

**Report of the Jacksonville Planning and Development Department**

**Large-Scale Future Land Use Map Amendment – February 14, 2020**

**Ordinance/Application No.:** 2019-307 / L-5364-19A

**Property Location:** 8835 Ricardo Lane, at the northeast corner of Ricardo Lane and MacArthur Court South

**Real Estate Number(s):** 140779 0000

**Property Acreage:** 0.30 of an acre

**Planning District:** District 2, Greater Arlington/Beaches

**City Council District:** District 4

**Applicant:** Donald Haas

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

**Development Area:** Urban

**Proposed Land Use:** Community/ General Commercial (CGC)

**Current Zoning:** Residential Low Density-60 (RLD-60)

**Proposed Zoning:** Planned Unit Development (PUD)

***RECOMMENDATION: Deny***

**APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT**

The land use change is requested in order to apply for a reasonable accommodation request in order to allow the parking of the property owner’s semi-tractor (no trailer) in the driveway.

**BACKGROUND**

The 0.30 of an acre site is part of a single family residential neighborhood in the northwest quadrant of Beach Boulevard (US 90) and Southside Boulevard (SR 115). The site consists of a single family residential structure where the applicant currently resides and owns.

The applicant proposes a future land use map amendment from Low Density Residential (LDR) to Community/General Commercial (CGC) and a rezoning from Residential Low Density -60 (RLD-60) to Planned Unit Development (PUD) to allow for the continued use

of the property as a single-family residential structure and to bring it in to compliance for parking a semi-tractor (no trailer) in the front yard driveway. The rezoning application is not required for the transmittal round of legislation and will be processed during the adoption round of this large-scale future land use map amendment.

The amendment to CGC is proposed due to the applicant's Reasonable Accommodation for Disabled Persons request, pursuant to Sec. 656.112, Zoning Code, to allow the parking of his semi-tractor (no trailer) in the driveway of his home on Ricardo Lane. According to the applicant, a breathing treatment must be taken nightly to attend to his emphysema diagnosis. Due to the applicant's occupation as a truck driver, an inverter was installed in his semi-tractor which is powered by the batteries of the semi-tractor to run to the breathing machine. The system needs to be recharged when the applicant is home.

The reasonable accommodation provisions of the Zoning Code are in place to provide an opportunity to review and consider, in site specific instances, if a strict application of Zoning Code standards inhibit the use of a dwelling due to a person's disability. The Director of Planning is authorized to, on an individual basis, provide relief from a particular zoning standard. However, the reasonable accommodation provisions provide a tiered level of review whereby if the accommodation rises to the level of a zoning exception or rezoning the request is processed in the same manner as a similar request without the need for a reasonable accommodation but with additional criteria for consideration. The additional criteria for consideration, as identified in Section 656.112(e), are as follows:

1. Whether the applicant meets the definition of a disabled person. The Director shall make this determination based upon consultation with, and the recommendation of, the Chief of Disabled Services;
2. Whether there is an identifiable relationship, or nexus, between the requested accommodation and the person's needs;
3. Whether a sufficient alternative to the specific initial request exists, if the initial request is determined to be not reasonable;
4. Whether granting this request would change the essential nature of the Zoning Code as compared to strict application of the code to the circumstances of the request; and
5. Whether the request would impose undue financial and administrative burdens on the City.

While the Chief of Disabled Services indicated that the applicant's situation would likely constitute a qualifying disability, it was determined by the Planning and Development Department that the accommodation exceeds the scope of such accommodation as provided for in the Zoning Code and would require both a rezoning and a 2030 Comprehensive Plan land use map amendment. The 2030 Comprehensive Plan does not address reasonable accommodation.

The purpose of the requested amendment is to facilitate the Applicant's ability to conduct his business or occupation, not to enable him to reside at the property. Therefore, the

requested accommodation is outside the scope of the reasonable accommodation provisions required to be considered in the Zoning Code.

