

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

August 5, 2021

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.: 2021-366**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan 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**

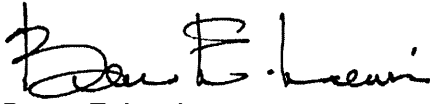
Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote:	6-0
Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	Aye
Jason Porter	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, 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 2021-0366****AUGUST 5, 2021**

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 **2021-0366**.

Location: 0 Lem Turner Road
North side of Capper Road

Real Estate Number: 020399-0300

Current Zoning District: Planned Unit Development (PUD) 1996-0394

Proposed Zoning District: Residential Medium Density-A (RMD-A)

Current Land Use Category: Community General Commercial (CGC)

Proposed Land Use Category: Residential Professional Institutional (RPI)

Planning District: North, District 6

Applicant/Agent: Fred Atwill
Atwill LLC
9001 Forest Acres Lane
Jacksonville, Florida 32234

Owner: Robert Lansburgh
Jacksonville Self Storage II, LLC
154 Riverwood Drive
Miami, FL 33179

Staff Recommendation:**APPROVE****GENERAL INFORMATION**

Application for Rezoning Ordinance **2021-0366** seeks to rezone 1.79± acres of a property from Planned Unit Development (PUD) Ordinance #1996-0394-E to Residential Medium Density-A (RMD-A). The property is currently located in the Community General Commercial (CGC) land use category within the Suburban Area of the Future Land Use Element of the 2030 Comprehensive Plan. There is a companion Land Use Amendment, **2021-0365 (L-5567-21C)**. The

proposed LUA is for Community General Commercial (CGC) to Residential Professional Institutional (RPI). The applicant seeks to develop the site for residential uses.

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-5567-21C (Ordinance 2021-0365) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Residential Professional Institutional (RPI). 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. RPI in the Suburban Area is intended to provide low to medium density development. Development which includes medium density residential and professional office uses is preferred. The maximum gross density in the Suburban Area is 20 units/acre. Plan amendment requests for new RPI designations are preferred in locations which are supplied with full urban services and in locations which serve as a transition between commercial and residential land uses.

The proposed RPI land use category is consistent with the proposed RMD-A zoning district.

Future Land Use Element

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.

The proposed rezoning of RMD-A will be compatible with other uses already existing within the surrounding area and will be in compliance with Policy 1.1.22.

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 properties is located in the Suburban Area and According to the JEA Availability letter dated May 19, 2021, 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 6.3

The City shall accommodate growth in Jacksonville by encouraging and facilitating new 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 to Medium Density Residential area.

Archaeological Sensitivity:

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of high sensitivity for the presence of archaeological resources. Projects that move forward through the Site Review process may be required to perform a

Professional Archaeological Reconnaissance Survey on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Policy 1.2.6

The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

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 PUD to RMD-A in order to permit the development of residential uses.

SURROUNDING LAND USE AND ZONING

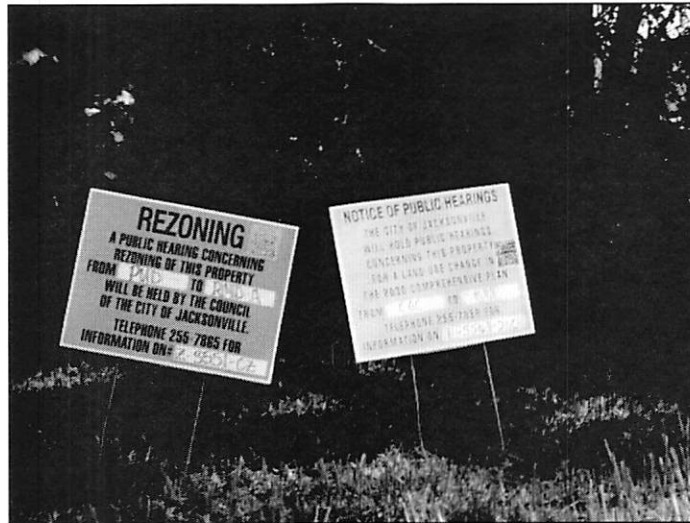
The property is located on the north side of Capper Road, which is classified as a collector road, between Lem Turner Road, a minor arterial roadway, and Academy Park Drive. The site is one property west of the intersection with Lem Turner Road. The subject property is located between residential uses to the west and commercial uses to the east, along Lem Turner. Further west along Capper Road are a mix of single family dwellings and townhomes located in zoning districts ranging from RR-Acre to RMD-D. Lem Turner is a commercial corridor with properties ranging from Commercial Neighborhood zoning and Commercial Community General-1/2. The existing PUD for the property is a mixed-use development that is developed with a shopping center and allows retail commercial uses. The subject property rezoning to RMD-A will act as a transitional zoning district with single family dwellings to the west and the commercial uses to the east.

