

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

March 23, 2023

The Honorable Terrance Freeman, 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.: 2023-0126**

Dear Honorable Council President Freeman, 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**

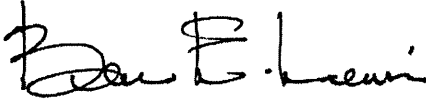
Planning Commission Commentary: There were many speakers in opposition primarily residents of Capercaillie Trail concerned with the increase in density and flooding concerns. Discussion from the Commissioner's focused on the concerns of the residents with only Commissioner Adkison voting to Deny the Application.

Planning Commission Vote: **6-1 Approval**

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Nay
Daniel Blanchard	Aye
Jordan Elsbury	Aye
Joshua Garrison	Absent
David Hacker	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 2023-126

MARCH 23, 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 2023-126.

Location: Northwest quadrant of Herlong Road and Old Middleburg Road North

Real Estate Number(s): 010401-0000

Current Zoning District(s): Residential Medium Density-A (RMD-A)

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

Current Land Use Category: Medium Density Residential (MDR)

Planning District: Southwest, District 4

Applicant/Agent: Steve Diebenow, Esq.
Driver McAfee Hawthorne & Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville Florida 32202

Owner: Hai Ho
1672 Spring Branch Drive
Jacksonville Florida 32221

Henry J. Gilbert
1672 Spring Branch Drive
Jacksonville Florida 32221

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance 2015-0585 seeks to rezone 7.51 acres of land from the Residential Medium Density-A (RMD-A) Zoning District to the Residential Medium Density-D (RMD-D) Zoning District. The property is currently undeveloped. If the application is approved, the parcel could be developed for a maximum of 150 multi-family dwellings. The site has

frontage on Herlong Road and Old Middleburg Road, both of which are classified as collector roadways.

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 Medium Density Residential (MDR) 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. MDR in the Urban Area is intended to provide compact medium density residential 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. The maximum gross density in the Urban Area shall be 20 units/acre and the minimum gross density shall be greater than 7 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:

FLUE Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE Policy 1.1.1 The City shall ensure that all new development and redevelopment after the effective date of the 2030 Comprehensive Plan is consistent with the Future Land Use Map

series, and textual provisions of this and other elements of the 2030 Comprehensive Plan, as provided in Chapter 163 (Part II), Florida Statutes (F.S.).

FLUE 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.

FLUE Objective 3.1.6: The city shall provide 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.

3. Does the proposed rezoning conflict with any portion of the City's land use regulations?

No. It is the opinion of the Planning and Development Department that the proposed rezoning does not appear to be in conflict with any portion of the City's land use regulations. The proposed rezoning will allow a residential/multi-family development in the area and provide a greater variety of housing types and services.

SURROUNDING LAND USE AND ZONING

The subject property is located at the intersection of Herlong Road and Old Middleburg Road with the surrounding uses, land use categories and zoning as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	MDR	RMD-A	Church
East	LDR	RLD-60	Single family dwellings
South	LDR	RLD-120	Undeveloped
West	LDR	PBF-2	I-295, Church

The proposed rezoning to RMD-D will be consistent and compatible with the surrounding residential uses in the area.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on March 10, 2023, the required Notice of Public Hearing sign was posted:



