

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

January 19, 2023

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2022-899**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

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

Planning Commission Vote:	6-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Absent
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Aye
Joshua Garrison	Absent
David Hacker	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO**APPLICATION FOR REZONING ORDINANCE 2022-0899****JANUARY 19, 2023**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2022-0899**.

Location: 0 Mayer Drive

Real Estate Number: 141495-0000

Current Zoning District: Commercial Residential Office (CRO)

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

Current Land Use Category: Residential Professional Institutional (RPI)

Proposed Land Use Category: Low Density Residential (LDR)

Planning District: Greater Arlington/Beaches, District 2

Applicant/Owner: Zach Miller, Esq.
Law Office of Zach Miller
3203 Old Barn Court
Ponte Vedra Beach, FL 32082

Owner: Adam Eiseman
BCEL 10D, LLC
7563 Philips Hwy Bldg 100 Suite 208
Jacksonville, FL 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0899** seeks to rezone approximately 0.31± acres of property from Commercial Residential Office (CRO) to Residential Low Density-60 (RLD-60) in order to allow for the development of single family dwellings. The CRO zoning district allows for the use of single family dwellings by Zoning Exception, while RLD-60 allows for the use by right. The Planning and Development Department finds that the subject property is located in the Residential Professional Institutional (RPI) 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. There is a companion Land Use Amendment, **2022-0898**

(L-5770-22C). The proposed LUA is for Residential/Professional/Institutional (RPI) to Low Density Residential (LDR).

The property is located within the Renew Arlington Zoning Overlay and falls within the Arlington Road Character Area. The Renew Arlington CRA Advisory Board met on January 11, 2023 to discuss the rezoning application and has issued a recommendation of Approval for the request. The Advisory Board voted unanimous 7-0 for the approval and their recommendation as written is consistent with the Redevelopment Plan.

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 Residential Professional Institutional (RPI) 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 L-5770-22C (Ordinance 2022-0898) that seeks to amend the portion of the site that is within the Residential Professional Institutional (RPI) land use category to Low Density Residential (LDR). Staff is recommending that Application for Land Use Amendment be approved.

LDR in the Urban Priority Area is intended to provide for low density residential development. Single-family residential is permitted at up to 7 dwelling units per acre when connected to full urban services. Development is limited to one dwelling unit per ¼ acre when access is not available to water or sewer and one dwelling unit per ½ acre when no services are accessible. A JEA availability letter dated August 25, 2022, is included in the companion rezoning application. The letter indicates that an existing 4-inch water main is within the Mayer Drive right-of way. However, no gravity sewer main abuts this property.

Subject to connection to sewer services, the proposed RLD-60 rezoning is consistent with the proposed LDR land use amendment application for the subject site.

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 2030 Comprehensive Plan?***

Yes. The proposed rezoning is consistent the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element

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.

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

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.

The subject properties is located in the Urban Priority Area and According to the JEA Availability letter dated August 25, 2022, submitted with the application, the site has access to city water but there is no sewer main abutting the property. The applicant provided a Centralized Water and Sewer Connection Binding Acknowledgement Form dated October 18, 2022 signifying the intent to connect to both water and sewer services prior to development of the subject site. Therefore the property will be in compliance with Policy 1.2.9.

Septic Tank Failure Area

The property is located in an identified septic tank failure area. The City shall continue the effort to phase out septic tanks in defined failure areas in order to comply with Chapter 751, Jacksonville Ordinance Code. See policies of the Infrastructure Element below:

Policy 1.2.4

Existing septic tanks for estimated wastewater flows of 600 or less gallons per day (gpd) shall connect to the collection system of a regional utility company provided that gravity service is available via a facility within a right-of-way or easement, which abuts the property.

Policy 1.2.5

Existing septic tanks for estimated wastewater flows exceeding 600 gallons per day (gpd) shall connect to the collection system of a regional utility company provided that a facility abuts or is within 50 feet of the property.

Policy 1.2.8

The City shall continue the effort to phase out septic tanks in defined failure areas in conformance with Chapter 751, Ordinance Code (Septic Tank Superfund).

Neighborhood Action Plan

The subject site is located within the Old Arlington Neighborhood Action Plan (NAP). The Old Arlington Study Area currently includes a variety of land uses consisting of commercial, office, multi-family and single-family residential. Concerns of intensification of uses abutting residential areas suggest that permitting intense uses can erode the character of the area and have detrimental effect on the viability of residential uses over time. The proposed land use amendment is requesting a change from RPI to LDR, a less intense use, and directly abuts single-family residential uses to the south. Therefore, this land use amendment is supportive of the concerns within this NAP.

Arlington Community Redevelopment Association (CRA)

A meeting was held on January 11, 2023 by the Renew Arlington CRA Advisory Board. Members of the board discussed the land use change from commercial uses to residential uses regarding the subject site's location on Mayer Drive. Question of septic tank usage was proposed as the area is predominantly reliant on septic services. The board was made aware that the proposed development intends to connect to full urban services in order to comply with FLUE policies and objectives within the 2030 Comprehensive Plan. The Renew Arlington CRA Advisory Board recommended approval of both the Land Use Amendment Ordinance 2022-898 and companion Rezoning Ordinance 2022-899.

