

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

September 23, 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.: 2021-578**

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 two speakers in opposition and their concerns were wildlife, wetlands and traffic. The Commissioners felt the proposed development was appropriate. One commissioner has concerns about continuing to fill in wetlands and the increased flooding.

Planning Commission Vote:	5-1
Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Nay
Daniel Blanchard	Absent
Ian Brown	Aye
Alex Moldovan	Aye
Jason Porter	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
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 2021-0578

SEPTEMBER 23, 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 2021-0578.

Location: 5694 Morse Avenue; Between Seaboard Avenue and Morse Avenue

Real Estate Number: Portion of 098374-0010

Current Zoning District: Residential Rural-Acre (RR-Acre)

Proposed Zoning District: Residential Low Density-50 (RLD-50)

Current Land Use Category: Low Density Residential (LDR)

Planning District: District 4—Southwest

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

Owner: Tanya M. Wells
5694 Morse Avenue
Jacksonville, Florida 32244

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance 2021-0578 seeks to rezone 43.41± acres of land from Residential Rural-Acre (RR-Acre) to Residential Low Density-50 (RLD-60). The property is located in the Low Density Residential (LDR) land use category within the Suburban 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 approximately 215 single-family dwelling units.

The site is located within the 150 foot Height and Hazard Zone and Military Notice Zone for the Jacksonville Naval Air Station. Zoning will limit development to a maximum height of less than

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).

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. 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 the subject property to be located in the Low Density Residential (LDR) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

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. Low Density Residential (LDR) in the Suburban Area is intended to provide for low-density residential development. Single family dwellings are a principal use in the LDR land use category. The maximum allowable density for the LDR land use category is seven (7) units/acre when full urban services are available.

The subject site is located in Planning District 4 and Council District 14. The applicant seeks to rezone the property from RR-Acre to RLD-50 in order to develop a single-family subdivision.

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, **2020-3924**, the proposed development shall connect to City water and sewer.

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 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 RR-Acre to RLD-50 in order to permit the development of a single-family subdivision—all while adhering to local, state, and federal regulations.

SURROUNDING LAND USE AND ZONING

The subject property is located on the south side of Morse Avenue between Metcalf Road and Seaboard Avenue. This corridor is developed almost exclusively with single-family dwellings. Other properties are either undeveloped or similar in lot sizes to RLD-50. The proposed rezoning to RLD-50 would render the lots to have a 50 foot width and 5,000 square foot area—which, in

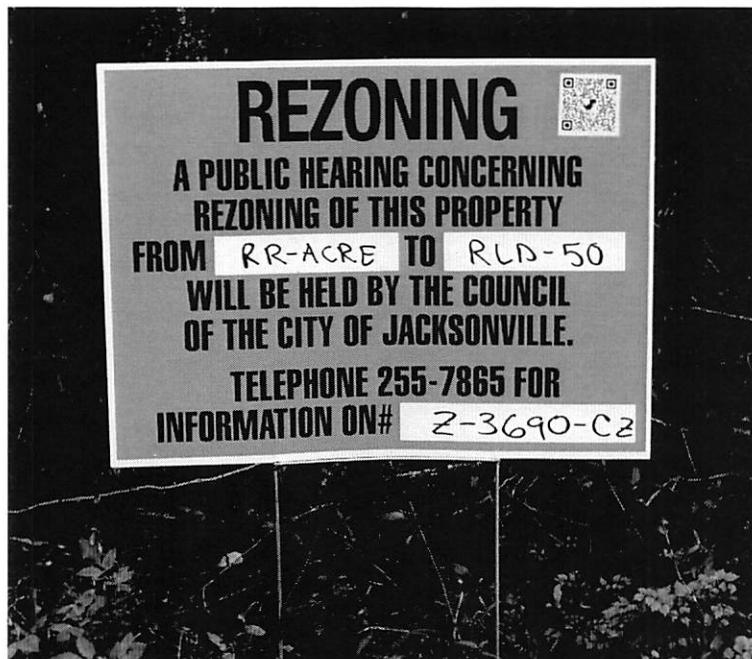
terms of density, would complement the abutting residential lots to the east of the subject property with RLD-60 zoning. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-100A/RR-Acre	Single-Family Dwellings
East	LDR	RLD-60	Single-Family Dwellings/Conservation
South	LDR	PUD 1999-0248	Single-Family Dwelling
West	LDR	RR-Acre	Single-Family Dwellings/Wildlife Shelter

