

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.: 2021-810**

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**

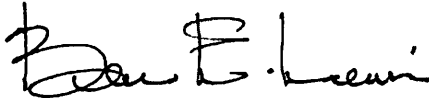
Planning Commission Recommendation: **Approve**

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, appearing to read "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 2021-0810

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 **2021-0810**.

Location: 3653 Dunn Avenue (SR 104); Between Dobson Drive and Wingate Road

Real Estate Number: 019974-0000

Current Zoning District: 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: District 6—North

Applicant/Agent: Paul M. Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Dr. DeWayne Harvey
Innovative Health Care Properties II, LLC
2333 Hansen Lane, Suite 4,
Tallahassee, Florida 32301

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2021-0810** seeks to rezone 6.00± acres of a property from Residential Medium Density-A (RMD-A) to Residential Medium Density-D (RMD-D). The request is being sought to allow for the development of multi-family dwelling units.

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 Medium Density Residential (MDR) 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. The subject site is located on the north side of Dunn Avenue, a state road, and approximately a ½ mile west of Lem Turner Road. The site is located within the MDR land use category and the Suburban Development Area. The MDR future land use category is intended to provide compact medium to high-density residential development and transitional uses between compact low to medium density mixed uses. 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 uses.

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, 2020-0816, the proposed development shall connect to City water and sewer with an estimated flow of 8,750 gpd.

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 growth expected in Planning District #6 and provide for a greater variety of housing products for Jacksonville residents.

Recreation and Open Space Element (ROSE):

Policy 2.2.2

The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

The proposed rezoning shall adhere to the policy mentioned herein once development of the site commences.

Policy 2.2.3

A residential subdivision development of 100 lots or more shall provide at least one acre of useable uplands for every 100 lots (and any fraction thereof), or 5% of the total useable uplands area to be platted, whichever is less, to be dedicated as common area and set aside for active recreation. There may be up to two areas for each 100 lots, and the areas shall be a minimum of 0.5 acres in size, unless otherwise approved by the Planning and Development Department, or by the City Council as part of a Planned Unit Development Zoning District.

In accordance with the policy mentioned above, the proposed rezoning shall satisfy this requirement once vertical development commences.

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 RMD-A to RMD-D in order to permit for a multi-family residential development—all while adhering to local, state, and federal regulations governing wetlands.

SURROUNDING LAND USE AND ZONING

The subject property is located at the intersection of Dunn Avenue and Dobson Drive in the northeastern quadrant. The proposed rezoning to RMD-D would allow for an appropriate transitional use and promote denser residential activity along Dunn Avenue, a minor arterial roadway and major commercial corridor. . The proposed rezoning to RMD-D would ALSO complement the recently rezoned RMD-D property (**Ordinance 2020-0298**) directly to the east. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-A	Undeveloped Land
East	MDR	PUD 1999-1098/RMD-D	Single-Family Dwellings/Undeveloped Land
South	MDR	PUD 1999-1098	Single-Family Dwellings
West	MDR	RMD-A	Undeveloped Land