Further and based on Zoning Code criteria for reasonable accommodation requests, a request requiring a land use map amendment, a level above a rezoning, would effectively change the essential nature of not only the Zoning Code but also the City's 2030 Comprehensive Plan. The CGC land use is the least intense land use category that accommodates the parking of a semi-tractor (no trailer) in a front yard. However, the CGC land use category is the most intense commercial land use category of the Future Land Use Element of the 2030 Comprehensive Plan. The Zoning Code specifies that an authorized reasonable accommodation will continue for only so long as the accommodation is needed. A permanent modification to allow the CGC land use on this property will enable a host of very intense commercial uses in the middle of the surrounding low intensity residential uses, which would exist long after the Applicant continues to need the requested accommodation. This application will permanently modify the existing zoning program in this area to improperly insert an extremely intense commercial use into an entirely low density residential area.

The applicant has provided a letter outlining the need for this proposal including a doctor's note identifying the issue and need and a sign-off from 7 nearby property owners to allow the parking of the semi-tractor in the driveway at 8835 Ricardo Lane. If this amendment is approved for transmittal, the companion PUD will be heard at the adoption round of this land use amendment and should limit the allowed uses to residential, restrict the parking location of the semi-tractor (no trailer) to a specific location, and include other site design measures necessary to protect the residential character of the neighborhood .

The site is located in an established single-family residential neighborhood. All surrounding uses are in the LDR land use category and are single-family residential strictures. The residential neighborhood has direct roadway access to Southside Boulevard (SR 115) to the east and Beach Boulevard (US 90) to the south, both major arterial roadways.

The adjacent land use categories, zoning districts and property uses of the land use amendment site are as follows:

North: Land Use: LDR, MDR  
Zoning: RLD-60, RMD-B  
Property Use: Single-family dwellings

South: Land Use: LDR, MDR  
Zoning: RLD-60, RMD-B  
Property Use: Single-family dwellings, Undeveloped land

East: Land Use: LDR  
Zoning: RLD-60

Property Use: Single-family dwellings

West: Land Use: LDR  
 Zoning: RLD-60, RLD-90  
 Property Use: Single-family dwellings

**IMPACT ASSESSMENT**

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site’s existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy 1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials as shown in this section.

**Impact Assessment Baseline Review**

<b>Development Analysis</b>		
Development Boundary	Urban Area	
Roadway Frontage Classification / State Road	Ricardo Lane, local roadway	
Plans and/or Studies	Greater Arlington/Beaches Vision Plan	
Site Utilization	Current: Single-family residential	Proposed: Single-family residential
Land Use / Zoning	Current: LDR / RLD-60	Proposed: CGC / PUD
Development Standards for Impact Assessment	Current: 5 units/acre	Proposed: 0.35 FAR
Development Potential	Current: 1 unit	Proposed: 4,574 sq.ft.
Net Increase or Decrease in Maximum Density	Decrease of 1 unit	
Net Increase or Decrease in Potential Floor Area	Increase of 4,574 sq. ft.	
Population Potential	Current: 2 people	Proposed: N/A
<b>Special Designation Areas</b>		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	No	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	High Sensitivity	
Historic District	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	Discharge	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
<b>Public Facilities</b>		
Potential Roadway Impact	105 net new daily trips	
Potential Public School Impact	N/A	
Water Provider	JEA	

<b>Development Analysis</b>	
Potential Water Impact	Decrease of 37.3 gallons per day
Sewer Provider	JEA
Potential Sewer Impact	Decrease of 27.9 gallons per day
Potential Solid Waste Impact	Increase of 4.7 tons per year
Drainage Basin/Sub-basin	Arlington River / Southside Estate Drain
Recreation and Parks	Grove Park approximately ½ mile away
Mass Transit Access	Along Southside BV – Regency Square Transfer Route
<b>Natural Features</b>	
Elevations	22-26 feet
Land Cover	1200 Residential
Soils	71 – Urban Land, Leon Boulogne complex
Flood Zones	No
Wetlands	No
Wildlife (applicable to sites greater than 50 acres)	N/A

### Utility Capacity

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been established by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure shall continue to be based on JEA’s Water, Sewer and Reuse for New Development Projects document (latest edition).

