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

June 23, 2022

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.: 2022-391

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

Aye

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 8-0

David Hacker, Chair Aye
Alex Moldovan, Vice Chair Aye
Ian Brown, Secretary Aye
Marshall Adkison Aye
Daniel Blanchard Aye
Jordan Elsbury Aye
Joshua Garrison Aye

Jason Porter

Planning Commission Report Page 2

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 2022-0391

JUNE 23, 2022

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 2022-0391.

Location: 953 New Berlin Road

Real Estate Number: 106953-0105, 106665-0000

Current Zoning District: Commercial Community General-1 (CCG-1)

Commercial Neighborhood (CN)

Planned Unit Development (2006-0867)

Proposed Zoning District: Commercial Residential Office (CRO)

Current Land Use Category: Community General Commercial (CGC)

Proposed Land Use Category: Residential Professional Institutional (RPI)

Planning District: North, District 6

Applicant/Owner: Cyndy Trimmer, Esq.

Driver, McAfee, Hawthorne and Diebenow, PLLC

1 Independent Drive, Suite 1200

Jacksonville, FL 32202

Owner: Chets Creek Starratt, LLC

Chets Creek Northside, LLC

4302 Buck Point Road Jacksonville, FL 32210

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance 2022-0391 seeks to rezone approximately 14.22± acres of property from Commercial Community General-1 (CCG-1)/ Commercial Neighborhood (CN)/ Planned Unit Development (PUD 2006-0867) to Commercial Residential Office (CRO) to allow for the development of 216 multi-family dwelling units. The Planning and Development Department finds that the subject property is located in the Community General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs)

contained within the Future Land Use Element (FLUE) adopted as part of the <u>2030 Comprehensive Plan</u>. There is a companion Land Use Amendment, **2022-0390 (L-5683-22C)**. The proposed LUA is for Community General Commercial (CGC) to Residential Professional Institutional (RPI).

There is a companion Administrative Deviation AD-22-42 (Ord. #2022-0392) seeking to reduce minimum number of off-street parking spaces from 436 to 376 and 2 decrease minimum number of loading spaces from 7 required to 0.

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 and Development Department finds that the subject property is located in the Community General Commercial (CGC) functional land use category 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 2022-0390 (L-5683-22C) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Residential Professional Institutional (RPI). Staff is recommending that Application for Land Use Amendment 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 <u>2030</u> <u>Comprehensive Plan?</u>

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

preferred. Limited commercial retail sales and service establishments which serve a diverse set of neighborhoods are also encouraged in order to reduce the number of Vehicle Miles Traveled. Single-use developments shall be limited to residential or office and mixed-use developments and may not include more than 90 percent of any individual use. Plan amendment requests for new RPI designations are preferred in locations which are supplied with full urban services and in locations which serve as a transition between commercial and residential land uses. For sites abutting Low Density Residential and Rural Residential, the maximum gross density shall be 20 units per acre.

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

Future Land Use Element

Objective 3.1

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.

The proposed rezoning at the subject site would directly address the projected growth for the surrounding area by providing for a greater variety of housing options for local citizens.

Evacuation Zone D

The Emergency Preparedness and Homeland Security Division provided the following for the companion land use amendment, L-5683-22C:

The proposed properties in land use amendment L-5683-22C will be in close proximity to New Berlin Road and Main Street North, indicating sufficient access to I-295 (1.42 road miles) and I-95 (2.47 road miles), primary evacuation routes.

In consideration of the surrounding evacuation zones (Zone A, Zone C, Zone D, and Zone E), nearest evacuation routes, and the estimate of 191 multi-family dwelling units, the development of the proposed property could create a localized impact to the traffic flow on I-295 and I-95 during an emergency evacuation scenario. The changes proposed through land use amendment application L-5683-22C would have a minimal impact on countywide evacuation clearance time within Duval County. Site design techniques that minimize disruption to existing traffic flow are encouraged. Any development should incorporate appropriate mitigation techniques to reduce flood vulnerability and minimize impacts to the floodplain.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value

of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 1.98 Acres

General Location(s): The wetlands are located along the northern and

central portion of the application site.

Quality/Functional

Value: The wetland has a low functional value for water

filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition the wetland has no clear or significant impact on the

City's waterways.

