

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2019-0080

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 **2019-0080**.

Location: 1354 Starratt Road
Between Spann Road and Dunn Creek Road

Real Estate Numbers: 106873-0010

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

Proposed Zoning District: Residential Low Density-100B (RLD-100B)

Current Land Use Category: Low Density Residential (LDR)

Applicant/Agent: Zach Miller, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, Florida. 32202

Owner Robert Lupoli
Lupoli Properties LLC.
5124 Farm Creek Road
St. Augustine, Florida. 32092

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2018-0080** seeks to rezone a parcel, approximately 5.48+/- acres in size, from the RR-Acre Zoning District to the RLD-100B Zoning District in order to permit a new single family subdivision. The parcel is currently developed with single family residences, and is surrounded by residential properties to the west, south, and east, and a church to the north.

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 request is for a rezoning from RR-Acre to RLD-100B to allow for a new subdivision development. The 5.48 acre subject property is located along the south side of Starratt Road, a two lane collector highway, between Saddlewood Parkway and Dunn Creek Road. The property is located in Planning District 6, Council District 2 and within the Suburban Development Area.

The site currently has a Low Density Residential (LDR) land use designation. According to the Future Land Use Element (FLUE), LDR in the Suburban Area is intended to provide for low density residential development.

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

Yes, the proposed rezoning furthers the following goals, objectives, and policies of the 2030 Comprehensive Plan's Future Land Use Element:

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.

Per an attached JEA service availability letter dated December 12, 2018, there are points of connection for water running along Starratt Road and gravity sewer services within 1200 feet of the property. Any new commercial development of the property would be required to utilize these connections, and therefore the proposed rezoning is consistent with the above policy.

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 proposed rezoning and subdivision will be required to meet all requirements of the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations, and therefore complies with Objective 3.1.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such 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 amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 0.21 of an acre

General Location(s): The wetlands are located along the southern property line.

Quality/Functional Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition the wetland has no clear or significant impact on the City's waterways.

Soil Types/
Characteristics: Boulogne fine sand- nearly level, poorly drained, sandy soils. These soils formed in thick sandy marine sediments. They are in flatwoods. The soils are slowly permeable.

Leon fine sand- nearly level, poorly drained and very poorly drained, sandy soils. These soils formed in thick beds of marine sand. They are in flatwoods and tidal marshes. The soils are slowly permeable to moderately rapidly permeable.

Wetland Category: Category III

Consistency of Permitted Uses: Permitted uses within the proposed rezoning (residential) may be developed in category III wetlands, provided the standards as shown below in CCME Policy 4.1.6 are met.

Environmental Resource Permit (ERP): Not provided

Wetlands Impact: Cannot determine impacts to wetland area until site plan review

Associated Impacts: none

The subject property will be required to go through the proper mitigation processes to account for the wetlands if it is their intention to build upon them. Therefore the subject property will be in compliance with all wetland requirements of the 2030 Comprehensive Plan.

3. Does the proposed rezoning conflict with any portion of the City's land use regulations?

No. The proposed rezoning will not conflict with any portion of the City's Land use Regulations.

SURROUNDING LAND USE AND ZONING

The subject parcel is located along Starratt Road which is a two lane collector highway. The surrounding land uses and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RR-Acre	Church
East	LDR	RLD-100A	Single Family Residences
South	LDR	RR-Acre	Single Family Residence
West	LDR	RR-Acre	Single Family Residence

The properties immediately adjacent to the subject site are all residential in nature, with the exception of the church to the north. The proposed rezoning will be compatible with the surrounding zoning districts and uses.

SUPPLEMENTARY INFORMATION

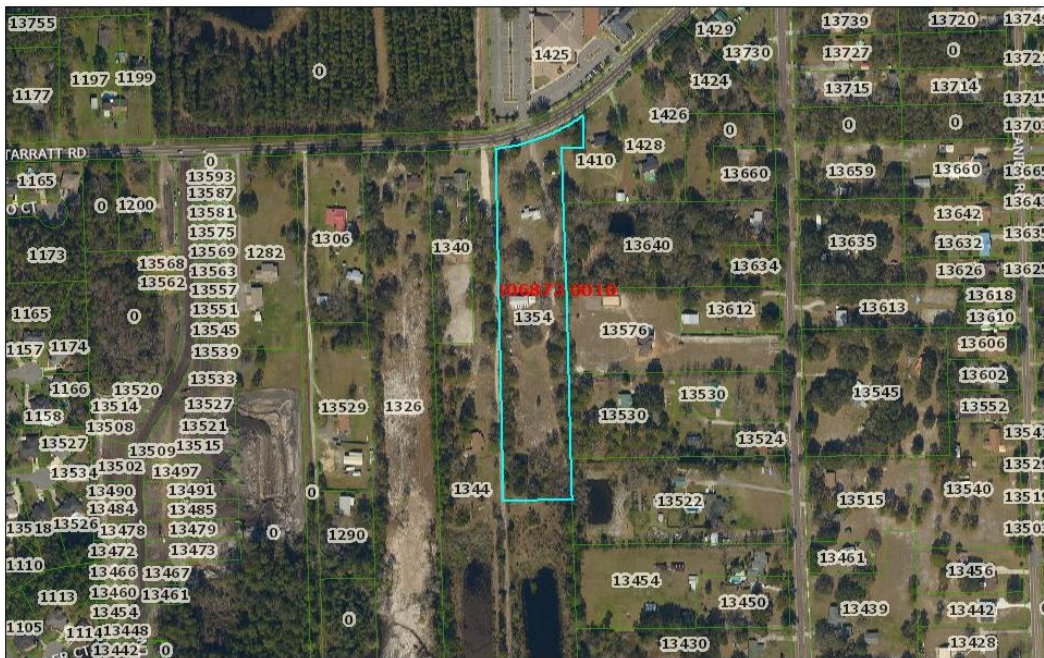
Upon visual inspection of the subject property on February 21, 2019, the required Notice of Public Hearing signs were posted.



