

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-0219

APRIL 20, 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 **2017-0219**.

Location: Southwest quadrant of Duval Road and Armsdale Road North

Real Estate Numbers: 044246 1000
044246 0000

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

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: North, 6

City Council District: The Honorable Reggie Gafney, District 6

Applicant/Agent: Paul Harden, Esquire
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Wesley B Murray Revocable Trust
10719 Bolyard Drive
Jacksonville, FL 32218

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2017-0219** seeks to rezone 49.15 acres from Residential Rural – Acre (RR-Acre) to Residential Low Density – 50 (RLD-50). The site is located at the southwest quadrant of Duval Road and Armsdale Road. A smaller parcel included as part of this application is located on the south side of Duval Road, adjacent to the larger parcel across Duval Road. The site contains a mix of buildable land and some wetlands property. JEA electric, water, and sewer service is available to the site.

The site is within the Low Density Residential (LDR) 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. The surrounding properties feature a variety of different zoning districts including RR-Acre to the north and south, Planned Unit Development (PUD) to the east and west, and Public Building and Facilities – 2 (PBF-2) to the northeast. 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:

Future Land Use Element (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 1.1.22

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 1.2.9

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.

FLUE Objective 3.1

Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and the Land Development Regulations.

FLUE Policy 3.1.1

The City shall develop through the Planning and Development Department an incentive program to promote infilling of residential development on vacant land designated for residential use on the Future Land Use Map series. These incentives will be reflected in the Zoning Code of the City's Land Development Regulations.

FLUE 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.

Wetlands

Wetlands classified as Wetland forest and mixed and cypress, a category 3 wetland, are shown in two small pockets of the proposed rezoning. The development should be further reviewed at the Site Plan Review for consistency with the policies under Goal 4 of the Conservation Coastal Management Element (CCME) and as more particularly specified in the following CCME policies:

Conservation Coastal Management Element (CCME) 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.

CCME 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
- c) Buildings are built at an elevation of sufficient height to meet the designated floodplain zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and
- d) In the design and review of developments which will discharge stormwater into the Category I, II, and III wetlands the following performance standards shall be used to protect water quality.
 - i. Issuance of a Management and Storage of Surface Water permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) – (iv) above provided the stormwater management system is constructed in accordance with the permit; and
 - ii. Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems.
- e) Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetlands area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and
- f) The design of the fill shall include measure to maintain the wetlands hydrology of the site.

CCME Policy 4.1.6

The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

- 1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:
 - (a) Silvicultural uses, provide the following standards are met:
Best Management Practices Silviculture: Such activities are conducted in compliance with the provisions of the “Silvicultural Best Management

Practices Manual”, as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

(b) Agricultural uses, provide the following standards are met:

Best Management Practices: Agriculture: Such activities are to be in compliance with Chapter 40C-44, F.A.C.

- 2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.
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 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.

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.

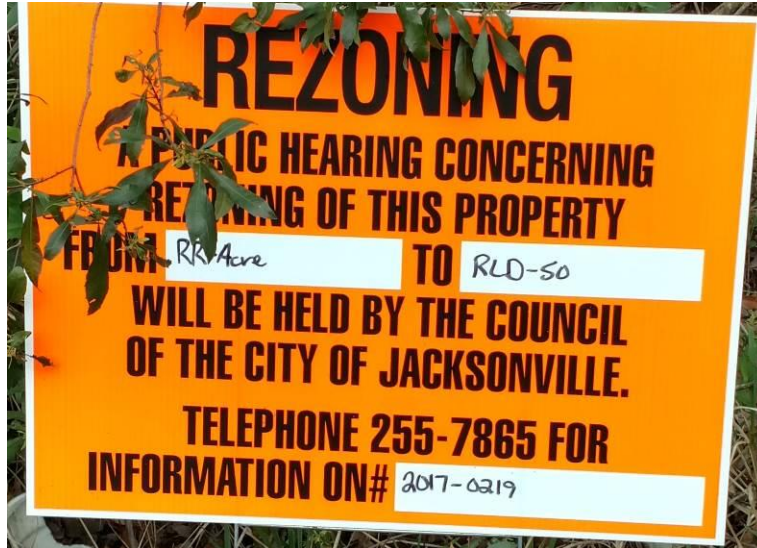
SURROUNDING LAND USE AND ZONING

The subject property is an undeveloped parcel located along 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
East	LDR	PBF-2/PUD	Single Family/Church
South	LDR	RR-Acre	Single Family
West	LDR	PUD	Single Family