Soil Types/

Characteristics: Surrency loamy fine sand, depressional (66) – The

Surrency series consists of nearly level, very poorly drained soils that occur in depressions. These soils formed in thick sandy and loamy marine sediments. The soils are moderately permeable moderately slowly permeable. Generally, the high water table is

at or above the surface.

Wetland Category: Category III

Consistency of

Permitted Uses: All uses consistent with CCME Policies 4.1.3 and

4.1.6

Environmental Resource

Permit (ERP): Not provided by the applicant

Wetlands Impact: The wetlands of this site has been severely impacted

by the construction of a drainage ditch on the northern boundary of the application several years

ago.

Associated Impacts: 0.2 PCT Annual Chance Flood Hazard and AE flood

zones

Relevant Policies: CCME Policies 4.1.3 and 4.1.6

For more information regarding Conservation/Coastal Management Element, please see the attached memo from Community Planning Division.

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 CCG-1/CN/PUD to CRO to allow for the development of multi-family dwellings.

SURROUNDING LAND USE AND ZONING

The subject site is located on the north side of New Berlin Road, a collector roadway, between Starratt Road and Gillespie Avenue. The subject property is split zoned between CN/CCG-1 and Planned Unit Development Ord. #2006-0867, which allowed a mixed-use development consisting of commercial uses and office condos. To the North is Mobile home Park Oceanway Village zoned Residential Low Density-60 and south of the New Berlin are single family dwellings ranging between RLD-60/RLD-120. Further west along New Berlin is PUD Ord. #2017-0489 for townhome development.

The subject site is approximately 14.22± acres and is accessible from New Berlin Road and Starratt Road, both collector facilities. New Berlin Road is currently operating at 36.59% of capacity. This segment of New Berlin Road has a maximum daily capacity of 31,941 vehicles per day (vpd) and average daily traffic of 11,687 vpd. Starratt Road is currently operating at 51.97% of capacity. This segment of Starratt Road has a maximum daily capacity of 16,810 vehicles per day (vpd) and average daily traffic of 8,736 vpd.

The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use	
North	LDR	RLD-60	Mobile Home Park	
South	CGC	CO	Single Family Dwellings	
East	CGC	CCG-1	Neighborhood Shopping Center	
West	CGC	RLD-60	Single Family Dwellings	

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

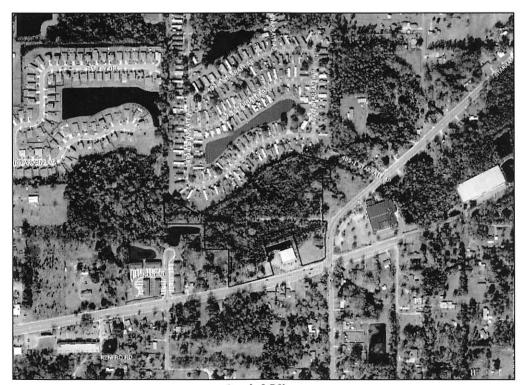
SUPPLEMENTARY INFORMATION

The applicant, provided photo evidence to the Planning and Development Department, on **June 9**, **2022**, proof that the Notice of Public Hearing signs <u>were</u> posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2022-0391 be APPROVED.



