

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

February 23, 2023

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2023-42**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico 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**

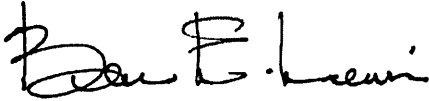
Recommended Planning Commission Conditions that can be incorporated into the Written Description: **None**

Planning Commission Commentary: There were no speakers in opposition. The Commissioners asked what buffer was required adjacent to residential. CCG-2 adjacent to residential requires a 25 foot setback, a 6 foot high, 85% opaque fence and one tree every twenty-five linear feet of the parcel.

Planning Commission Vote:	6-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Jordan Elsbury	Aye
Joshua Garrison	Aye
David Hacker	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 2023-0042****FEBRUARY 23, 2023**

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 2023-0042.

Location: 10220 New Kings Road

Real Estate Number: 002742-0010

Current Zoning District: Rural Residential-Acre (RR-Acre)

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: Heathe Ferguson
Heaths Diesel Service Inc.
10220 New Kings Road
Jacksonville, FL 32219

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance 2023-0042 seeks to rezone 2.79± acres of a property from Rural Residential-Acre (RR-Acre) 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 slightly smaller portion of property used as a service garage is within the CCG-2 zoning district. Placing the slightly larger RR-Acre 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 Community/General Commercial (CGC) functional land use category and 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, 2023-0042 (L-5782-22C). The proposed Land Use Amendment 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 a Small-Scale Land Use Amendment to the Future Land Use Map Series L-5782-22C (Ordinance 2023-041) 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 property is located in the Suburban Area and According to the JEA Availability letter dated January 16, 2023, 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 east along New Kings Road and Rural Residential (RR-Acre) to the west. 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 D. 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, the proposed property in land use amendment L-5782-22C will be in close proximity to Barth Road, indicating sufficient access to I-295 (1.31 road miles) and I-95 (8.84 road miles), primary evacuation routes.

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 RR-Acre to CCG-2 in order to 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 west side of New Kings Road, classified as a major arterial roadway. The east section of New Kings Road has several properties that are split zoned between CCG-2 closer to the roadway and RLD-60 further back from the roadway; while on the west side here, this property is split CCG-2 closer to the roadway and RR-Acre further from the roadway. Properties along New Kings Road includes uses outside storage, commercial retail sales, and office space. Properties to the west are zoned RR-Acre and developed with Single-Family Dwellings, Mobile Homes, or Residential Mixed Units. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-2	Office Space
South	LI	IL	Vehicle Used Sales/Rental
East	CGC	CCG-2	Store/Retail
West	LDR	RR-Acre	Single Family Dwelling

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.

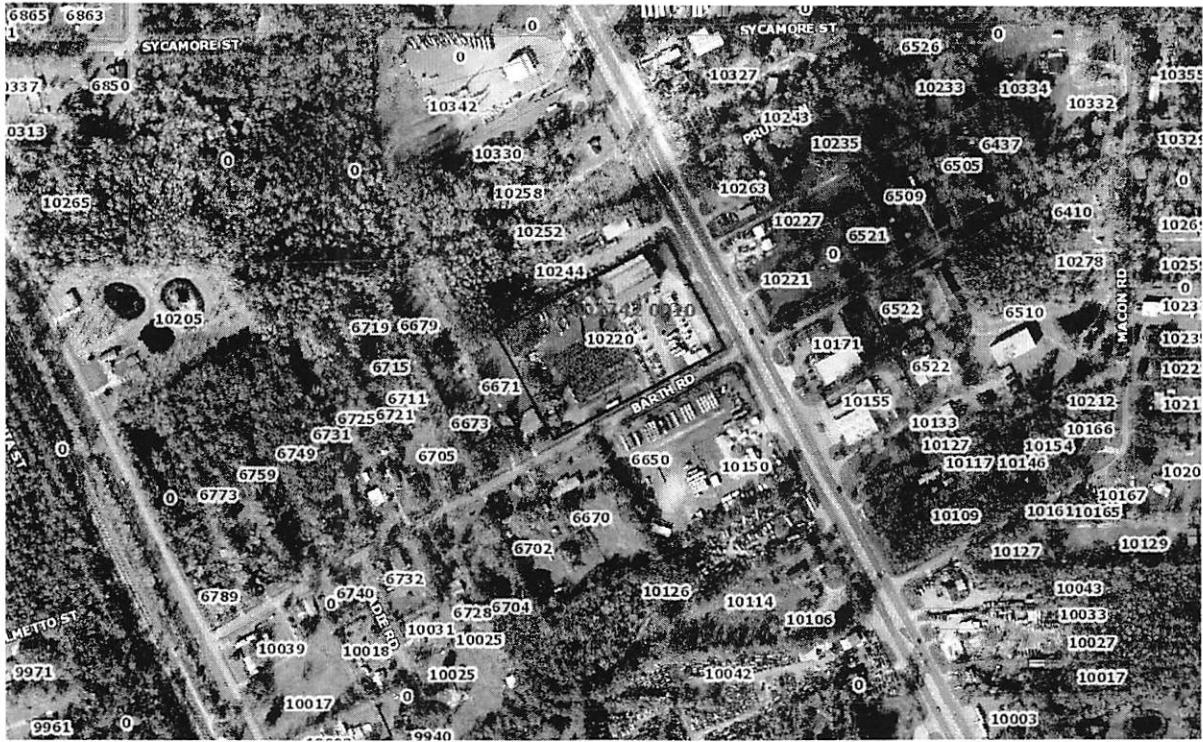
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **February 7, 2023** 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 **2023-0042** be **APPROVED**.