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	PUD 1996-0394	Shopping Center
South	CGC	CCG-1/2	Retail Store
East	NC	CN	Convenience Store
West	LDR	PUD 1996-0394	Vacant Wetlands

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

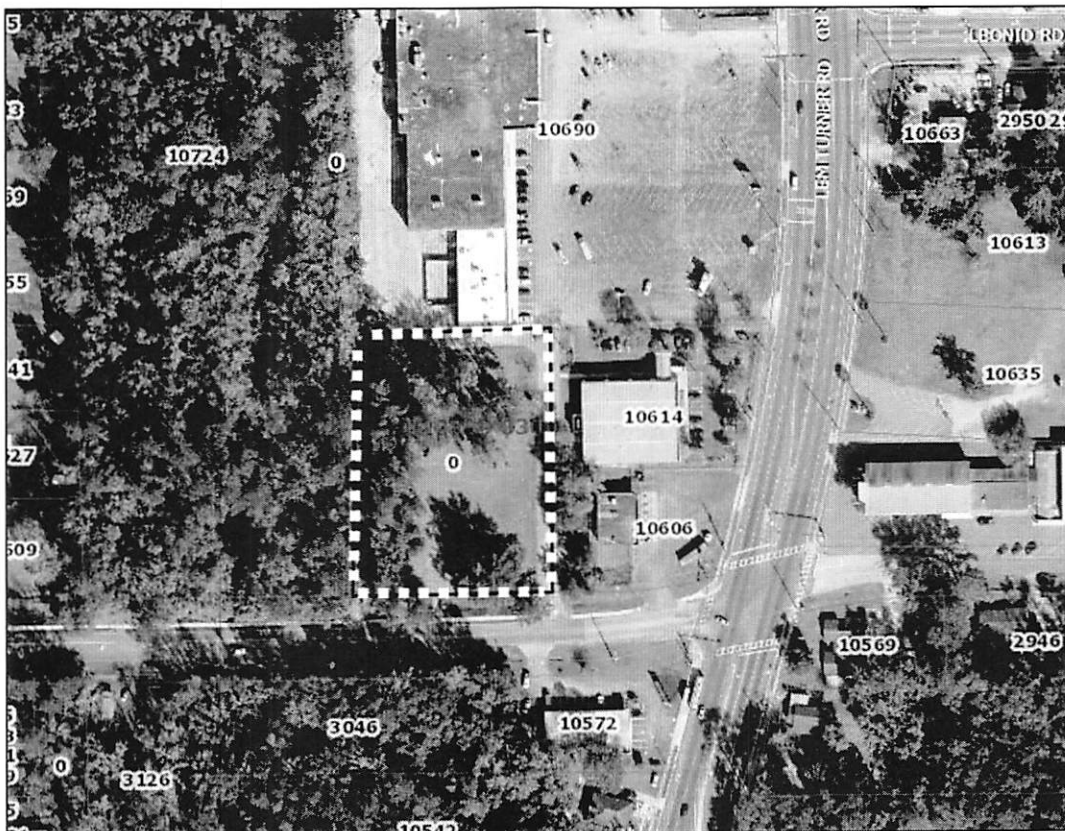
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **July 20, 2021** 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 **2021-0366** be **APPROVED**.



