

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-857

JANUARY 17, 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 **2018-857**.

Location: 0 Garden Street; west of Jones Road and south side of Garden Street

Real Estate Numbers: portion of 002894-0000

Current Zoning District: Planned Unit Development (PUD 2007-084-E)

Proposed Zoning District: Conservation (CSV)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Conservation (CSV)

Planning District: Northwest, District 5

Applicant: Zach Miller, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Owner: James Barnett
Highland Chase, LLC
PO Box 48088
Jacksonville, Florida 32247

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2018-857** seeks to rezone 28.87 acres of land from PUD 2007-084-E to Conservation (CSV) Zoning District with a Conservation (CSV) Land Use Category. The wetlands that this ordinance encompasses is seeking designation as conservation land to prevent development in these areas. The wetlands are a portion of larger area, which will be developed into lots for single-family dwellings per PUD Ord. 2018-523-E approved by City Council on September 25, 2018.

The PUD Ord. 2018-523-E was conditioned that, “[p]rior to development of the Subject Property, documentation of a completed gopher tortoise burrow survey and proof of subsequent relocation efforts to be performed by an authorized gopher tortoise agent, per Florida Fish and Wildlife Conservation Commission regulations, shall be provided to the Planning and Development Department.

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. The Planning and Development Department finds that the subject property is currently located in 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. However, there is a companion Application for Large-Scale Land Use Amendment to the Future Land Use Map Series L-5302-18A (Ordinance 2018-856) that seeks to amend the portion of the site that is within the LDR land use category to CSV. Staff is recommending that Application for Large-Scale Land Use Amendment to the Future Land Use Map Series L-5302-18A be approved. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Ordinance Code. A description of the category is noted below.

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

Yes. According to the Category Description within the Future Land Use Element (FLUE), Conservation (CSV) category depicted on the FLUMs includes areas that are protected through public or private nonprofit ownership and management. Development potential in these areas is generally limited to open space, resource and recreational uses. Conservation lands are areas with valuable environmental resources, such as sensitive vegetation, high value habitat, wetlands, high aquifer recharge potential, carbon sinks and unique coastal

areas. Some resource systems are highly sensitive and easily destroyed by indiscriminate human activity.

The proposed application is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) and Conservation/Coastal Management Element (CCME) of the 2030 Comprehensive Plan:

FLUE Objective 7.2

The City shall implement strategies so as to encourage the preservation of environmentally sensitive lands, including lands managed by the Preservation Project Jacksonville (PPJ).

The Planning and Development Department supports the rezoning from PUD to CSV for the conservation of wetlands in a single-family subdivision.

CCME Policy 3.3.3

The City shall encourage landowners and developers to protect or preserve Environmentally Sensitive Lands within developments, where feasible. Developers will be informed, through development review processes, and provided options for preservation of these areas.

The Planning and Development Department supports the rezoning from PUD to CSV for the conservation of wetlands in a single-family subdivision. This conservation will be 28.87 acres of wetlands.

CCME Objective 4.1

The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes.

The Planning and Development Department supports the rezoning from PUD to CSV for the conservation of wetlands in a single-family subdivision. This conservation will be 28.87 acres of wetlands.

CCME Policy 4.1.7

High intensity wetlands 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 wetlands surveys where City data indicates potential existence of wetlands on the subject site and where there is a high potential for wetland impact. For the 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 applicant submitted a copy of a high intensity wetland survey with the land use amendment application (see Attachment D). 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. See the memo dated **December 12, 2018** from the Community Planning Division for details about the Wetlands Characteristics for the subject property.

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 requirements of the CSV Zoning District as set forth in Section 656.313 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The surrounding uses, land use category and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	AGR IV	AGR & PUD 2002-1087-E	Borrow Pit & Single Family Subdivision
South	AGR IV	AGR	Single Family Dwellings
East	AGR IV	AGR	Wetlands
West	AGR IV	AGR	Single Family Dwellings

The proposed conservation wetlands are located within a future single family subdivision development in an area where residential uses are the main type of development. Most properties in the immediate area are currently developed with single-family dwellings. Future development in the area includes a new subdivision to the north along Garden Street. Subdivisions in the area include RLD-80, RLD-90, and a PUD (2002-1087-E) with a mix of lot sizes ranging from RLD-90 (9,900 square feet) to AGR (2.5 acres). This rezoning would allow for conservation land in an area where a single family subdivision with smaller lots will be developed per PUD Ord. 2018-523-E.

