow, PLLC
1 Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: LIM Beaver, LLC
PO Box 3051
Ponte Vedra Beach, FL 32004

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-0801** seeks to rezone approximately 3.80± acres of land from Commercial Community General-2 (CCG-2) to Industrial Light (IL). The rezoning to Industrial Light (IL) is being sought to bring a legal non-conforming use into compliance with the current code. The property has been utilized as the Gorman Company, which is a wholesale distributor of plumbing, pool, well, and septic supplies. 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. There is a companion Land Use Amendment, 2021-0800 (L-5614-21C) to amend the land use category from Community General Commercial (CGC) to Light Industrial (LI).

The subject site is located within the boundaries of the North Riverside Neighborhood Action Plan. At the time the plan was adopted, industrially related parcels make up a small percentage of the zoning districts in the area. It has created significant issues due to the location of industrial uses in locations that abut, or even envelope, residential areas. Changing the designation of the subject site from CCG-2 to IL is consistent with the area's zoning and should not affect any of the residential uses north of the site. Therefore, the proposed zoning change CCG-2 to IL is consistent with the intent of the North Riverside Neighborhood Action Plan.

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 Light Industrial (LI) 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-5614-21C (Ordinance 2021-0800) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Light Industrial (LI).

If the Land Use Amendment is approved by Planning Commission, the proposed rezoning will be 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. The LI Future Land Use Category is intended to provide for location of industrial uses which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes. Generally, light assembly, manufacturing, packing, processing, and storage/warehousing are principal uses in this category. The proposed zoning is consistent with the proposed LI land use category.

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.

The proposed rezoning to IL will continue to promote the viability of the commercial/industrial corridor of Beaver Street (SR 10).

Industrial Zone

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 Map series 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 CCG-2 to IL in order to bring a legal non-conforming use into compliance with the current code.

SURROUNDING LAND USE AND ZONING

The 3.80± acre subject site is currently used a wholesale plumbing store. The subject site is located along the south side of Beaver Street W, a major arterial roadway, between Stockton Street, a local road, and Acorn Street, a local road. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC/LI	CCG-2/IL	Retail Uses
South	HI	IL	Warehouse
East	CGC	CCG-2	Shopping Center/Farmers Market
West	HI	IL	Warehouse/Distribution

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.

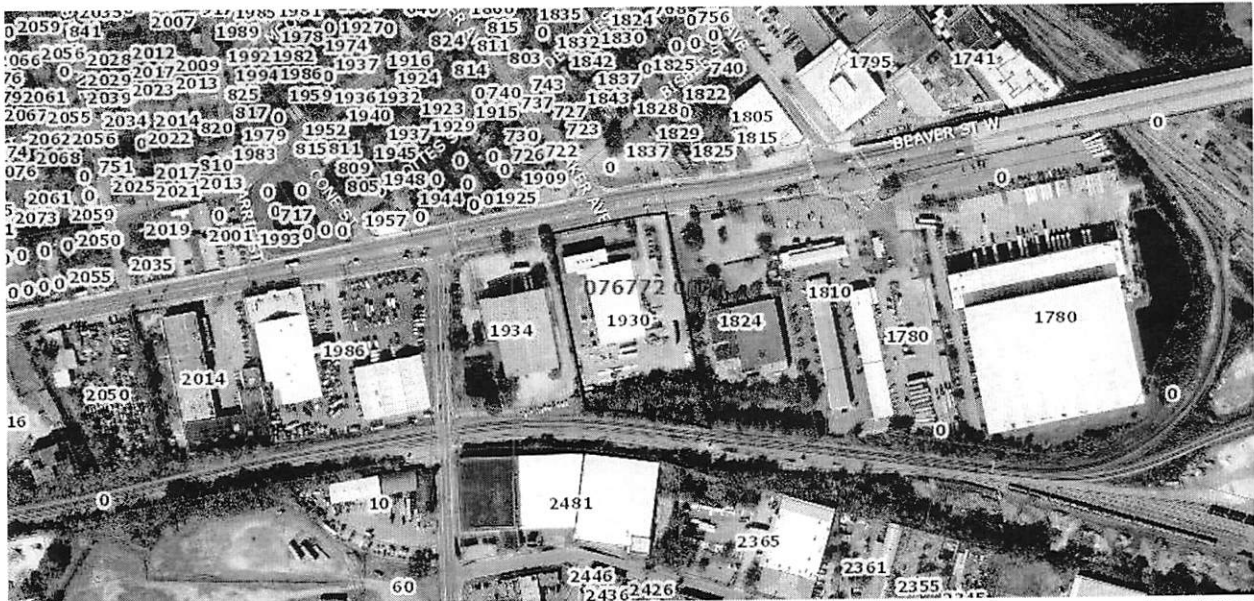
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **December 1, 2021** by the Planning and Development Department, the required Notice of Public Hearing sign was posted.



