

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2016-0004

FEBRUARY 4, 2016

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 **2016-0004**.

Location: 0 Garden Street,
between Jones Road & Flora Springs Road South.

Real Estate Numbers: 002872-0002

Current Zoning District: Planned Unit Development (PUD 2006-1164)

Proposed Zoning District: Residential Low Density – 80 (RLD-80)

Current Land Use Category: Neighborhood Commercial (NC)

Proposed Land Use Category: Low Density Residential (LDR)

Planning District: Northwest, District 5

Planning Commissioner: Ben Davis

City Council District: The Honorable Katrina Brown, District 8

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

Owner: Kenyon Atlee
Sierra Oaks, LLC
5851 Timuquana Road, #301
Jacksonville, FL 32210

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2016-0004** seeks to rezone 9.99 acres from Planned Unit Development (PUD 2006-1164) to Residential Low Density – 80 (RLD-80). The property is currently located in the Neighborhood Commercial Future Land Use Category, and was planned as a commercial center, based on the existing PUD. The new proposal would be for a single family use, with a gross density of 5 units per acre, based on a minimum lot size of 8,800 square feet, and a minimum lot width of 80 feet. The property is surrounded by several existing single family residential projects, all of which have some or most of the property constructed with single family dwellings. To the south is a large PUD zoning district that is currently undeveloped, which would allow for commercial uses. The property abuts a large area of wetlands to the north, which are currently protected by a conservation easement with the St. Johns Water Management District.

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 that, with the approval of **2016-0003**, the subject property will be located in the LDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The LDR land use category is generally defined as a category that provides for low density residential development, up to 7 units per acre. Single-family detached housing should be the predominate development typology in this category. Density, location and mix of uses shall be pursuant to the Development Areas as set forth in the 2030 Comprehensive Plan. The proposed RLD-80 category is consistent with the single family residential uses and the surrounding Zoning Districts; all contained within either the LDR, AGR-IV, or NC land use categories.

2. ***Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?***

Yes. The proposed amendment is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Goal 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 property abuts a large area of wetlands, which are protected via a St. Johns River Water Management District conservation easement. The proposed development leaves out a small area of the parent parcel, which is covered by wetland area, to be part of a future conservation easement, to protect these remaining unaccounted for wetlands. The proposed rezoning will not attempt to include these sensitive areas. The applicant has supplied a letter and site plan, denoting the location of this area, as well as granting the city the right to file a rezoning application to Conservation (CSV) at a later time, to ensure the protection of these wetlands.

Policy 1.1.10: *“Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.”* The properties located to the east, west and north of this site are in the AGR –IV Land Use Category, and the property immediately to the south is in the NC land use category. The proposed LDR Land Use Category, along with the proposed RLD-80 Zoning District, would allow for some transition of intensity from the proposed commercial uses to the south, to the larger lots and wetlands to the north.

Objective 6.3: *“The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.”* The subject site is currently undeveloped, and has residential development currently underway to the immediate east and west of this parcel. The area has many proposed developments already in some stage of approval, with many of them in a PUD zoning district. This parcel is a bypassed stretch of land, with active construction on either side. Approval of this application would make for a logical infill area on this segment of Garden Street, as utilities are already in place, to accommodate the existing projects.

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. The subject property meets the minimum requirements of the RLD-80 zoning district as set forth in Section 656.305 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The subject property is located on the north side of Garden Street. The surrounding uses, land use category and zoning are as follows:

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	AGR-IV	PUD	Wetlands
East	AGR-IV	PUD	Residential
South	NC	PUD / AGR	Vacant Commercial
West	AGR-IV	PUD	Residential

The property is a parcel of PUD zoned property, intended originally for neighborhood commercial uses. The applicant is proposing a more compatible low density residential zoning district, which will act as a transition form the neighborhood commercial uses that are planned to the south, to that of the larger residential lots and wetlands to the north, east and west. As utilities have already been extended to this area, and it is currently surrounded by residential development, approval of this application, pending the approval of the companion small scale land use amendment (2016-0003), would make for a logical transition and infill site for residential uses. Approval of this application, with the supplied letter authorizing the city to apply for a rezoning application to Conservation CSV, for the purposes preserve the remaining .5 acres of wetlands, and approval of the companion would be consistent with the 2030 Comprehensive Plan

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 19, 2016, the required Notice of Public Hearing sign **was** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2016-0004** be **APPROVED**.