It is the opinion of the Planning and Development Department that the requested rezoning to RLD-50 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 9, 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 **2021-0578** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 07/30/21

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

Figure B:



Source: Planning & Development Dept, 09/09/21

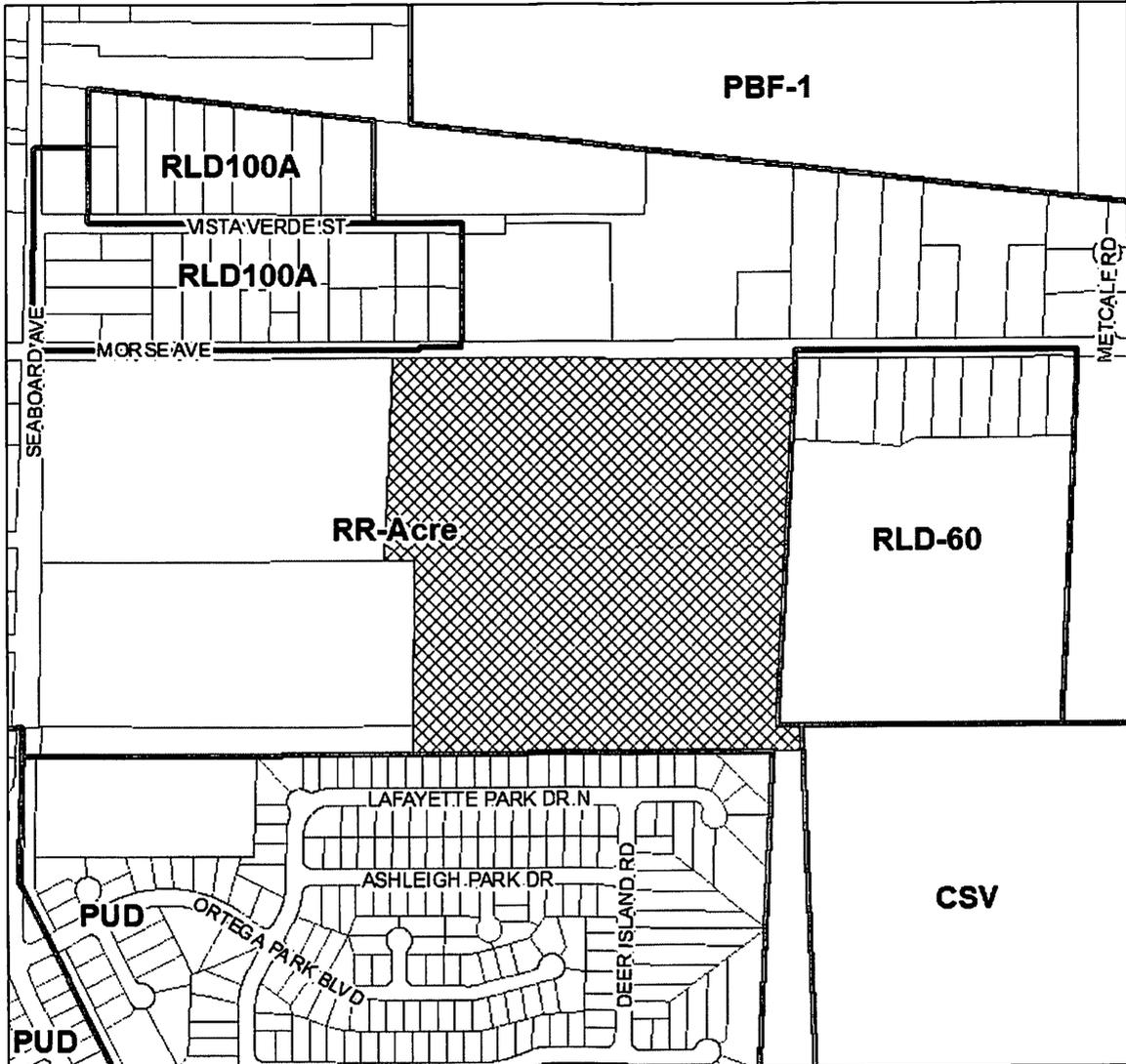
View of the subject property, facing south on Morse Avenue

