

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-0624

OCTOBER 5, 2017

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 **2017-0624**.

<i>Location</i>	0 Old Kings Road, West side of Old Kings Road between Paragon Street and Coolidge Street
<i>Real Estate Number:</i>	003007 0000
<i>Current Zoning District:</i>	Residential Rural-Acre (RR-Acre)
<i>Proposed Zoning District:</i>	Industrial Light (IL)
<i>Current Land Use Category:</i>	Low Density Residential (LDR)
<i>Proposed Land Use Category:</i>	Light Industrial (LI)
<i>Planning District:</i>	Northwest, District 5
<i>Agent:</i>	Curtis L. Hart Hart Resources, LLC 8051 Tara Lane Jacksonville, FL 32216
<i>Owner</i>	Roy Shaw Shaw's Land Properties, LLC 2762 West Beaver Street Jacksonville, FL 32254
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2017-0624** seeks to rezone approximately 4.46 acres of land from Residential Rural-Acre (RR-Acre) to Industrial Light (IL). There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, Ordinance 2017-0623 (Application #2017C-017) that changes the

functional land use category of the subject property from Low Density Residential (LDR) to Light Industrial (LI).

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 district consistent with the functional land use category identified in the 2030 Comprehensive Plan?

Yes. The request is to rezone the 4.46 acre parcel on Old Kings Road from RR-Acre to IL. The Planning and Development Department finds that the subject property is located in the LDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the *2030 Comprehensive Plan*. However, a companion Application for Small Scale Land Use Amendment to Future Land Use Map Series *2030 Comprehensive Plan*, i.e. Ordinance 2017-623 (Application 2017C-017) was filed requesting amendment of the subject property's functional land use category from LDR to LI. The Industrial Light zoning district is a primary zoning district within the proposed Light Industrial functional land use category. Moncrief Road is a collector roadway and Old Kings Road is a minor arterial roadway. Across Old Kings Road from the subject site are single-family homes and mobile homes. Additionally, the subject site is a long narrow lot that backs up to I-295 to the west. Additionally, the owner of the subject property also owns the 9.31 acre vacant industrial property to the north of this parcel that is currently zoned IL. The subject site is located in an Industrial Situational Compatibility zone and pursuant to Section 656.399, Jacksonville Ordinance Code; the site must exceed the buffers required under Part 12 of the Zoning Code. If the amendment is adopted by the City Council, this Application for Rezoning from RR-Acre to IL 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?***

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

Future Land Use Element (FLUE) Objective 1.1

Ensure that the type, rate and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE Policy 1.1.22

Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

FLUE 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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

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 3.1.3

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

FLUE Policy 3.2.1

The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

FLUE Policy 3.2.4

The City shall permit expansion of commercial uses adjacent to residential areas only if such expansions maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations

FLUE Policy 3.2.20

Residential uses shall be classified as non-conforming uses within industrial designated areas, except in the case of designated residential enclaves as defined in this element.

Industrial Zones

The subject property is located within the “Industrial Situational Compatibility Zone”. The “Industrial Sanctuary” and the “Industrial Situational Compatibility” zones are areas identified on the Industrial Preservation Map (Map L-23) of the Future Land Use Element of the *2030 Comprehensive Plan* as strategically located lands for future industrial expansion and economic development.

FLUE 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” and “Areas of Situational Compatibility”.

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.

Wetlands

A wetlands survey map has been prepared for the site with the use of the City’s GIS system and photogrammetric analysis. According to the Florida Land Use Classification System (FLUCCS), the property is classified as “Scrub-Shrub Wetland”. However, due to the natural forest succession, the wetland is now a “Wetland Forested Mixed” type wetland consisting of approximately 1.76 acres of the 4.46 acre application site. The wetlands are located on the western portion of the site and are part of a larger isolated 7.38 acre wetland system found on the adjacent northern and southern properties. The wetlands sit in a natural depression where the topography drains to it from the north, south, east, and west (I-295). The “Category III” wetland has a medium functional value due to its water filtration and storm water attenuation. There is no environmental resource permit presently issued for the land use amendment site. However, alteration of

this wetland for development will require mitigation from the St John's Water Management District.

Any proposed development of the property could have an impact on the site's wetlands and their functional values. Mitigation will satisfy Goal 4 and Objective 4.1 of the Conservation and Coastal Management Element (CCME) of the Comprehensive Plan to achieve no net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetland resources over the long-term, improve the water quality, and improve fish and wildlife values of wetlands. Other general requirements for development in wetlands include permitted uses, maintenance of water quality, maintenance of vegetation, and hydrology are specified in Policy 4.1.3 of the CCME, *2030 Comprehensive Plan*. However, mitigation of the site's wetlands will satisfy the policy as well.