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

SUPPLEMENTARY INFORMATION

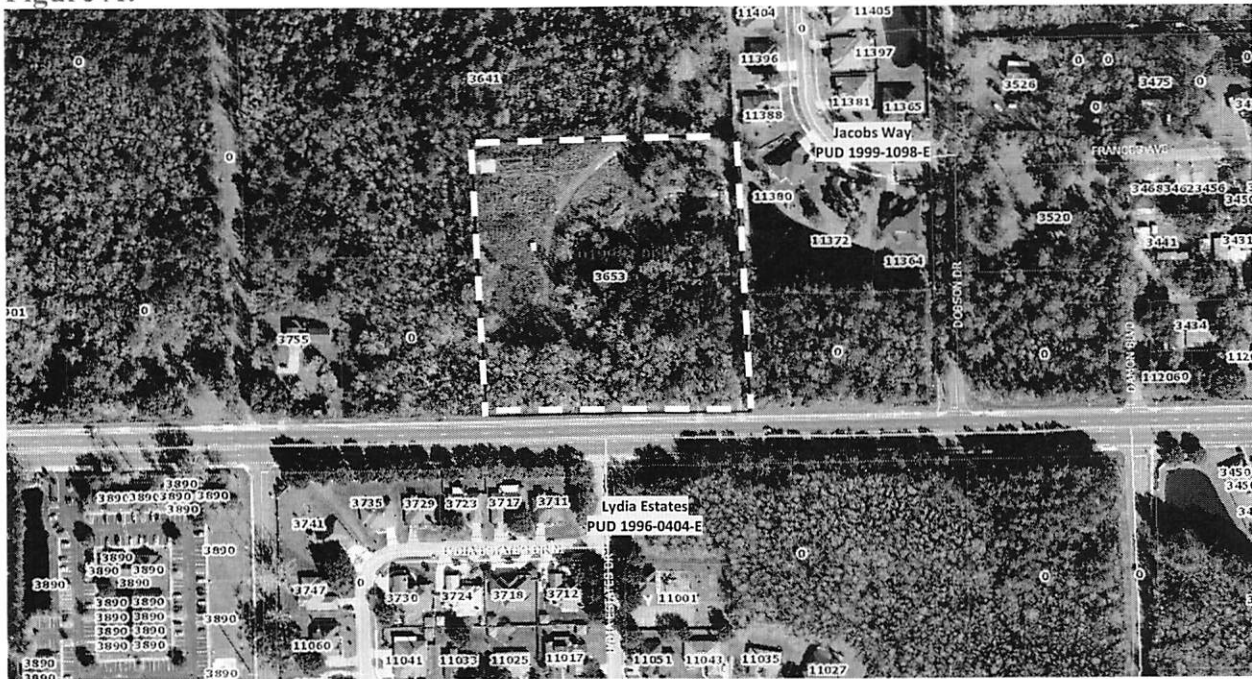
Upon visual inspection of the subject property on **December 2, 2021** by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2021-0810** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 08/09/21

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

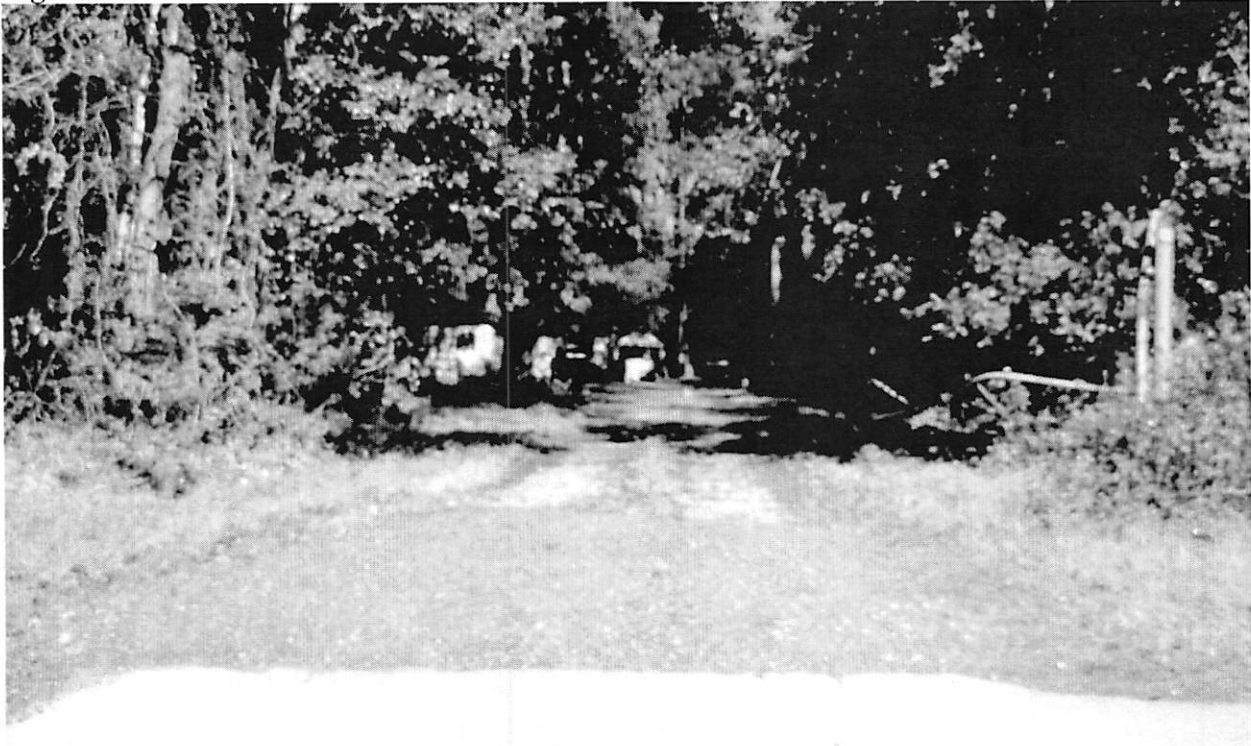
Figure B:



Source: Planning & Development Dept, 12/02/21

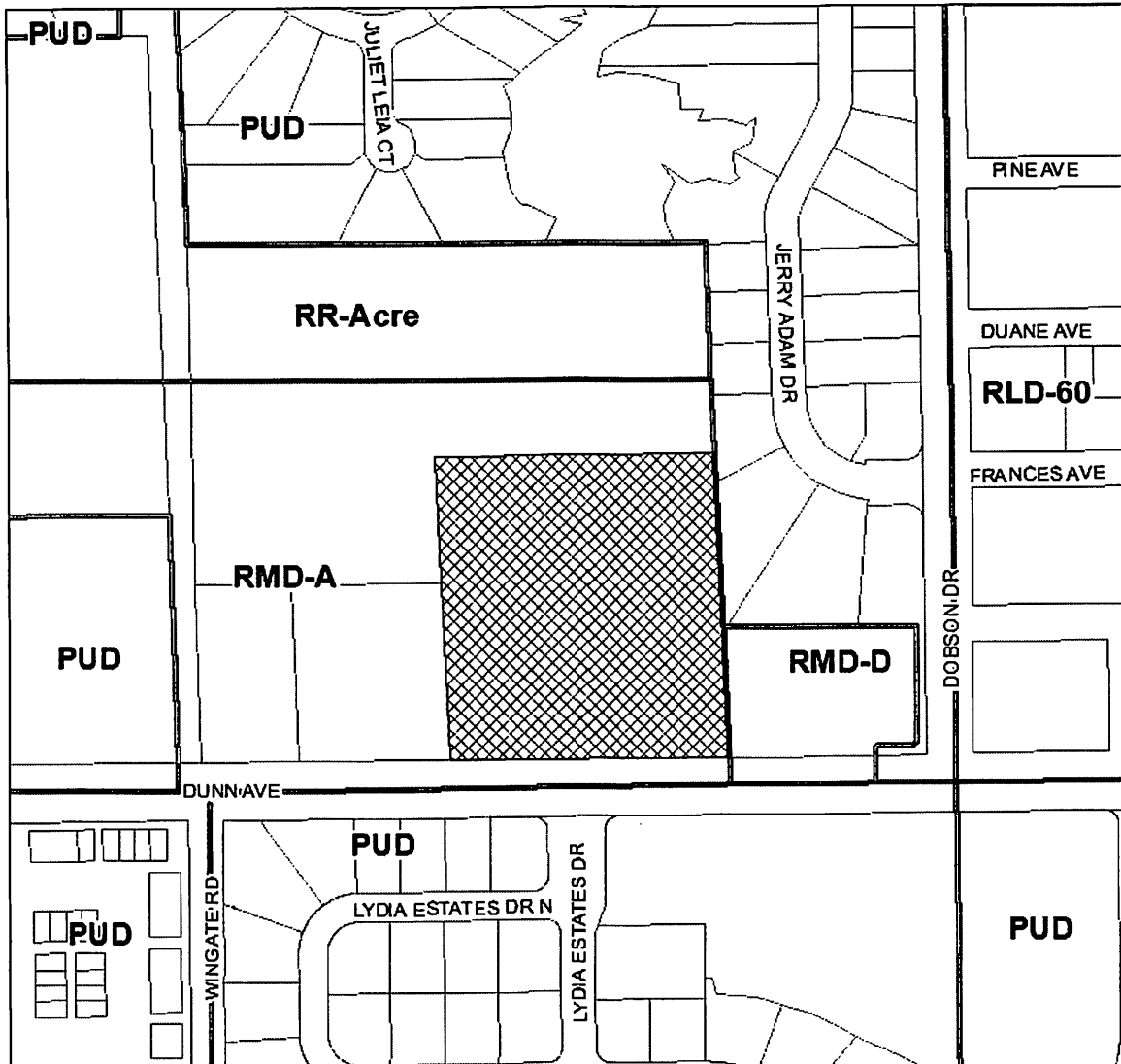
View of Dunn Avenue and the subject parcel, facing north.

