

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 3, 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.: 2022-79**

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**

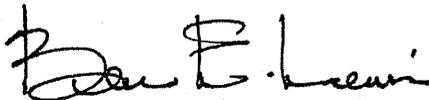
Planning Commission Recommendation: **Approve**

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	Absent
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, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large 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 FO**APPLICATION FOR REZONING ORDINANCE 2022-0079****MARCH 3, 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 2022-0079.

Location: 9035 Heckscher Drive

Real Estate Number: 160834-0000

Current Zoning District: Commercial Community/ General-1 (CCG-1)

Proposed Zoning District: Residential Low Density-100A (RLD-100A)

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

Proposed Land Use Category: Rural Residential (RR)

Planning District: North, District 6

Owner/Applicant: Taylor Mejia
The Southern Group
208 N Laura Street, Suite 710
Jacksonville, FL 32202

Owner: James Agonis
James Agonis V Trust
9035 Heckscher Drive
Jacksonville, FL 32226

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance 2022-0079 seeks to rezone 0.46± acres of a property from Commercial Community/ General-1 (CCG-1) to Residential Low Density-100A (RLD-100A) in order to allow for residential uses. 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, **2022-0078 (L-5636-21C)**. The proposed LUA is for Community General Commercial (CGC) to Low Density Residential (LDR).

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-5636-21C (Ordinance 2022-0078) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Low Density Residential (LDR). 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), the LDR land use category in the suburban development area is intended to provide for low-density residential development. The maximum gross density shall be two units/acre and the minimum lot size shall be half an acre when the site does not have centralized water and sewer. The subject site is less than a half-acre; however, because the subject site is a lot of record it is permitted to have one dwelling unit on the property, pursuant to pending FLUE Policy 3.1.27.

CGC is a category intended to provide for a wide variety of retail goods and services that serve large areas of the City and a diverse set of neighborhoods.

LDR is a category intended to provide for low-density residential development.

The proposed zoning change to RLD-100A is consistent with the proposed land-use category change to LDR.

Future Land Use Element:

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 proposed rezoning of RLD-100A will allow the applicant to continue current uses of the surrounding area, which is primarily single-family dwellings. If approved the proposed residential development would allow for the construction of one new single-family dwellings. The proposed construction of one new single-family dwellings will protect and preserve the character of the surrounding neighborhood by creating lots in character with other lots within the area.

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 is currently vacant and if approved will be developed with one Single Family Dwelling similar in size to properties along Heckscher Drive already developed as residential. Therefore, the request will be in compliance with Policy 1.1.24 by encouraging new development within the North Planning District.

Objective 6.3

The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The subject property is currently a vacant piece of land that has yet to be utilized and approval of this rezoning would allow the developers to develop the property with uses that are similar in nature to the existing neighboring properties. Therefore, Objective 6.3 would be accomplished by encouraging new development on vacant land within an area already thriving as a Low Density Residential area.

Pending Future Land Use Element Policy 3.1.27(Ord. 2022-48)

Policy 3.1.27

The City shall consider amending the land use and zoning of a legal lot of record existing before September 21, 1990, in a manner that permits development of one single-family dwelling, regardless of the availability of centralized water or sewer facility connections and related density or lot area requirements. Land use amendments and rezonings shall be subject to a case-by case review for consistency with the Comprehensive Plan.

Flood Zones

Approximately 0.28 of an acre of the subject site is located within the 0.2 PCT Annual Chance Flood Hazard and 0.18 of an acre is located within the AE flood zone. The flood zones are located on the entirety of the amendment site. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The AE flood zone is defined as areas within the 100-year floodplain or SFHA where flood insurance is mandatory. The X (0.2 PCT Annual Chance Flood Hazard) are areas within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Adaptation Action Area (AAA)

The City of Jacksonville implemented the 2015 Peril of Flood Act (Chapter 2015-69, Laws of Florida) by establishing an Adaptation Action Area (AAA). The AAA boundary is an area that experiences coastal flooding due to extreme high tides and storm surge. The area is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. Ordinance 2021-732-E expands the AAA boundaries to those areas within the projected limits of the Category 3 storm surge zone and those contiguous areas of the 100-year and 500-year Flood Zones.

The property is located within the AAA boundary (Ordinance 2021-732-E). The applicant has been made aware of the AAA boundaries and encouraged to address the new policies through site design, clustering of development and other resiliency efforts.

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-1 to RLD-100A in order to for residential uses.

SURROUNDING LAND USE AND ZONING

The subject property is located on the north side of Heckscher Drive, classified as a minor arterial roadway. This section of Heckscher Drive known as Fanning Island is primarily zoned for Single Family Dwellings in the Zoning District of Residential Low Density-100A with ½-acre sizes lots. Properties to the East are currently zoned Commercial Community General-1 (CCG-1) with uses ranging from fitness gym and retail stores.

Adjacent Property	Land Use Category	Zoning District	Current Use
North	RR	AGR	Vacant Undeveloped
South	RR	RLD-100A	Single Family Dwelling
East	CGC	CCG-1	Vacant Undeveloped
West	RR	RLD-100A	Single Family Dwelling

It is the opinion of the Planning and Development Department that the requested rezoning to RR-100A will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on February 7, 2022 by the Planning and Development Department, the required Notice of Public Hearing sign **was** posted.