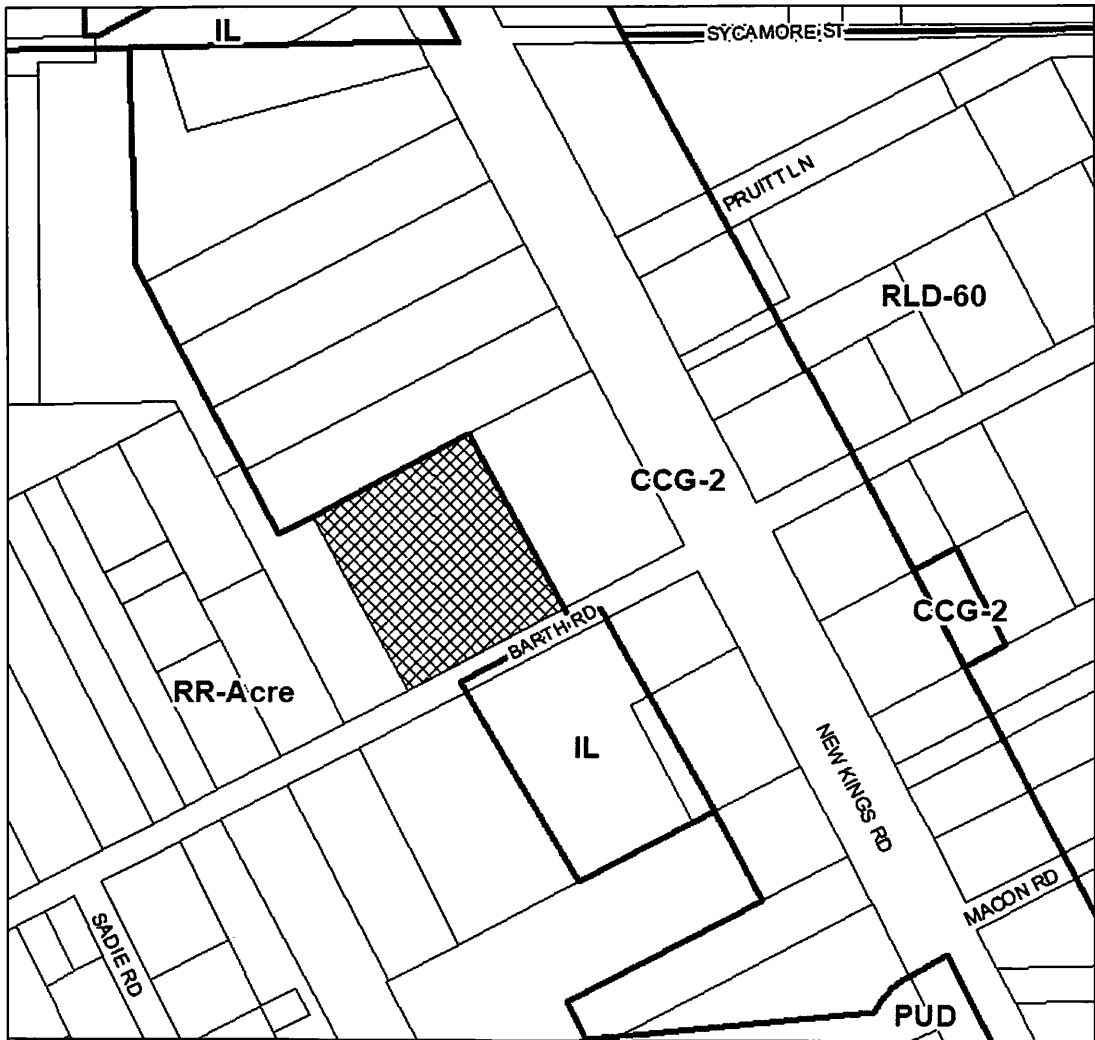
Aerial View

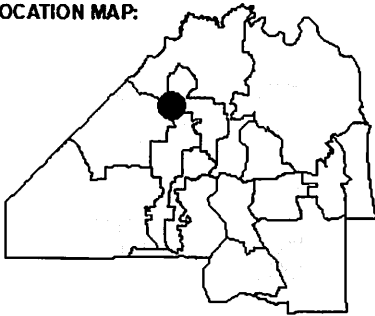
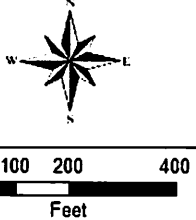
Source: JaxGIS Map



View of the Subject Property

Source: Planning & Development Department 02/07/2023



<p>REQUEST SOUGHT:</p> <p>FROM: RR-ACRE</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT: 8</p>
<p>TRACKING NUMBER T-2022-4642</p>		<p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2023-0042 **Staff Sign-Off/Date** BEL / N/A

Filing Date N/A **Number of Signs to Post** 1

Hearing Dates:

1st City Council 02/28/2023 **Planning Commission** 02/23/2023

Land Use & Zoning 02/07/2023 **2nd City Council** 03/14/2023

Neighborhood Association WE PROVIDE HOPE, INC.

Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 4642 **Application Status** FILED COMPLETE

Date Started 11/10/2022 **Date Submitted** 11/10/2022

General Information On Applicant

Last Name FERGUSON **First Name** HEATHE **Middle Name** J

Company Name
HEATHS DIESEL SERVICE INC

Mailing Address
10220 NEW KINGS RD

City JACKSONVILLE **State** FL **Zip Code** 32219

Phone 9046386682 **Fax** 904 **Email** HEATHSDIESEL@LIVE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name FERGUSON **First Name** HEATHE **Middle Name** J

Company/Trust Name
HEATHS DIESEL SERVICE INC

Mailing Address
10220 NEW KINGS RD

City JACKSONVILLE **State** FL **Zip Code** 32219

Phone 9046386682 **Fax** 904 **Email** HEATHSDIESEL@LIVE.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 002742 0010	8	6	RR-ACRE	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 #

5782

Total Land Area (Nearest 1/100th of an Acre) 2.79

Justification For Rezoning Application

Location Of Property

General Location

NEW KINGS RD

House #	Street Name, Type and Direction	Zip Code
10220	NEW KINGS RD	32219

Between Streets

BARTH and PITTS

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
2.79 Acres @ \$10.00 /acre: \$30.00
 - 3) Plus Notification Costs Per Addressee
15 Notifications @ \$7.00 /each: \$105.00
 - 4) Total Rezoning Application Cost: \$2,135.00
- NOTE: Advertising Costs To Be Billed to Owner/Agent**

