

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

November 4, 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.: 2021-644**

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: **Approve**

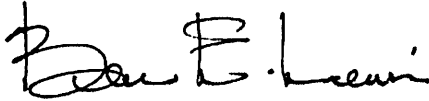
Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition. The Commissioners questioned whether the access to Key Haven Blvd was needed.

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

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 FOR
APPLICATION FOR REZONING ORDINANCE 2021-0644

OCTOBER 7, 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 **2021-0644**.

Location: 11191 Key Haven Boulevard; Southeast Quadrant of
Dunn Avenue (SR 104) and Key Haven Boulevard

Real Estate Number: 020151-0000

Current Zoning District: Residential Low Density-60 (RLD-60)

Proposed Zoning District: Neighborhood Commercial (NC)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Neighborhood Commercial (CN)

Planning District: District 6—North

Applicant/Agent: Emily G. Pierce, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: Charlotte D. Johnson
CDJ Properties Group, LLC
5853 Normandy Boulevard
Jacksonville, FL 32205

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-0644** seeks to rezone 0.22± acres of land from Residential Low Density-60 (RLD-60) to Neighborhood Commercial (NC). The request is being sought to allow for stormwater retention for the neighboring GATE Gas Station. Depending on approval from City agencies, the site may also be used for right-of-way access.

There is a companion Small Scale Land Use Amendment L-5591-21C (**Ordinance 2021-0643**) that seeks to amend the land use on the property from Low Density Residential (LDR) to Neighborhood Commercial (NC).

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. In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the Planning and Development Department finds that with the approval of companion Small Scale Land Use Amendment L-5591-21C (**Ordinance 2021-0643**), the subject property will be located in the Neighborhood Commercial (NC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

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. LDR in the Suburban Development Area is intended to provide for low-density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Residential development is permitted at up to seven (7) dwelling units per acre where centralized water and sewer is available.

NC in the Suburban Area is preferred in locations that are supplied with full urban services; which abut a roadway classified as a collector or higher on the Functional Highway Classification Map; and which are compatible with adjacent residential neighborhoods.

According to a JEA availability letter, dated August 16, 2021 there is an existing 16-inch water main and an existing 10-inch gravity sewer main within the Key Haven Boulevard. In addition the letter states that if necessary, the application site is to be used with the

adjacent service station to the east, the existing connection at the service station can be utilized if adequate.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element:

Policy 1.1.10

Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

The proposed rezoning at the subject site aforementioned policy by creating a gradual and scaled transition between the non-residential uses to the west and the residential uses to the south.

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 attached JEA Availability Letter (2021-3652) dated August 16, 2021, the subject property shall connect to the existing water and sewer main accounts.

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 RLD-60 to CN in order to permit for commercial development—all while adhering to local, state, and federal regulations.

SURROUNDING LAND USE AND ZONING

The subject property located in the southeast quadrant of Dunn Avenue (SR 104), a minor arterial roadway, and Key Haven Boulevard, a local residential road. The rezoning request to the CN Zoning District will allow for stormwater retention and right-of-way access along a predominately residential corridor. Adjacent land uses and zoning districts are as follows:

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	RC	CCG-1	Undeveloped Land
East	CGC	CCG-1	GATE Gas Station
South	LDR	RLD-60	Single-Family Dwellings
West	LDR	RLD-60	Single-Family Dwellings

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

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **October 14, 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 **2021-0644** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 08/09/21