Aerial View

Source: JaxGIS Map



View of Subject Property

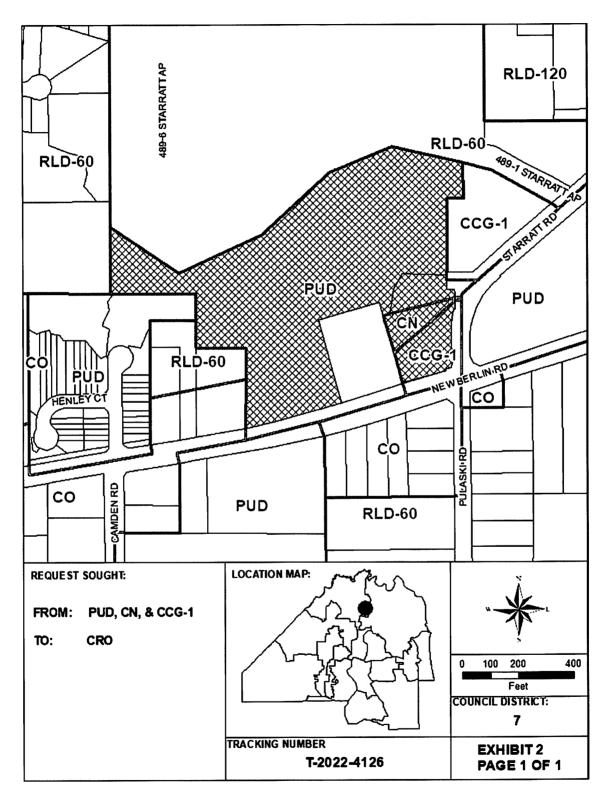
Source: JaxGIS Map



View of Property to the South
Source: Planning and Development Department, COJ (Date: June 9, 2022)



View of Entrance to Residential Subdivision to the North Source: Planning and Development Department, COJ (Date: June 9, 2022)



Legal MapSource: JaxGIS Map

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info-

Ordinance # 2022-0391 **Staff Sign-Off/Date** ELA / 05/04/2022

Filing Date 05/24/2022 Number of Signs to Post 4

Hearing Dates:

1st City Council 06/28/2022 **Planning Comission** 06/23/2022 **Land Use & Zoning** 07/19/2022 **2nd City Council** 07/26/2022

Neighborhood Association M & M DAIRY INC, THE EDEN GROUP INC.

Neighborhood Action Plan/Corridor Study N/A

Application Info-

Tracking # 4126 Application Status FILED COMPLETE

Date Started 02/28/2022 Date Submitted 03/25/2022

-General Information On Applicant-

Last Name First Name Middle Name

TRIMMER CYNDY

Company Name

DRIVER, MCAFEE, HAWTHORNE AND DIEBENOW, PLLC

Mailing Address

1 INDEPENDENT DRIVE, SUITE 1200

 City
 State
 Zip Code

 JACKSONVILLE
 FL
 32202

Phone Fax Email

9048070185 904 CKT@DRIVERMCAFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name First Name Middle Name

N/A N/A

Company/Trust Name

CHETS CREEK NORTHSIDE, LLC

Mailing Address

4420 HODGES BOULEVARD

 City
 State
 Zip Code

 JACKSONVILLE
 FL
 32224

Phone Fax Email

Last Name First Name Middle Name

N/A N/A

Company/Trust Name
CHETS CREEK STARRATT, LLC

Mailing Address

City State Zip Code

Phone Fax Email

Property Information-

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 2006-0867

Map RE# Council Planning From Zoning To Zoning

https://maps.coj.net/Luzap/AppConvPrint.aspx

District District(s) District

 Map
 106953 0105
 7
 6
 PUD
 CRO

 Map
 106665 0000
 7
 6
 CCG-1,CN,PUD
 CRO

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

Existing Land Use Category

CGC

Land Use Category Proposed?

If Yes, State Land Use Application #

5683

Total Land Area (Nearest 1/100th of an Acre) 14.22

Justification For Rezoning Application

APPLICANT SEEKS THIS REZONING TO DEVELOP A MULTIFAMILY RESIDENTIAL COMMUNITY.

Location Of Property-

General Location

NORTH OF NEW BERLIN ROAD AND WEST OF STARRATT ROAD

House # Street Name, Type and Direction Zip Code953 NEW BERLIN RD 32218

Between Streets

NEW BERLIN ROAD and STARRATT 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

(which may be either lot and block or metes and bounds) should not be 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