The site is currently served by JEA for both water and sewer. The applicant will continue the primary use of the property as a single-family dwelling which will not affect the current water and sewer service.

### Future Land Use Element

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

### Transportation

The Planning and Development Department completed a transportation analysis and determined that the proposed amendment will result in an increase of 105 net new daily external trips. This analysis is based upon the comparison of what potentially could be built on that site (as detailed in FLUE Policy 1.2.16 Development Standards for Impact Assessment) versus the maximum development potential. Trips generated by the new development will be processed through the Concurrency and Mobility Management System Office. A copy of the transportation analysis is on file with the Planning and Development Department.

### Transportation Element

Policy 1.2.1 The City shall use the Institute of Transportation Engineers *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

#### Capital Improvements Element

Policy 1.6.1 Upon adoption of the Mobility Plan implementing ordinance, the City shall cease transportation concurrency and use a quantitative formula for purposes of assessing a landowner's mobility fee for transportation impacts generated from a proposed development, where the landowner's mobility fee shall equal the cost per vehicle miles traveled (A); multiplied by the average vehicle miles traveled per Development Area (B); multiplied by the daily trips (C); subtracted by any trip reduction adjustments assessed to the development.

#### Supplemental Transportation Information

Objective 2.4 of the 2030 Comprehensive Plan requires that The City shall coordinate the mobility circulation system with the future land uses shown on the Future Land Use Map series in order to ensure that roads, road improvements and other mobility alternative improvements are provided as necessary to support development in an economically efficient and environmentally sound manner. The 2030 Mobility Plan replaced the transportation concurrency management system to address the multi-modal mobility needs of the city. Mobility needs vary throughout the city and in order to quantify these needs the city was divided into 10 Mobility Zones. The Mobility Plan identifies specific transportation strategies and improvements to address traffic congestion and mobility needs for each mode of transportation. The project site is located in Mobility Zone 8.

Existing available roadway capacity for the vehicle/truck mode for the entire zone was tested based on volume demand to capacity ratio (V/C), where the average daily traffic volumes determined from the most recent City of Jacksonville traffic count data were compared to the *Maximum Service Volumes (MSV)* from the current *FDOT Quality/Level of Service Handbook (2012)* for each functionally classified roadway within the zone. A V/C ratio of 1.0 indicates the roadway network is operating at its capacity.

The result of the V/C ratio analysis for the overall Mobility Zone 8 is **0.59**.

The proposed commercial development is expected to generate 105 net new daily trips onto the roadway network. Ricardo Lane is a local roadway that provides direct access to the site, and Beach Boulevard (US 90) and Southside Boulevard (SR 115) are functional classified roadways that could be impacted by the development. These state facilities are expected to operate at an acceptable V/C ratio with the inclusion of the additional traffic from this land use amendment.

#### **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of high sensitivity for the presence of archaeological resources.

Projects that move forward through the Site Review process may be required to perform a Professional Archaeological Reconnaissance Survey. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

#### Historic Preservation Element

Policy 1.2.6 The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

### **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on January 14, 2020, the required notices of public hearing signs were posted. Sixty-four (64) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen's Information Meeting was held on May 20, 2019. Two members of the public were present at the meeting. The neighbors in attendance did not have issue with the reason for the land use change, parking the property owner's semi-tractor (no trailer) in his front driveway; however, they expressed concern over the property having to change to a CGC land use that could potentially allow other commercial uses in their neighborhood.

### **CONSISTENCY EVALUATION**

#### **Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies**

##### Future Land Use Element (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.

Policy 1.1.2 As depicted on the FLUM series, Development Areas have been established to determine appropriate locations for land uses and densities and consist of five tiers of development intensities ranging from high density infill development in the historic core to very low density in the outlying rural areas. These include: the Central Business District (CBD); the Urban Priority Area (UPA); the Urban Area (UA); the Suburban Area (SA); and the Rural Area (RA). These Development Areas determine differing development characteristics and a gradation of densities for each land use plan category as provided in the Operative Provisions of this element.