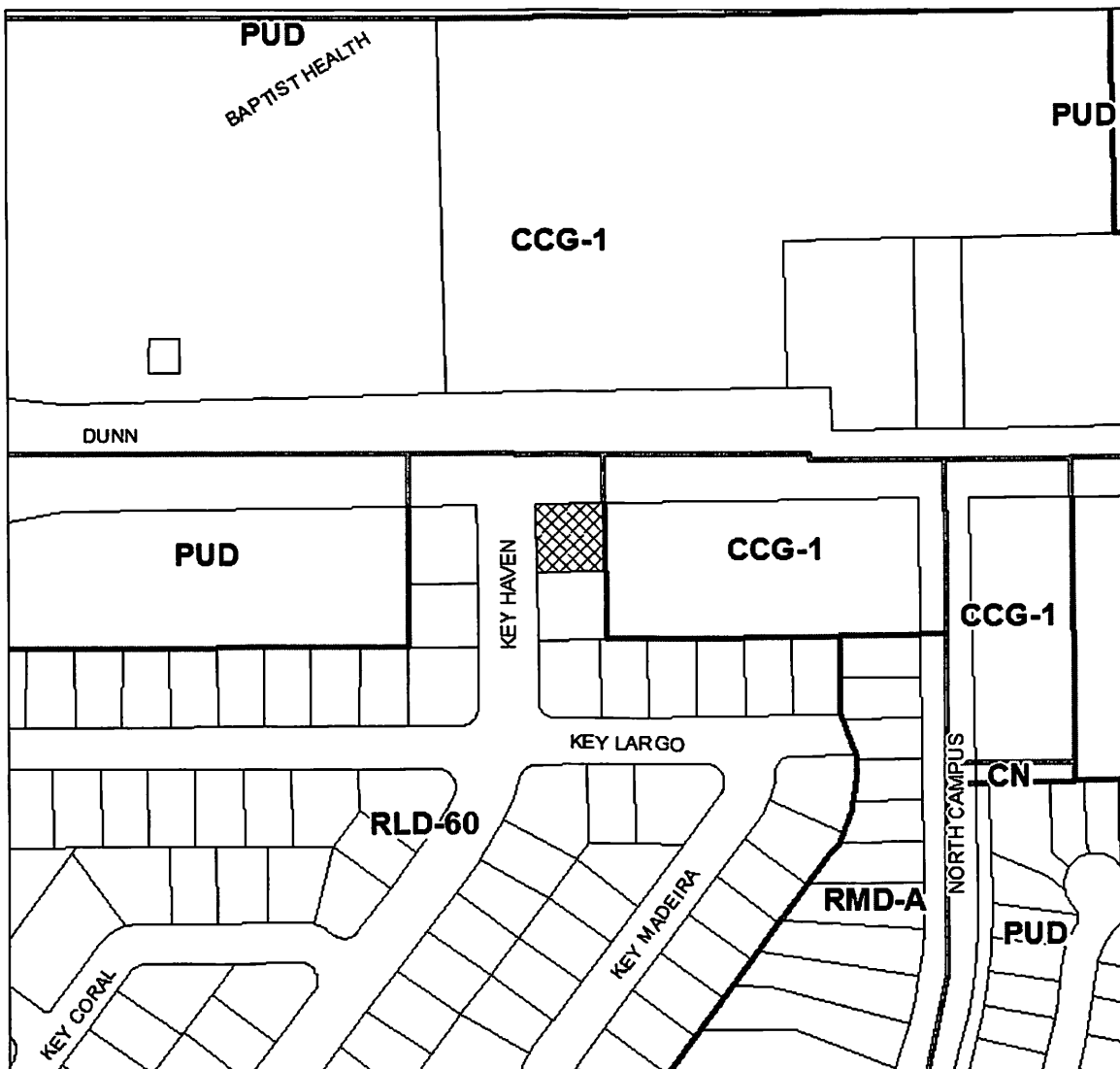
Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Google Maps, 11/19

View of the subject property, facing south along Dunn Avenue.



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CN</p>	<p>LOCATION MAP:</p>	<p>0 80 160 320 Feet</p> <p>COUNCIL DISTRICT: 8</p>
<p>ORDINANCE NUMBER ORD-2021-0644</p>	<p>TRACKING NUMBER T-2021-3647</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0644 **Staff Sign-Off/Date** ATW / 08/18/2021
Filing Date 09/07/2021 **Number of Signs to Post** 2
Hearing Dates:
1st City Council 09/12/2021 **Planning Commission** 10/07/2021
Land Use & Zoning 10/19/2021 **2nd City Council** 10/26/2021
Neighborhood Association THE EDEN GROUP INC.
Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 3647 **Application Status** FILED COMPLETE
Date Started 07/06/2021 **Date Submitted** 08/05/2021

General Information On Applicant

Last Name PIERCE **First Name** EMILY **Middle Name** G.
Company Name
 ROGERS TOWERS, P.A.
Mailing Address
 1301 RIVERPLACE BOULEVARD, SUITE 1500
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043983911 **Fax** 9043960663 **Email** EPIERCE@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name JOHNSON **First Name** CHARLOTTE **Middle Name** D
Company/Trust Name
 CDJ PROPERTIES GROUP LLC
Mailing Address
 5853 NORMANDY BLVD.
City JACKSONVILLE **State** FL **Zip Code** 32205
Phone **Fax** **Email**

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 020151 0000	8	6	RLD-60	CN

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 #

5591

Total Land Area (Nearest 1/100th of an Acre) 0.22

Justification For Rezoning Application

THE PROPERTY IS IMMEDIATELY ADJACENT TO CGC/CCG-1 PROPERTY. GATE WILL BE REMODELING THEIR SITE AND INTENDS TO USE THIS PARCEL FOR STORMWATER RETENTION AND POSSIBLY FOR ACCESS.