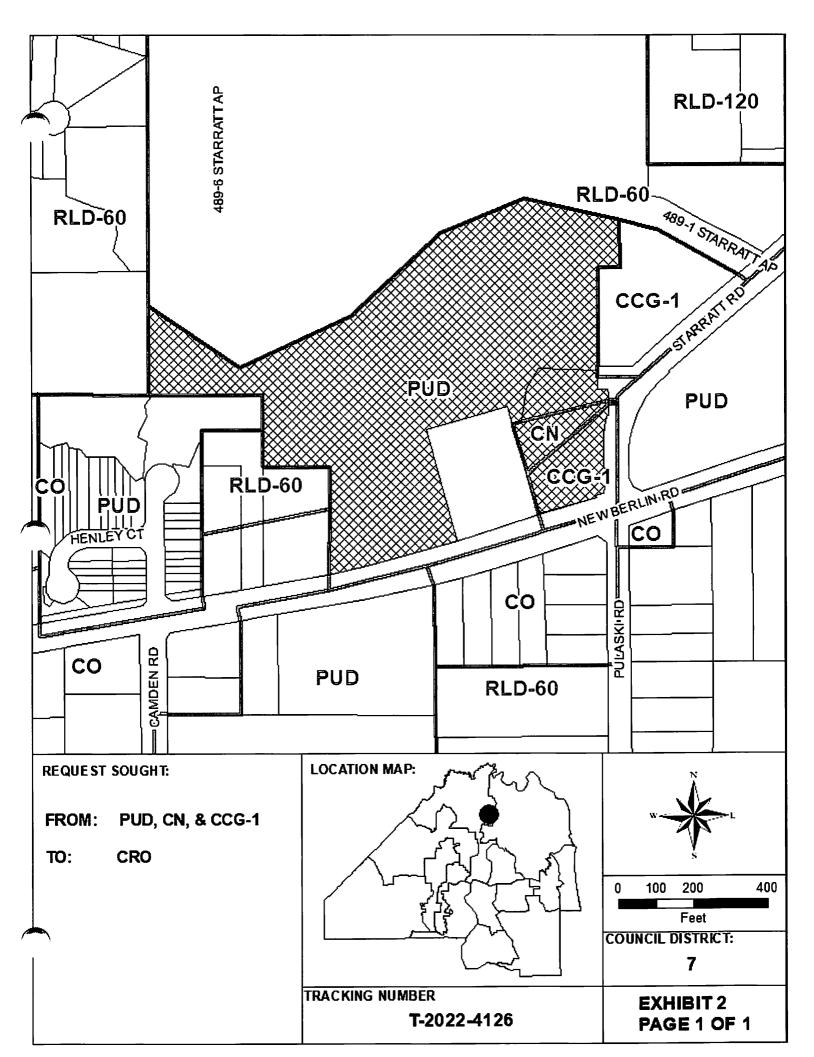
14.22 Acres @ \$10.00 /acre: \$150.00

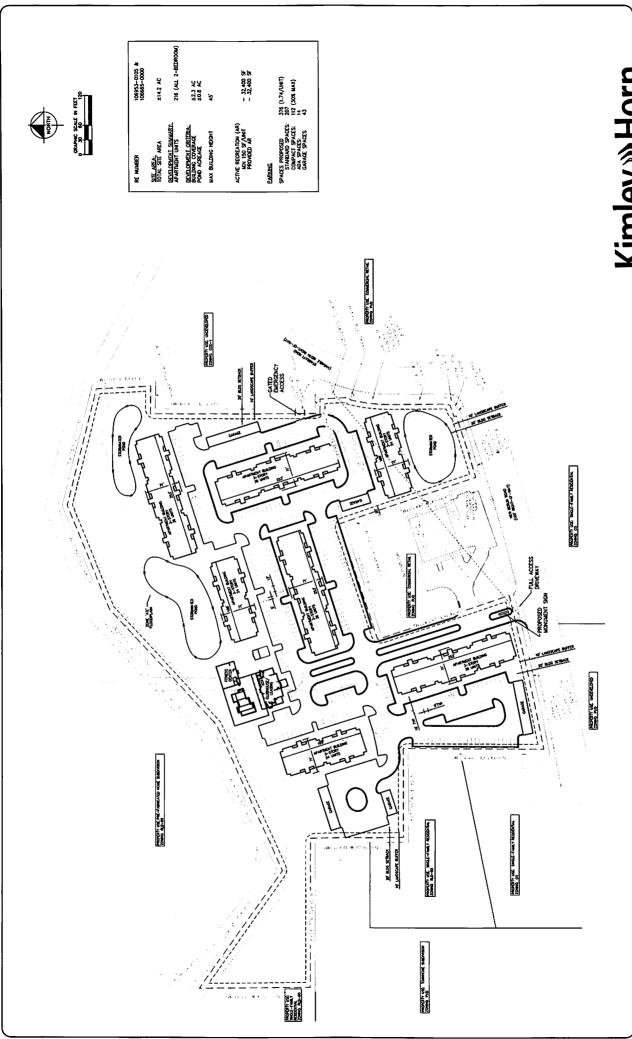
3) Plus Notification Costs Per Addressee