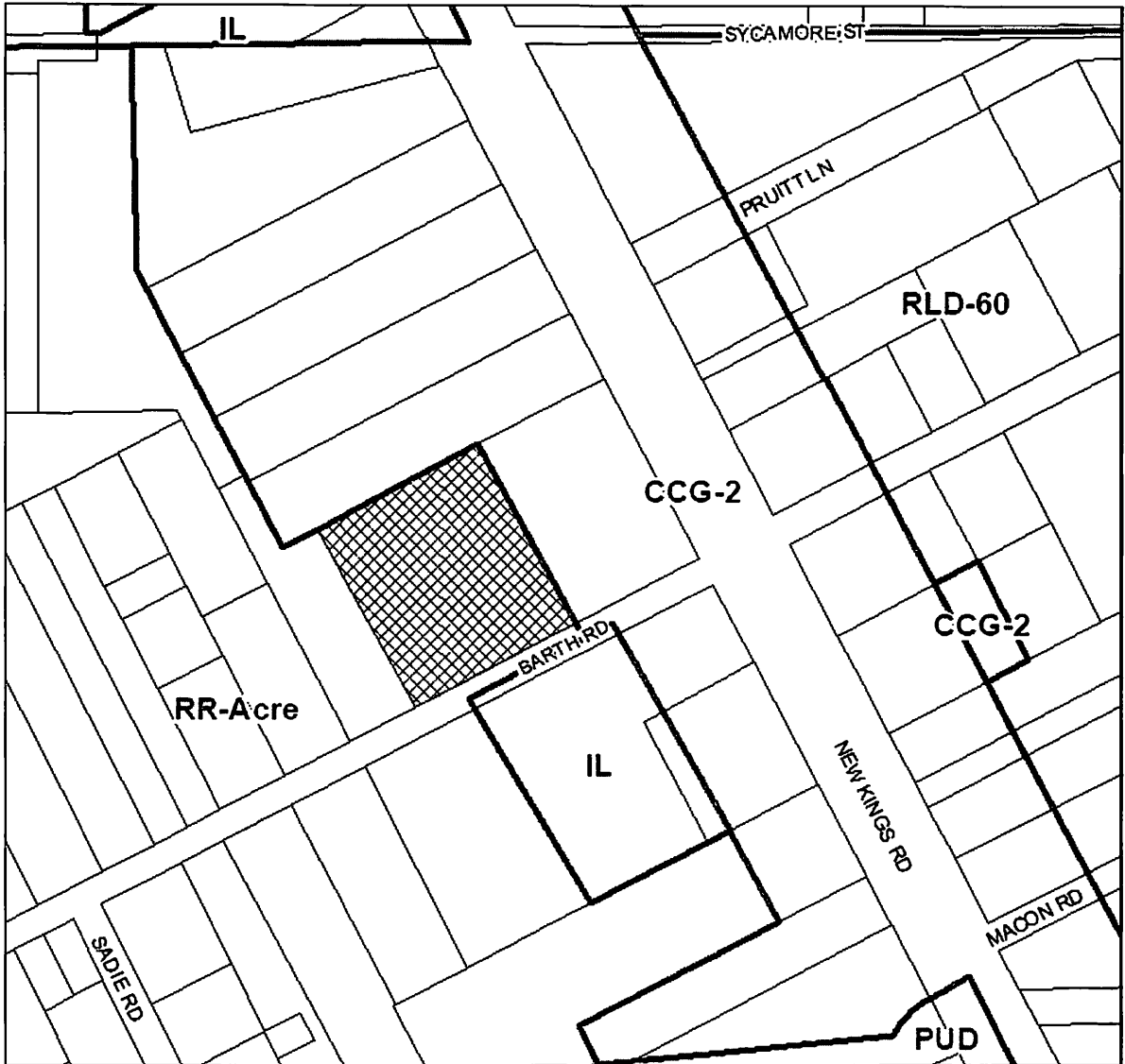
Exhibit 1
Legal Description
November 16, 2022

A parcel of land situated in the Northeast. 1/4 of Section 13, Township 1 South, Range 25 East, also being a portion of Lots 23 and 24 Section 13, Township 1 South Range 25 East as shown on an unrecorded plat of Dinsmore and Dinsmore Farms), Duval County, Florida, said parcel being more particularly described as follows:

Commence at the intersection of the South line of said Northeast 1/4 of Section 13 with the Southwesterly right-of-way line of State Road No. 4 (New Kings Road); thence on said Southwesterly right-of-way line, North 30 degrees 04 minutes 50 seconds West, 1914.00 feet to an iron pipe situated in the Northwesterly right-of-way line of Barth Road and the point of beginning;

Thence continue on said Southwesterly right-of-way line, North 30 degrees 04 minutes 50 seconds West, 383.31 feet to the Southeasterly line of those lands described in Official Records Book 8528 Page 505 of the public records of said county; thence South 59 degrees 04 minutes 23 seconds West 570.94 feet to an iron pipe; thence South 30 degrees 29 minutes 43 seconds East. 374.49 feet to an iron pipe situated in said Northwesterly right-of-way line of Barth Road and monumenting the most. Easterly corner of those lands described in Official Records Book 9261 Page 1476 of said public records; thence on said Northwesterly line, North 59 degrees 57 minutes 34 seconds East, 568.17 feet to the point of beginning.

LESS AND EXCEPT THE EAST 250 FEET

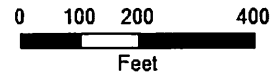
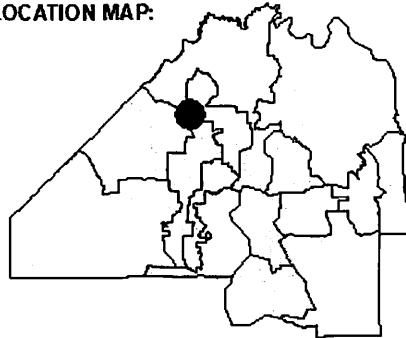


REQUEST SOUGHT:

FROM: RR-ACRE

TO: CCG-2

LOCATION MAP:



COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2022-4642

**EXHIBIT 2
PAGE 1 OF 1**