

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2018-0520

SEPTEMBER 6, 2018

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 **2018-0520**.

Location: 8303, 8307, and 8235 Noroad.
Between Lola Drive and Old Middleburg Road
North

Real Estate Number: 013136-0000; 013136-0100; 013137-0000

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

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: District 4—Southwest

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

Owners: Rex J. Mangum
8235 Noroad
Jacksonville, Florida. 32210

Kenneth Paul Pate
8303 Noroad
Jacksonville, Florida. 32210

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2018-0520** seeks to rezone 19.30± acres of a property from Residential Rural-Acre (RR-Acre) to Residential Low Density-60 (RLD-60). The property is located in the Low Density Residential (LDR) Land Use Category within the Suburban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request is being sought in order to allow for the development of a single-family subdivision.

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. According to the Category Description within the Future Land Use Element (FLUE), LDR in the Suburban Development Area is intended to provide for low density residential development. Single-family dwelling units are the predominant use in this category. The LDR category permits housing densities of up to seven (7) dwelling units per acre when full urban services are available. The northern portion of the eastern-most parcel subject to the proposed rezoning appears to contain wetlands and is located in a flood zone; these conditions are described in more detail below.

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

Yes. The proposed rezoning is consistent with the following Goals, Objectives, and policies of the 2030 Comprehensive Plan, Future Land Use Element:

Future Land Use Element

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.

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.

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.

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 Land Development Regulations.

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.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application should be carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:

Airport Environment Zone

The site is located within the 150 foot Height and Hazard Zone for Herlong Recreational Airport. Zoning will limit development to a maximum height of less than 150 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d). See Objective 2.5 of the Future Land Use Element below:

Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject. Based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed rezoning may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 2.58 acres

General Location(s): The wetlands are located on the northern section of the eastern-most parcel of the subject site.

Quality/Functional Value: The wetland is an isolated cypress swamp and is considered to have a high functional value due to its water filtration attenuation and flood water storage capacity.

Soil Types/Characteristics: Evergreen-Wesconnett complex, depressional, 0 to 2% slopes (22) – The Evergreen and Wesconnett series consist of nearly level, very poorly drained soils. These soils formed in decomposed organic materials underlain by thick sandy marine sediments (Evergreen) and in thick sandy marine sediments (Westconnett). They are in depressions. The soils are moderately slowly permeable to rapidly permeable. Generally, the high water table is at or above the surface for very long periods.

Lynn Haven fine sand, 0 to 2% slopes (35) – The Lynn Haven series consists of nearly level and gently sloping, very poorly drained, sandy soils. These soils formed in thick beds of sandy marine sediments. They are on flats and in seep areas on side slopes. The soils are moderately permeable and moderately rapidly permeable. Generally, the high water table is at or near the surface.

Wetland Category: Category I

Consistency of Permitted Uses: Permitted uses within the proposed rezoning (residential) may be developed in category I wetlands, provided the standards as shown below in CCME Policy 4.1.5 are met.

Environmental Resource Permit (ERP): No ERP was provided with the application.

Wetlands Impact: A site plan is not required for a conventional rezoning. As such, there may be an impact to the wetlands.

Associated Impacts: No associated impacts.

Relevant Policies: See below.

Conservation Coastal management Element (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

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 wetland, and
- v the flood storage and flood conveyance capabilities of the wetland; and

(c) Floodplain protection

Buildings are built at an elevation of sufficient height to meet the designated flood 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) Stormwater quality

In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:

- i Issuance of a Management and Storage of Surface Waters 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

Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland 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) Hydrology

The design of the fill shall include measures to maintain the wetlands hydrology of the site.