27 Notifications @ \$7.00 /each: \$189.00

4) Total Rezoning Application Cost: \$2,339.00

NOTE: Advertising Costs To Be Billed to Owner/Agent





Kimley » Horn

NEW BERLIN APARTMENTS
JACKSONVILLE, FL
APRIL 21, 2022

Kimley » Horn

April 26, 2022

Cyndy K. Trimmer Driver, McAfee, Hawthorne & Diebenow, PLLC One Independent Drive, Suite 1200 Jacksonville, FL 32202

RE: Parking Demand Analysis
New Berlin Apartments
Jacksonville, Florida

Dear Ms. Trimmer:

Hillpointe, LLC (Applicant) is currently working on the development of an apartment community on the northwest corner of the New Berlin Road / Starratt Road / Pulaski Road intersection in Jacksonville, Florida. A site plan is attached. The proposed development includes 216 apartment units. All units are proposed as two-bedroom units in three-story buildings. Per the City of Jacksonville Code of Ordinances Section 656.604, the minimum parking supply for the proposed development is 2.0 parking spaces per dwelling unit, or a total of 432 parking spaces. Kimley-Horn has prepared a parking demand analysis for the proposed development to demonstrate that the proposed parking supply is anticipated to be sufficient.

The Institute of Transportation Engineer's (ITE's) publication entitled *Parking Generation Manual, 5th Edition* was reviewed to estimate the parking demand for the land use proposed. The proposed apartment community falls under ITE land use 221: Multifamily Housing (Mid-Rise). Based on data provided by ITE, for land use 221, the average peak parking demand is 0.75 parked vehicles per bedroom, which would equate to 324 parked vehicles. The 85th percentile peak parking demand is 0.87 parked vehicles per bedroom, which would equate to 376 parked vehicles. A graphic illustrating the ITE parking data for land use 221 is attached.

The Applicant proposes to provide 376 parking spaces on site, which exceeds the ITE average peak parking demand by 16 percent and matches the ITE 85th percentile peak parking demand for the applicable land use. Please accept this parking demand analysis to allow for a lower parking supply than allowed by code.

Kimley » Horn

Please contact me at (904) 828-3900 or jack.hulsberg@kimley-horn.com should you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Jack Hulsberg

Jack Hulsberg, P.E.

Transportation Engineer

Multifamily Housing (Mid-Rise) (221)

Peak Period Parking Demand vs: **Bedrooms**

Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban (no nearby rail transit)

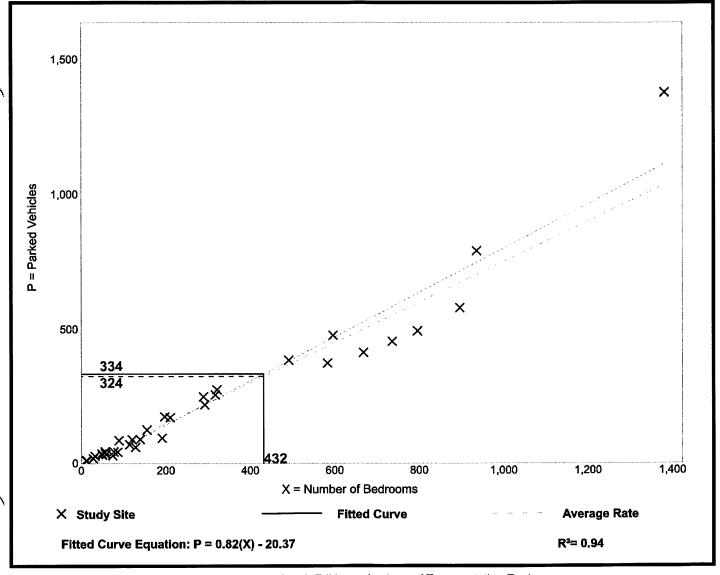
Peak Period of Parking Demand: 10:00 p.m. - 5:00 a.m.