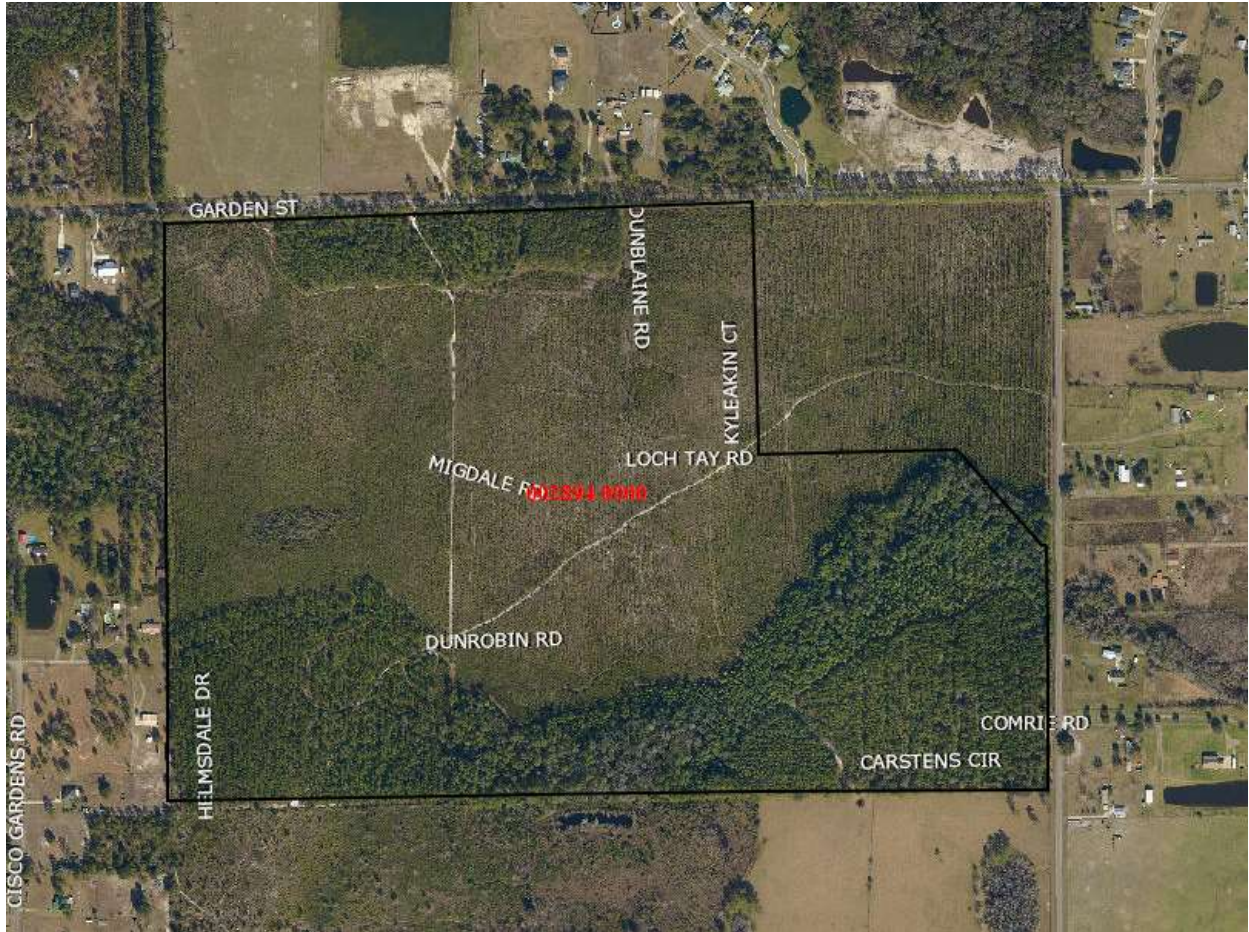
SUPPLEMENTARY INFORMATION

On **December 27, 2018** the applicant/agent provided visual evidence of the required Notice of Public Hearing sign posted at the subject property.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2018-857** be **APPROVED**.



