

# City of Jacksonville, Florida

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*Lenny Curry, Mayor*

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

May 4, 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.: 2023-203**

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 no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 7-0

Alex Moldovan, Chair Aye

Ian Brown, Vice Chair Aye

Jason Porter, Secretary Aye

Marshall Adkison Aye

Daniel Blanchard Aye

Jordan Elsbury Aye

David Hacker 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 FOR**  
**APPLICATION FOR REZONING ORDINANCE 2023-0203**

**April 20, 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 **2023-0203**.

***Location:*** 815 Fernway Street  
Between Lynton Street and Calvert Street

***Real Estate Numbers:*** 031777-0000

***Current Zoning District:*** Public Buildings & Facilities-1 (PBF-1)

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

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Northwest, District 5

***Applicant/Agent:*** Matthew Chmura  
Alliance Permitting Service, LLC  
3202 River Road  
Green Cove, Florida 32043

***Owner:*** Ewa & Slawomir Tadla  
7935 Argentine Drive West  
Jacksonville, Florida 32217

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2023-0203** seeks to rezone 0.11± acres from Public Buildings & Facilities-1 (PBF-1) to Residential Low Density-60 (RLD-60). The subject site is currently uniquely zoned PBF-1 in an area that is surrounded by the RLD-60 zoning district with single-family dwellings. The site was rezoned by the city per 1980-521-288 from Residential, single Family-7 (RS-7) – now RLD-60 – to Governmental Use (GU) – now PBF-1. Then the lot was sold by the city on October 29<sup>th</sup>, 1996, but was never rezoned back to residential. This site is currently vacant and if the rezoning is approved, it would allow for the development of a single-family dwelling to be consistent with the area.

## 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 0.11-acre subject site is located between Lynton Street and Calvert Street, both local roadways. The site is in the LDR land use category and is within the Urban Priority development area.

According to the Category Descriptions of the Future Land Use Element (FLUE), LDR in the Urban Priority Area is intended to provide for low density residential development. Further, it is intended to promote neighborhoods in need of redevelopment and to provide a compact single-family development typology that is supportive of transit, neighborhood commercial uses and services. In these instances, the category provides a higher density than LDR in other Development Areas of the City. The application of this higher density should be supported by a neighborhood plan or study. Plan amendment requests for new LDR designations are preferred in locations which are supplied with full urban services.

The property is surrounded by LDR land use. The requested RLD-60 rezoning is consistent with the LDR Land Use Category. The rezoning should demonstrate full consistency with the other identified Policies as described in order to be deemed consistent with the general intent of the Comprehensive Plan.

The maximum gross density in the Urban Priority Area shall be 7 units per acre when full urban services are available to the site and there shall be no minimum density; except as provided herein. The maximum gross density shall be 2 units per acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available. The maximum gross density shall be 4 units per acre and the minimum lot size shall be ¼ of an acre if either one of centralized potable water or wastewater services are not available.

**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. The proposed rezoning to RLD-60 promotes a pattern of compatible uses (*i.e.* single family dwellings) consistent with the surrounding area and future development.

### **Future Land Use Element**

#### **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.

*This lot is surrounded by RLD-60 and single-family dwellings. The applicant and owner seek to rezone this lot to RLD-60 will make the lot more in tune with the character of the area and will not create a threat to the health, safety and welfare of the community.*

#### **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.

*Rezoning this property from PBF-1 to RLD-60 would allow for an additional residential property on a lot of record while also keeping the residential character of the neighborhood intact.*

### **Evacuation Zone**

The subject site is within Evacuation Zone C. As such, the application needs to be routed to the City's Emergency Preparedness Division (EPD) for review and comment.

### **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low sensitivity for the presence of archaeological resources. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

### **Brownfield Pilot Area**

The property is located within the Downtown Brownfield Pilot Area. The City of Jacksonville designated properties in the downtown area as a Pilot Program Brownfield Area by City Council Resolution Number 2000-125-A. The property owner may request

the property be designated a Brownfield Site. A Brownfield Site is property where the expansion, redevelopment, or reuse of the property may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. The property owner may qualify for tax credits.

**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, the subject property will be rezoned from PBF-1 to RLD-60 Zoning District as set forth in Section 656.305 of the Zoning Code.

### SURROUNDING LAND USE AND ZONING

The subject property is located on the north side of Fernway Street. The surrounding uses, land use category and zoning are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	LDR	RLD-60	Single Family Dwelling
East	LDR	RLD-60	Single Family Dwelling
South	LDR	RLD-60	Single Family Dwelling
West	LDR	RLD-60	Single Family Dwelling

Staff recommends that the application be approved for RLD-60. Approval of this rezoning to RLD-60 would provide for the development of another single-family dwelling on a vacant lot that will keep up with the character of the area.

### SUPPLEMENTARY INFORMATION

After visual inspection of the property on April 3, 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 **2023-0203** be **APPROVED**.