Conservation and Coastal Management Element (CCME) Goal 4

To achieve no further net loss of natural functions of the City's remaining wetlands, improve the quality of the City's wetland resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

CCME Objective 4.1

The City shall protect and conserve the natural functions of the existing wetlands, including estuarine marshes.

Flood Zone

Approximately 1.37 acres of the subject site was determined to be within the 100 year flood zone. This area is associated with Nine Mile Creek and follows the 23 foot elevation consisting of approximately 1.37 acres of the 4.46 acre subject site. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceed in any given year. The 1-percent annual chance of flood is also referenced to as the base flood or 100-year flood. SFHA's are labeled as "AE". Moderate flood hazard areas are also shown on the map for the property as are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

CCME 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.

CCME Policy 2.7.1

The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

CCME Policy 2.7.3

The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:

- A. Land acquisition or conservation easement acquisition;
- B. Regulations, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
- C. Incentives, including tax benefits and transfer of development rights.

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. The subject property meets the requirements of the IL Zoning District as set forth in Section 656.324 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The surrounding uses, land uses, and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LI	IL	Undeveloped
East	LDR	RLD-60	Single-family
South	LDR/LI	RR-Acre/IL	Undeveloped/Truck Sales
West	HI	IH	I-295/Undeveloped

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 20, 2017, 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 **2017-0624** be **APPROVED**.