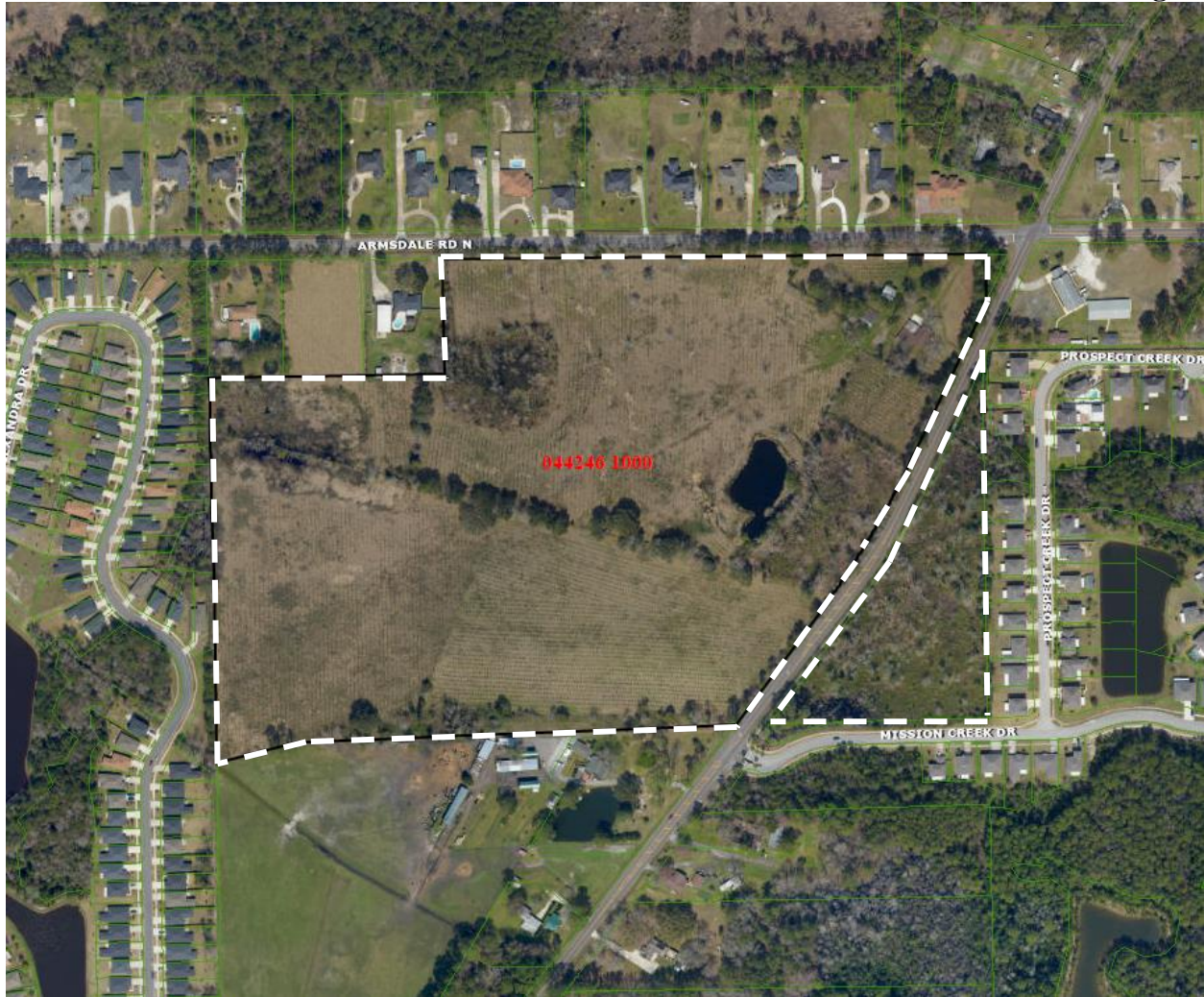
SUPPLEMENTARY INFORMATION

On April 5, 2017, the Planning and Development Department received photographic evidence of the posted Notice of Public Hearing signs.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2017-0219 Approved.**



Aerial

*Source: Planning and Development Department
Date: 03.31.17*



Subject property
Source: Planning and Development Department
Date: 04.05.17



Subject property looking East on Armsdale Road North
Source: Planning and Development Department
Date: 04.05.17



Subject property looking West on Armsdale Road North
Source: Planning and Development Department
Date: 04.05.17



Single-family residential to the north of the subject property across Armsdale Road North
Source: Planning and Development Department
Date: 04.05.17



Church to the east of the subject property at the southeast corner of Duval Road and Armsdale Road North
Source: Planning and Development Department
Date: 04.05.17



Single-family residential to the east of the subject property across Duval Road
Source: Planning and Development Department
Date: 04.05.17



Subject property looking West along Duval Road
Source: Planning and Development Department
Date: 04.05.17



Subject property looking West along Duval Road
Source: Planning and Development Department
Date: 04.05.17



Subject property looking South on Duval Road
Source: Planning and Development Department
Date: 04.05.17