- Policy 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.
- Policy 1.1.16 Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:
1. Creation of like uses;
  2. Creation of complementary uses;
  3. Enhancement of transportation connections;
  4. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
  5. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.
- 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 maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.
- Policy 2.2.4 Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.
- 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.
- 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.

- Policy 3.1.2 The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.
- Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.
- Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.
- Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

The subject site is currently within the Low Density Residential (LDR) land use category. According to the Future Land Use Element (FLUE), LDR in the Urban Development Area is intended to provide for low density residential development for up to seven (7) dwelling units per acre when full urban services are available to the site.

This amendment proposes a Community/General Commercial (CGC) land use designation. According to the FLUE, CGC in the Urban Development Area is intended to provide for all types of commercial retail sales and service establishments and development which includes offices. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as arterial or higher on the Functional Highway Classification Map.

In the Urban Area, plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services; which abut a roadway classified as a collector or higher on the Functional Highway Classification Map; and which are compatible with adjacent residential neighborhoods. While the subject site has access to urban services, the site is along local residential roadways and is part of a single-family residential neighborhood. Additionally, the high intensity of allowed uses in the CGC land use category does not provide a gradation of use and/or intensity in this residential neighborhood creating an incompatible and potentially blighting land use pattern inconsistent with Objective 1.1, Objective 3.1 and Policies 1.1.2, 2.2.4, 3.1.2, 3.1.3 and 3.2.1.

The proposed CGC land use designation would allow for an uncomplimentary use in the middle of a residential neighborhood with commercial entitlements that could negatively affect the residential character and fabric of the neighborhood. The adverse impacts of potential CGC land uses on the property to the existing residential neighborhood could have a detrimental effect on the neighborhood and is inconsistent with Goal 3 and Policies 1.1.16, 3.1.2 and 3.2.4.

Consistent with Policy 1.1.12, the companion PUD will be heard at the adoption round of this land use amendment and will propose to limit the allowed uses to residential and restrict the parking location of the semi-tractor (no trailer) to the driveway.

The site is currently served by JEA for both water and sewer. Consistent with Policy 1.2.9, the applicant intends to continue the primary use of the property as a single-family dwelling which will not affect the current water and sewer service.

### **Greater Arlington/Beaches Vision Plan**

The subject property is located within the boundaries of the Greater Arlington/Beaches Vision Plan. Objective 2.1.1 of Guiding Principal 1 of the vision plan states, that neighborhood assets and the character of the area should be identified, preserved, protected and promoted. A neighborhood is defined within the vision plan as “a locality always dominated by residential land use, although at times may contain other compatible land-uses.” While the intended use of the property will continue as single-family residential, the parking of the semi-tractor (no trailer) in the front yard changes the use of the property and the CGC land use designation is needed to accommodate that use. As such, the proposal for CGC on this parcel is incompatible with the surrounding neighborhood and inconsistent with the Greater Arlington/Beaches Vision Plan.

### **Strategic Regional Policy Plan**

The proposed amendment is inconsistent with the following Objective, Goal and Policy of the Strategic Regional Policy Plan:

**Objective:** Improve quality of life and provide quality places in Northeast Florida.

**Goal:** A safe, sanitary, efficient and resilient housing supply that provides lifestyle choice (agricultural, rural, suburban, and urban) and affordable options for all income, age and ability groups, equitably placed in vibrant, viable and accessible communities throughout the region.

**Policy 6:** The Region encourages the creation of housing and supportive infrastructure for all of our citizens, including our aging population, veterans, and those with special needs. When such development is designed, it recognizes the linkage between the location of these facilities, access to mobility options and community building that ensures that these facilities are part of the community and not isolated from it.

The Strategic Regional Policy Plan’s chapter of Communities and Affordable Housing encourages programs to further the stability of existing and future residential neighborhoods. While the applicant intends to utilize the property in its existing capacity

as his family home, the commercial entitlements of the CGC land use category could disrupt the surrounding neighborhood and community having a detrimental effect on the quality of life and place.