RECOMMENDATION

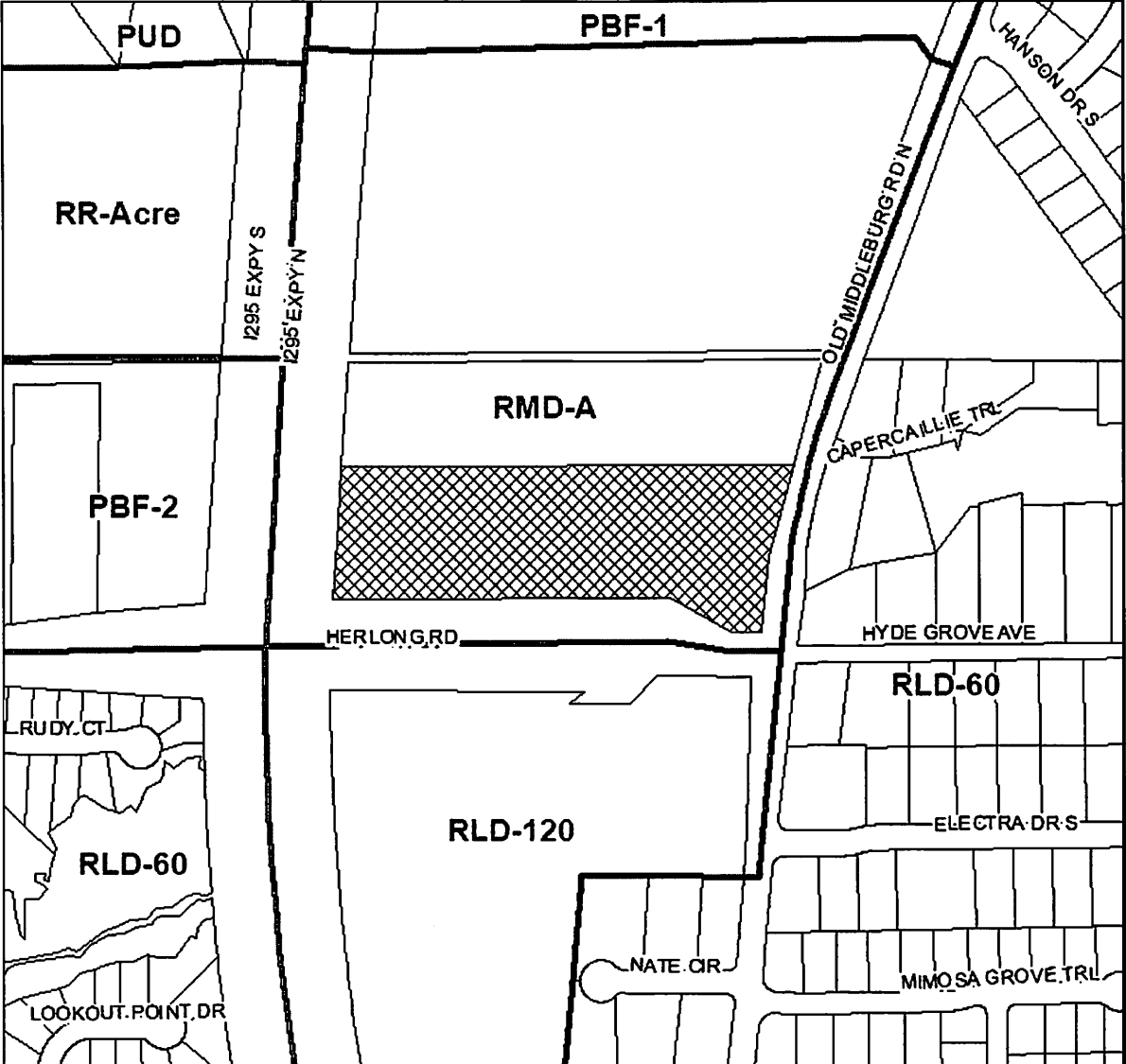
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2023-126** be **APPROVED**.



View of subject property



Aerial view of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: RMD-D</p>	<p>LOCATION MAP:</p>	<p>0 130 260 520 Feet</p> <p>COUNCIL DISTRICT: 12</p>
<p>ORDINANCE NUMBER ORD-2023-0126</p>	<p>TRACKING NUMBER T-2022-4675</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2023-0126 **Staff Sign-Off/Date** BEL / 02/08/2023
Filing Date 02/22/2023 **Number of Signs to Post** 7
Hearing Dates:
1st City Council 03/28/2023 **Planning Comission** 03/23/2023
Land Use & Zoning 04/04/2023 **2nd City Council** N/A
Neighborhood Association WEST JAX CIVIC ASSOC.
Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 4675 **Application Status** PENDING
Date Started 12/02/2022 **Date Submitted** 12/02/2022

General Information On Applicant

Last Name DIEBENOW **First Name** STEVE **Middle Name**
Company Name
Mailing Address
ONE INDEPENDENT DRIVE, STE. 1200
City JACKSONVILLE **State** FL **Zip Code** 32202
Phone 9043011269 **Fax** 9043011279 **Email** SDIEBENOW@DRIVERMCAFFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name HO **First Name** HAI **Middle Name**
Company/Trust Name
Mailing Address
1672 SPRING BRANCH DRIVE
City JACKSONVILLE **State** FL **Zip Code** 32221
Phone **Fax** **Email**

Last Name GILBERT **First Name** HENRY **Middle Name** JAY
Company/Trust Name
Mailing Address
1672 SPRING BRANCH DRIVE
City JACKSONVILLE **State** FL **Zip Code** 32221

Phone	Fax	Email
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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 010401 0000	12	4	RMD-A	RMD-D

Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category
MDR

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 7.51

Justification For Rezoning Application

APPLICANT SEEKS THIS REZONING TO PERMIT RESIDENTIAL DEVELOPMENT CONSISTENT WITH THE RMD-D ZONING DISTRICT.