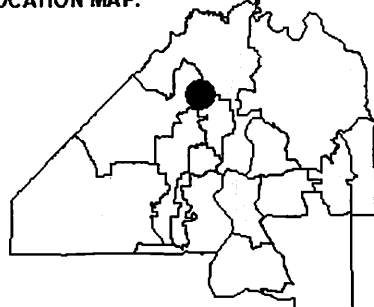
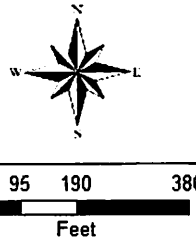
Figure C:



Source: Planning & Development Dept, 12/02/21

View of the single-family dwelling located on the subject property, facing south.



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: RMD-D</p>	<p>LOCATION MAP:</p> 	 <p>0 95 190 380 Feet</p> <p>COUNCIL DISTRICT:</p> <p>7</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0810</p>	<p>TRACKING NUMBER</p> <p>T-2021-3703</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0810 **Staff Sign-Off/Date** ATW / 08/09/2021
Filing Date 11/03/2021 **Number of Signs to Post** 2
Hearing Dates:
1st City Council 12/14/2021 **Planning Commission** 12/09/2021
Land Use & Zoning 01/04/2022 **2nd City Council** N/A
Neighborhood Association JACOBS WAY, THE EDEN GROUP INC., GARDEN CITY NEIGHBORHOOD ASSOCIATION
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3703 **Application Status** FILED COMPLETE
Date Started 07/30/2021 **Date Submitted** 07/30/2021

General Information On Applicant

Last Name HARDEN **First Name** PAUL **Middle Name** M.
Company Name
 LAW OFFICE OF PAUL M. HARDEN
Mailing Address
 1431 RIVERPLACE BLVD, SUITE 901
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone 9043965731 **Fax** **Email** PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name HARVEY **First Name** DEWAYNE **Middle Name**
Company/Trust Name
 INNOVATIVE HEALTH CARE PROPERTIES II, LLC
Mailing Address
 2333 HANSEN LANE, SUITE 4
City TALLAHASSEE **State** FL **Zip Code** 32301
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 019981 0000	7	6	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) 6.00

Justification For Rezoning Application

TO DEVELOP THE SITE SIMILAR TO THE DENSITIES OF NEARBY DEVELOPMENT AND ADDRESS THE DEMAND FOR A MIX OF HOUSING IN THE AREA.

Location Of Property

General Location

NORTH OF DUNN AVE, BETWEEN LEM TURNER RD. AND I-295

House #	Street Name, Type and Direction	Zip Code
3653	DUNN AVE	32218

Between Streets

LEM TURNER RD and I-295

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.

