

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO**APPLICATION FOR REZONING ORDINANCE 2019-0069****MARCH 7, 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 **2019-0069**.

Location: 4040 Ricker Road

Real Estate Number: 012437-0010

Current Zoning District: Planned Unit Development (PUD: 1999-1008)

Proposed Zoning District: Residential Medium Density-D (RMD-D)

Current Land Use Category: Community/General Commercial (CGC)

Proposed Land Use Category: Medium Density Residential (MDR)

Planning District: District 4—Southwest

Applicant/Agent: Wyman Duggan, Esq.
1301 Riverplace Blvd, Suite 1500
Jacksonville, Florida 32207

Owner: Jopa Commercial, Inc.
5215 Highway Ave.
Jacksonville, FL 32254

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0069** seeks to rezone 4.3± acres of a property from Planned Unit Development (PUD: 1999-1008) to Residential Medium Density-A (RMD-D). The property is located in the Community/General Commercial (CGC) land use category within the Suburban Area of the Future Land Use Element of the 2030 Comprehensive Plan. Land-Use Companion application **L-5332-18C** is requesting Land-Use change from Community/General Commercial (CGC) to Medium Density Residential (MDR). The request is being sought in order to allow for Multi-family residential dwellings consistent with the RMD-A zoning district.

The current Zoning PUD: **1999-1008** and Land-Use of Community/Commercial General (CGC) allows for the construction of a total of 58,200 square feet of combined warehouse, retail, and office space. The surrounding area is made up of mostly multi/single family dwellings and the rezoning request for RMD-D provides more compatible uses for the surround area than what the current PUD is permitted.

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 the subject property to be located in the Medium Density Residential (MDR) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

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. MDR in the Suburban Development Area is intended to provide compact medium to high density residential development and transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. The MDR category allows for a maximum gross density of 20 units per acre. Based on the JEA letter of availability submitted with the zoning application, city water and sewer services are available to the site.

Future Land Use Element

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.

The proposed rezoning of RMD-D will create uses that are more compatible with other uses already existing within the area and will not contribute to urban sprawl by allowing uses not already in existence within the surrounding area. The proposed use will be in compliance with Objective 1.1.

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.

The proposed rezoning of RMD-D will be compatible with other uses already existing within the surrounding area and will be in compliance with Policy 1.1.22.

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.

The subject property is surrounded by Zoning Districts including RLD, PBF-1, PUD's, and RMD. The current PUD: 1999-1008 would allow the development of commercial uses including warehouse, retail, and office spaces which is not compatible with the already established residential uses in the area. Approval of the subject site rezoning would protect the single-family and multi-family residential neighborhood character. While the closes RMD-D zoning district is further south down Ricker Road FLUE of the 2030 Comprehensive Plan explains that this Land-Use serves as more of a transition between commercial and residential land-uses. The northern portion of Ricker Road is currently Zoned CGC and this rezoning will better fit the flow from CGC uses to single/multi-family residential developments.

Objective 6.3

The City shall accommodate growth in Jacksonville by encouraging and facilitating new 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 property is currently a vacant piece of land that has yet to be utilized and approval of this Rezoning would allow the developers to develop the property with uses that are similar in nature to the existing neighboring properties. Therefore Objective 6.3 would be accomplished by encouraging new development on vacant land within an area already thriving as a Low Density to Medium Density Residential area.

Recreation and Open Space Element:

Policy 2.2.2

The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

Once the applicant is granted approval for the rezoning and land-use amendment developer will need to comply with Policy 2.2.2 by providing active recreation parks or monetary contribution to the appropriate departments in order to be in compliance with the 2030 Comprehensive Plan.

Policy 2.2.4

A residential subdivision development of 25 lots to 99 lots shall pay a recreation and open space fee of two-hundred-fifty (\$250) dollars per lot, or provide at least four hundred thirty-five (435) square feet of useable uplands for each lot (and any fraction thereof), to be dedicated as common area and set aside for active recreation. The City shall use recreation and open space fees collected pursuant to this subsection to improve, enhance, expand, or acquire recreation areas within the same Planning District in which the fees are paid.

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).

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.

Aquifer Recharge

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protections. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

Policy 1.2.8

Within two years of establishment by the SJRWMD and the Water Resources Management Plan of prime recharge areas for the Floridian Aquifer, the Planning and Development Department shall prepare maps of such designated areas showing the special zoning and land use consideration the City has established for such areas as designated by the latest update of the Floridian Aquifer Recharge GIS grid coverage.

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 PUD: 1999-1008 to RMD-D in order to permit the development of multi-family dwellings.

SURROUNDING LAND USE AND ZONING

The subject site is located at the west side of Ricker Road and between Gregory Drive and Old Middleburg Road. It is also located within the Suburban Development Area, Planning District 4 and Council District 10. According to the Future Land Use Element (FLUE), MDR in the Suburban Development Area is intended to provide compact medium to high density residential development and transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. Multi-family housing such as apartments, condominiums, townhomes and row houses should be the predominant development typologies in this category. MDR is generally intended to provide transitional uses between commercial and single family residential uses.

