

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

December 9, 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.: 2021-803**

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**

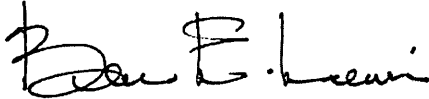
Planning Commission Recommendation: **Approve**

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 that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

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 2021-803

DECEMBER 9, 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 **2021-803**.

Location: 703 New Berlin Road; Between Gillespie Avenue and Pulaski Road

Real Estate Number: 106987-0000

Current Zoning District: Commercial Office (CO) & Residential Low Density-60 (RLD-60)

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

Current Land Use Category: Low Density Residential (LDR) & Community/General Commercial (CGC)

Proposed Land Use Category: Residential Professional Institutional (RPI)

Planning District: District 6—North

Applicant/Agent: T.R. Hainline
Rogers Towers P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: SN Five Investors LLC
4905 Toproyal Lane
Jacksonville, FL 32277

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-803** seeks to rezone 8.57± acres of a property from Commercial Office (CO) & Residential Low Density-60 (RLD-60) to Residential Medium Density-C. The request is being sought to allow for the development of 104 townhomes (per the JEA letter dated September 17, 2021).

There is a companion Small-Scale Land Use Amendment, 2021-802 (L-5619-21C) requesting a change from Low Density Residential (LDR) & Community/General Commercial (CGC) to Residential Professional Institutional (RPI).

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 & Development Department finds that the subject property is located in the Low Density Residential (LDR) & Community/General Commercial (CGC) functional land use categories 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5619-21C (Ordinance 2021-802) that seeks to amend the site that is within the Low Density Residential (LDR) & Community/General Commercial (CGC) land use category to Residential Professional Institutional (RPI). Staff is recommending that Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5619-21C be approved. 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. The 8.57 acre subject property is located between Gillespie Avenue and Pulaski Road, both local roads, and along the north side of New Berlin Road, a collector road. The companion land use amendment proposes to change from Low Density Residential (LDR) and Community/General Commercial (CGC) to Residential-Professional-Institutional (RPI). The property is located within the Suburban Development Area. The area surrounding the property is made up of commercial and single-family residential uses.

RPI in the Suburban Area is intended to provide low to medium density development. Development which includes medium density residential and professional office uses is

preferred. The RPI land use permits, but is not limited to Multi-Family dwellings, Office and Business and Professional Office.

The proposed zoning is consistent with the proposed RPI land use category.

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):

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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

In reference to the attached JEA Availability Letter, 2021-4413, the proposed development shall connect to City water and sewer to allow for a townhome development.

Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

The proposed development is townhomes, which is compatible with surrounding uses and the character of the area. Properties to the north are residential and the other surrounding properties are various intensities of commercial. Located approximately 200 feet from the subject property is another townhome development built in 2020, approved with PUD Ord. 2017-789-E.

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 the Land Use Amendment is approved as recommended by Staff the proposed zoning district will be consistent with the land use category.