Aerial

Source: Staff, Planning and Development Department

Date: 09.14.2017



Subject Property

Source: Staff, Planning and Development Department

Date: 09.20.2017



Adjoining property to the east, across Old Kings Road

Source: Staff, Planning and Development Department

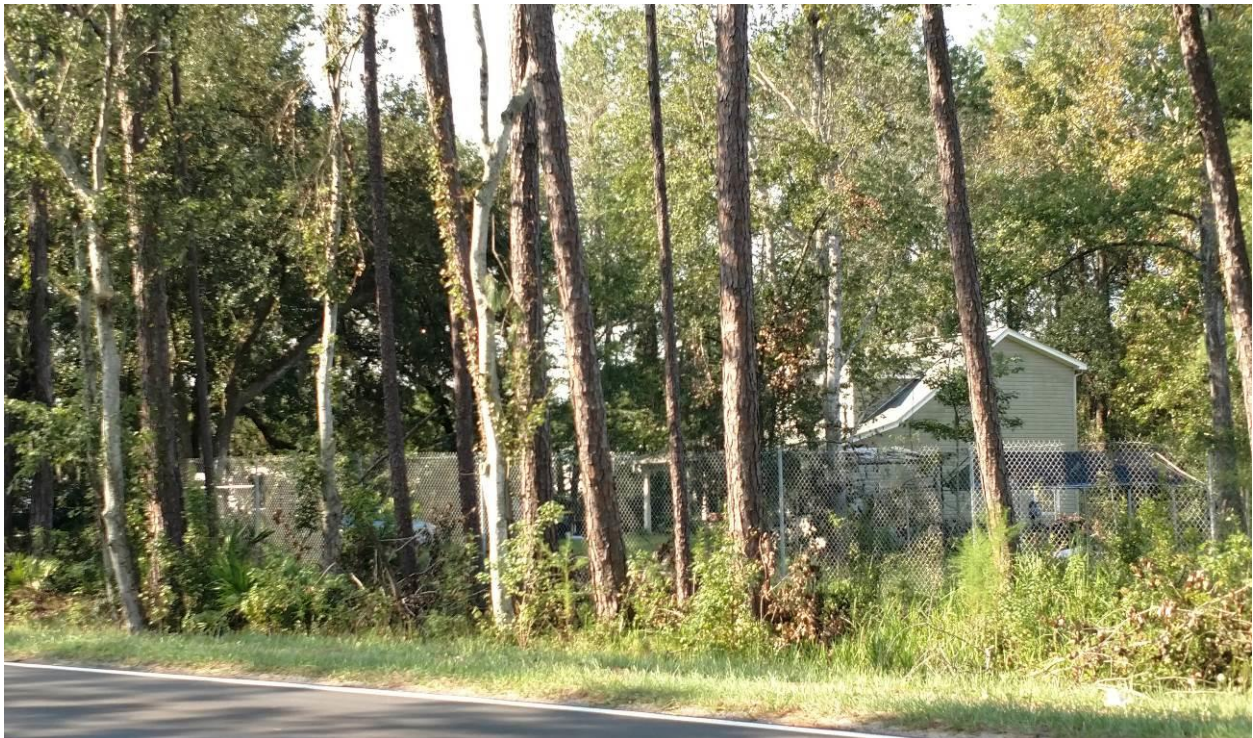
Date: 09.20.2017



Adjoining property to the east, across Old Kings Road

Source: Staff, Planning and Development Department

Date: 09.20.2017



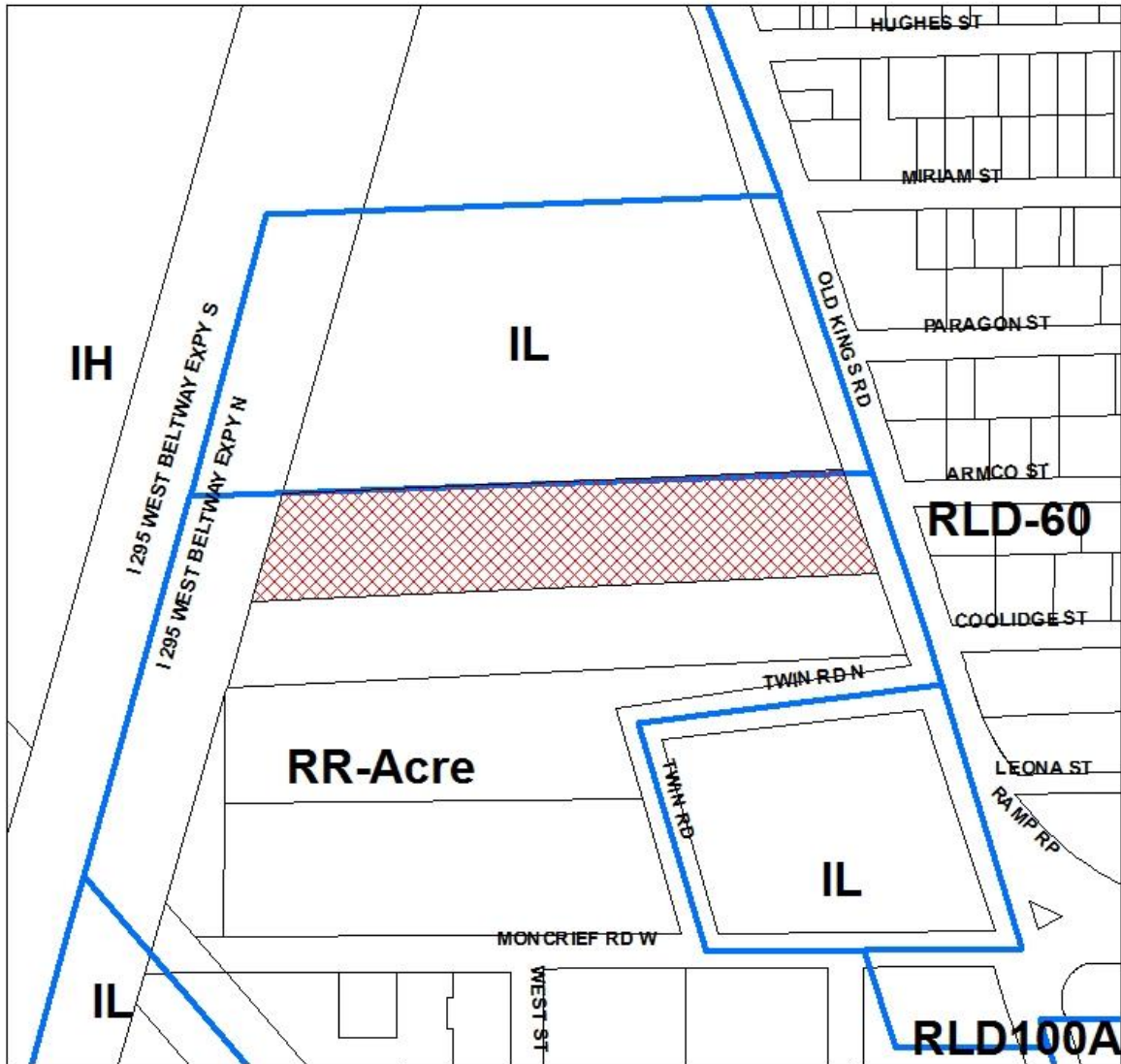
Adjoining property to the south

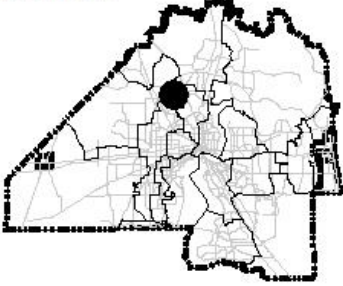

Source: Staff, Planning and Development Department

Date: 09.20.2017



Adjoining property to the north
Source: Staff, Planning and Development Department
Date: 09.20.2017



<p>REQUEST SOUGHT:</p> <p>FROM: RR-Acre</p> <p>TO: IL</p>	<p>LOCATION MAP:</p> 	 <p>0 95 190 380 Feet</p> <p>COUNCIL DISTRICT: 8</p>
<p>ORDINANCE NUMBER: ORD-2017-0624</p>	<p>TRACKING NUMBER: T-2017-1506</p>	<p>Page 1 of 1</p>