**LAND USE AMENDMENT**  
**ADDITIONAL INFORMATION FROM THE APPLICATION**

March 20, 2019

To Whom It May Concern:

My Name is Donald Haas and I live at 8835 Ricardo Lane, Jacksonville, Fl 32216. I have lived here for 50+ years and have been driving a truck for 37 years.

I have filed for this amendment for 2 reasons. The first being that I have been diagnosed with COPD(Emphysema) in the last few years. My lung doctor, Dr. Yergin has prescribed for me to do a breathing treatment nightly. I have installed an inverter in my truck which runs off of the batteries to run this breathing machine. This system needs to be recharged by plugging in an electrical 110 input which I have set up at my home. This needs to be done when I am home, 1 to 2 times weekly along with sterilizing the equipment. Second is that I have tried several times in the past to park my truck at different storage places. Those establishments have no access to electrical outlets for my system to charge. Also, those places do not hold themselves responsible for damage caused in their facilities. I have had batteries and fuel stolen and my truck vandalized before on multiple occasions. This causes great financial distress on me and my family especially as I am an owner/operator with only 1 truck. Not only do I have to replace what has been stolen but I can also lose my load.

The rezoning is being proposed as part of a reasonable accommodation request to allow the storage of 1 semi-tractor (no trailer) on residential property.

I have reconstructed my driveway so that my truck is completely off of roadways and does not hinder any emergency vehicles or others in any way. I never bring a trailer home with me, only my truck. I am always considerate of my neighbors and never come or leave to early or too late.

The company I am leased with here in Jacksonville, does a lot of FEMA work and I have to be on call 24/7 during those times of disaster when relief is needed.

I greatly appreciate everyone that has worked with me and that has helped me to try and find a solution to my issue. I thank you for your concern and your resolution to this issue.

Sincerely,



Donald Haas

**LAND USE AMENDMENT**  
**ADDITIONAL INFORMATION FROM THE APPLICATION**

12-17-2018

To Whom It May Concern:

This is to verify that Donald Haas II has been diagnosed with Emphysema (COPD). He must be able to return home every couple days to sterilize his breathing treatment equipment and recharge the inverter system in the truck for the equipment.

Thank you,

*Bruce M. Yergin MD*

*Bruce M. Yergin MD*

Dr. Bruce M. Yergin, MD.



*Cisca Pulmonary  
& Critical Care*

Office: 904-396-0300

Answering Service: 904-247-2057

Fax: 904-396-3039

**Bruce M. Yergin, M.D.**

3627 University Blvd, South, Suite 300 • Jacksonville, FL 32216  
cisca-pulmonary.com

**LAND USE AMENDMENT**  
**ADDITIONAL INFORMATION FROM THE APPLICATION**

March 8, 2019

To Whom It May Concern:

I am signing this letter to

Agree

Disagree

Steve Wlad  
8819 Ricardo Ln

\_\_\_\_\_  
\_\_\_\_\_

Sandra Pope  
8829 MacArthur Ct.S.

\_\_\_\_\_  
\_\_\_\_\_

Manuel V. Maldonado  
8815 MACARTHUR CT S

\_\_\_\_\_  
\_\_\_\_\_

Wine Pope  
8837 MacArthur Ct.S

\_\_\_\_\_  
\_\_\_\_\_

With my neighbor, Donald Haas parking his semi tractor (no trailer) in his own driveway on his own property at 8835 Ricardo Lane Jacksonville, Fl 32216.

**LAND USE AMENDMENT**  
**ADDITIONAL INFORMATION FROM THE APPLICATION**

March 8, 2019

To Whom It May Concern:

I am signing this letter to

Agree

Disagree

Robin Veltys  
8827 MacArthur Ct S.

\_\_\_\_\_  
\_\_\_\_\_

Mark Dahling  
8824 MacArthur Ct S.

\_\_\_\_\_  
\_\_\_\_\_

Patrick Perry  
8818 Ricardo Lane

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With my neighbor, Donald Haas parking his semi tractor (no trailer) in his own driveway on his own property at 8835 Ricardo Lane Jacksonville, FL 32216.