SURROUNDING LAND USE AND ZONING

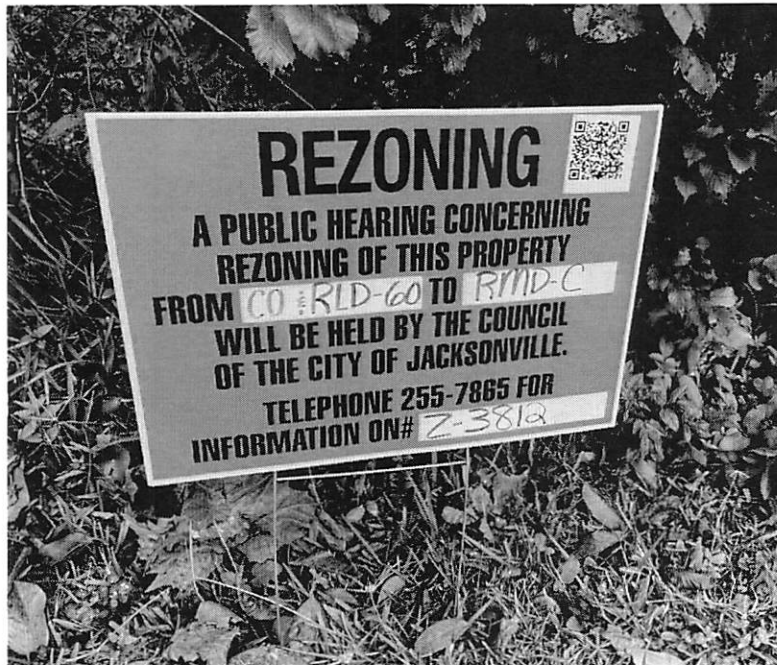
The subject property is located along New Berlin Road, between Main Street and Airport Center Drive. The proposed rezoning to RMD-C is consistent with RPI. The proposal to RMD-C with RPI Land Use will allow for an appropriate transitional use and promote similar residential activity along New Berlin Road, a collector roadway. 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 Homes
East	CGC	CO	Vacant lot
South	CGC	CO	Parking lot
	CGC	CN	Retention Pond
	CGC	PUD 2004-805-E	Shopping Strip
West	LDR	RLD-60	Single Family Homes
	CGC	CCG-1	Convenience Store/Strip Center

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

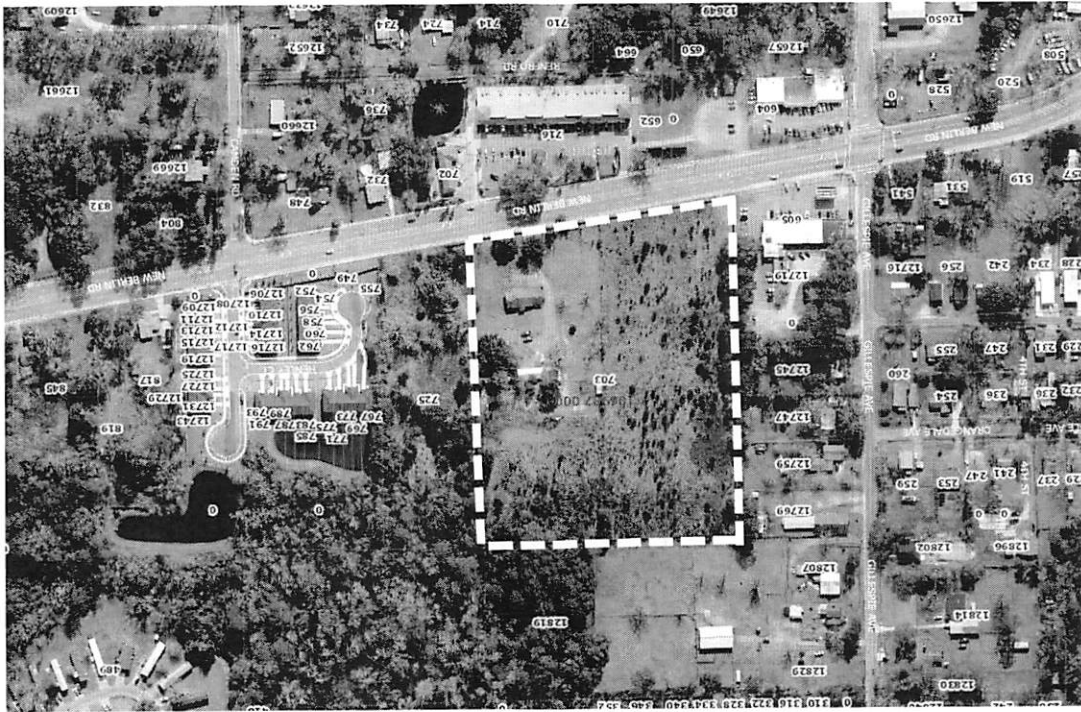
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **November 12, 2021** by the Planning and Development Department, the required Notice of Public Hearing signs were posted.