Aerial View

Source: JaxGIS Map



View of Subject Property

Source: Planning & Development Department 07/20/2021



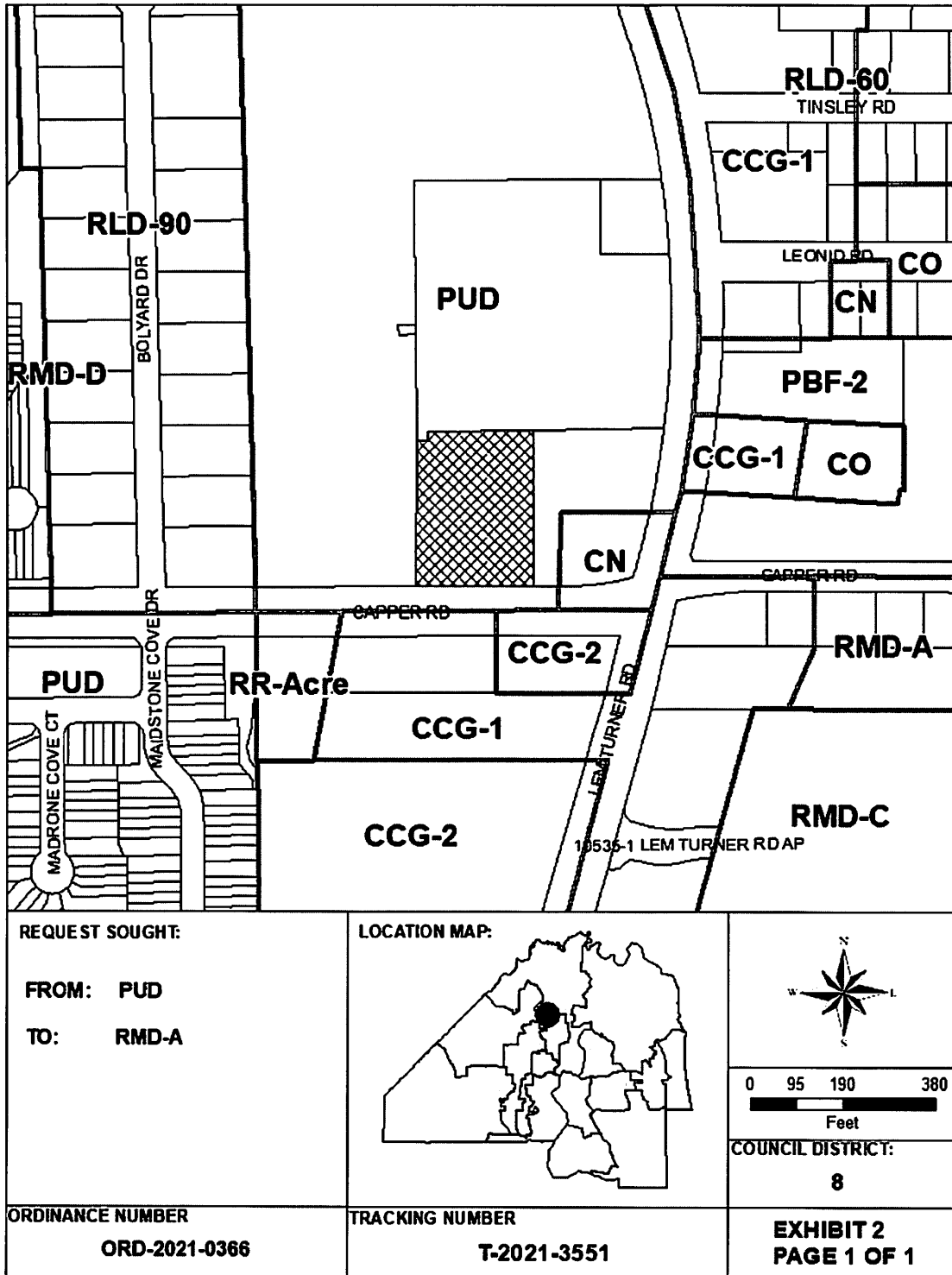
View of Property to the North

Source: Planning & Development Department 07/20/2021



View of Property to the East

Source: Planning & Development Department 07/20/2021



Legal Map
 Source: JaxGIS Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0366 **Staff Sign-Off/Date** ELA / 06/22/2021
Filing Date 06/22/2021 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 08/10/2021 **Planning Commission** 08/05/2021
Land Use & Zoning 08/17/2021 **2nd City Council** 08/24/2021
Neighborhood Association THE EDEN GROUP INC.
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3551 **Application Status** FILED COMPLETE
Date Started 05/14/2021 **Date Submitted** 05/14/2021

General Information On Applicant

Last Name ATWILL **First Name** FRED **Middle Name**
Company Name ATWILL LLC
Mailing Address 9001 FOREST ACRES LANE
City JACKSONVILLE **State** FL **Zip Code** 32234
Phone 9046108975 **Fax** 904 **Email** ATWILLFRED15@GMAIL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name LANSBURGH **First Name** ROBERT **Middle Name**
Company/Trust Name JACKSONVILLE SELF STORAGE II, LLC
Mailing Address 20340 NE 15TH COURT
City MIAMI **State** FL **Zip Code** 33179
Phone 3058771275 **Fax** **Email** RCLMGT@GMAIL.COM

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 96-394-344

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 020399 0300	8	6	PUD	RMD-A

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 #

5567

Total Land Area (Nearest 1/100th of an Acre) 1.79

Justification For Rezoning Application

MARKET AREAS INCREASING DEMAND FOR AFFORDABLE HOUSING OPTIONS

Location Of Property

General Location

NORTH SIDE OF CAPPER RD BETWEEN LEM TURNER & ACADEMY PARK DR.