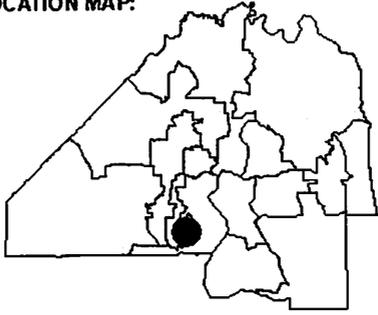
Figure C:



Source: Planning & Development Dept, 09/09/21

View of the subject property, facing south on Morse Avenue.



<p>REQUEST SOUGHT:</p> <p>FROM: RR-ACRE</p> <p>TO: RLD-50</p>	<p>LOCATION MAP:</p> 	 <p>0 195 390 780 Feet</p>
<p>ORDINANCE NUMBER ORD-2021-0578</p>	<p>TRACKING NUMBER T-2021-3690</p>	<p>COUNCIL DISTRICT: 14</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0578 **Staff Sign-Off/Date** ATW / 07/30/2021
Filing Date 08/18/2021 **Number of Signs to Post** 7
Hearing Dates:
1st City Council 09/28/2021 **Planning Commission** 09/23/2021
Land Use & Zoning 10/05/2021 **2nd City Council** N/A
Neighborhood Association N/A
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3690 **Application Status** FILED COMPLETE
Date Started 07/23/2021 **Date Submitted** 07/23/2021

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 WELLS **First Name** TANYA **Middle Name** M.
Company/Trust Name
Mailing Address
 5694 MORSE AVENUE
City JACKSONVILLE **State** FL **Zip Code** 32244
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 098374 0010	14	4	RR-ACRE	RLD-50

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) 43.41

Justification For Rezoning Application

TO ALLOW FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT OF THE PROPERTY.

Location Of Property

General Location

SOUTHEAST QUADRANT OF INTERSECTION OF MORSE AVENUE AND SEABOARD AVENUE

House #	Street Name, Type and Direction	Zip Code
5694	MORSE AVE	32244

Between Streets

SEABOARD AVENUE and METCALF 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**
 43.41 Acres @ \$10.00 /acre: \$440.00
- 3) Plus Notification Costs Per Addressee**
 85 Notifications @ \$7.00 /each: \$595.00
- 4) Total Rezoning Application Cost: \$3,035.00**