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 CRO to RLD-60 to allow for single-family uses by right.

SURROUNDING LAND USE AND ZONING

The subject site is located just south of Arlington Road, between Shackleton Road and Underhill Drive, and north of Arlington Expressway (SR10A). This property and the immediate surrounding parcels are all zoned Commercial Residential Office (CRO) development with a mix of single family dwellings, professional offices and a church. More particularly Mayer Drive is primarily developed with single family dwellings including the adjacent parcel to the south. Parcels near Arlington Road are all zoned CRO but extending further south the area is zoned RLD-60 and developed as a single family subdivision. The request would be a down zoning and if approved would allow for the development of single family dwellings. It is the opinion of the Planning and Development Department that the requested rezoning to RLD-60 will be consistent and compatible with the surrounding uses. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	RPI	CRO	Office
South	RPI	CRO	Single Family Dwelling
East	RPI	CRO	Single Family Dwelling
West	RPI	CRO	Church

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **January 9, 2023** 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 **2022-0899** be **APPROVED**.



Aerial View

Source: JaxGIS Map



View of Subject Property

Source: JaxGIS Map



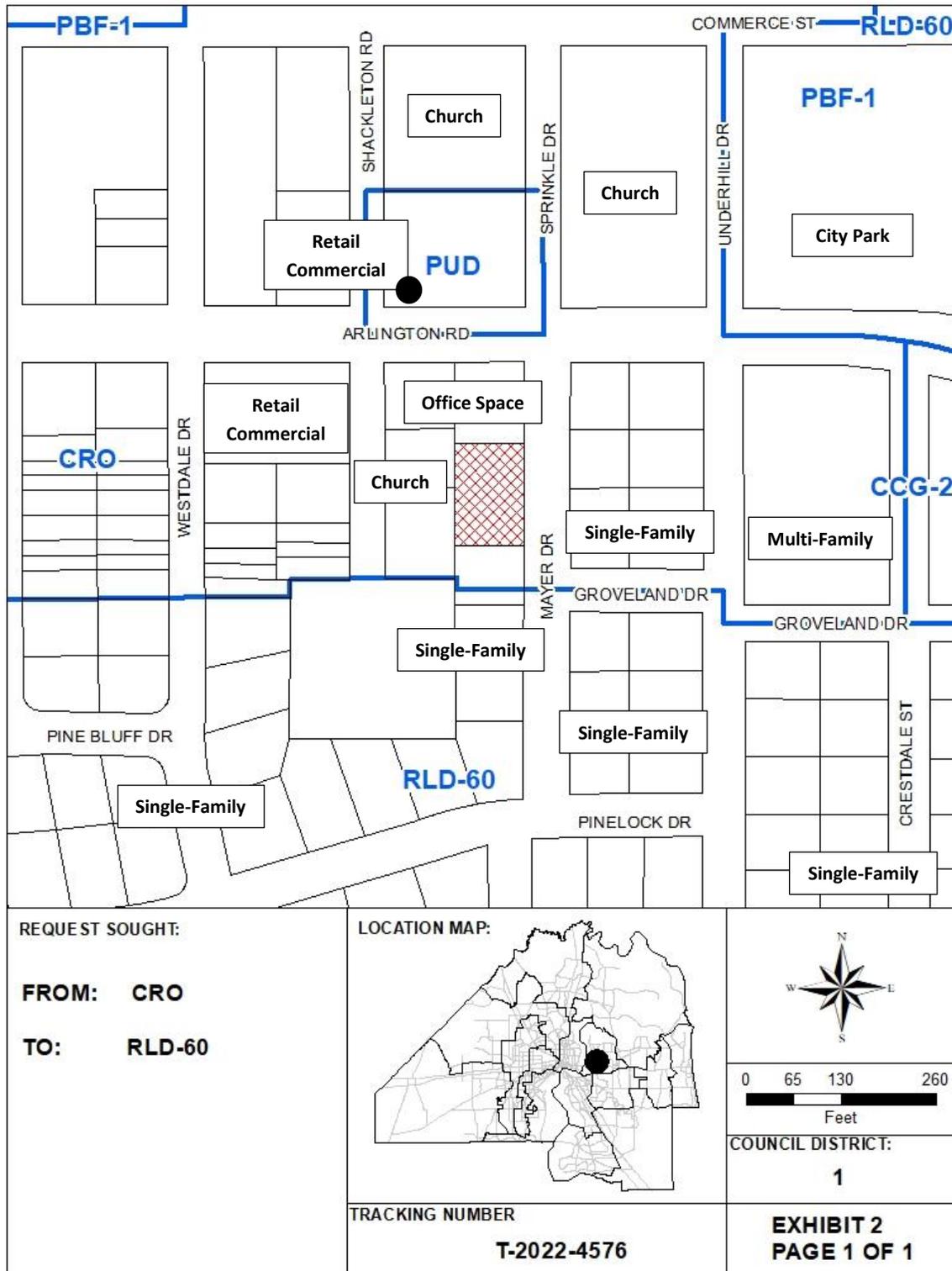
View of Property to the East

Source: Planning and Development Department, COJ (Date: January 9, 2023)



View of Property to the South

Source: GoogleMaps



Legal Map
 Source: JaxGIS Map