

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

February 17, 2022

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.: 2022-53**

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**

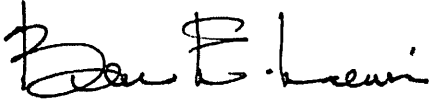
Planning Commission Recommendation: **Approve**

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

Planning Commission Vote:	7-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
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 2022-0053

FEBRUARY 17, 2022

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 **2022-0053**.

Location: 0 Soutel Drive; Between Ridge Boulevard and Gibson Avenue

Real Estate Number: 029360 0000

Current Zoning District: Planned Unit Development (PUD 2007-0087-E)

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: District 5 – Northwest

Applicant: Zach Miller, Esq.
Law Office of Zach Miller
7563 Philips Highway
Jacksonville, Florida 32256

Applicant: BCEL 5C, LLC
7563 Philips Highway
Jacksonville, Florida 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0053** seeks to rezone 0.58± acres of land from Planned Unit Development (**PUD 2007-0087-E**) to Residential Low Density-60 (RLD-60). The property is located in the Low Density Residential (LDR) land use category within the Urban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request is being sought in order to allow for the development of a single-family home.

The current PUD governing the property, PUD 2007-0087-E, was enacted on March 13, 2007 to allow for an adult congregate living facility. Prior to the approval of the PUD, the property was zoned as RLD-60.

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 Low Density Residential (LDR) 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.

Low Density Residential (LDR) is a category intended to provide for low-density residential development. Generally, single-family detached housing should be the predominant development typology. The maximum gross density permitted in Urban Area LDR is seven units/acre.

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. This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

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 (FLUE):

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

If approved the proposed residential development would allow for the construction of single-family dwellings. The proposed residential development will protect and preserve the character of the surrounding neighborhood by creating a lot in character with other lots within the area.

Objective 3.1

Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

The proposed rezoning at the subject site would directly address the projected growth within the given vicinity by providing for a greater variety of housing options for local residents.

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 a Planned Unit Development to RLD-60 in order to permit the development of a single-family home.

SURROUNDING LAND USE AND ZONING

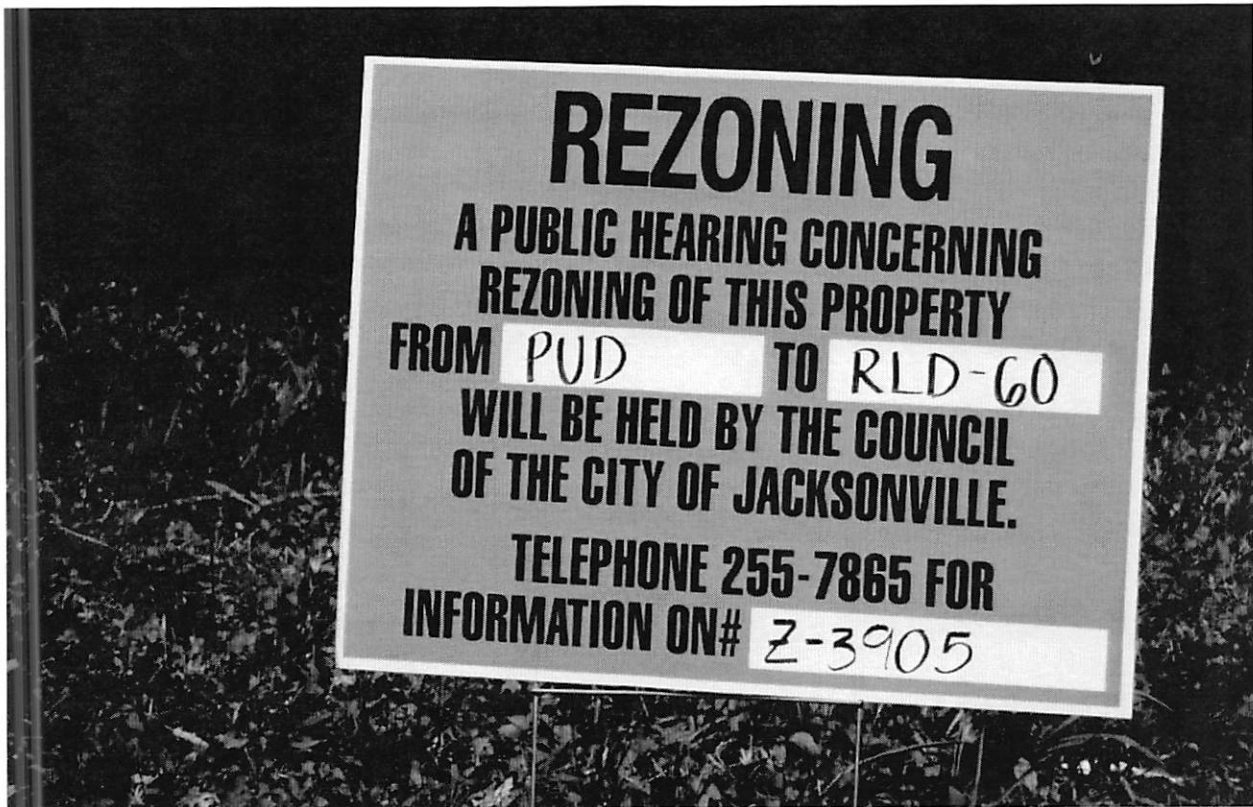
The subject property is located on the north side of Soutel Drive between Ridge Boulevard and Gibson Avenue. This portion of Soutel Drive is developed almost exclusively with single-family dwellings. Other properties are either undeveloped or similar in lot sizes to RLD-60. The proposed rezoning to RLD-60 would render the lots to have a 60 foot width and 6,000 square foot area—which, in terms of density, would complement the abutting residential lots of the subject property. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-60	Single-Family Dwelling
East	LDR	RLD-60	Single-Family Dwelling
South	LDR	RLD-60	Vacant
West	RPI	CO	Single-Family Dwelling, Vacant