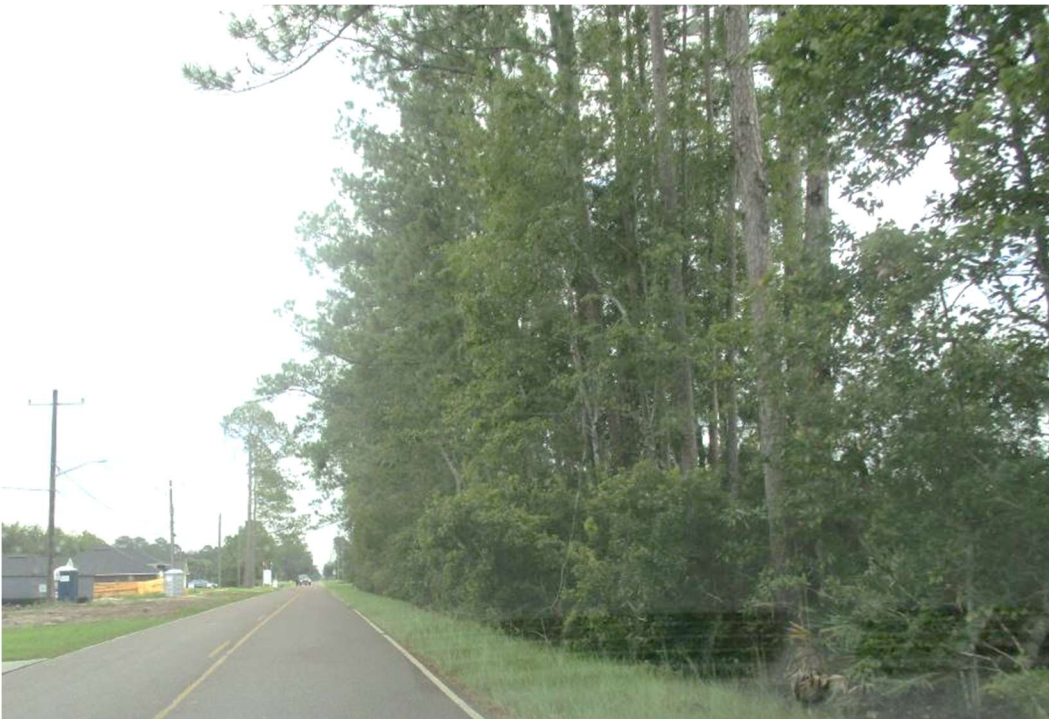
Aerial



Subject Property

Source: COJ, Planning & Development Department

Date: 08/22/2018



Subject Property

Source: COJ, Planning & Development Department

Date: 08/22/2018



Property to the north: Agricultural/Borrow Pit (9985 Garden Street)

Source: COJ, Planning & Development Department

Date: 08/22/2018



Property to the north: Single Family Subdivision (8003 Sierra Gardens Drive)