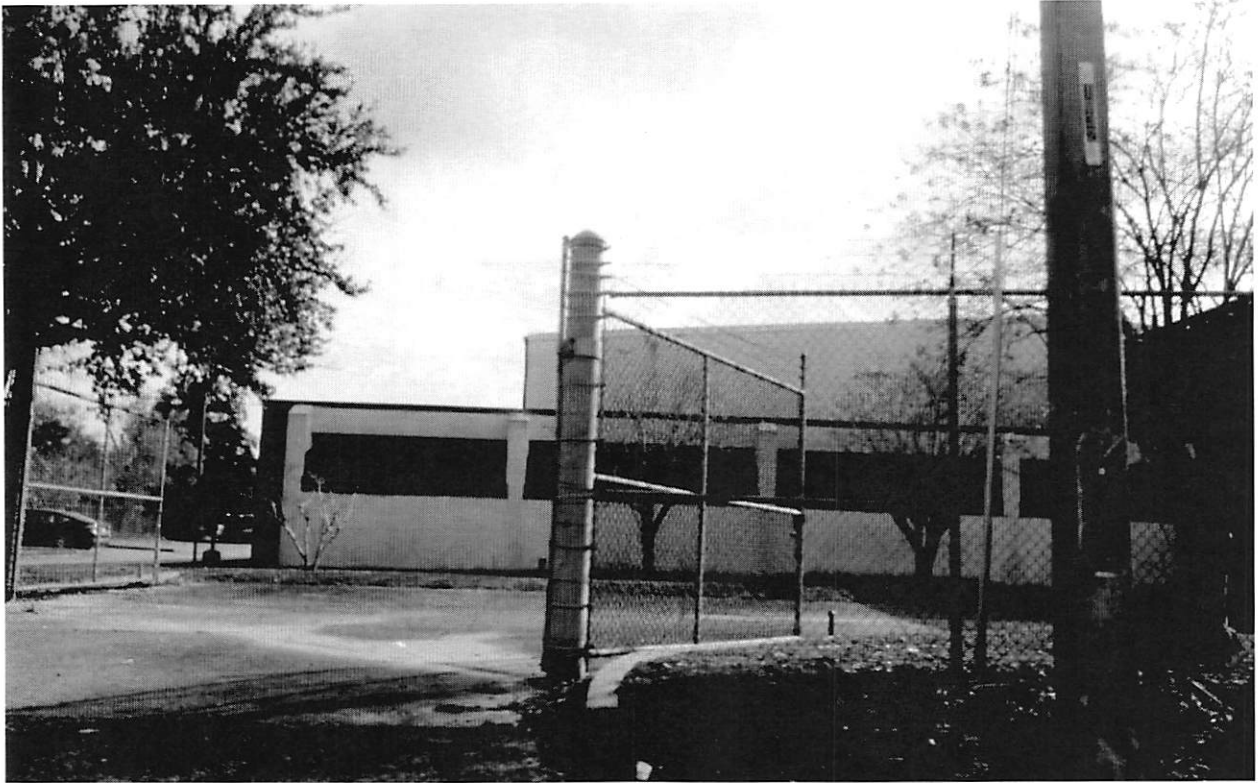
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2021-0801 be **APPROVED**.



Source: Planning & Development Department, 12/1/2021

Aerial View



Source: Planning & Development Department, 12/1/2021
View of subject property from Beaver Street West.



Source: Planning & Development Department, 12/1/2021
View of subject property from Beaver Street West.



