

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2015-0684 TO
PLANNED UNIT DEVELOPMENT

NOVEMBER 5, 2015

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 **2015-0684** to Planned Unit Development.

Location: 6745 Beaver Street
Between Lane Avenue North and I-295 West

Real Estate Number(s): 005407 1000, 005408 0000, 005409 0000,
005410 0000, 005411 0010, 005411 0040,
005422 0000, 005423 0000, 005424 0000,
005214 0000

Current Zoning District: Residential Rural-Acre (RR-Acre)
Community Commercial General-2 (CCG-2)
Industrial Light (IL)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)
Community General Commercial (CGC)
Light Industrial (LI)

Proposed Land Use Category: Heavy Industrial (HI)

Planning District: District 5, Northwest

Planning Commissioner: Ben Davis

City Council District: The Honorable Reginald L. Brown, District 10

Applicant/Agent: Dan C. Boswell
Dan Boswell & Associates, Inc.
4014 Ranie Road
Jacksonville, Florida 32218

Owner:

Efraim Estrada
AA Auto Parts, LLC
6745 West Beaver Street
Jacksonville, Florida 32254

Staff Recommendation:

APPROVE WITH CONDITIONS

GENERAL INFORMATION

Application for Planned Unit Development **2015-0684** seeks to rezone approximately 12.18 acres of land from RR-Acre, CCG-2 and IL to PUD for a site located on the north side of U.S. 90/ S.R. 10/ Beaver Street West. The site is located within the Urban Development Area and within the Industrial Situational Compatibility Overlay. The rezoning to PUD is being sought so to rectify the zoning for a long established auto salvage yard and to allow for the expansion of the uses along with the additional of an auto baler. The auto salvage yard has been in existence on a portion of the subject property since at least 1968 and that use has expanded significantly over the years. Companion land use amendment 2015-062 seeks to change the land use from Community General/Commercial (CGC) and Low Density Residential (LDR) to Heavy Industrial (HI) for 8.01 acres of the rezoning site.

This application was originally filed for a 48.58 acre site with a companion land use amendment to Heavy Industrial for 30.82 acres of the rezoning site. Due to the acreage, the land use amendment was processed as a large scale land use amendment and therefore was required to go through an initial round of public hearings prior to being considered with the companion rezoning. The large scale amendment received a recommendation of denial from the Department, the Waterways Commission and the Planning Commission with direction that the applicant should reduce the size of the site to minimize environmental concerns. Those concerns were directly related to impacts on wetlands and AE Zone Floodways in the northern and eastern portions of the site. The applicant has complied with these requests and has worked with the Department to amend the applications accordingly and the result is limited impacts to wetlands and no impacts on the AE Zone Floodway.

A portion of the site is indicated as “wetland” on the 2004 FLUCCS wetland inventory map. The northeast portion of the subject property is in the floodway of Cedar River, and generally **the entire site is indicated as being in the AE (100 year) flood zone**. The proposed site plan is intended to limit salvage use to only the flood plain portions of the property. The PUD includes the wetland parcel on the east end of the property (RE: 005214-0000 under common ownership) in order to intentionally designate it as protected wetland on the Site Plan, providing additional zoning protection.

Portions of Carnegie Street and St. Andrews Street North were recently vacated by Ordinance 2015-0569-E and are included in the proposed PUD.

The site was developed with a 1312 square foot office building in 1946 addressed to 6641 Beaver Street. According to Building Inspection Division building permit records for property located at 6847 Beaver Street (inclusive in this request) a site clearing permit was last issued in 1990, and a demolition and building permit was issued in 1990; all three permits expired without final inspection and closure. In 2012 two permits were applied for relating to a portion of the subject property addressed as 6745 Beaver Street West. The first was a building permit for a 40 X 40 office/warehouse structure which is suspended. The second was a landscape permit for tree removal; that application is still pending payment. According to aerial photography from the Duval County Property Appraiser at least three additional structures have been erected since 2004; encroachment into protected wetlands has also occurred. No city or state permits are on record for the new structures or for site clearing. Approval of this request would allow for follow-up inspection and “after the fact” permitting (or removal as appropriate) of existing structures, would allow approval of ongoing auto salvage activities as far as consistent with other local, state and federal requirements, and, with approval of the companion land use change 2015-0062 (2015A-001), would resolve underlying discrepancies between Future Land Use Map and the zoning designation.

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

(1) Is the proposed zoning district 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), Community/General Commercial (CGC) and Light Industrial (LI) functional land use categories 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 2015A-001 (Ordinance 2015-0062) that seeks to amend the portion of the site that is within the LDR and CGC land use categories to Heavy Industrial (HI). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land use Map Series 2015A-001 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. A description of the category is noted below.

HEAVY INDUSTRIAL (HI)

The uses provided herein shall be applicable to all HI sites in all Development Areas.