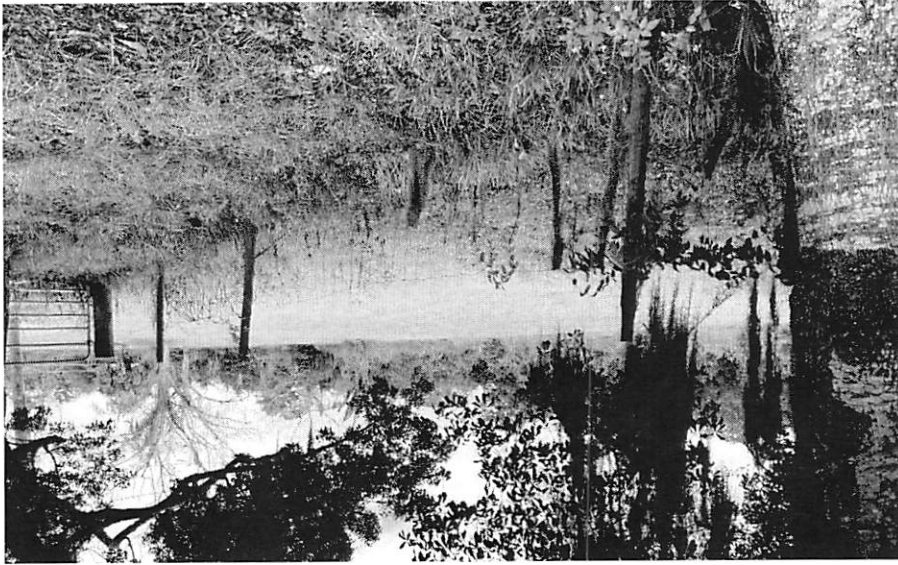


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2021-803 be **APPROVED**.