Policy 4.1.5

The permitted uses within Category I and II 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) Conservation uses, provided the following standards are met:

(a) Dredge and fill

Dredging or filling of the Category I and II wetlands shall not exceed more than 5% of the wetlands on-site; and

(b) Vegetation

For Category I wetlands: All native vegetation outside the development area is maintained in its natural state

For Category II wetlands: No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

(2) Residential uses, provided the following standards are met:

(a) Density/Dredge and fill

Where lots, except for lots of record as defined in the Future Land Use Element, are located totally within the wetlands:

i density shall not exceed one (1) dwelling unit per five (5) acres; and

ii buildings shall be clustered together to the maximum extent practicable;

iii dredging or filling shall not exceed 5% of the wetlands on-site; and

(b) Vegetation

For Category I wetlands:

All native vegetation outside the development area is maintained in its natural state

For Category II wetlands:

No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

(3) Water-dependent and water-related uses, provided the following standards are met:

(a) Vegetation

For Category I wetlands: All native vegetation outside the development area is maintained in its natural state

For Category II wetlands: No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

(b) Boat facilities siting and operation

Boat facilities are further subject to Objectives 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies of this element.

(4) Access to a permitted use, subject to the requirements of (a), (b), and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

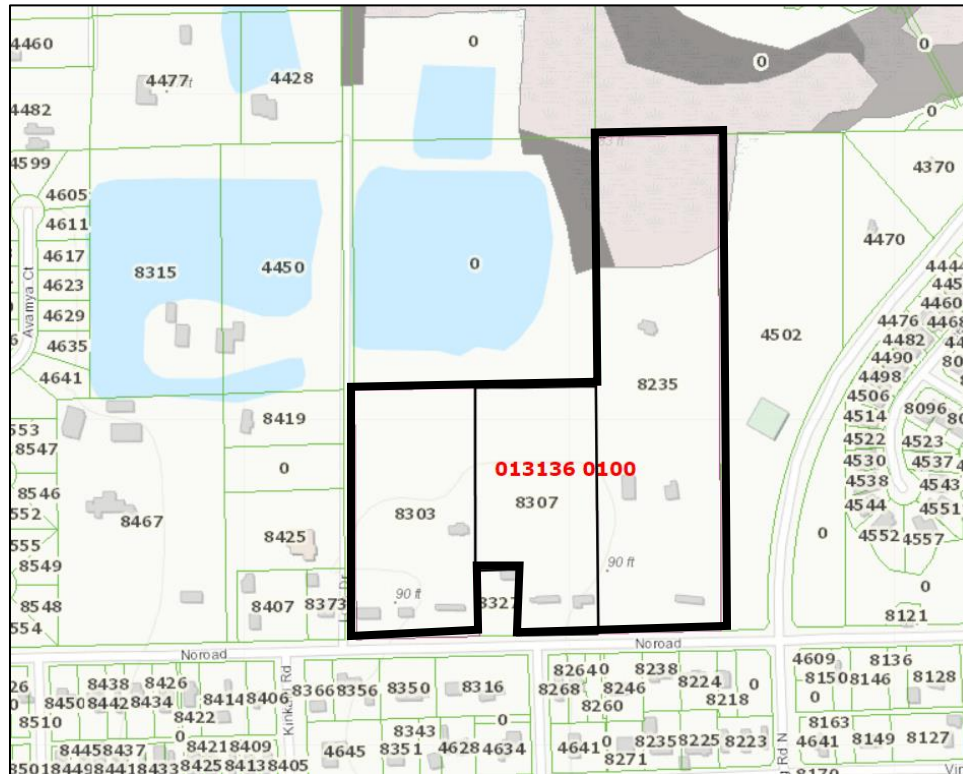
(5) Any use which can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

(6) For Category II wetlands only, silvicultural uses are allowed, provided 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.

WETLANDS MAP



Septic Tank Failure Area

Portions of the subject site along the southern property line are 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:

Infrastructure Element, Sanitary Sewer Sub-Element

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).

Flood Zones

Approximately 0.58 of an acre of the subject site is located within the AE 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 of 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.