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT 1

Legal Description

A PORTION OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

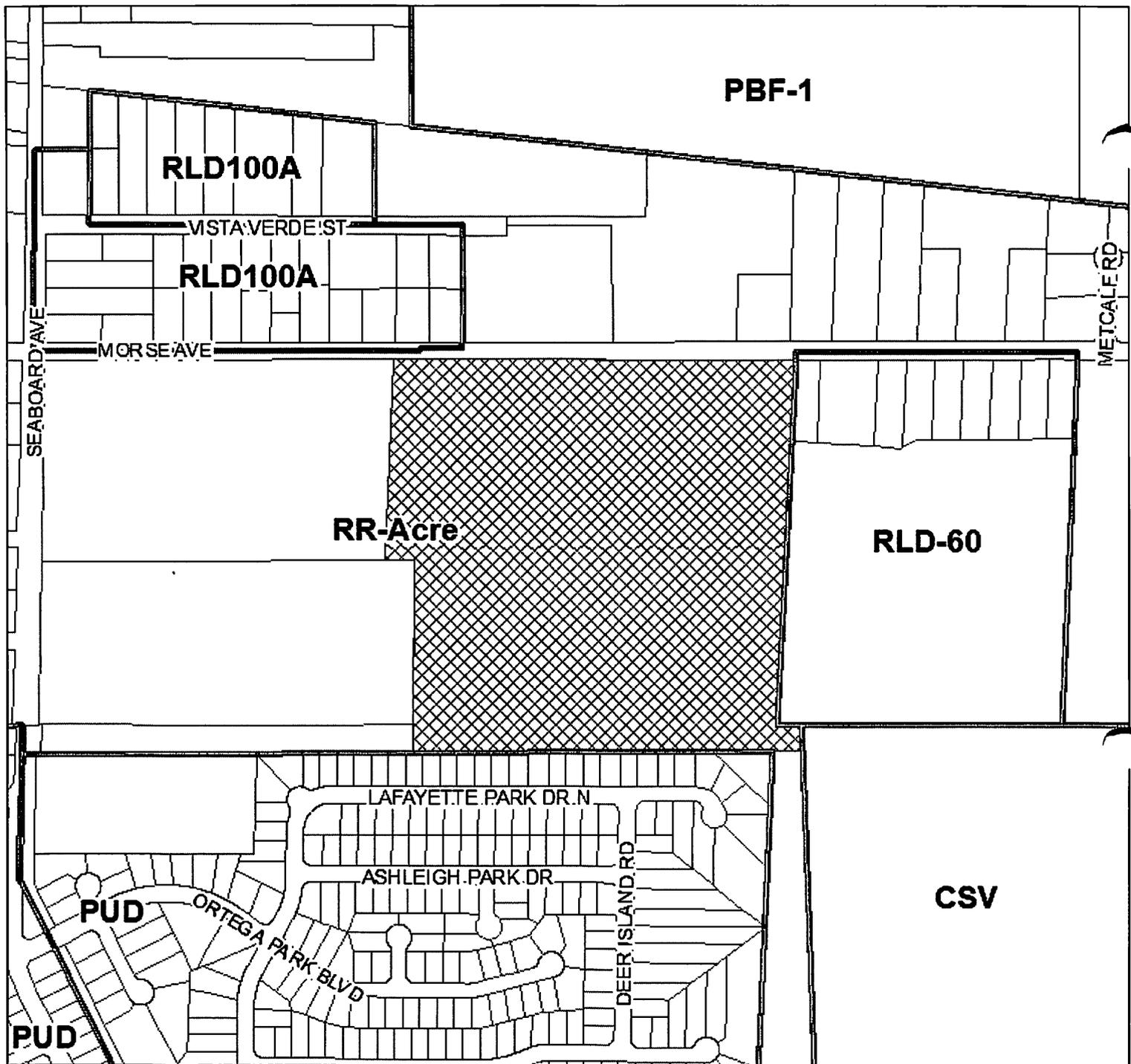
FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EAST LINE OF GOVERNMENT LOT 2, SAID SECTION 20, AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MORSE AVENUE, A 66 FOOT RIGHT-OF-WAY; THENCE NORTH 89° 54' 56" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,322.99 FEET TO AN ANGLE POINT IN SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED PROCEED SOUTH 02° 20' 24" WEST, ALONG THE WESTERLY LINE OF SAID GOVERNMENT LOT 2, SECTION 20, A DISTANCE OF 1,276.79 TO A POINT ON THE NORTH LINE OF AN UNRECORDED 100 FOOT JEA EASEMENT; THENCE NORTH 89° 41' 20" EAST, DEPARTING THE WEST LINE OF SAID GOVERNMENT LOT 2, AND ALONG SAID NORTHERLY EASEMENT LINE, A DISTANCE OF 104.00 FEET; THENCE DEPARTING LAST SAID NORTHERLY EASEMENT LINE SOUTH 00° 15' 08" EAST, A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID JEA EASEMENT; THENCE SOUTH 89° 44' 52" WEST, ALONG SAID SOUTH EASEMENT LINE, AND ALONG THE NORTH LINE OF WESTLAND STATION UNIT THREE, AS RECORDED IN PLAT BOOK 56, PAGE 64 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTRY, A DISTANCE OF 1,428.20 FEET; THENCE DEPARTING LAST SAID SOUTH LINE NORTH 02° 20' 24" EAST, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 643.15 FEET; THENCE DEPARTING LAST SAID WEST LINE NORTH 89° 58' 34" WEST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 83.00 FEET; THENCE DEPARTING LAST SAID NORTH LINE NORTH 02° 20' 24" EAST, A DISTANCE OF 740.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MORSE AVENUE; THENCE SOUTH 89° 58' 34" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,402.40 FEET TO THE POINT OF BEGINNING.

