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.: 2022-83

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: Deny

Planning Commission Recommendation:

Planning Commission Commentary: There was one speaker with concerns about flooding on the property. The Commissioners pointed out the property is in the Industrial Compatibility Zone, which is appropriate for industrial uses and a home should not be built in the floodplain. This is a prime spot for industrial.

Approve

| Planning Commission Vote: | 6-0 |
|---------------------------|--------|
| David Hacker, Chair | Aye |
| Alex Moldovan, Vice Chair | Aye |
| Ian Brown, Secretary | Aye |
| Marshall Adkison | Absent |
| Daniel Blanchard | Aye |
| Jordan Elsbury | Aye |
| Joshua Garrison | Absent |
| Jason Porter | Aye |
| | |

Planning Commission Report Page 2

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

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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 2022-0083

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 **2022-0083**.

| Location: | 4016, 4044 Edgewood Drive North |
|----------------------------------|---|
| Real Estate Number: | 042191-0000, 042186-0000 |
| . Current Zoning District: | Residential Low Density-120 (RLD-120) |
| Proposed Zoning District: | Industrial Light (IL) |
| Current Land Use Category: | Low Density Residential (LDR) |
| Proposed Land Use Category: | Light Industrial (LI) |
| Planning District: | Northwest, District 5 |
| Applicant/Agent: | Annie Clayton Clayton Company Consultants 2033 Flesher Avenue Jacksonville, FL 32207 |
| Owner: | Ammar Alqaysi 860 Wilmington Lane Orange Park, FL 32065 |

Staff Recommendation:

:

DENY

GENERAL INFORMATION

Application for Rezoning Ordinance 2022-0083 seeks to rezone approximately $3.78\pm$ acres of property from Residential Low Density-120 (RLD-120) to Industrial Light (IL) in order to use the property for commercial warehousing. The property is currently located in the Low Density Residential (LDR) land use category within the Suburban Development Boundary of the Future Land Use Element of the 2030 Comprehensive Plan. There is a companion Land Use Amendment, 2022-0082 (L-5644-21C). The proposed LUA is for Low Density Residential (LDR) to Light Industrial (LI). The Planning and Development Department is recommending denial of the companion land use amendment.

The property is located on the west side of Edgewood Drive, which is a mix of industrial and residential uses. South of the subject property, primarily zoned Residential Low Density-120, is developed with single-family dwellings existing since the early 1940s. The properties are located within the Situational Compatibility Zone, which would require them to provide a minimum buffer of 150 feet when residential properties are rezoned to industrial [Section 656.399.46 (a)]. The southern parcel 4016 Edgewood Drive is approximately 210 feet in width and if approved will be required to provide a 150 foot buffer from the southern property line adjacent to residential.

Additionally, these properties have a history of operating illegally with outside storage of semi tractor-trailers, shipping containers and automobiles. Code enforcement has sited the property on multiple occasions for issues surrounding parking/storage of cars in the right of way, outside storage of commercial vehicles on residential lot and trash/debris. The most recent and outstanding violation **CARE #2021-8280213** was opened on May 21, 2021. Approval of this rezoning request will allow the expansion of industrial uses further south, closer to the existing residential properties and along with the environmental issues, the department does not feel this is justification for the up zoning. Therefore, the Planning and Development Department is recommending denial of the rezoning request.

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 <u>2030 Comprehensive Plan</u>, 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 <u>2030 Comprehensive Plan</u>, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the <u>2030 Comprehensive Plan</u>?

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used.

The $3.78\pm$ acre subject site is located at 4016 and 4044 Edgewood Drive between Pickettville Road and Keen Road. According to the City's Functional Highways Classification Map, Edgewood Drive is a local roadway. The western portion of the subject site is classified as Category II wetlands that buffer Little Sixmile Creek. LI is a category, which provides for the location of industrial uses, which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes. Site access to roads classified as collector or higher on the Highway Functional Classification Map is preferred.

The proposed land use amendment to LI is to allow for the operation of a business of commercial wholesale. This would allow for an encroachment of an uncomplimentary use into a residential zoning district. The proposed LI land use is inconsistent with the 2030 Comprehensive Plan.

Therefore, the request for rezoning in order to use the property for commercial warehousing is not consistent with the intent of the <u>2030 Comprehensive Plan</u>. A description of the category is noted below.

2. Does the proposed rezoning further the goals, objectives and policies of the <u>2030</u> <u>Comprehensive Plan</u>?

No. This proposed rezoning is inconsistent with the <u>2030 Comprehensive Plan</u>, and does not further the Goals, Objectives and Policies, including the following:

Future Land Use Element

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.

While the property is currently vacant and undeveloped as provided in the JEA Availability Letter there is no sewer main available for this property and therefore does not have public facilities. As demonstrated in this report, the property has been a nuisance to the existing residential property owners and approval of the rezoning request would not address the needs of the surrounding residents. If anything, it would create more nuisances and hardships for the existing residential properties owners. Therefore, the property would not comply with Objective 6.3.

Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Approval of this application will allow the expansion of industrial uses into an existing residential area, which will not achieve a well-balanced and organized combination of residential to non-residential area. Due to this reason, the request will not be in compliance with Goal 3.

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.

According to the JEA Availability letter dated December 22, 2021, submitted with the application, the site has access to existing 12-inch water main within Edgewood Dr. ROW but JEA does not have a sewer main available within ¼ mile of this property. The proposed use will need to be able to connect to both City Water and City Sewer in order to be incompliance with Policy 1.2.9.