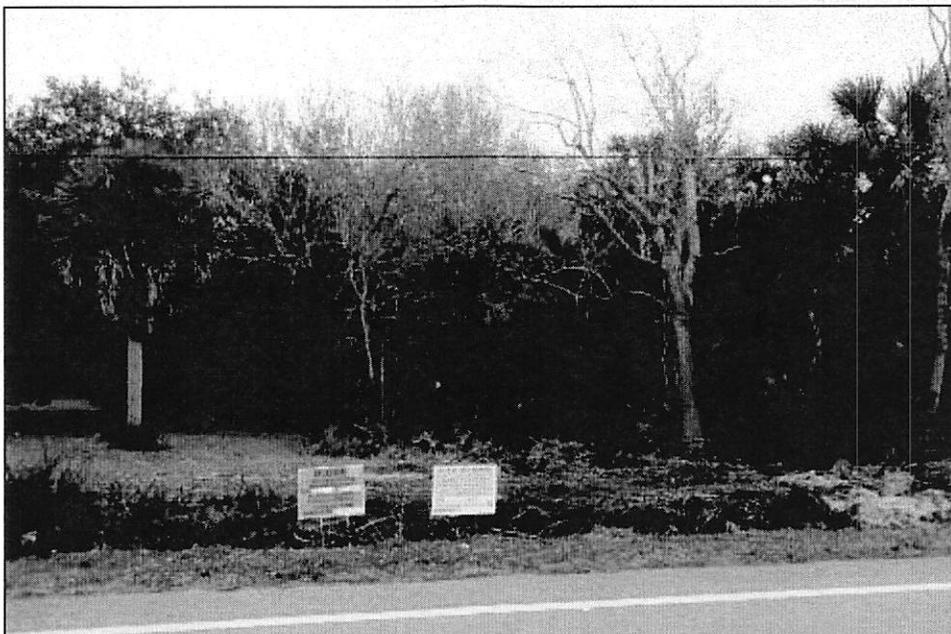
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2022-0079** be **APPROVED**.



Aerial View

Source: JaxGIS Map



View of the Subject Property

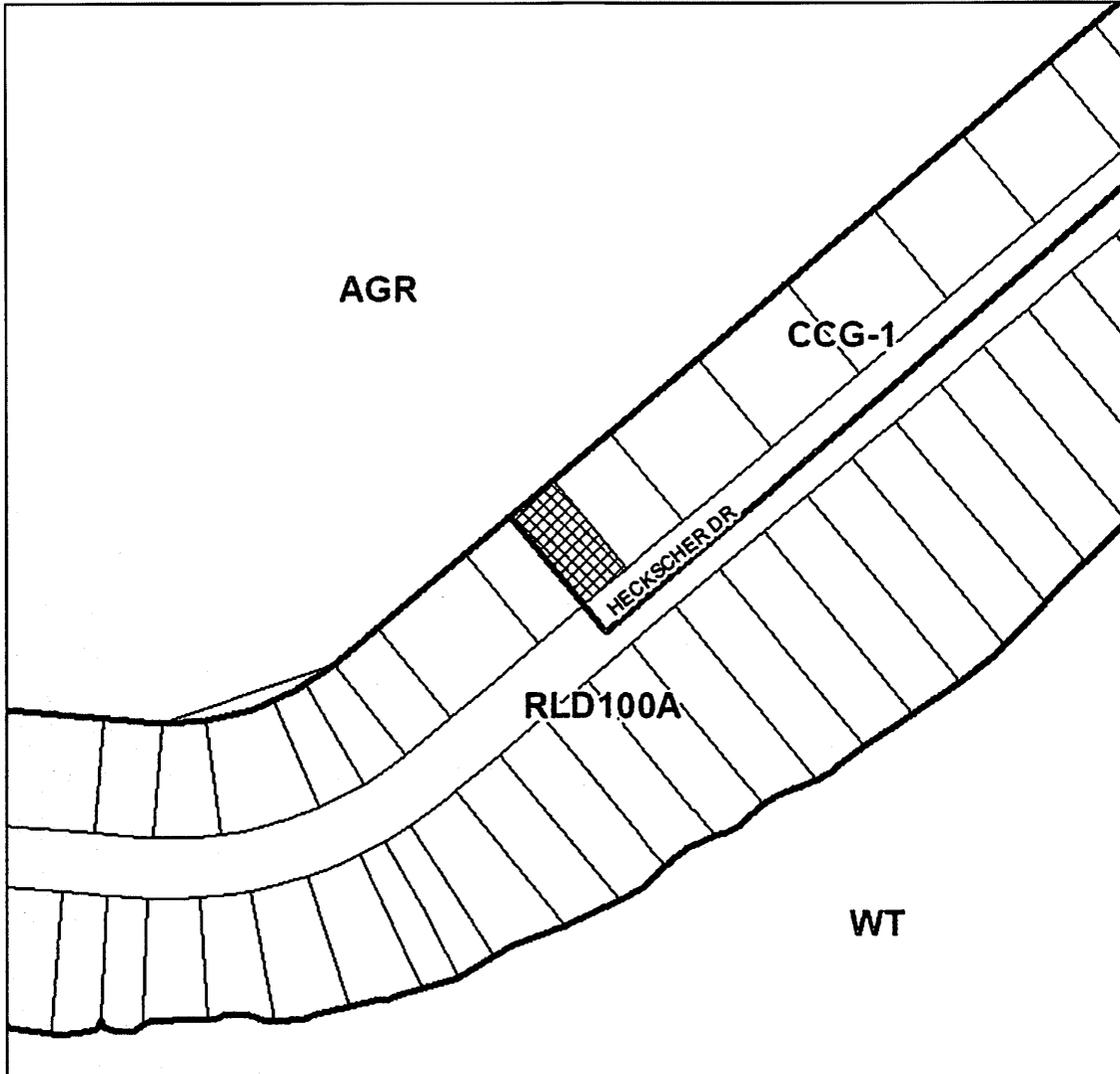
Source: Planning & Development Department 02/07/2022