Location Of Property

General Location
NORTHWEST CORNER OF OLD MIDDLEBURG ROAD NORTH AND HERLONG ROAD

House #	Street Name, Type and Direction	Zip Code
0	HERLONG RD	32210

Between Streets
OLD MIDDLEBURG ROAD and HERLONG 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
7.51 Acres @ \$10.00 /acre: \$80.00
- 3) Plus Notification Costs Per Addressee
17 Notifications @ \$7.00 /each: \$119.00
- 4) Total Rezoning Application Cost: \$2,199.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

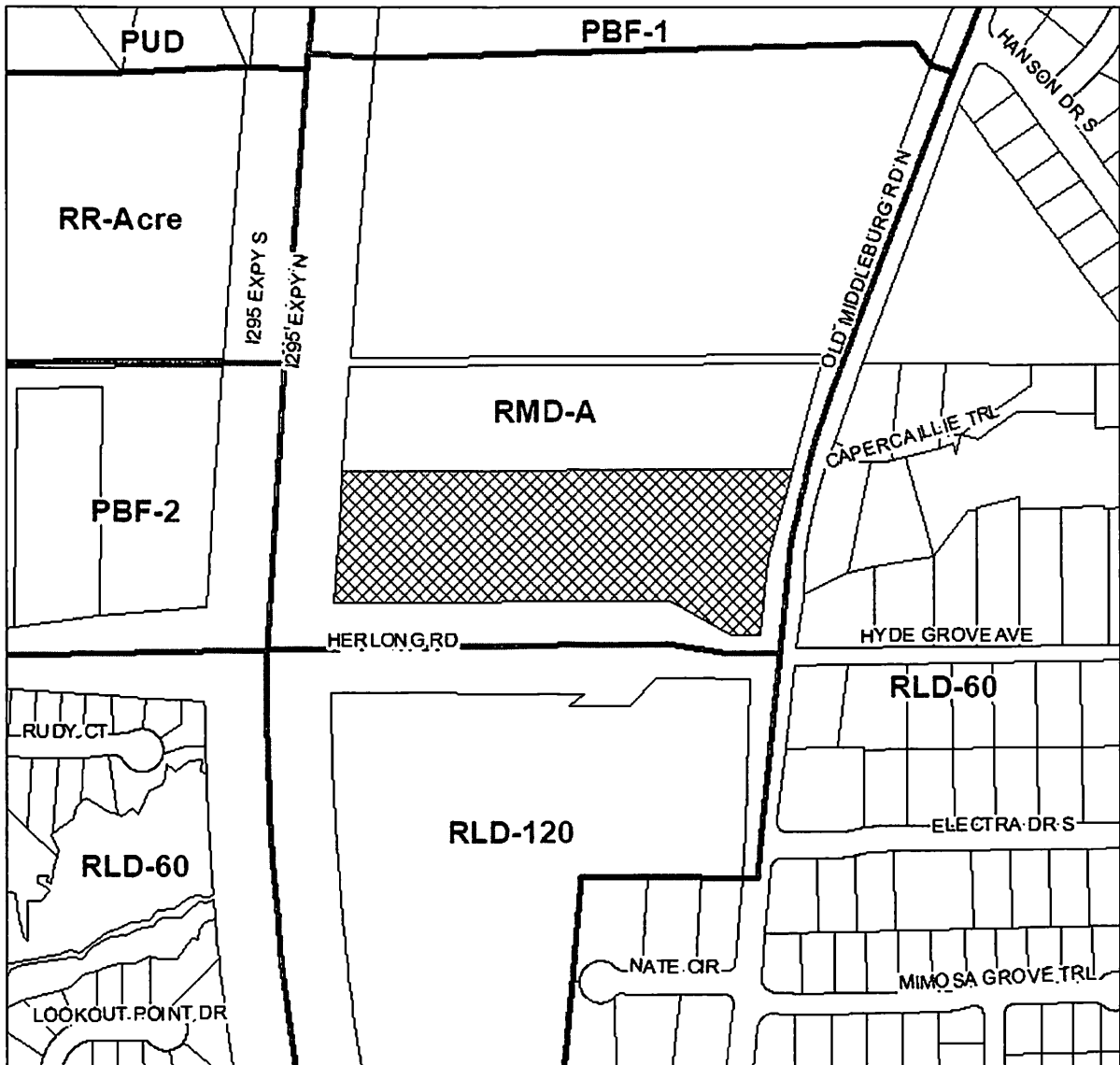
EXHIBIT 1

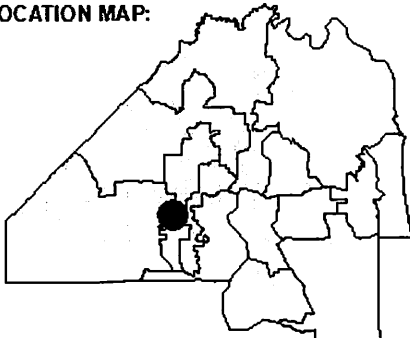
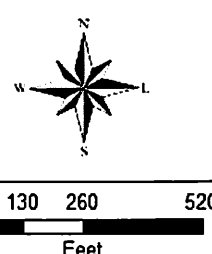
LEGAL DESCRIPTION

December 2, 2022

A PORTION OF THE SOUTH ONE-HALF (S ½) OF GOVERNMENT LOTS 7 AND 8, SECTION 35, TOWNSHIP 2 SOUTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, LYING EAST OF INTERSTATE 295, NORTH OF HERLONG ROAD AND WEST OF OLD MIDDLEBURG ROAD (FORMERLY BLACK CREEK ROAD) SAID ROADWAYS AS NOW ESTABLISHED AND SHOWN ON STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 72001-2406, SHEETS 4, 5, 10 AND 11 (INTERSTATE 295 AND HERLONG ROAD) AND SECTION 72580-2602, SHEET 110 (OLD MIDDLEBURG ROAD (FORMERLY BLACK CREEK ROAD)), BEING A PORTION OF THOSE LANDS DESCRIBED BY DEED BOOK 1540, PAGE 520, CURRENT PUBLIC RECORDS OF DUVAL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF SAID OLD MIDDLEBURG ROAD WITH THE NORTHERLY RIGHT OF WAY LINE OF SAID HERLONG ROAD, THENCE WESTERLY ALONG LAST SAID NORTHERLY RIGHT OF WAY LINE, S. 89°39'56"W., 66.58 