The AE flood zone is defined as an area within the 100-year floodplain or SFHA where flood insurance is mandatory. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Conservation /Coastal Management Element (CCME)**Policy 1.4.4**

The City shall require all development within the 100-year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

Policy 2.7.1

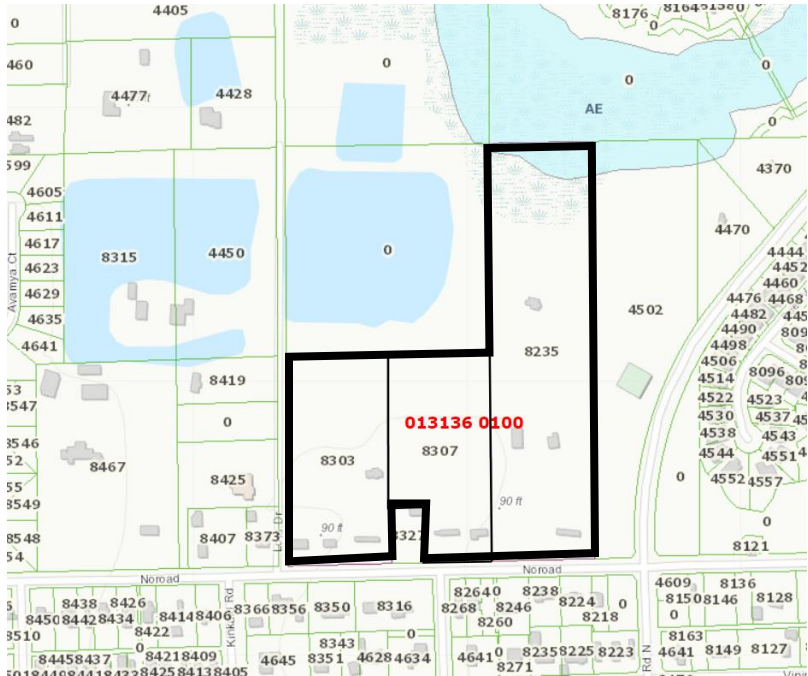
The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

Policy 2.7.3

The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:

- A. Land acquisition or conservation easement acquisition;
- B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
- C. Incentives, including tax benefits and transfer of development rights.

FLOOD ZONE MAP



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 RR-Acre to RLD-60 in order to permit the development of a single-family subdivision—all while adhering to local, state, and federal regulations governing wetlands.

SURROUNDING LAND USE AND ZONING

The subject property is located along Noroad on the north side. Noroad is developed almost exclusively with single-family dwellings, with other properties are either undeveloped or large plots of land. The proposed rezoning to RLD-60 would render the lots to have at minimum a 60 foot width and 6,000 square foot area—which, in terms of density, would complement the surrounding residential areas. The adjacent Land Use and Zoning Districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	PUD/RR-Acre	Vacant/Single-Family Dwellings
East	LDR	RLD-60	Church
South	LDR	RR-Acre	Single-Family Dwelling
West	LDR	RR-Acre	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.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 23, 2018 by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted.



Source: COJ Planning and Development Department
Date: August 23, 2018

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2018-0520** be **APPROVED**.



Aerial View

Source: JaxGIS
Date: August 24, 2013



View of a structure on the subject property along Noroad.

Source: COJ Planning and Development Department
Date: August 23, 2013



View of parts of 8235 and 8307 Noroad from the road frontage.

Source: COJ Planning and Development Department

Date: August 23, 2013



View of the current structure on 8307 Noroad (Right) and the Single Family residence at 8327 Noroad (Left). The proposed rezoning will surround the property on the right on the west, north and east sides.