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 2020-732-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 entire subject site (100%) is within the Adaptation Action Area and subject to coastal flooding during cataclysmic hurricane storms. The site is within the 2 to 10 feet above mean sea level. The City will continue to enforce building standards and requirements to minimize structural damage to property in hazardous coastal areas. Future City expenditures for infrastructure improvements will be limited to meeting the needs of existing residents and resource protection. Land use decisions will direct new development to areas outside of hazardous coastal areas.

Wetlands

Review of City data indicates the existence of wetlands on the subject site and based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment is inconsistent with the Conservation/Coastal Management Element (CCME) wetlands policies. If not consistent with the CCME list recommendations for actions needed to make the amendment consistent (PUD clustering development, limiting uses, conservation zoning/easement, obtain SJRWMD permit.



Flood Zones

The entire (100%) 3.78 acre subject site is located within AE flood zone. 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. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.



3. Does the proposed rezoning conflict with any portion of the City's land use regulations?

Yes. The proposed rezoning is in conflict with portions of the City's land use regulations as demonstrated in this staff report and the Land-Use Review memo. If approved the subject property will be rezoned from RLD-120 to IL allowing the property owner to use the property for commercial warehousing.

SURROUNDING LAND USE AND ZONING

The subject site is approximately 3.78 acres and is accessible from Edgewood Drive (SIS Connector), a local facility, and is located north of Edgewood Avenue North (SR 111), a minor arterial facility. Edgewood Drive is a mixture of industrial and residentially zoned properties. Industrial uses include open storage, warehousing, outdoor parking, light manufacturing and service garages. While Edgewood Drive is primarily industrial there are existing properties developed with single-family dwellings including those just south of the subject property. West of the subject property is vacant undeveloped land owned by the City of Jacksonville. The surrounding uses, land uses, and zoning districts are as follows:

| Adjacent Property | Land Use Category | Zoning District | Current Use | |
|----------------------|----------------------|--------------------|-------------------------|--|
| North | LI | IL | Vacant Undeveloped | |
| South | LDR | RLD-120 | Single Family Dwellings | |
| East | LI | IL | Open Storage | |
| West | HI | IL | Vacant Undeveloped | |

It is the opinion of the Planning and Development Department that the requested rezoning to IL is a proliferation of the intensification of industrial uses further south into residential areas.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on February 16, 2022 by the Planning and Development Department, 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 **2022-0083** be **DENIED**.



Source: JaxGIS Map

Aerial View



Source: Planning & Development Department Date: 02/16/2022



Source: Planning & Development Department Date: 02/16/2022



View of Property to the South Source: Planning & Development Department Date: 02/16/2022



View of Property to the East

Source: JaxGIS Maps



Legal Map Source: JaxGIS Map

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Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0083Staff Sign-Off/DateCMQ / 12/30/2021Filing Date02/08/2022Number of Signs to Post 2Hearing Dates:1st City Council03/08/2022Planning Comission03/03/2022Land Use & Zoning03/15/20222nd City Council03/22/2022Neighborhood AssociationPICKETTVILLE CIVIC CLUB, KINLOCK CIVIC ASSOCIATIONNeighborhood ActionPlan/Corridor Study

Application InfoTracking # 3897Application StatusPAIDDate Started11/15/2021Date Submitted11/17/2021

| | | • | | | |
|------------------------------|--------------------------|------------|------------|-------------|--|
| Last Name | | First Name | | Middle Name | |
| CLAYTON | | ANNIE | | ROSE | |
| Company Name CLAYTON COMP | B ANY CONSULTAN | ٢S | | | |
| Mailing Addres | | | | | |
| City | | State | Zip Code | | |
| JACKSONVILLE | | FL | 32207 | | |
| Phone 9045495156 | Fax 9043741340 | Email | YTONCODESI | | |

-General Information On Owner(s) -

| .ast Name | | First Name | Middle Name |
|----------------|---------|--------------|-------------|
| ALQAYSI | | AMMAR | |
| Company/Trus | it Name | | |
| lailing Addres | is | | |
| 860 WILMINGT | ON LN | | |
| City | | State | Zip Code |
| ORANGE PARK | | FL | 32065 |
| Phone | Fax | Email | |
| 2703202490 | | RMAUTOEXPRES | S@GMAIL.COM |

| Previous Zoning Application Filed For Site? If Yes, State Application No(s) | | | | | |
|--|-------------|---------------------|----------------------|----------------------------|-----------------------|
| Мар | RE# | Council District | Planning District | From Zoning District(s) | To Zoning District |
| Мар | 042191 0000 | 10 | 5 | RLD-120 | IL |
| Мар | 042186 0000 | 10 | 5 | RLD-120 | IL |

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 3.78

-Justification For Rezoning Application -

TO USE FOR BUSINESS COMMERCIAL WHOLESALE

Location Of Property-

General Location NEAR THE NORFOLK SOUTHERN RAIL YARD

House #Street Name, Type and Direction4044/4016EDGEWOOD DR

Zip Code 32254

Between Streets PICKETTVILLE RD

and KEEN RD

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 $8\frac{1}{2}$ " 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

3.78 Acres @ \$10.00 /acre: \$40.00

3) Plus Notification Costs Per Addressee

12 Notifications @ \$7.00 /each: \$84.00

4) Total Rezoning Application Cost: \$2,124.00

NOTE: Advertising Costs To Be Billed to Owner/Agent





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