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RR-Acre	Single Family Dwelling
East	PBF	PBF-1	Frank H. Peterson Academies
South	LDR	RLD-60	Single-Family Dwellings
West	LDR	RLD-60	Single-Family Dwellings

It is the opinion of the Planning and Development Department that the requested rezoning to RMD-D will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on February 21, 2019 by the Planning and Development Department, 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 **2019-0069** be **APPROVED**.



Arial View

Source: JaxGIS Map



Subject Site

Source: Planning & Development Department 02/21/2019



Property to the North: Single Family Dwelling

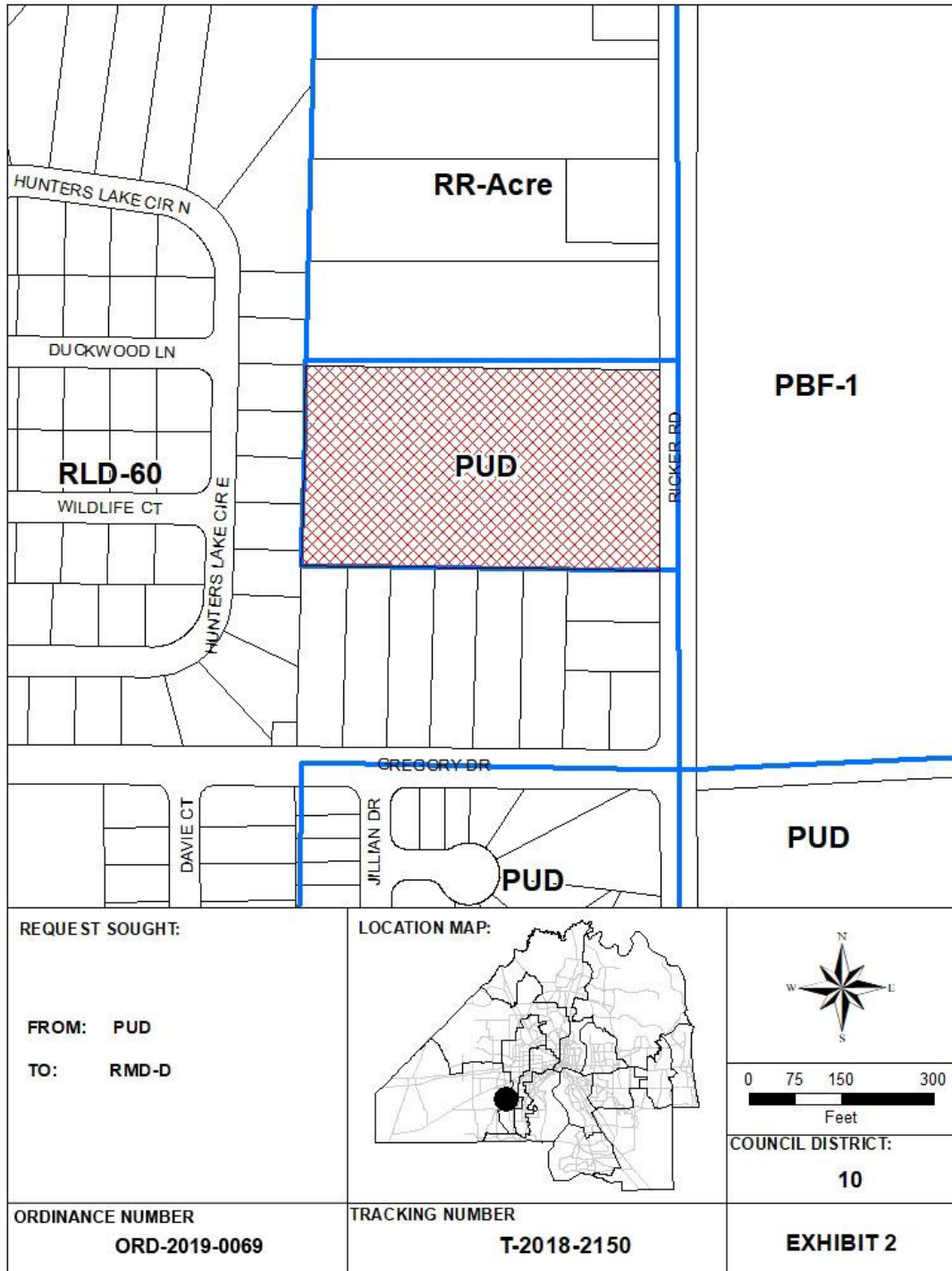
Source: Planning & Development Department 02/21/2019



Property to the East: Frank H. Peterson Academies
Source: Planning & Development Department 02/21/2019



Property to the South: Single Family Dwellings
Source: Planning & Development Department 02/21/2019



Legal Map
Source: JaxGIS Map