

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2016-0803

JANUARY 19, 2017

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 **2016-0803**.

Location: 12375 Dunn Creek Road and 0 Dunn Creek Road;
on the east side of Dunn Creek Road, south of New
Berlin Road between New Berlin Road and Caney
Oaks Drive

Real Estate Numbers: 106524 0050 and 106524 0010

Current Zoning District: Residential Rural-Acre (RR-Acre) and Residential
Low Density-60 (RLD-60)

Proposed Zoning District: Residential Low Density-50 (RLD-50)

Current Land Use Category: Low Density Residential (LDR)

Planning District: North, District 6

Planning Commissioner: Donald Adkison

City Council District: The Honorable Al Ferraro, District 2

Applicant/Agent: Curtis L Hart
8051 Tara Lane
Jacksonville, Florida 32216

Owner: Cherry Lawrence
12375 Dunn Creek Road
Jacksonville, FL 32218

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2016-0803** seeks to rezone 4.99 acres from Residential Rural-Acre (RR-Acre) and Residential Low Density-60 (RLD-60) to Residential Low Density-50 (RLD-50) for the purpose of developing the property as a single-family subdivision. The site

has frontage on Dunn Creek Road and contains a mix of buildable land and some wetlands property. JEA electric, water and sewer service is available to the site. The surrounding properties feature a variety of different zoning districts including Residential Low Density-100A to the north and east, RR-Acre to the west, and a mixture of Planned Unit Development (PUD) and RLD-60 to the south. Due to the mixture of zoning districts surrounding the subject site the proposed rezoning is relatively consistent with the surrounding 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?

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 the subject property is 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 category, in the Suburban Development Area, permits low density residential development up to 7 dwelling units per acre. The proposed use is permitted in the LDR land use category of which single-family development is the predominant use. The rezoning request is compatible with the existing Land Use category of LDR.

The proposed Rezoning request is consistent with the following Goals, Policies and Objectives of the Future Land Use Element (FLUE) as set forth in the 2030 Comprehensive Plan:

FLUE 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.

FLUE Objective 1.1

Ensure that the type, rate and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE 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.

FLUE Policy 1.1.22

Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

FLUE Policy 1.3.8

The right-of-way reserved and the design standards established for the TMA roadway network shall accommodate bicycle and pedestrian travel. At a minimum, the design standards shall meet the City's current design standards for sidewalks and bicycle paths. Connectivity among proposed development should be provided by sidewalks, pedestrian pass-throughs and passageways, where appropriate.

FLUE Policy 1.4.7

The City shall require new development or redevelopment to support alternative modes of transportation. Such measures may include, but are not limited to, the provision of sidewalks, bikeways, transit stops, or other facilities to support alternative modes, such as parking management systems and park-and-ride facilities.

FLUE 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.

FLUE Objective 3.4

Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, educations and recreational activities.

FLUE Goal 4

To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetlands resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

FLUE Goal 4.1

The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes. In order to achieve this objective and its associated policies, the City shall continue to work with the applicable regional, state and federal agencies charged with these regulatory responsibilities.

FLUE Policy 4.1.3

The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

- a) Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and
- b) No net loss Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:
 - i. The habitat of fish, wildlife and threatened or endangered species,
 - ii. The abundance and diversity of fish, wildlife and threatened or endangered species,
 - iii. The food sources of fish and wildlife including those which are threatened or endangered,
 - iv. The water quality of the wetlands, and
 - v. The flood storage and flood conveyance capabilities of the wetlands

FLUE Policy 4.1.7

High intensity wetland surveys shall be submitted for all land use amendments where City data indicates potential existence of wetlands on the subject site. Rezoning and site plan applications shall include high intensity wetland surveys where City data indicates potential existence of wetlands on the subject site and where there is a high potential for wetland impact. For purposes of this policy, a high intensity wetlands survey shall include the location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Land Use amendments to the Conservation Future Land Use Category are exempt from this requirement.

The property is completely surrounded by LDR land use. The proposed rezoning to RLD-50 promotes a pattern of compatible uses consistent with FLUE Policy 1.1.22 and facilitates the stability and viability of existing residential development. The rezoning provides additional housing opportunities for the area consistent with Objective 3.4 of the FLUE. The rezoning is consistent with the LDR Land Use Category description. The rezoning should demonstrate full consistency with the other identified Policies as described above in order 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 amendment is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan: The resulting development will be a single-family subdivision that should be below the maximum density of 7 units per acre. The proposed rezoning will allow the property to be developed in a lot pattern that will be consistent with similar recent developments in the surrounding area, and increase the available housing stock in the area.

SURROUNDING LAND USE AND ZONING

The subject property is located on the east side of Dunn Creek Road. The surrounding uses, land use category and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-100A	Single Family
East	LDR	RLD-100A/RLD-60	Single Family
South	LDR	PUD, RR-Acre	Single Family
West	LDR	RR-Acre	Single Family

The properties included as part of this application are two adjacent parcels of land and located in an area featuring a variety of zoning districts including Residential Low Density-100A (RLD-100A) to the north and east, RLD-60 to the east, RR-Acre to the south and west and Planned Unit Development (PUD) to the south.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 4, 2017, 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 **2016-0803** be **APPROVED**.



Aerial

Source: Staff, Planning and Development Department

Date: 12.29.16



Subject parcels

Source: Staff, Planning and Development Department

Date: 01.04.17



Subject parcels looking south

Source: Staff, Planning and Development Department

Date: 01.04.17



Subject parcels looking north
Source: Staff, Planning and Development Department
Date: 01.04.17



Adjoining vacant parcel to the north
Source: Staff, Planning and Development Department
Date: 01.04.17



Adjoining vacant parcel to the north

Source: Staff, Planning and Development Department

Date: 01.04.17



North along Dunn Creek Road

Source: Staff, Planning and Development Department

Date: 01.04.17



South along Dunn Creek Road

Source: Staff, Planning and Development Department

Date: 01.04.17



Single-family residential across Dunn Creek Road to the west

Source: Staff, Planning and Development Department

Date: 01.04.17



Single-family residential across Dunn Creek Road to the west

Source: Staff, Planning and Development Department

Date: 01.04.17