> Number of Studies: Avg. Num. of Bedrooms: 294

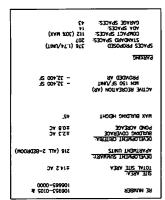
Peak Period Parking Demand per Bedroom

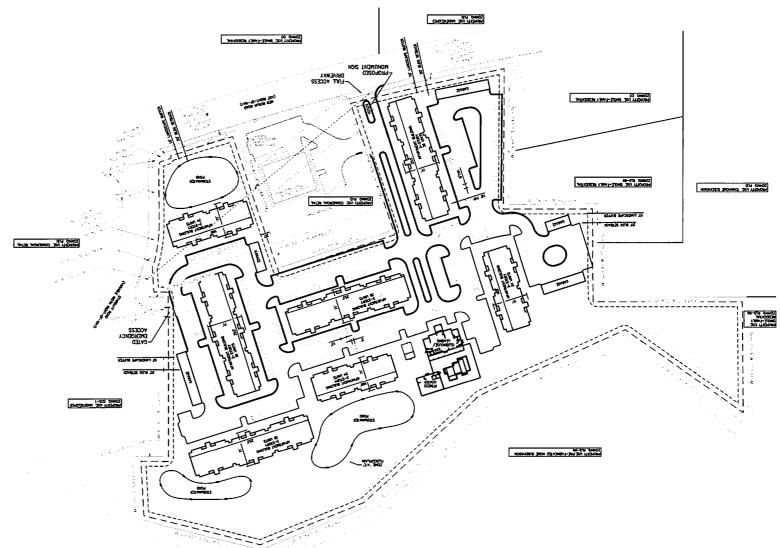
Average Rate Range of Rates		33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.75	0.41 - 1.00	0.65 / 0.87	0.70 - 0.80	0.15 (20%)

Data Plot and Equation









Kimley.»Horn

NEW BERLIN APARTMENTS

APRIL 21, 2022

JACKSONVILLE, FL

(2) 2020 KANEET-HOPN KND RSCISTER 696
12740 CANEET PARAM RESEL STEED
12740 CANEET FARMAN RESEL STEED
12740 CANEET PARAM FARMAN RESEL STEED
12740 CANEET PARAM FARMAN RESEL INC



Availability Letter

Chad Arnold 4/22/2022

Kimley-Horn Jacksonville 12740 Gran Bay Parkway W, Suite 2350 Jacksonville, Florida 32258

Project Name: New Berlin Apartments

Availability #: 2022-1594

Attn: Chad Arnold

Thank you for your inquiry regarding the availability of Chilled Water, Electric, Reclaim, 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.

bint of Connection:

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 Conditions 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 preconstruction 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 syment 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

Sincerely,

Susan West westsr@jea.com (904) 665-7980

Availability Number: 2022-1594

Request Received On: 4/19/2022

Availability Response: 4/22/2022

Prepared by: Susan West

Expiration Date: 04/21/2024

Project Information

Name: New Berlin Apartments

Address:

County: Duval County

Type: Chilled Water, Electric, Reclaim, Sewer, Water

Requested Flow: 34560

Parcel Number: 106953 0105, 106665 0000

Location: Off New Berlin Rd, between Gillespie Ave and Starratt Rd.

Description: Proposed 216 unit 2-bedroom apartment complex.

Potable Water Connection

Water Treatment Grid: North Grid

Connection Point #1: Existing 16 inch water main along New Berlin Rd

Connection Point #2: Existing 12 inch water main along Starratt Rd

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

analysis is required.

Sewer Connection

Sewer Grid: District 2/Cedar Bay

Connection Point #1: Existing 12 inch force main along New Berlin Rd

Connection Point #2: Existing 12 inch force main along Starratt Rd

Connection to the JEA-owned sewer system for your project will require the design and

construction of an onsite, privately owned and maintained pump station, and a JEA dedicated

Sewer Special Conditions:
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:

The subject property lies within the geographic area legally served by JEA. JEA will provide Electric Special Conditions: 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, General Conditions: a 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.

Subsequent steps you need to take to get service:

Request As-Built drawings and/or GIS maps by going to Step 1 in Sages. Request a Hydrant Flow Test by going to Step 1 in Sages. Request a Development Meeting with the water/wastewater team by going to Step 2 in Sages. If you need representative from the electric or real estate team please indicate that on your application. Don't forget to upload your utility layout with your application. Submit your plans for water/waste water review by Step 2 in Sages. Submit your request for a Force Main Connection Pressure letter by accessing Step 2 in Sages.