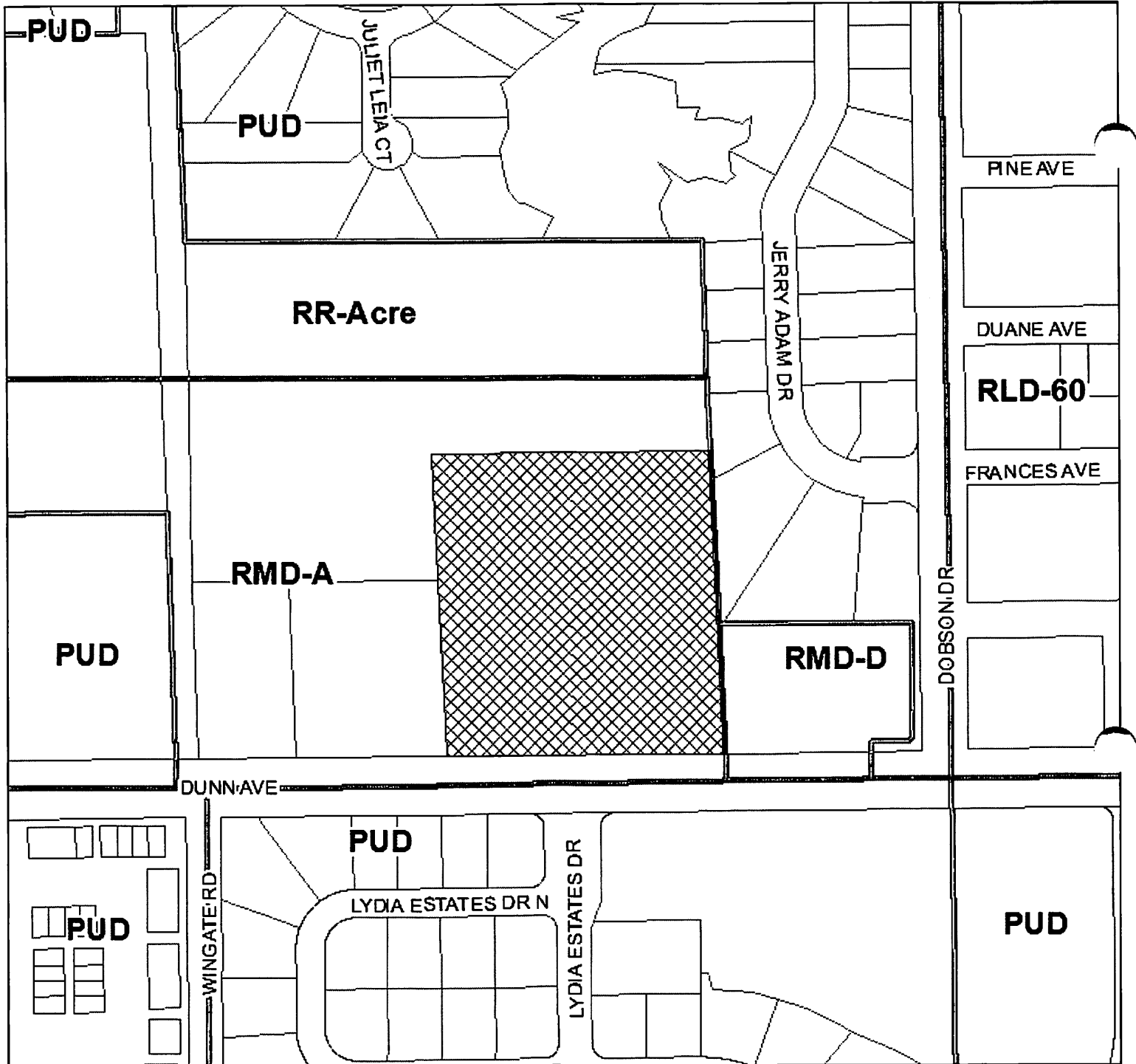
Application Certification

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
6.00 Acres @ \$10.00 /acre: \$60.00
- 3) Plus Notification Costs Per Addressee
Notifications @ \$7.00 /each:
- 4) Total Rezoning Application Cost:
NOTE: Advertising Costs To Be Billed to Owner/Agent

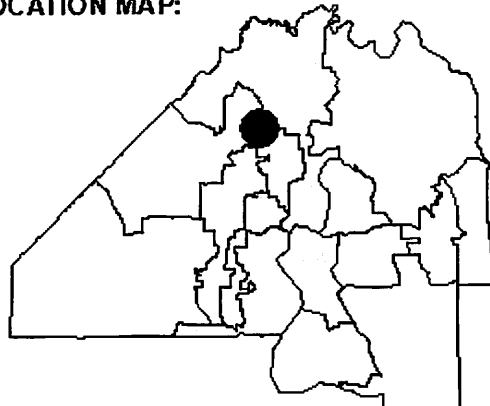


REQUEST SOUGHT:

FROM: RMD-A

TO: RMD-D

LOCATION MAP:



0 95 190 380
Feet

COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2021-3703

**EXHIBIT 2
PAGE 1 OF 1**