Source: Planning and Development Department
Date: February 21, 2019

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0080** be **APPROVED**.



Aerial

Source: JaxGIS
Date: February 21, 2019



View of the subject property

*Source: Planning and Development Department
Date: February 21, 2019*



View of the neighboring property to the west

*Source: Planning and Development Department
Date: February 21, 2019*



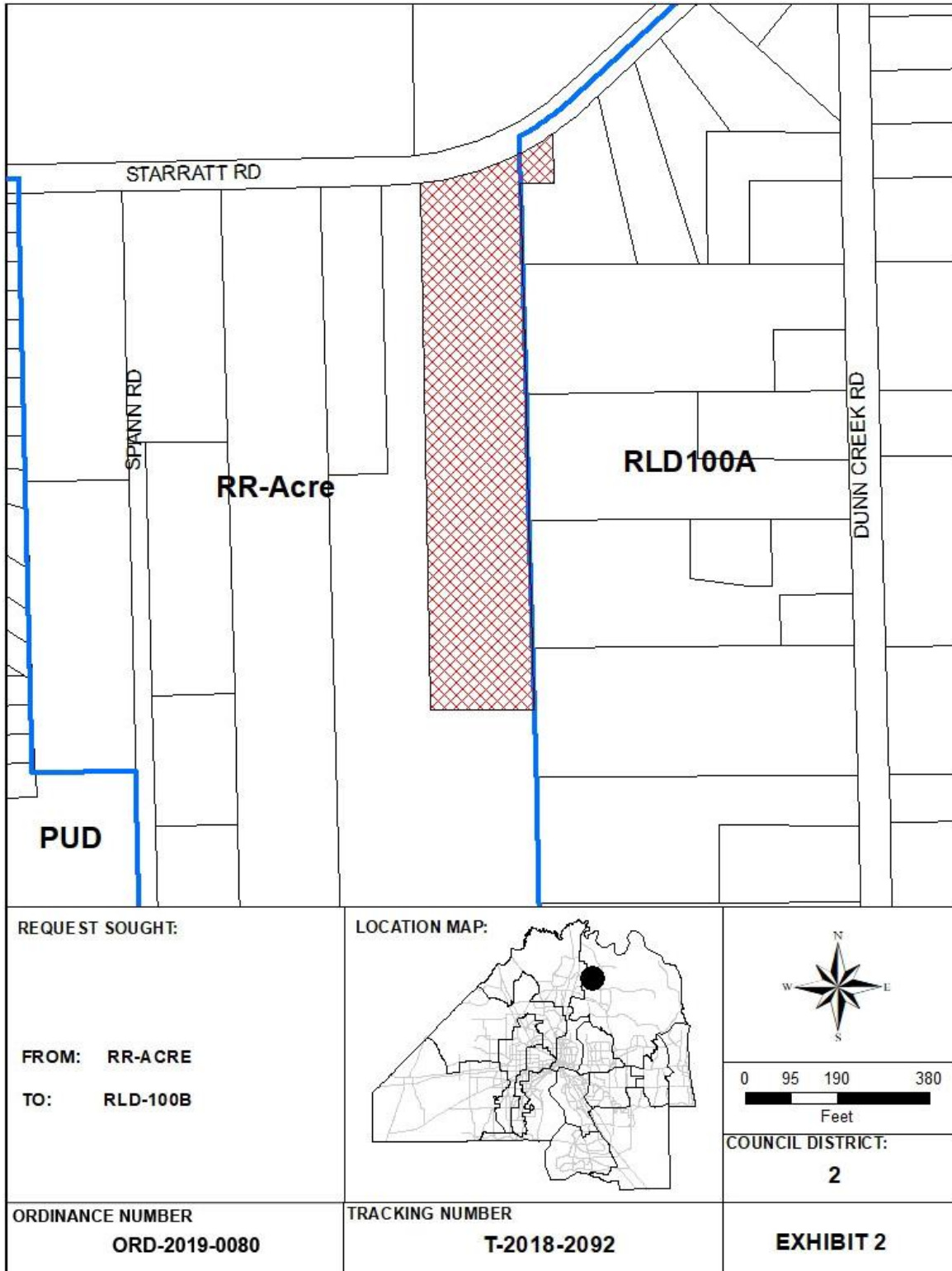
View of the neighboring property to the east

Source: Planning and Development Department
Date: February 21, 2019



View of the church to the north

Source: Planning and Development Department
Date: February 21, 2019



Legal Map

Source: JaxGIS
Date: February 21, 2019