It is the opinion of the Planning and Development Department that the requested rezoning to RLD-60 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **February 3, 2022** 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 2022-0053 be **APPROVED**.

Figure A:



Source: Planning & Development Department, 02/10/2022

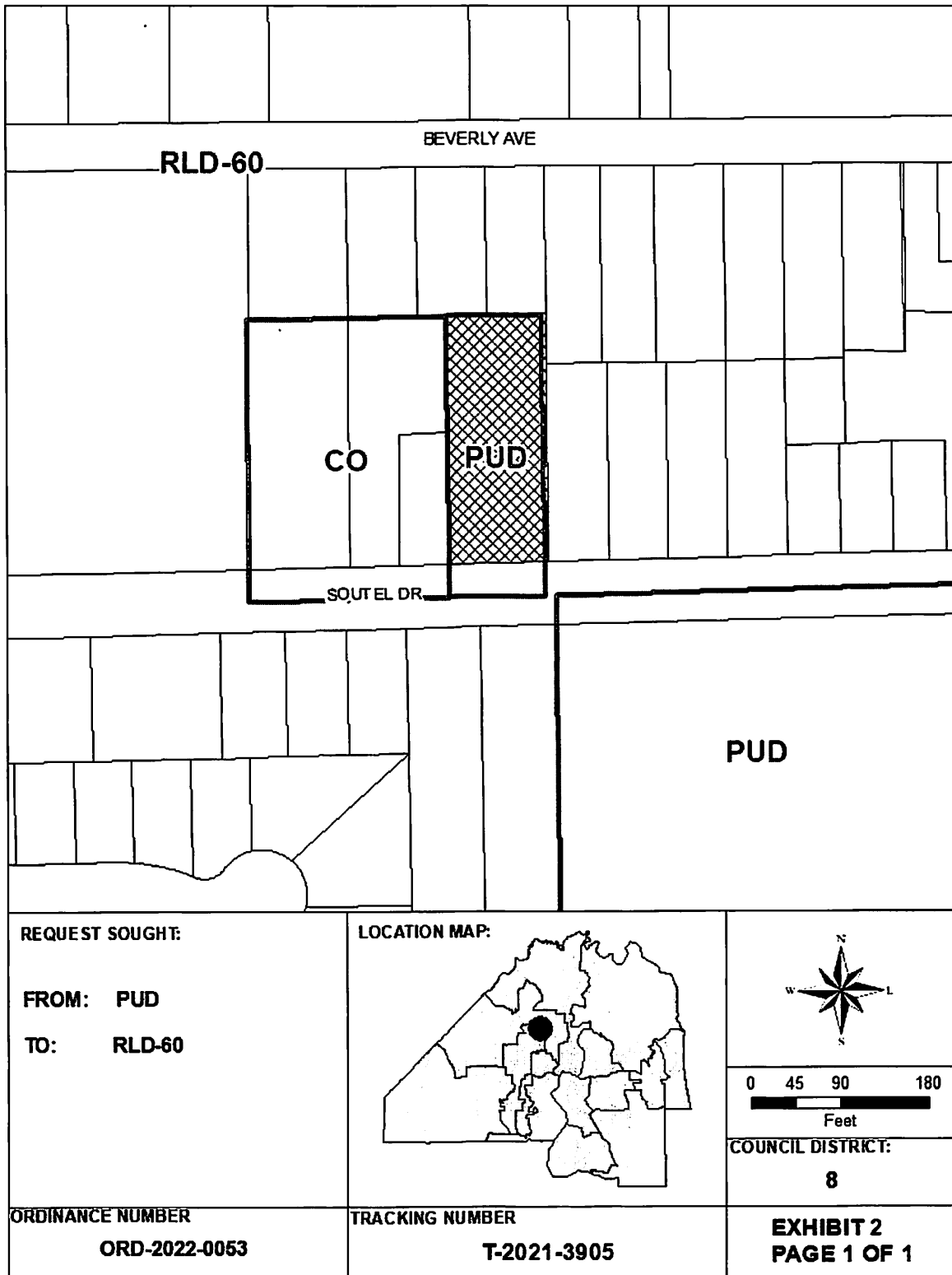
Aerial view of the subject site and parcel, facing north.