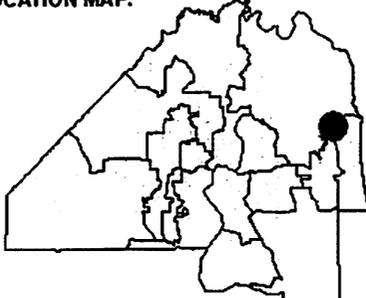
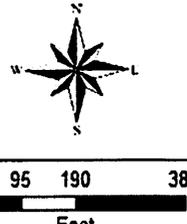


Commercial Property to the East: 9073 Heckscher Drive
Source: Planning & Development Department 02/07/2022



Residential Properties to the South
Source: GoogleMaps



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-1</p> <p>TO: RLD-100A</p>	<p>LOCATION MAP:</p> 	
<p>ORDINANCE NUMBER</p> <p>ORD-2022-0079</p>	<p>TRACKING NUMBER</p> <p>T-2021-3891</p>	<p>COUNCIL DISTRICT:</p> <p>2</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 # 2022-0079 **Staff Sign-Off/Date** ELA / 01/24/2022
Filing Date 02/08/2022 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 03/08/2022 **Planning Commission** 03/03/2022
Land Use & Zoning 03/15/2022 **2nd City Council** 03/22/2022
Neighborhood Association HECKSCHER DR COMMUNITY CLUB, M & M DAIRY INC, THE EDEN GROUP INC., NPS TIMUCUAN ECOLOGICAL AND HISTORIC PRE
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3891 **Application Status** FILED COMPLETE
Date Started 11/10/2021 **Date Submitted** 11/10/2021

General Information On Applicant

Last Name	First Name	Middle Name
MEJIA	TAYLOR	
Company Name		
THE SOUTHERN GROUP		
Mailing Address		
208 N LAURA ST SUITE 710		
City	State	Zip Code
JACKSONVILLE	FL	32202
Phone	Fax	Email
9043495954	904	MEJIA@THESOUTHERNGROUP.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
AGONIS	JAMES	
Company/Trust Name		
JAMES AGONIS V TRUST		
Mailing Address		
9035 HECKSHER DRIVE		
City	State	Zip Code
JACKSONVILLE	FL	32226
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 160834 0000	2	6	CCG-1	RLD-100A

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 #****Total Land Area (Nearest 1/100th of an Acre)** 0.46**Justification For Rezoning Application**

REQUESTING A REZONING AND LAND USE AMENDMENT TO ALLOW FOR A RESIDENTIAL USE.

Location Of Property**General Location**

9035 HECKSHER DRIVE

House #

9035

Street Name, Type and Direction

HECKSCHER DR

Zip Code

32226

Between Streets

HECKSHER DRIVE

and HECKSHER DRIVE

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**
0.46 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee**
16 Notifications @ \$7.00 /each: \$112.00
- 4) Total Rezoning Application Cost: \$2,122.00**

NOTE: Advertising Costs To Be Billed to Owner/Agent

AGR

CCG-1

HECKSCHER DR

RLD100A

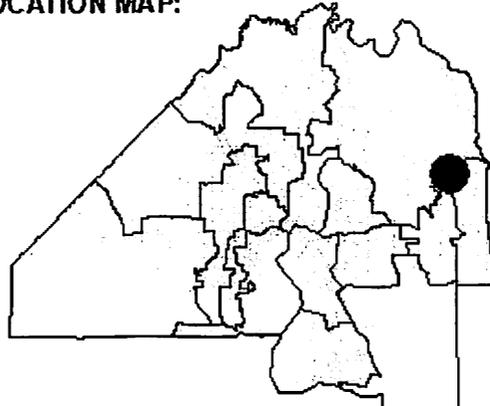
WT

REQUEST SOUGHT:

FROM: CCG-1

TO: RLD-100A

LOCATION MAP:



0 95 190 380



Feet

COUNCIL DISTRICT:

2

TRACKING NUMBER

T-2021-3891

EXHIBIT 2
PAGE 1 OF 1