LAND THUS DESCRIBED CONTAINS 43.41 ACRES, MORE OR LESS.

July 30, 2021

Exhibit 1
Page 1 of 1

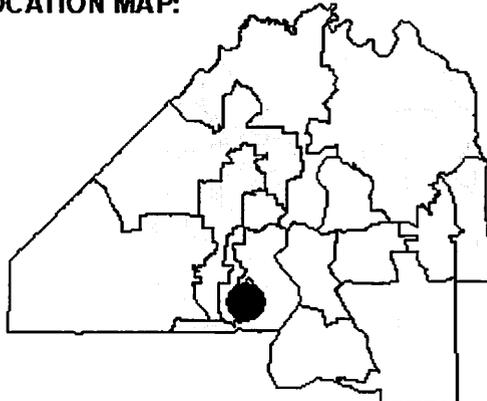


REQUEST SOUGHT:

FROM: RR-ACRE

TO: RLD-50

LOCATION MAP:



0 195 390 780



Feet

COUNCIL DISTRICT:

14

TRACKING NUMBER

T-2021-3690

**EXHIBIT 2
PAGE 1 OF 1**



Availability Letter

Mike Atlee

1/11/2021

Atlee Development Group
5851 Timuquana Road #301
Jacksonville, Florida 32210

Project Name: Tanya Wells
Availability #: 2021-0104

Attn: Mike Atlee

Thank you for your inquiry regarding the availability of Sewer, Water. The above referenced number in this letter will be the number JEA uses to track your project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire two years from the date above.

Point of Connection:

A summary of connection points for requested services are identified on the following page. JEA recognizes Connection Point #1 as the primary point of connection (POC); however, a secondary, conditional POC will be listed if available. JEA assumes no responsibility for the inaccuracy of any service connection portrayed on a JEA utility system record drawing. JEA requires field verification in the form of a Level A SUE of all POCs prior to any plan approval to ensure connection availability. Please note the Special Condition stated in each section contain pertinent information and additional requirements as well as further instructions. In the event the point of connection is located within a JEA easement located on private property not owned by applicant, applicant shall be responsible to obtain a temporary construction easement (TCE) from the third party owner providing applicant with the right to construct the utilities. **The TCE will need to be provided by JEA prior to setting up a pre-construction meeting.**

Main Extensions and/or Offsite Improvements:

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. **It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida.** All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found at:

https://www.jea.com/engineering_and_construction/water_and_wastewater_development/reference_materials/

Reservation of Capacity:

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found at

https://www.jea.com/water_and_wastewater_development

Sincerely,

JEA Water, Sewer Reclaim
Availability Request Team

Availability Number: 2021-0104

Request Received On: 1/8/2021

Availability Response: 1/11/2021

Prepared by: Susan West

Expiration Date: 01/11/2023

Project Information

Name: Tanya Wells

Address:

County: Duval County

Type: Sewer,Water

Requested Flow: 75250

Parcel Number: 098374 0010

Location:

Description: A proposed 215 lot single family subdivision

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Existing 12 inch water main at the intersection of Morse Ave and Seaboard Ave

Connection Point #2:

Water Special Conditions: Connection point not reviewed for site fire protection requirements. Private fire protection analysis is required.

Sewer Connection

Sewer Grid: Southwest

Connection Point #1: Existing 24 inch force main along Morse Ave

Connection Point #2: Existing 24 inch force main along Seaboard Ave

Sewer Special Conditions: Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, JEA owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). Request a force main connection pressure letter through Step 2 of the SagesGov portal.

Reclaimed Water Connection

Reclaim Grid: N/A

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions: JEA does not anticipate having reclaim water in this area in the foreseeable future.

Electric Availability:

Electric Special Conditions: The subject property lies within the geographic area legally served by JEA. JEA will provide electric service as per JEA's most current Rules and Regulations.

Point of connection location(s) to be field verified by developer during project design. If needed, a General Conditions: development meeting may be scheduled prior to submitting a plan set through the SagesGov portal. Copies of reference drawings may also be requested using the SagesGov portal.