Aerial

*Source: Staff, Planning and Development Department
Date: January 19, 2016*



Subject property

*Source: Staff, Planning and Development Department
Date: January 19, 2016*



NC Land Use and PUD Zoning District property to the south

Source: Staff, Planning and Development Department
Date: January 19, 2016



Single-family development to the east

Source: Staff, Planning and Development Department
Date: January 19, 2016



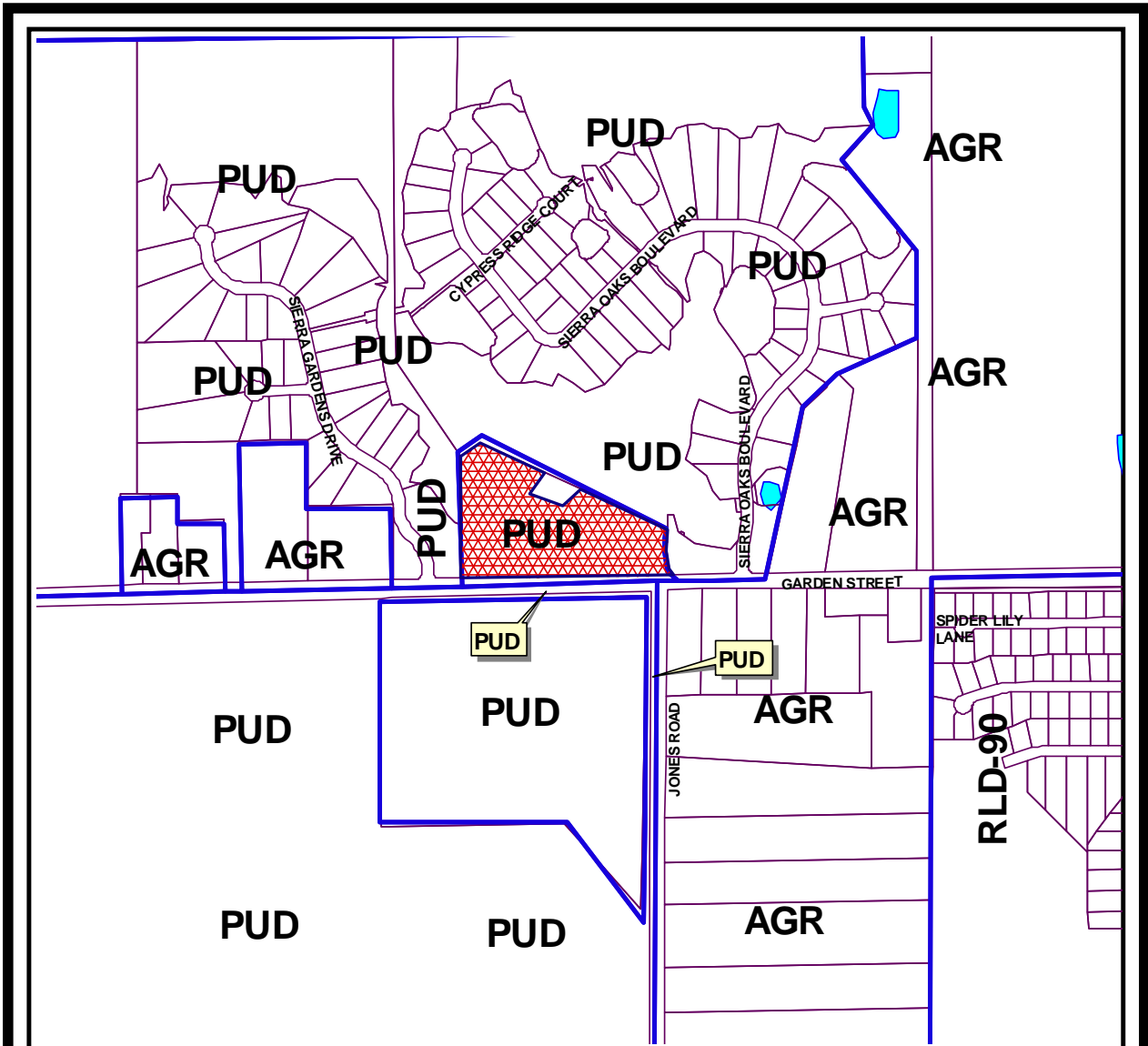
Single-family development to the west

Source: Staff, Planning and Development Department
Date: January 19, 2016



Garden Street, looking to the east towards Jones Road

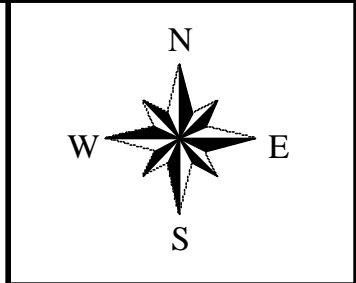
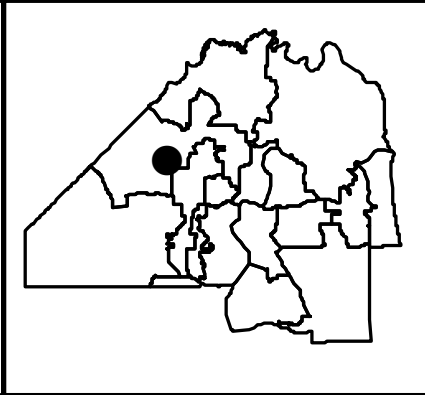
Source: Staff, Planning and Development Department
Date: January 19, 2016



REQUEST:

FROM: PUD

TO: RLD-80



COUNCIL DISTRICT:
8

ORDINANCE NUMBER:
 Ord. 2016-0004

TRACKING NUMBER:
 T-2015-1010

Exhibit 2