

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO

APPLICATION FOR REZONING ORDINANCE 2020-0050

FEBRUARY 20, 2020

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 **2020-0050**.

Location: 0 & 5929 Seaboard Avenue

Real Estate Number: 103180-0000, 103183-0000

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

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

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Medium Density Residential (MDR)

Planning District: District 4—Southwest

Applicant/Agent: Wyman Duggan, Esq.
Rogers Towers, P.A.
1301 Riverplace Blvd, Suite 1500
Jacksonville, Florida 32207

Owner: Troy Albers
154 Riverwood Drive
Fleming Island, FL 32003

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2020-0050** seeks to rezone 7.5± acres of a property from Residential Low Density-60 (RLD-60) to Residential Medium Density-D (RMD-D). The property is located in the Low Density Residential (LDR) land use category within the Urban Area of the Future Land Use Element of the 2030 Comprehensive Plan. Land-Use Companion application **L-5412-19C** is requesting Land-Use change from Low Density Residential (LDR) to Medium Density Residential (MDR). The applicant seeks to develop the site with multifamily and single family residential units.

Additionally, the subject property is located with the Accident Potential Zone 2 area for NAS JAX and development within this portion of the property will be limited to single family residential dwellings only with a maximum density requirement of two (2) units per acre. Multi-family dwellings will not be permitted within this zone.



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 the subject property to be located in the Medium Density Residential (MDR) 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. MDR in the Urban Area is intended to provide compact medium density residential development. Multi-family dwellings are the predominant development typology in this category. The maximum gross density in the Urban Area shall be 20 units per acre, and the minimum gross density shall generally be greater than seven (7) units per acre. Because approximately 4.05 acres of the subject site is located within the APZ 2 for NAS JAX, development on this portion of the site will be limited to two (2) units per acre, consistent with FLUE Policy 2.5.4B (below). Development may be clustered on that portion of the property not in the APZ 2. The property is not located in any Coastal High Hazard Area (CHHA) or flood zone, and wetlands do not appear to be located on site.

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-D 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 Urban Area and According to the JEA Availability letter dated July 12, 2019, 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.

Recreation and Open Space Element:

Policy 2.2.2

The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

Once the applicant is granted approval for the rezoning and land-use amendment developer will need to comply with Policy 2.2.2 by providing active recreation parks or monetary contribution to the appropriate departments in order to be in compliance with the 2030 Comprehensive Plan.

Policy 2.2.5

All multiple-family developments of 100 units or more shall provide 150 square feet of active recreation area per dwelling unit. There may be one area for each 100 units, or the areas may be combined, subject to approval by the Planning and Development Department.

Airport Environment Zone:

The site is located within the 150 foot Height and Hazard Zone for the Naval Air Station Jacksonville (NAS JAX). Zoning will limit development to a maximum height of less than 150 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's

other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Approximately 4.05 acres of the site is within the Accident Potential Zone-2 (APZ 2). As such, this area is within the Military Influence Zone for NAS JAX. In accordance with Section 656.1010, the plat for a subdivision shall indicate which lots are located within a Military Influence Zone. No person shall sell, transfer, or lease land within a Military Influence Zone, unless the prospective owner, transferee or lessee has been given a disclosure of airport proximity in writing, at the time of contract of sale, transfer, or lease.

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 RMD-D in order to permit the development of multi-family dwellings.

SURROUNDING LAND USE AND ZONING

The subject site is located at the east side of Seaboard Avenue at the corner of Seaboard Avenue and 110th Street. It is also located within the Urban Area, Planning District 4 and Council District 9. According to the Future Land Use Element (FLUE), MDR in the Urban Development Area is intended to provide compact medium density residential development and serve as a transition between commercial and residential land uses. The area is an even mix of single family residential developments and multi-family residential living. Just to the north of the subject property is multiply multi-family residential developments located in Zoning Districts RMD-C and RMD-D. South along Seaboard Avenue the primary use transitions to single family dwellings with lots increasing from 60 feet for RLD-60 to 100 feet for RR-Acre.

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Church
South	LDR	RLD-60	Church
East	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 RMD-D will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **February 3, 2020** 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 **2020-0050** be **APPROVED**.



Aerial View

Source: JaxGIS Map



View of Subject Property

Source: Planning & Development Department February 3, 2020



View of Property to the South

Source: Planning & Development Department February 3, 2020



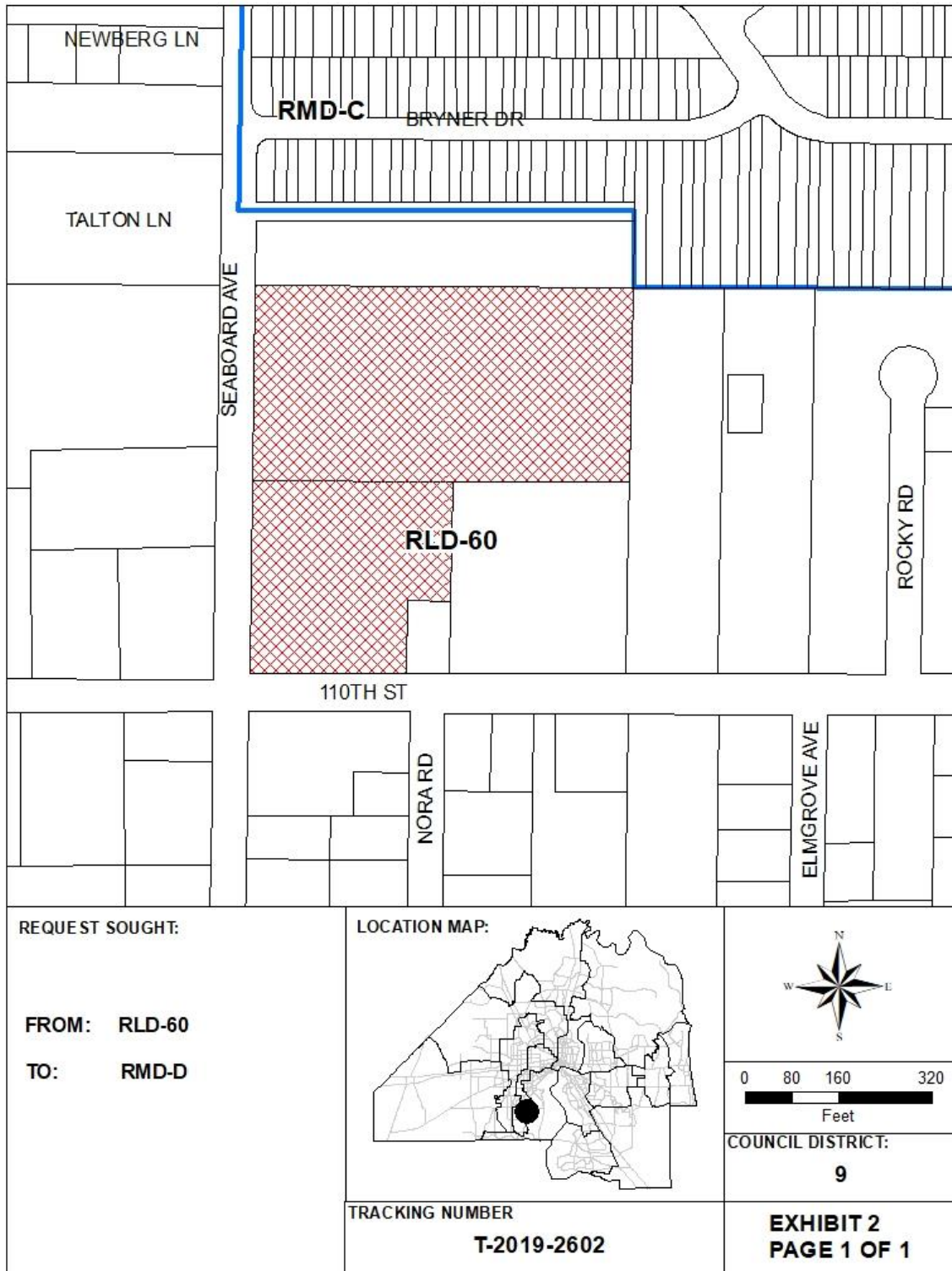
View of Property to the North

Source: Planning & Development Department February 3, 2020



View of Townhomes to the North

Source: Planning & Development Department February 3, 2020



Legal Map
Source: JaxGIS Map