Figure B:



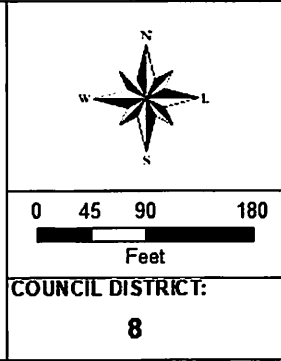
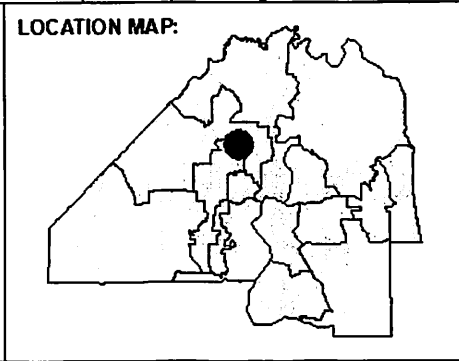
Source: Planning & Development Department, 2/3/2022

View of the subject property, facing north on Soutel Drive.



REQUEST SOUGHT:

FROM: PUD
TO: RLD-60



ORDINANCE NUMBER
 ORD-2022-0053

TRACKING NUMBER
 T-2021-3905

EXHIBIT 2
PAGE 1 OF 1

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0053 **Staff Sign-Off/Date** KPC / 12/17/2021
Filing Date 01/10/2022 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 02/22/2022 **Planning Commission** 02/17/2022
Land Use & Zoning 03/02/2022 **2nd City Council** N/A
Neighborhood Association TROUT RIVER JAX; KINLOCK CIVIC ASSOCIATION
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3905 **Application Status** PENDING
Date Started 11/17/2021 **Date Submitted** 11/17/2021

General Information On Applicant

Last Name MILLER **First Name** ZACH **Middle Name** WATON
Company Name
LAW OFFICE OF ZACH MILLER
Mailing Address
7563 PHILIPS HIGHWAY
City JACKSONVILLE **State** FL **Zip Code** 32256
Phone 9046518958 **Fax** 904 **Email** ZWMILLERLAW@GMAIL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name MILLER **First Name** ZACH **Middle Name** WATON
Company/Trust Name
BCEL 5C, LLC
Mailing Address
7563 PHILIPS HWY
City JACKSONVILLE **State** FL **Zip Code** 32256
Phone 9047478980 **Fax** **Email** ZWMILLERLAW@GMAIL.COM

Property Information

Previous Zoning Application Filed For Site?
If Yes, State Application No(s) 2007-0087

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 029360 0000	8	5	PUD	RLD-60

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 #****Total Land Area (Nearest 1/100th of an Acre)** 0.58**Justification For Rezoning Application**

THE PROPERTY WAS ORIGINAL ZONED RLD-60. IT WAS ZONED TO PUD IN 2007 FOR AN ADULT CONGREGATE FACILITY WHICH WAS NEVER DEVELOPED. THIS REZONING REQUEST IS RETURNING THE ZONING TO ITS ORIGINAL CATEGORY.

Location Of Property**General Location**

SOUTEL DRIVE

House #	Street Name, Type and Direction	Zip Code
0	SOUTEL DR	32208

Between Streets

RIDGE BLVD and GIBSON AVENUE

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
0.58 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
37 Notifications @ \$7.00 /each: \$259.00
- 4) Total Rezoning Application Cost: \$2,269.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

November 11, 2021

14-86 21-1S-26E

EDMONDSONS BEVERLY HILLS UNIT 4

LOT 24 (EX N 150 FT & PT IN CO RD)

RLD-60

BEVERLY AVE

CO

PUD

SOUT EL DR.

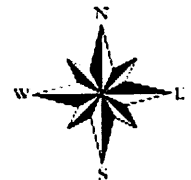
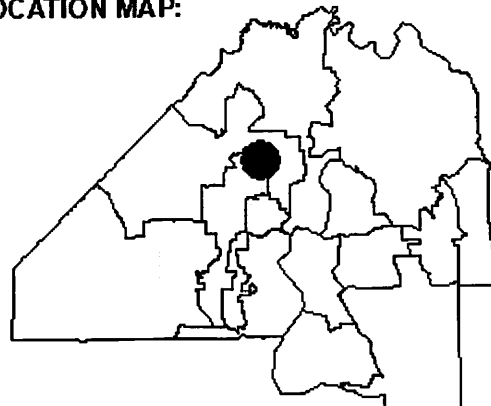
PUD

REQUEST SOUGHT:

FROM: PUD

TO: RLD-60

LOCATION MAP:



0 45 90 180



Feet

COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2021-3905

**EXHIBIT 2
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