Source: COJ Planning and Development Department

Date: August 23, 2013



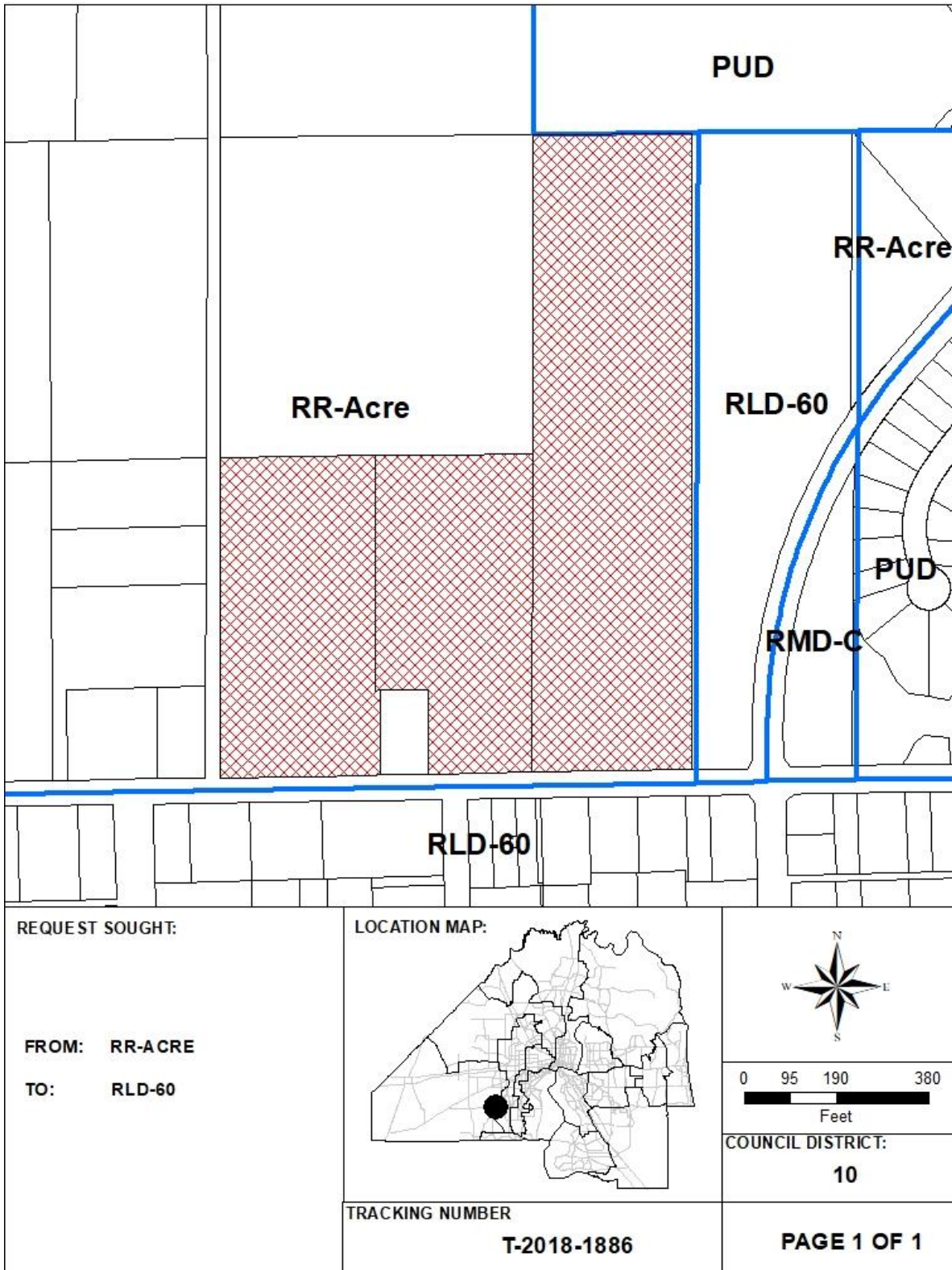
View of the back portion of 8303 Noroad from Lola Drive.

Source: COJ Planning and Development Department
Date: August 23, 2013



View from the of the corner of Noroad and Lola Drive looking down Noroad. In view are 3 additional structures that are currently located on 8303 Noroad.

Source: COJ Planning and Development Department
Date: August 23, 2013



Legal Map

Source: JaxGIS
Date: August 24, 2013