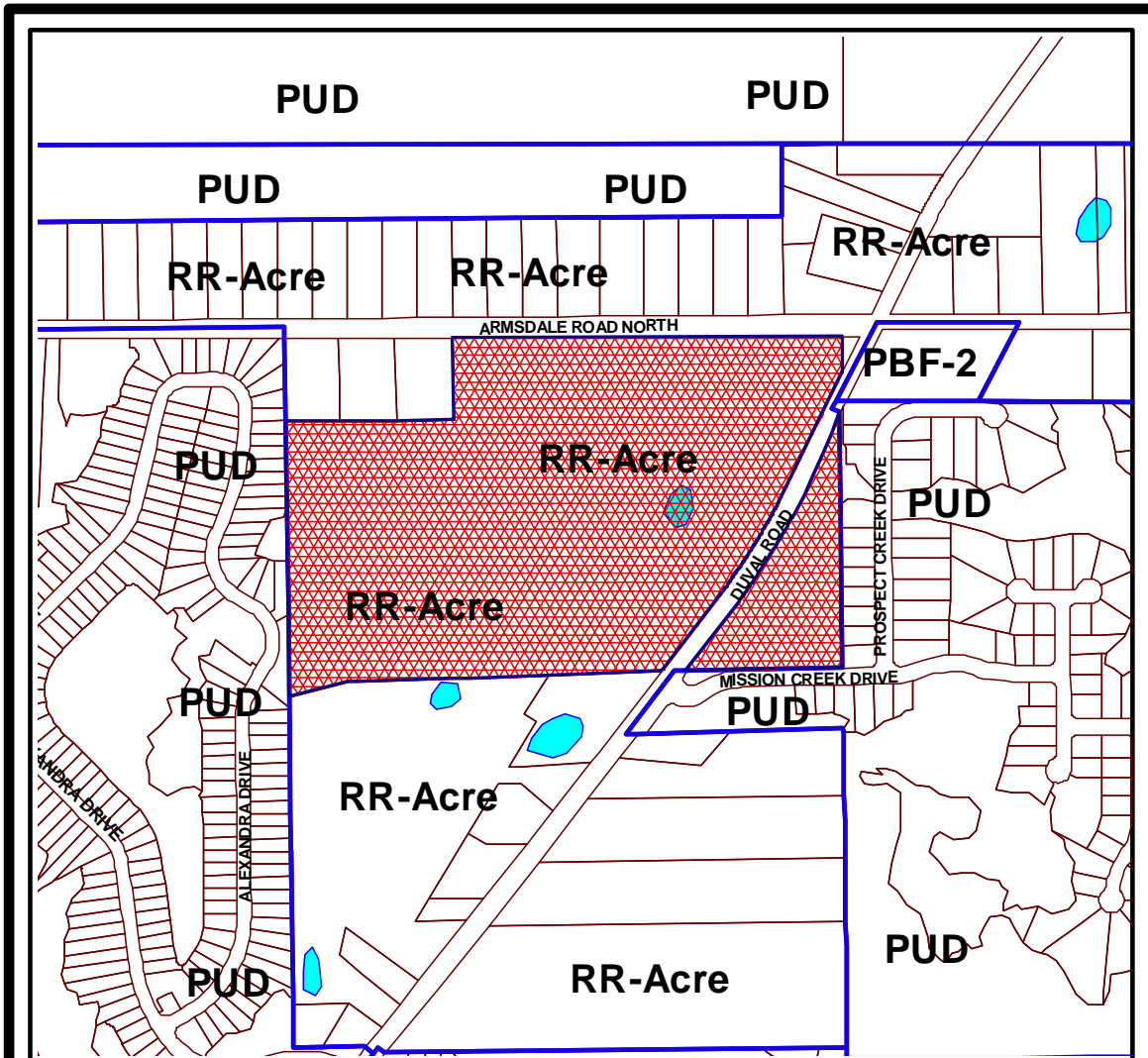
Subject property on southeast side of Duval Road
Source: Planning and Development Department
Date: 04.05.17

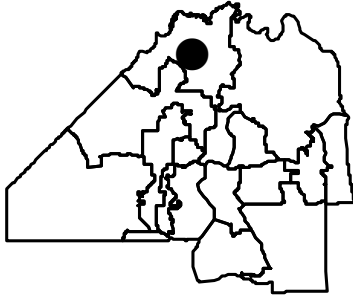
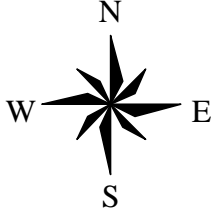


Subject property on southeast side of Duval Road
Source: Planning and Development Department
Date: 04.05.17



Single-family residential to the south of subject property along Duval Road
Source: Planning and Development Department
Date: 04.05.17



<p>REQUEST:</p>		<p>N W E S</p> 
<p>FROM: RR-Acre</p>		<p>COUNCIL DISTRICT: 07</p>
<p>TO: RLD-50</p>	<p>TRACKING NUMBER: T-2017-1371</p>	<p>Page 1 of 1</p>
<p>ORDINANCE NUMBER: ORD-2017-0219</p>		