Location Of Property

General Location

SOUTHEAST CORNER OF DUNN AVENUE AND KEY HAVEN BOULEVARD

House #	Street Name, Type and Direction	Zip Code
11191	KEY HAVEN BLVD	32218

Between Streets

KEY HAVEN BOULEVARD and NORTH CAMPUS BOULEVARD

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

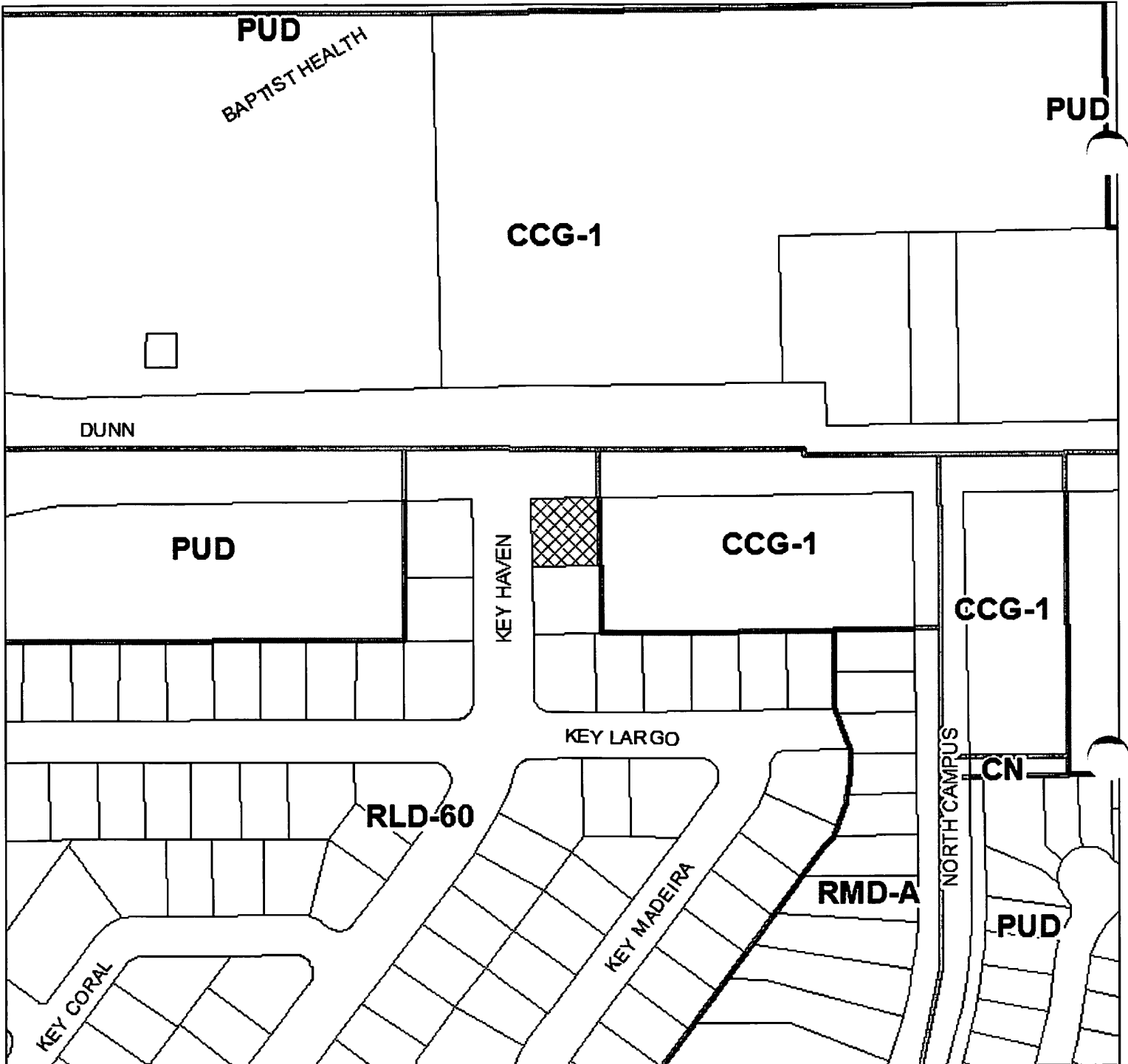
I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my 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
0.22 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
22 Notifications @ \$7.00 /each: \$154.00
- 4) Total Rezoning Application Cost: \$2,164.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

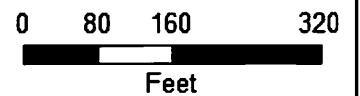
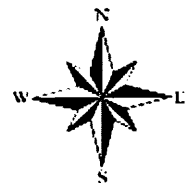
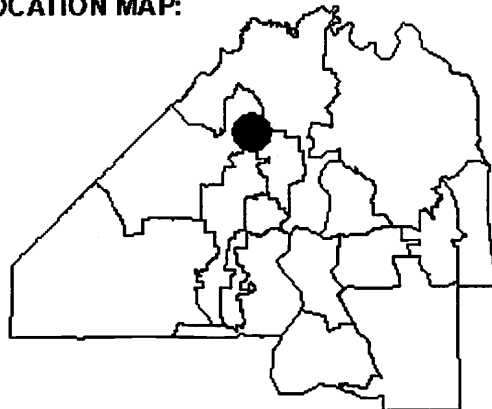


REQUEST SOUGHT:

FROM: RLD-60

TO: CN

LOCATION MAP:



COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2021-3647

**EXHIBIT 2
PAGE 1 OF 1**