House #	Street Name, Type and Direction	Zip Code
0	LEM TURNER RD	32218

Between Streets

ACADEMY PARK DRIVE and LEM TURNER ROAD

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

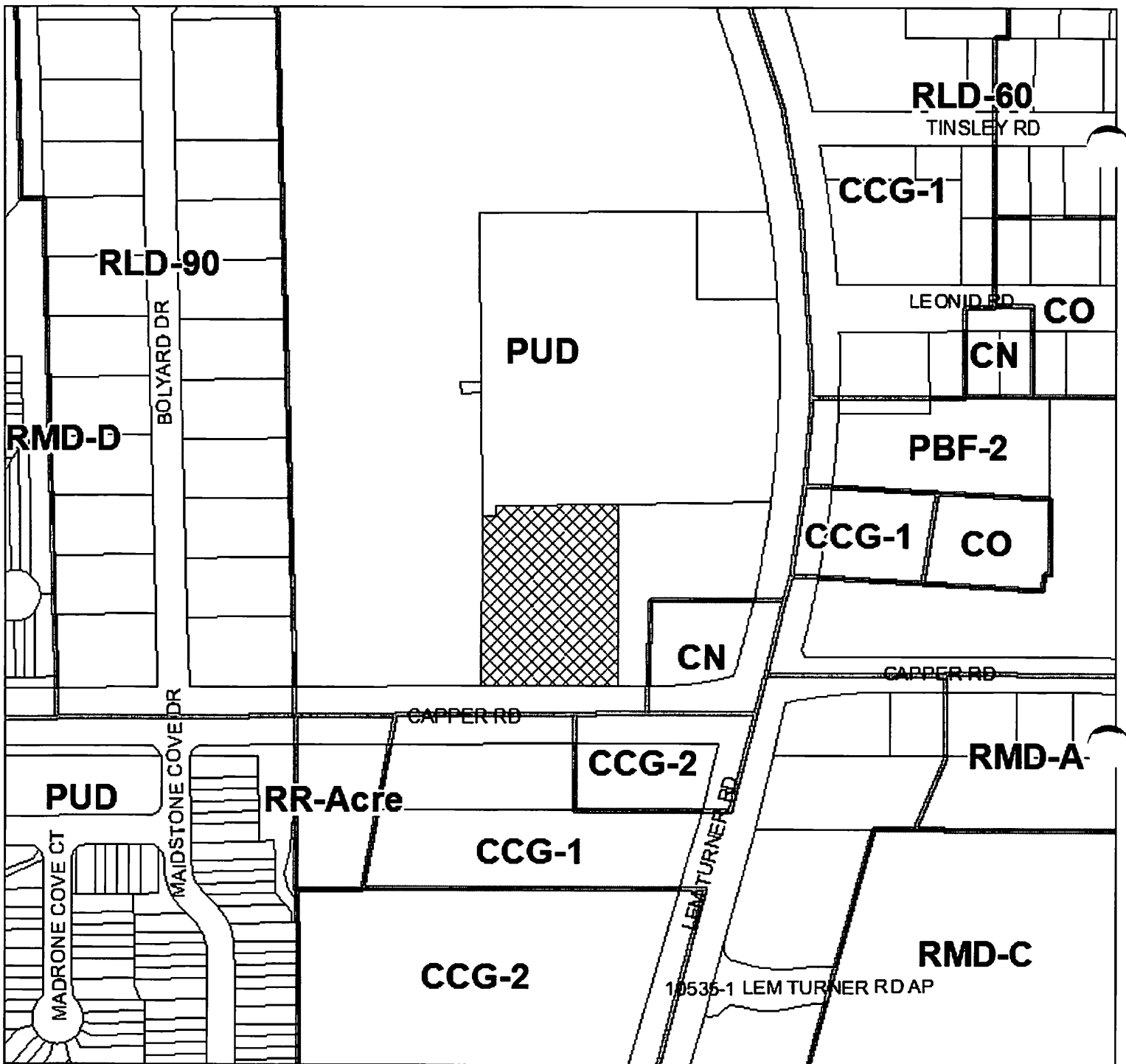
1.79 Acres @ \$10.00 /acre: \$20.00

3) Plus Notification Costs Per Addressee

16 Notifications @ \$7.00 /each: \$112.00

4) Total Rezoning Application Cost: \$2,132.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

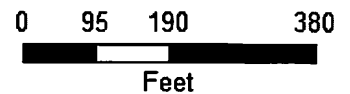
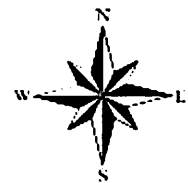
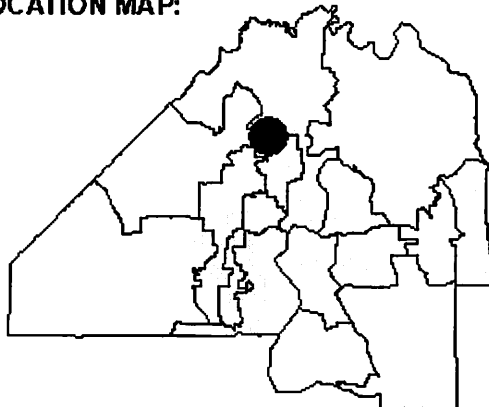


REQUEST SOUGHT:

FROM: PUD

TO: RMD-A

LOCATION MAP:



COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2021-3551

**EXHIBIT 2
PAGE 1 OF 1**

ORDINANCE _____

Legal Description

A PORTION OF LOT 2, LEM TURNER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 4, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 26 EAST, OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF CAPPER ROAD (COUNTY ROAD NO. 49) (AS NOW ESTABLISHED FOR A WIDTH OF 100 FEET) WITH THE WESTERLY RIGHT OF WAY LINE OF LEM TURNER ROAD (STATE ROAD NO. 115), AS NOW ESTABLISHED FOR A WIDTH OF 108 FEET; SAID POINT OF INTERSECTION LYING IN A CURVE, CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 750.01 FEET; RUN THENCE SOUTHWESTERLY AROUND SAID CURVE DEFINING THE NORTHERLY RIGHT OF WAY LINE OF CAPPER ROAD, AN ARC DISTANCE OF 190.36 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 82°03'27" WEST, 189.85 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°19'36" WEST 240.67 FEET; THENCE NORTH 00°40'24" WEST, 305.71 FEET; THENCE NORTH 89°19'36" EAST, 22 FEET; THENCE NORTH 00°40'24" WEST, 20 FEET; THENCE 89°19'36" EAST 218.56 FEET; THENCE SOUTH 00°40'24" EAST 325.69 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CAPPER ROAD AND THE POINT OF BEGINNING, THUS LANDS DESCRIBED CONTAIN 1.79 ACRES MORE OR LESS.



Availability Letter

Fred Atwill

5/19/2021

Atwill LLC

9001 Forest Acres Lane

Jacksonville, Florida 32234

Project Name: Townhouses at Capper Road

Availability #: 2021-2234

Attn: Fred Atwill

Thank you for your inquiry regarding the availability of Electric, Sewer, Water. The above referenced number in this letter will be the number JEA uses to track your project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire two years from the date above.

Point of Connection:

A summary of connection points for requested services are identified on the following page. JEA recognizes Connection Point #1 as the primary point of connection (POC); however, a secondary, conditional POC will be listed if available. JEA assumes no responsibility for the inaccuracy of any service connection portrayed on a JEA utility system record drawing. JEA requires field verification in the form of a Level A SUE of all POCs prior to any plan approval to ensure connection availability. Please note the Special Conditions stated in each section contain pertinent information and additional requirements as well as further instructions. In the event the point of connection is located within a JEA easement located on private property not owned by applicant, applicant shall be responsible to obtain a temporary construction easement (TCE) from the third party owner providing applicant with the right to construct the utilities. **The TCE will need to be provided by JEA prior to setting up a pre-construction meeting.**

Main Extensions and/or Offsite Improvements:

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. **It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida.** All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found at:


https://www.jea.com/engineering_and_construction/water_and_wastewater_development/reference_materials/

Reservation of Capacity:

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found at

Sincerely,

 Water, Sewer Reclaim
Availability Request Team

Availability Number: 2021-2234

Request Received On: 5/14/2021

Availability Response: 5/19/2021

Prepared by: Corey Cooper

Expiration Date: 05/19/2023

Project Information

Name: Townhouses at Capper Road

Address: 0 LEM TURNER RD, JACKSONVILLE, FL 32218

County: Duval County

Type: Electric,Sewer,Water

Requested Flow: 4500

Parcel Number: 020399 0300

Location: N Side of Capper Rd between Academy & Lem Turner

Description: Proposed development of 18 townhouse dwelling units

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Existing 16-inch water main within Capper Rd. ROW.

Connection Point #2:

Connection point not reviewed for site fire protection requirements. Private fire protection analysis is required. For the estimated cost of connecting to the JEA system, please submit

Water Special Conditions: request via Sages under Step 2 with APPROVED plans showing where the proposed connections will be installed. Plans must be accompanied with fire flow calculations both need to be signed and sealed by a licensed engineer.

Sewer Connection

Sewer Grid: Buckman

Connection Point #1: Existing 6-inch force main within Capper Rd. ROW.

Connection Point #2:

Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). Request a force main connection pressure letter through the JEA Sages

Sewer Special Conditions: program by entering your availability number and accessing the project portal. If needed, a development meeting can be scheduled prior to submitting a plan set. Request development meeting through the JEA Sages program by entering your availability number and accessing the project portal. Development Meeting, Force Main Connection Pressure Letter and Plan Submittal requests can be made within Step 2 of the project portal.

**Reclaimed Water
Connection**

Reclaim Grid:

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions:

Electric Availability:

Electric Special Conditions: The subject property lies within the geographic area legally served by JEA. JEA will provide electric service as per JEA's most current Rules and Regulations.

General Conditions: