

City of Jacksonville, Florida

Donna Deegan, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

October 5, 2023

The Honorable Ronald B. Salem, Pharm. D., President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2023-538**

Dear Honorable Council President Salem, Honorable Council Member and LUZ Chairperson Carrico 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: **7-0**

Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
Daniel Blanchard	Aye
Charles Garrison	Aye
David Hacker	Aye
Jack Meeks	Aye
Morgan Roberts	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO

APPLICATION FOR REZONING ORDINANCE 2023-0538

SEPTEMBER 21, 2023

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 **2023-0538**.

Location: 0, 1010 Mill Creek Road
Between Regency Square Boulevard and Libby Road South

Real Estate Number: 121150-0100, 120877-0010

Current Zoning District: Commercial, Residential and Office (CRO) & Commercial Office (CO)

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

Current Land Use Category: Community/General Commercial (CGC)

Proposed Land Use Category: Medium Density Residential (MDR)

Planning District: District 2—Greater Arlington/Beaches

Applicant/Agent: Wyman Duggan
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

Owner: 1010 Mill Creek, LLC
4025 Sunbeam Road
Jacksonville, FL 32257

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2023-0538** seeks to rezone 4.24± acres of land from Commercial, Residential and Office (CRO) and Commercial Office (CO) to Residential Medium Density-C (RMD-C). Located on the east side of Strawberry Creek and the west side of Mill Creek Road, a collector roadway, a request is being sought to allow for the development of 60 multi-family dwelling unit apartments. Staff also notes a companion Small Scale Land Use Amendment

L-5838-23C (**Ordinance 2023-0537**) that seeks to amend the land use from Community/General Commercial (CGC) to Medium Density Residential (MDR).

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 2045 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 2045 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. *Is the proposed rezoning consistent with the 2045 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-5838-23C (**Ordinance 2023-0537**), the subject property will 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 2045 Comprehensive Plan.

2. *Does the proposed rezoning further the goals, objectives and policies of the 2045 Comprehensive Plan?*

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2045 Comprehensive Plan. Below are the Category Descriptions from the FLUE:

Community/General Commercial: Community/General Commercial (CGC) in the Suburban Development Area is intended to provide a wide variety of retail goods and services which serve large areas of the City and in a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. The CGC land use category is considered preferred in nodal areas and roads classified as collector or higher on the Functional Highways Classificational Map.

Medium Density Residential: Medium Density Residential (MDR) in the Suburban Development Area is intended to provide compact low to medium density mixed use development. Plan amendment requests for new MDR 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.

Multi-family and single-family dwellings are the predominant development typology in this category. The maximum gross density in the Suburban Development Area shall be 20 units per acre, and the minimum gross density shall generally be greater than seven (7) units per acre.

The proposed rezoning to RMD-C is compatible with the corresponding land use changes to MDR.

Future Land Use Element (FLUE):

Policy 3.1.5

The City shall provide opportunities for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

If approved the rezoning would allow for 60 multi-family dwellings on the property. The surrounding area currently has single-family dwellings on lot sizes of RLD-40, RLD-50, RLD-60. The addition of these multi-family dwellings would continue to stay true to Policy 3.1.5 as it would provide more variety of housing in the area.

Policy 3.1.12

The City shall, through Land Development Regulations, require higher density residential development and supporting commercial facilities to locate on major arterial or collector roads used for mass transit routes, and in proximity to major employment areas in order to ensure the efficient use of land, public facilities, and services, and transportation corridors.

With the area being primarily single-family dwellings, the approval of this rezoning would permit higher density in an area not far from commercial uses and located along a collector roadway – following Policy 3.1.12.

Conservation Coastal Management Element (CCME):

Goal 4

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

The applicant will be required to follow the standards of criteria for wetland management.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of medium and 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.

Airport Environment Zone

The eastern 1/3 of the application site is located within the 150-foot Height and Hazard Zone for the Craig Airfield. Zoning will limit development to a maximum height of 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).

Flood Zones

Approximately 1.50 acres of the subject site is within the AE-Floodway and 0.17 of an acre is located in the 0.2 Percent Chance Annual Hazard Area. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100 years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The AE-Floodway are areas within the 100-year floodplain or SFHA where flood insurance is mandatory if construction is allowed within the floodway. Areas located within AE Floodway zones should be left intact as construction and filling within these areas is severely restricted.

The 0.2 PCT Annual Chance Flood Hazard area is within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.



Map of Flood Zones
Source: JaxGIS

Wetlands

Review of City data and site plan submitted by the applicant indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of the wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 1.60 Acres

General Location(s): Wetlands are located along the western portion of the property and is portion of a larger wetland system that buffers Strawberry Creek,

Quality/Functional Value:

The wetland has an extremely high functional value for water filtration attenuation and flood water capacity, is located within the 100 year flood zone (AE-Floodway) and has a direct impact on the City's waterways.

Soil Types/

Characteristics:

(62) Rutlege mucky fine sand, 0 to 2% slopes, frequently flooded – The Rutlege series consists of nearly level, very poorly drained, sandy soils. They formed in thick sandy marine sediments. They are on flood plains. The soil is rapidly permeable. The high water table generally is at or near the surface, and areas are subject to frequent flooding for brief periods.

Wetland Category: Category II

Consistency of Permitted Uses:

Any development within the wetlands must meet the performance standards in CCME policies 4.1.3 and 4.1.5 below.

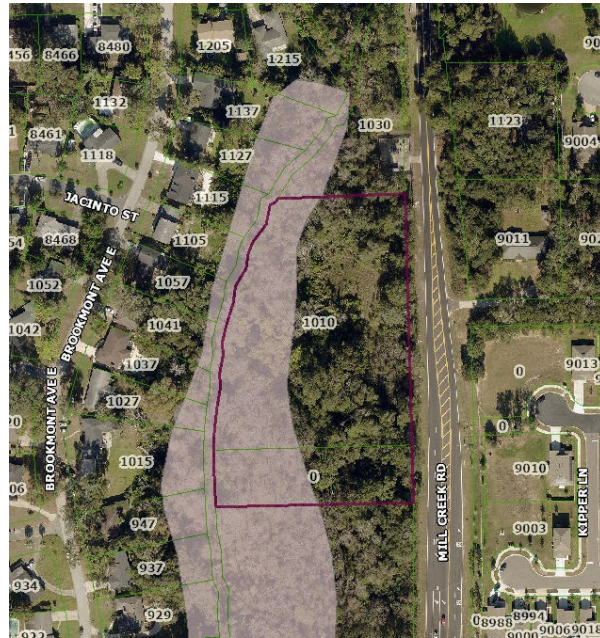
Environmental Resource

Permit (ERP): At present, no Environmental Resource Permit issued according to the St. Johns River Water Management District web site.

Wetlands Impact: Insufficient information to determine impacts.

Associated Impacts: Wetlands are located in and associated with the AE-Floodway.

Relevant Policies: Policy 4.1.3 and 4.1.5



Map of Wetlands
 Source: JaxGIS

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 CRO & CO to RMD-C in order to permit for a multi-family residential development.

SURROUNDING LAND USE AND ZONING

The subject property is located between Regency Square Boulevard and Libby Road South. The subject parcels are currently unoccupied and surrounded by single family dwellings. Below are the adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	CO	Vacant Governmental
East	RPI, LDR, MDR	RLD-60, RLD-50, RLD-40)	Single-Family Dwellings
South	CGC	CO	Vacant Commercial
West	LDR	RLD-60	Single-Family Dwellings

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

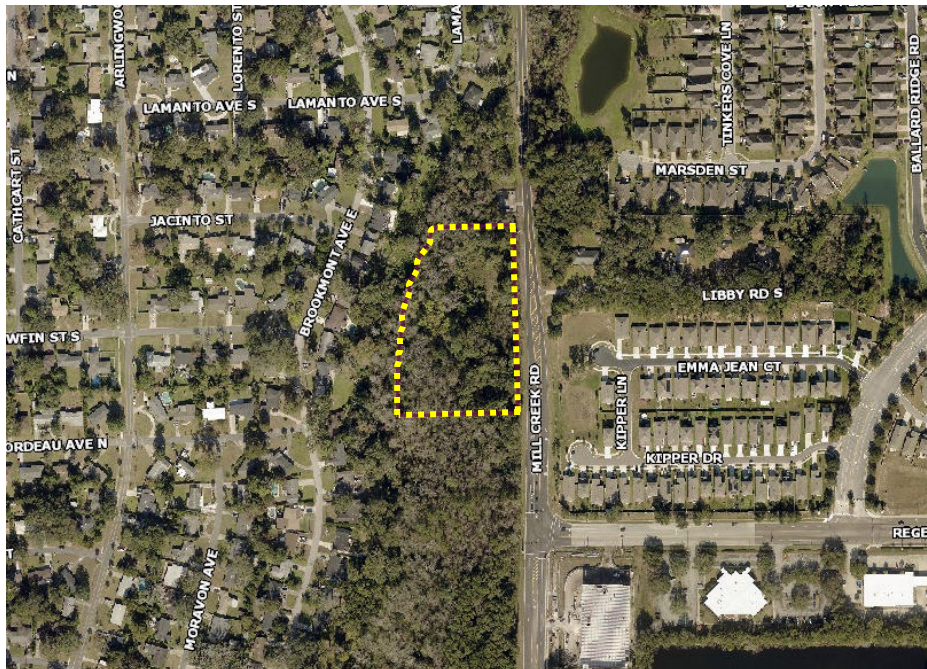
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 5, 2023**, by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

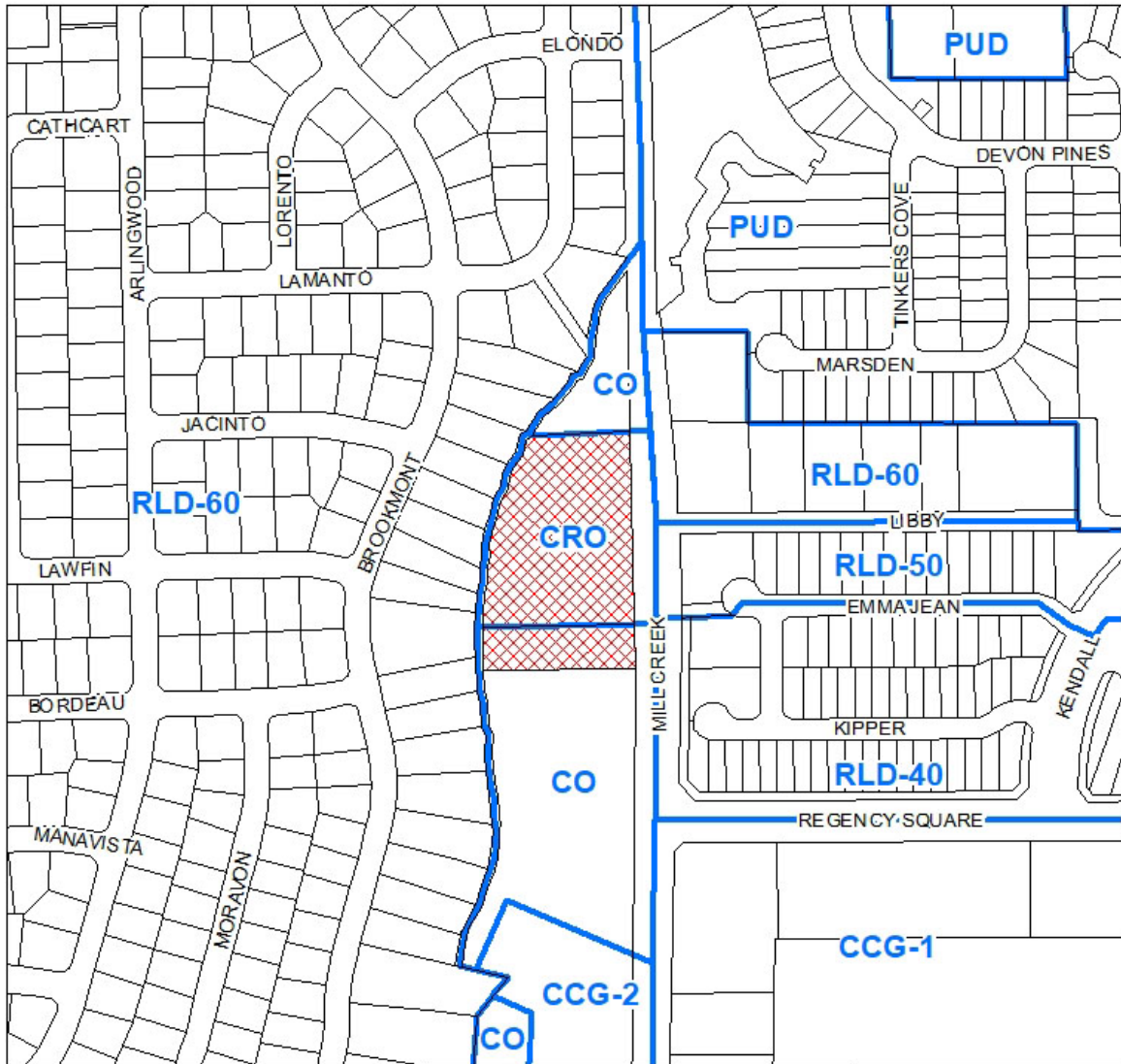
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2023-0538** be **APPROVED**.

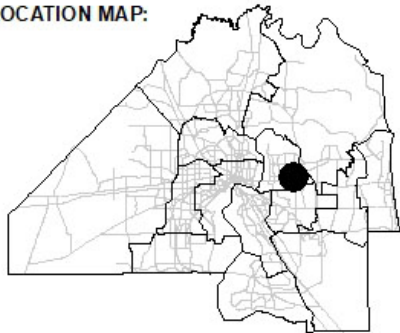
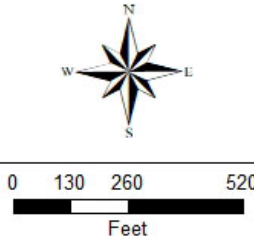


Aerial view of subject property



View of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: CRO & CO</p> <p>TO: RMD-C</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>1</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2023-0538</p>	<p>TRACKING NUMBER</p> <p>T-2023-4986</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Legal Map