Source: COJ, Planning & Development Department

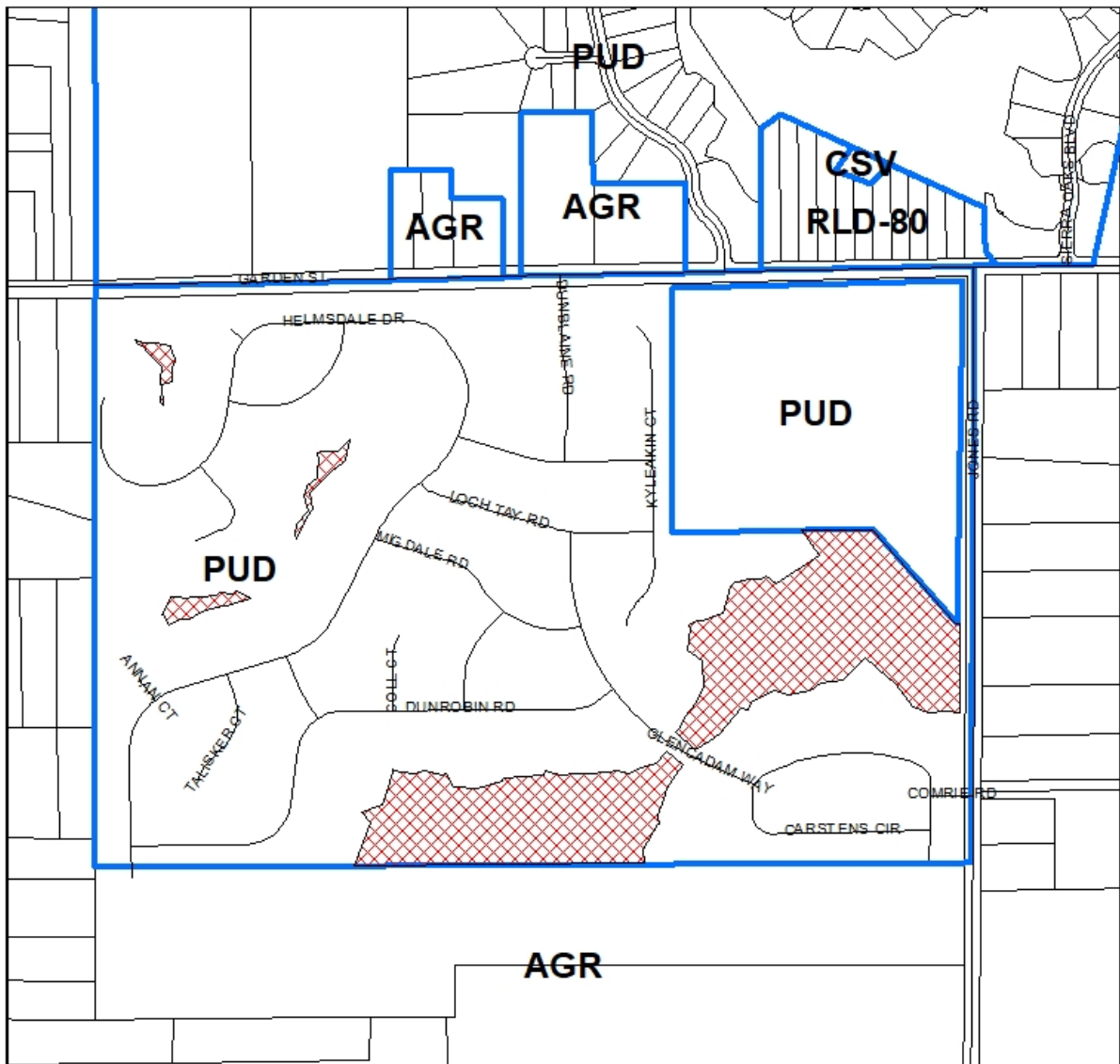
Date: 08/22/2018



Property to the east: Single Family Dwelling (7167 Jones Road)

Source: COJ, Planning & Development Department

Date: 08/22/2018

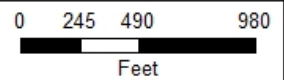
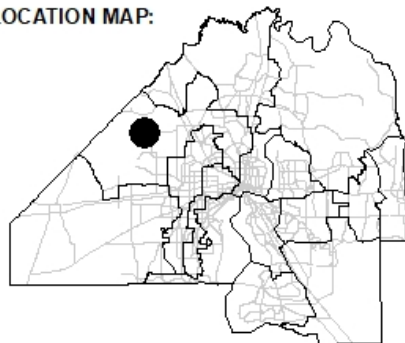


REQUEST SOUGHT:

FROM: PUD

TO: CSV

LOCATION MAP:



COUNCIL DISTRICT:

8

TRACKING NUMBER

T-2018-2022

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