Principal Uses: Mining; Heavy manufacturing; Repair; Fabrication; Assembly; Packaging; Processing; Distribution; Transportation operations; Railroad switching yards; Solid waste management facilities; and Utility plants. This may include manufacturing, processing, storage

or transportation of paper and pulp, scrap metal, explosives, paint, oil, turpentine, shellac, lacquer or varnish and similar other hazardous and toxic materials as well as petroleum refining including the various components and raw materials thereof.

Secondary Uses: Secondary uses shall be permitted pursuant to the Industrial land use introduction.

(2) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Low Density Residential, Community/General Commercial (CGC) and Light Industrial (LI). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2015A-001 (Ordinance 2015-0062) that seeks to amend the portion of land that is within the LDR and CGC land use category to HI. The land use amendment has a recommendation of approval.

The proposed rezoning is consistent with the following Objective and Policies of the 2030 Comprehensive Plan, Future Land Use Element (FLUE):

FLUE Policy 1.1.8

Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

FLUE Policy 1.4.4

The City shall require all development within the 100 year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

FLUE 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.

FLUE 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.

FLUE Policy 3.2.33

Where there is not an adopted neighborhood plan and/or study recommending the contrary, within the “Area of Situational Compatibility”, as shown on the Industrial Preservation Map (Map L-23), lands designated Heavy Industrial or Light Industrial on the Future Land Use Map that are strategically located to provide access to rail facilities or trucking routes; serve ports; or serve airport multi-modal requirements, shall not be converted to a nonindustrial land use category unless the applicant demonstrates to the satisfaction of the City that the site cannot be reasonably used for any of industrial uses. Reasonable demonstration for suitability of industrial uses may include but is not limited to the following: Access to arterial road network, access to rail, proximity to existing residential, industrial vacancy rates in the vicinity, size of parcel and potential for redevelopment. Conversion of these lands shall only be permitted for construction of mixed use development consistent with the requirements for job creation as defined by Policy 3.2.34.

FLUE Policy 4.1.5

Continue enforcement of existing Land Development Regulations in the City, which are consistent with this plan, including:

Zoning Code;

Code of Subdivision Regulations;

Flood Plain Regulations;

Landscape and Tree Protection Regulations;

Housing Safety Code;

Unsafe Buildings and Structures Code;

Community Redevelopment Programs; and Building Code.

As conditioned, this proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development does not intend to utilize lands for residential development.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors.

The use of topography, physical environment and other natural features: The written description and site plan identify and protect the existing wetlands and Cedar Creek.

The particular land uses proposed and the conditions and limitations thereon: The written description allows only the existing historic uses. No uses by exception are permitted. There is a restriction on the hours of operation.

(5) External Compatibility

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The proposed development is located in an area where industrial development is encouraged and preserved by the Industrial Situational Compatibility overlay.

The application has been routed to Florida Department of Transportation who has no objection (Memo attached) and the site has direct access to Beaver Street West, a principal arterial roadway.

The Comprehensive Plan and existing zoning on surrounding lands:
The adjacent uses, zoning and land use categories are as follows:

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use</u>
North	LDR/LI	RR-Acre/RLD-60/IL	Wetlands/Auto Salvage
East	LI	IL	Wetlands
South	LI/HI	IL	Wetlands/Manufacturing/Warehouse
West	CGC/LDR	CCG-2/RR-Acre	Wetlands

(6) Intensity of Development

The proposed development is consistent with the HI functional land use category and is a single-use industrial development. The auto salvage yard will support the automotive and industrial needs of the community.

(7) Usable open spaces plazas, recreation areas.

No open spaces, plazas or recreational areas are proposed due to the heavy industrial nature of the use.

(8) Impact on wetlands

There are minimal impacts to wetlands and all such impacts will be required to comply with state and local permitting requirements. Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did identify wetlands on-site.

(9) Listed species regulations

No wildlife survey was required as the project is less than the 50-acre threshold.

(10) Off-street parking including loading and unloading areas.

As conditioned, the site will be redeveloped to include loading and unloading areas, Americans with Disabilities Act compliant parking areas, restricted to legal access to Beaver Street, and provision of at least the minimum required vehicle use area landscape buffering.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on September 29, 2015 the required Notice of Public Hearing sign **was** posted.



Figure 1. Subject property viewed looking north from Beaver Street showing existing vehicular use area.



Figure 2. Subject property viewed looking north from Beaver Street West showing notice sign posted.



Figure 3. Subject property viewed looking north from Beaver Street showing one of several non-conforming structures.