**Aerial View**

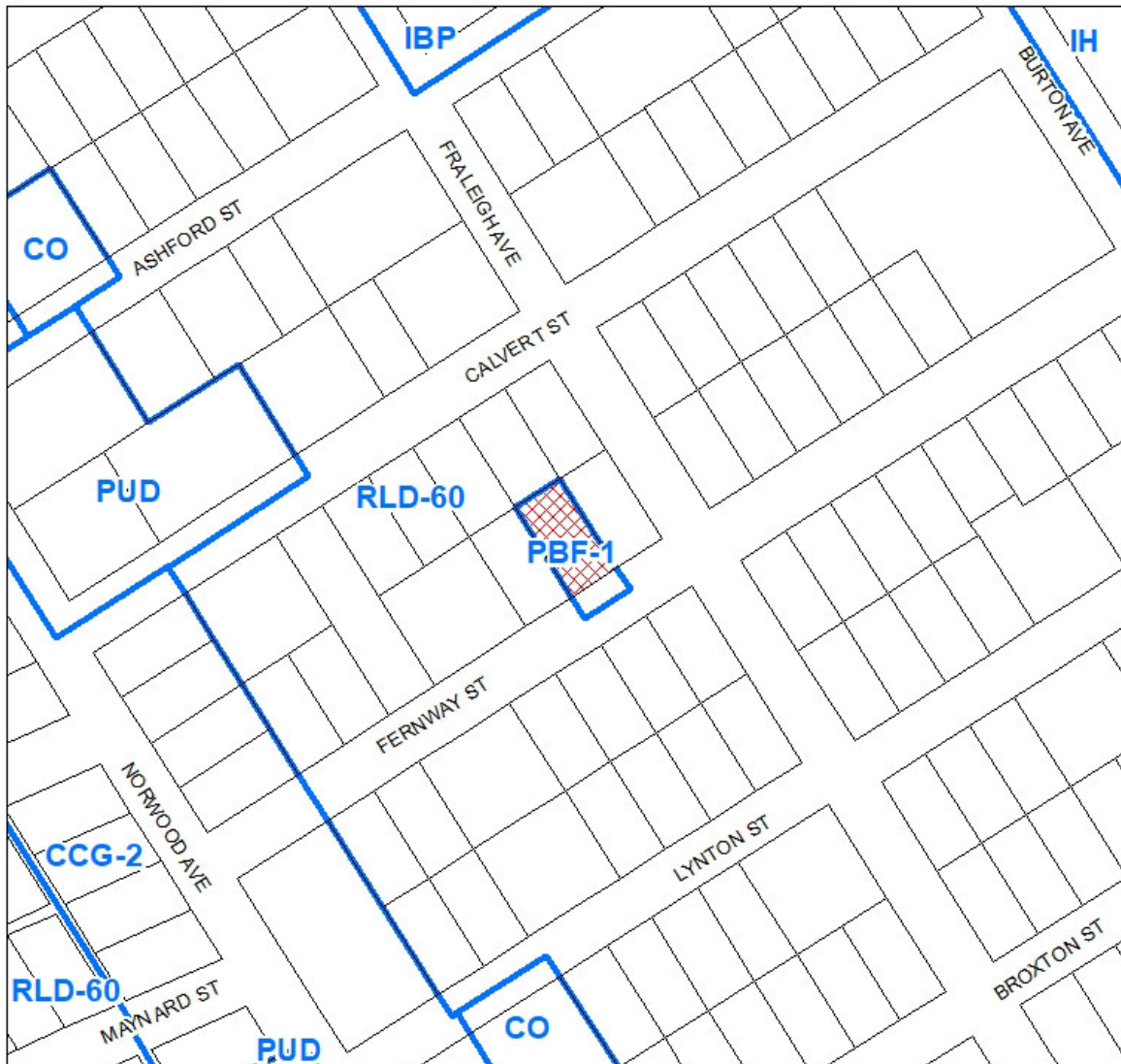


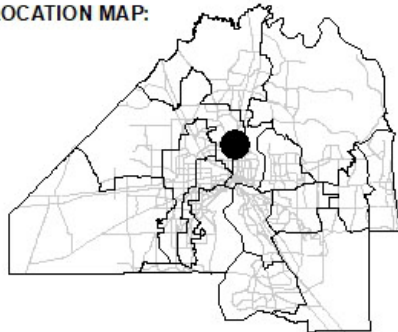

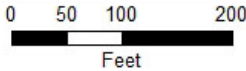
**View of subject property.**



**View of adjacent property (single-family dwelling).**





<p>REQUEST SOUGHT:</p> <p><b>FROM: PBF-1</b></p> <p><b>TO: RLD-60</b></p>	<p>LOCATION MAP:</p> 	  <p>COUNCIL DISTRICT:</p> <p><b>8</b></p>
<p>ORDINANCE NUMBER</p> <p><b>ORD-2023-0203</b></p>	<p>TRACKING NUMBER</p> <p><b>T-2023-4694</b></p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>

Legal Map