

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2019-0756**

**NOVEMBER 14, 2019**

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 **2019-0756**.

***Location:*** 0 Duval Road; between Victoria Point Drive and Mission Creek Drive

***Real Estate Numbers:*** 044248 0000

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

***Proposed Zoning District:*** Residential Low Density-40 (RLD-40)

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

***Planning District:*** North, District 6

***Applicant/Agent:*** Atlee Development Group, Inc.  
Kelly Smith  
5851 Timuquana Road #301  
Jacksonville, Florida 32210

***Owner:*** Richard Broward  
214 Oakleigh Drive  
Deland, FL 32774

***Staff Recommendation:*** **APPROVE w/ recommendation for RLD-50**

**GENERAL INFORMATION**

Application for Rezoning Ordinance 2019-0756 seeks to rezone 14.82± acres from Residential Rural-Acre (RR-Acre) to Residential Low Density-40 (RLD-40) to develop the property with a single-family subdivision. The subject site has approximately 588 feet of frontage on Duval Road. The proposed development will be required to connect to JEA utilities for water and sewer to achieve the minimum lot sizes in the zoning district. The subject property is located with the JIA-CRA and the application was forwarded to the Office of Economic Development for review.

The properties directly adjacent to the North and West of the subject property are zoned as RR-Acre, which requires a minimum lot width of 100 feet and 1-acre lot size. To the east of the subject

property is PUD 2002-0617, which allows for lots between 70 to 80 feet wide. The PUD directly to the south (PUD 2003-0606) allows for 70 foot lots with a minimum lot area of 8,400 square feet. There are multiple other Planned Unit Developments within the immediate area, however, most allow for 60 foot wide lots (PUDs 1995-0118, 1999-0751, and 1988-0192.) To the west of the property is the Victoria Preserve subdivision, which was approved under PUD 2004-0419. This PUD approved 90 foot lots with two attached dwelling units on each lot. Under 2017-0276, the property adjacent to PUD 2004-0419 was approved for a conventional rezoning to RLD-40, however, the Planning and Development Department recommended 50 foot lots.

**Staff finds that a single-family residential subdivision is appropriate in this location and compatible with the surrounding uses; however, lot widths consistent with the RLD-50 Zoning District are recommended in order to provide a more gradual transition between lot sizes in the area.**

### **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?***

The subject site is located on the east side of Duval Road, a collector roadway, and between Victoria Point Road and Mission Creek Road. The applicant seeks to rezone the property from RR-Acre to RLD-40 to develop a single-family subdivision with 40 to 45 foot lots. The application site is located in the LDR land use category within the Suburban Development Area as identified in the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. The site is also located in Planning District 6 and Council District 7.

According to the Future Land Use Element (FLUE), 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.

According to the JEA Availability letter submitted with the application and dated May 1, 2019, water and sewer mains are available in close proximity to the application site within the Duval Road right-of-way.

The property is surrounded by LDR land use. The requested RLD-40 rezoning is consistent with the LDR Land Use Category description however the Department believes that RLD-50 will provide a better transition to more intensive land use, given the surrounding Zoning Districts. The rezoning should demonstrate full consistency with the other identified Policies as described above to be deemed consistent with the general intent of the 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 proposed rezoning to RLD-40 promotes a pattern of compatible uses (*i.e.* single family dwellings) consistent with the surrounding area and future development. However, the lot size is not consistent with the surrounding zoning districts. Therefore, the proposed rezoning to RLD-50, as recommended by Staff, will allow the property to be developed in a lot pattern that is a good transition for the surrounding area.

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

*The applicant has provided a JEA Availability letter stating that the subject property is in proximity to both water and sewer connection points. The applicant will be required to connect to both to develop the property into a single-family subdivision.*