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-2</p> <p>TO: IL</p>	<p>LOCATION MAP:</p>	
<p>ORDINANCE NUMBER ORD-2021-0801</p>	<p>TRACKING NUMBER T-2021-3770</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 # 2021-0801 **Staff Sign-Off/Date** KPC / 10/12/2021

Filing Date 10/25/2021 **Number of Signs to Post** 1

Hearing Dates:

1st City Council 12/14/2021 **Planning Commission** 12/09/2021

Land Use & Zoning 01/04/2022 **2nd City Council** 01/11/2022

Neighborhood Association NORTH RIVERSIDE COMMUNITY ASSOCIATION

Neighborhood Action Plan/Corridor Study NORTH RIVERSIDE NAP

Application Info

Tracking # 3770

Application Status PENDING

Date Started 09/02/2021

Date Submitted 09/02/2021

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

LIM BEAVER, LLC

Mailing Address

PO BOX 3051

City PONTE VEDRA BEACH **State** FL **Zip Code** 32004

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 076772 0000	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 #**

5614

Total Land Area (Nearest 1/100th of an Acre) 3.80**Justification For Rezoning Application**

APPLICANT REQUESTS A LAND USE AMENDMENT AND CONVENTIONAL REZONING TO BRING THE LONG-STANDING LEGAL NONCONFORMING USE ON THE PROPERTY INTO COMPLIANCE.

Location Of Property**General Location**

SOUTH OF BEAVER STREET WEST AND EAST OF STOCKTON STREET

House #	Street Name, Type and Direction	Zip Code
1930	BEAVER ST W	32209

Between Streets

BEAVER STREET WEST and STOCKTON STREET

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**
 3.80 Acres @ \$10.00 /acre: \$40.00
 - 3) Plus Notification Costs Per Addressee**
 32 Notifications @ \$7.00 /each: \$224.00
 - 4) Total Rezoning Application Cost: \$2,264.00**
- NOTE: Advertising Costs To Be Billed to Owner/Agent**

Legal Description

Part of the Western Isaac Hendricks Grant, Section 41, Township 2 South, Range 26 East, Duval County, Florida, and being more particularly described as follows:

Commence at the intersection of the Easterly line of Stockton Street (as formerly established for a 60 foot right-of-way) and the Southerly line of Beaver Street (of formerly established for a 60 foot right-of-way); thence South 01 degrees, 12 minutes, 00 seconds East, 59.47 feet along the former East line of said Stockton Street to an iron on the present right-of-way line of said Stockton Street; thence continue South 01 degrees, 12 minutes East, 401.73 feet along the East line of said Stockton Street to an iron; thence along a curve concave to the Southwest and having a radius of 1,960.08 feet to a chord bearing and distance of North 89 degrees, 20 minutes, 46 seconds East, 345.34 feet to the Point of Beginning; thence continue along and around said curve, a chord bearing and distance of South 81 degrees, 35 minutes, 02 seconds East, 274.67 feet; thence South 82 degrees, 43 minutes East, 25.64 feet to an iron; thence North 10 degrees 26 minutes, 00 seconds West, 605.73 feet to an iron in the Southerly line of said Beaver Street, said iron being in a curve concave to the Southeast and having a radius of 5696.578 feet; thence around and along said curve and the Southerly line of said Beaver Street, a chord bearing and distance of South 76 degrees, 34 minutes, 31 seconds West 34.91 feet to an iron at the point of reverse curvature of a curve concave to the Northwest and having a radius of 5,762.58 feet; thence around and along said curve a chord bearing and distance of South 77 degrees, 46 minutes, 18 seconds West, 275.95 feet; thence South 10 degrees, 30 minutes, 57 seconds East, 490.54 feet to the Point of Beginning.

Less and except that part as contained in Warranty Deed to the State of Florida Department of Transportation, recorded September 20, 1999 in Official Records Book 9415, Page 96, of the Public Records of Duval County, Florida, and less and except railroad.

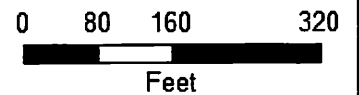
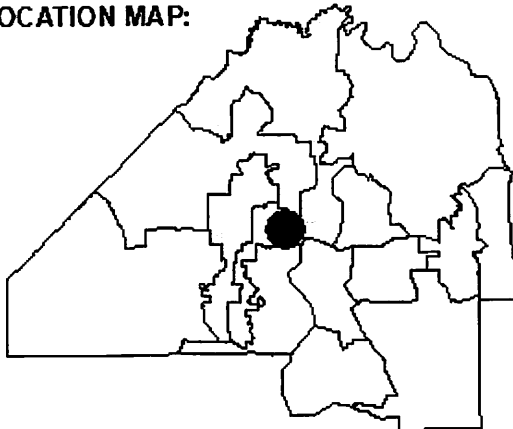


REQUEST SOUGHT:

FROM: CCG-2

TO: IL

LOCATION MAP:



COUNCIL DISTRICT:

9

TRACKING NUMBER

T-2021-3770

**EXHIBIT 2
PAGE 1 OF 1**