Aerial



Subject Property



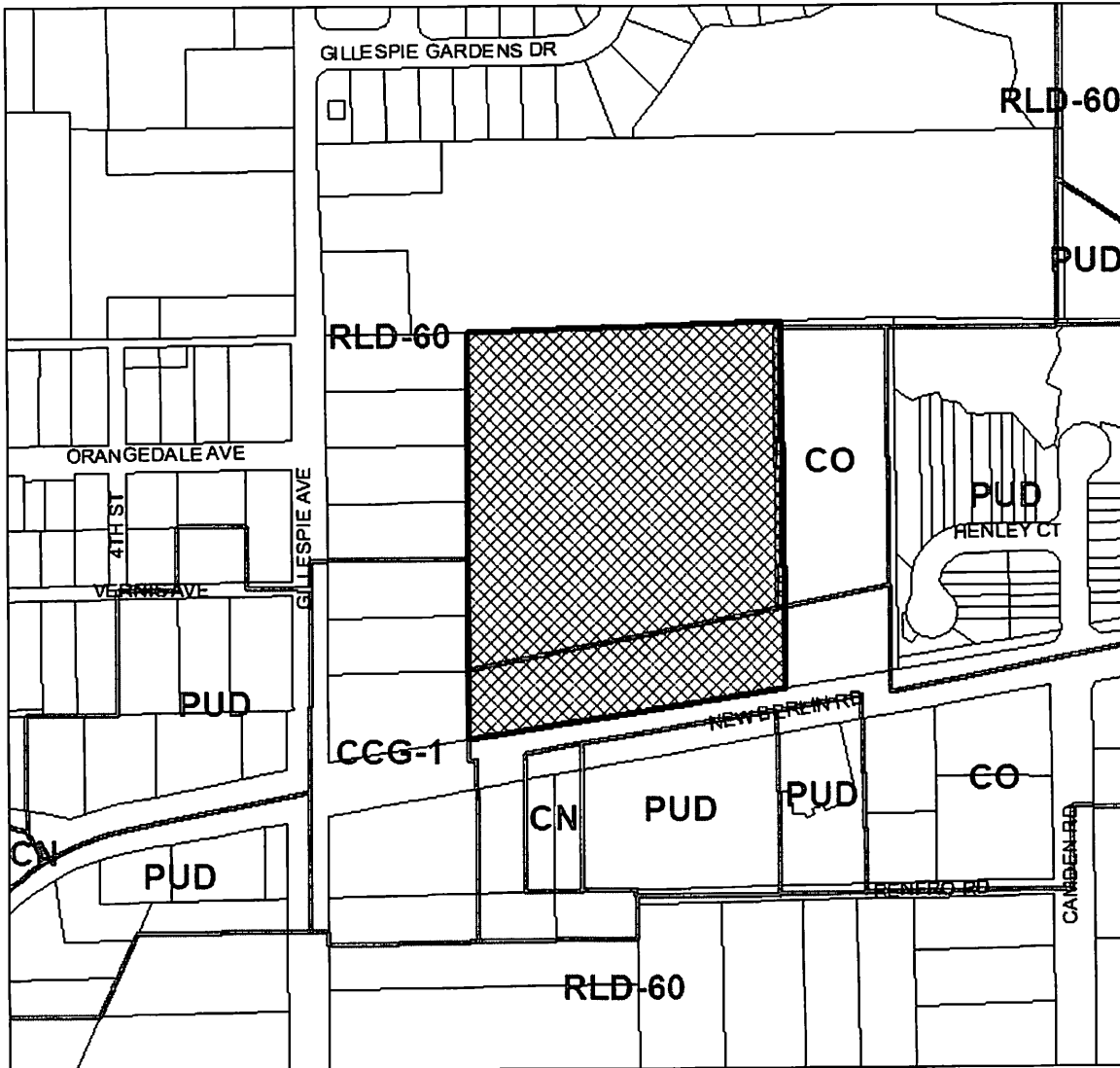
Subject Property

*Source: Planning & Development Dept
Date: 11/12/2021*



Property to the south: Shopping Center

*Source: Planning & Development Dept
Date: 11/12/2021*



<p>REQUEST SOUGHT:</p> <p>FROM: CO and RLD-60</p> <p>TO: RMD-C</p>	<p>LOCATION MAP:</p>	<p>COUNCIL DISTRICT:</p> <p>7</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0803</p>	<p>TRACKING NUMBER</p> <p>T-2021-3812</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0803 **Staff Sign-Off/Date** CMQ / 10/13/2021
Filing Date 11/09/2021 **Number of Signs to Post** 3
Hearing Dates:
1st City Council 12/14/2021 **Planning Commission** 12/09/2021
Land Use & Zoning 01/04/2022 **2nd City Council** 01/11/2022
Neighborhood Association GILLESPIE GARDENS HOA; THE EDEN GROUP INC.; M & M DAIRY INC
Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 3812 **Application Status** PENDING
Date Started 09/27/2021 **Date Submitted** 09/27/2021

General Information On Applicant

Last Name HAINLINE **First Name** T.R. **Middle Name**
Company Name ROGERS TOWERS, P.A.
Mailing Address 1301 RIVERPLACE BOULEVARD, SUITE 1500
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043465531 **Fax** 9043960663 **Email** THAINLINE@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name SEE **First Name** BELOW **Middle Name**
Company/Trust Name SN FIVE INVESTORS, L.L.C.
Mailing Address 4905 TOPROYAL LANE
City JACKSONVILLE **State** FL **Zip Code** 32277
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 106987 0000	7	6	CO	RMD-C
Map 106987 0000	7	6	RLD-60	RMD-C

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

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

5619

Total Land Area (Nearest 1/100th of an Acre) 8.57

Justification For Rezoning Application

TO ALLOW MULTI-FAMILY RESIDENTIAL/TOWNHOME DEVELOPMENT ON THE PROPERTY.

Location Of Property

General Location

NORTHEAST QUADRANT OF THE INTERSECTION OF GILLESPIE AVE. & NEW BERLIN RD.

House #	Street Name, Type and Direction	Zip Code
703	NEW BERLIN RD	32218

Between Streets

GILLESPIE AVENUE and PULASKI 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
8.57 Acres @ \$10.00 /acre: \$90.00
- 3) Plus Notification Costs Per Addressee
38 Notifications @ \$7.00 /each: \$266.00
- 4) Total Rezoning Application Cost: \$2,356.00

NOTE: Advertising Costs To Be Billed to Owner/Agent