Policy 3.1.6            The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

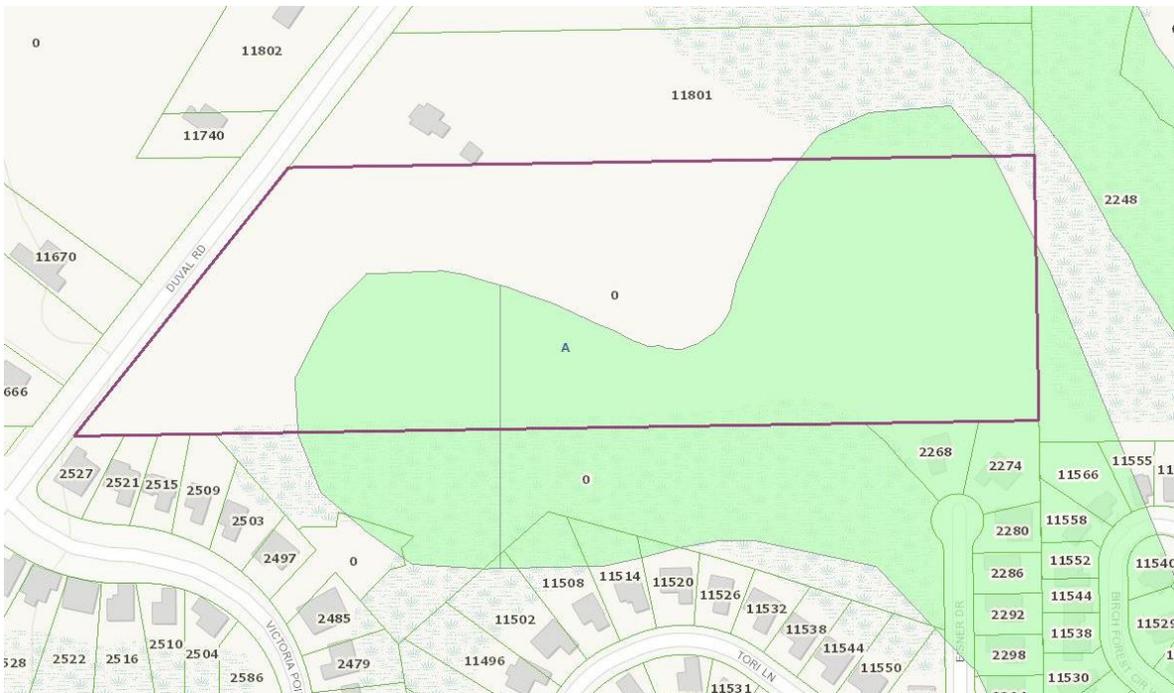
*The proposed rezoning would further allow for a wide variety of housing types for this area, by allowing a more intense zoning district, compared to the surrounding districts.*

Policy 3.1.11            The City shall require new residential areas to be designed to include an efficient system of internal circulation and connection to adjacent developments and neighborhoods. The Land Development Regulations shall detail the requirements for public access and interconnectivity within and between developments based on standards such as but not limited to a connectivity score, maximum separations between connections to adjacent developments, and rules relative to hours, operations, and public safety considerations for any restriction of access through the use of gates.

Public access and interconnectivity requirements will be reviewed once plans are submitted for 10-set review.

**3. Does the proposed rezoning conflict with any portion of the City's land use regulations?**

Approximately 8.55 acres of the subject site is located within the A flood zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year. A Zones are areas within the 100-year floodplain or SFHA where flood insurance is mandatory.



For more information in regards to flood zones, please see the attached memorandum from the Community Planning Division.

**SURROUNDING LAND USE AND ZONING**

The subject property is located east of Duval Road. The surrounding uses, land use category and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RR-Acre	Single Family Dwelling
East	LDR	PUD 2002-0617	Single Family Dwellings

South  
West

LDR  
LDR

PUD 2003-0606  
RR-Acre

Single Family Dwellings  
Single Family Dwelling, Pasture

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 12, 2019, 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 **2019-0756** be **APPROVED** for **RLD-50**.