FEET TO AN ANGLE POINT IN SAID LINE; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE N.60°12'30"W., 160.71 FEET TO AN ANGLE POINT IN SAID LINE; THENCE CONTINUE WESTERLY ALONG SAID LINE S.89°39'56"W., 786.83 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 295, SAID LINE BEING A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 5579.58 FEET; THENCE NORTHERLY ALONG LAST SAID EASTERLY RIGHT OF WAY LINE AN ARC DISTANCE OF 182.51 FEET, ALONG A CHORD BEARING AND DISTANCE OF N.03°14'43"E., 182.50 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG LAST SAID EASTERLY RIGHT OF WAY LINE N.04°10'56"E., 146.28 FEET; THENCE EASTERLY N.89°51'20"E., 1040.91 FEET TO A POINT ON A CURVE, AND THE WESTERLY RIGHT OF WAY LINE OF AFOREMENTIONED OLD MIDDLEBURG ROAD, SAID CURVE BEING CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1192.17 FEET; THENCE SOUTHERLY ALONG LAST SAID WESTERLY RIGHT OF WAY LINE, AN ARC DISTANCE OF 199.93 FEET, ALONG A CHORD BEARING AND DISTANCE OF S.12°08'05"W., 199.70 FEET TO A POINT OF TANGENCY; THENCE CONTINUE SOUTHERLY ALONG SAID WESTERLY LINE, S.07°19'49"W., 212.09 FEET TO THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF HERLONG ROAD AND THE POINT OF BEGINNING, CONTAINING 343,686 SQUARE FEET OR 7.89 ACRES, MORE OR LESS.



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: RMD-D</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>12</p>
<p>TRACKING NUMBER</p> <p>T-2022-4675</p>		<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>