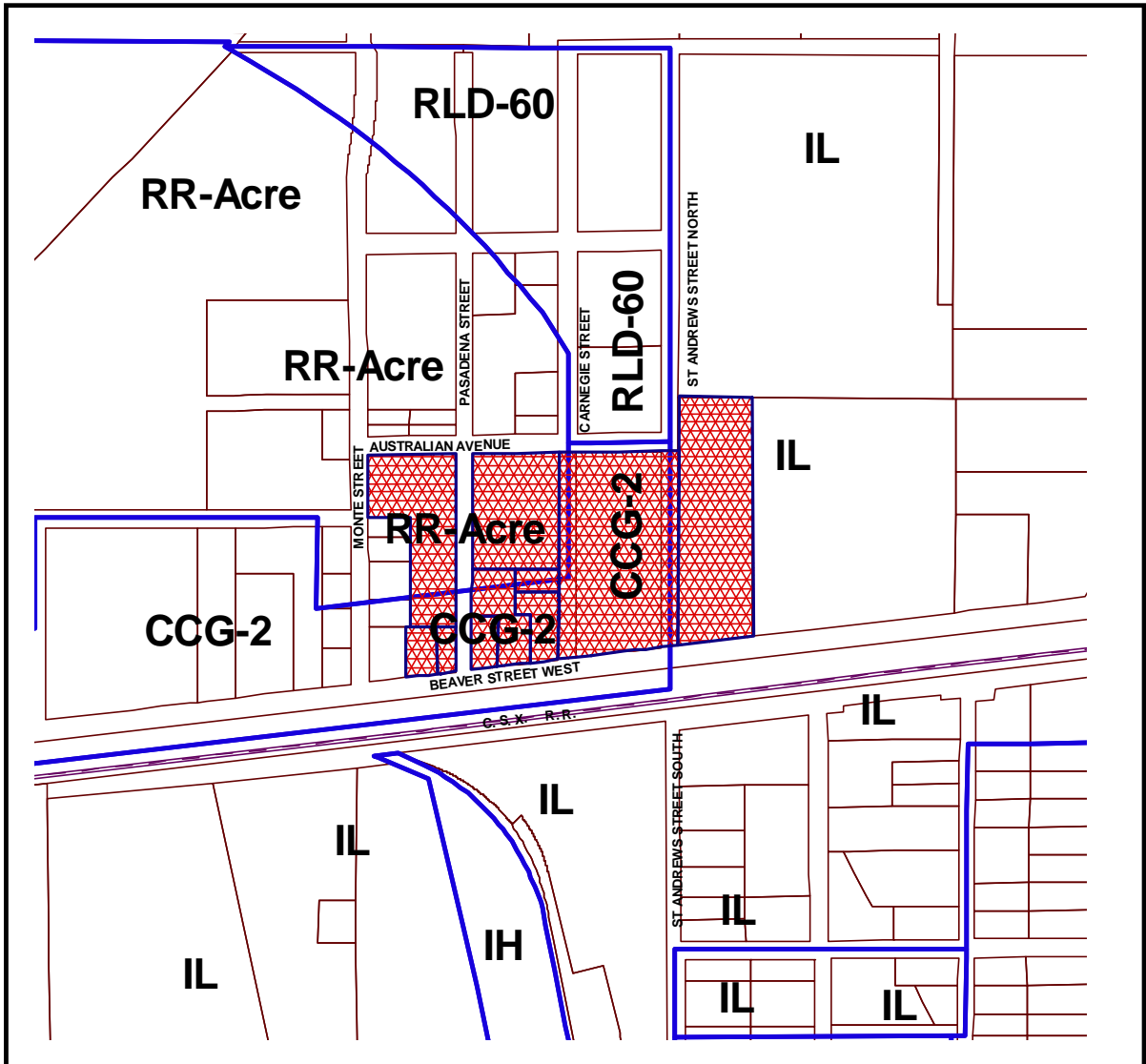
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-0684** be **APPROVED with the following exhibits:**

1. The original legal description dated September 4, 2015.
2. The original written description dated October 5, 2015.
3. The original site plan dated August 18, 2015

It is the recommendation of the Planning and Development Department that Application for Rezoning **2015-0684** be **APPROVED with the following Conditions:**

1. The owner shall install and maintain a minimum eight (8) foot high fence/wall, at least 95% opaque along Beaver Street frontage. Fence materials shall consist of metal, vinyl/PVC, stucco/masonry wall, or wood composite.
2. Storage of vehicles and/or parts may be outdoors, inside structures, on the ground or on racks. Vehicles and/or parts shall not be stored within ten (10) feet of any property line. Racks shall not be located closer than 175 feet from the right-of-way of Beaver Street or within sixty (60) feet of any other property line. Racks and/or vehicle storage shall not exceed twelve (12) feet in height.
3. The owner shall bring the property into compliance with the City of Jacksonville Code of Ordinances including conditions listed above within 90 days of enactment of the Ordinance.



<p>REQUEST SOUGHT:</p> <p>FROM: RR-Acre, IL & CCG-2</p> <p>TO: PUD</p>		<p>N W E S</p> <p>0 100 Feet</p> <p>COUNCIL DISTRICT: 10</p>
<p>ORDINANCE NUMBER: ORD-2015-0684</p>	<p>TRACKING NUMBER: T-2015-0720</p>	<p>Exhibit 2</p>