Aerial



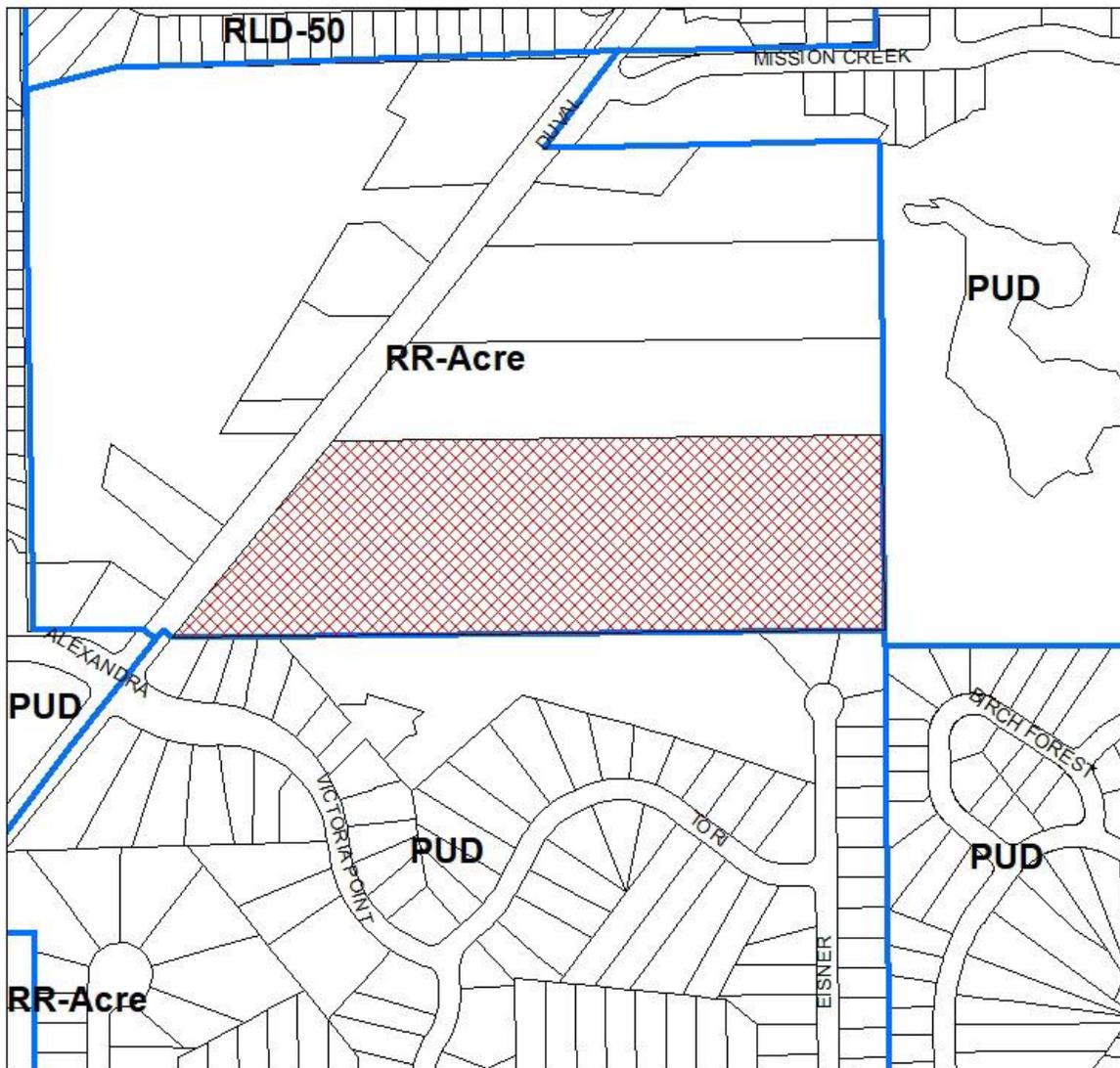
Source: Planning & Development Department, 11/12/2019

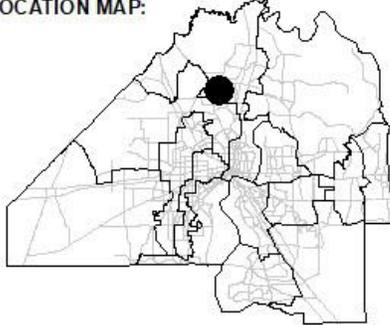
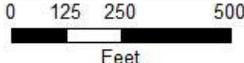
Subject Property



*Source: Planning & Development Department, 11/12/2019*

**Property to the West: Single Family Dwelling and Pasture**



<p>REQUEST SOUGHT:</p> <p>FROM: RR-ACRE</p> <p>TO: RLD-40</p>	<p>LOCATION MAP:</p> 	  <p>COUNCIL DISTRICT:</p> <p>7</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0756</p>	<p>TRACKING NUMBER</p> <p>T-2019-2484</p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>