

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO**APPLICATION FOR REZONING ORDINANCE 2018-0700****NOVEMBER 8, 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 **2018-0700**.

Location: 6590 Alvin Road, 6614 Alvin Road, 6622 Alvin Road, 6646 Alvin Road, and 0 Alvin Road; South of Sandler Road and North of Alvin Road

Real Estate Number: 015448-0000, 015449-0000, 015449-0100, 015449-0200 and 015449-0300

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

Owner: James K. Lindsey
Kracor South, Inc.
85291 Claxton Road
Yulee, FL 32097

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2018-0700** seeks to rezone 18.57± 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.

Although this request comprises roughly 18.57 acres of land, an additional 28.96± acres of land should be considered via **Rezoning Ordinances 2018-0366 and 2018-0443**, which are both recently enacted ordinances filed by the applicant for the contiguous development of a single-family subdivision. Therefore, this application should be holistically reviewed in relation to the current rezoning request and the potential impact that five additional residential parcels will have on the Sandler Road corridor and surrounding land uses.

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 Low Density Residential (LDR) 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. Low Density Residential (LDR) in the Suburban Area is intended to provide for low-density residential development. The application site is located on Alvin Road, a local, privately maintained road. The applicant has provided a JEA Availability Letter indicating that the site has access to both centralized sewer and water. The maximum gross density for this site is seven (7) units/acre.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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 may be 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.

Transportation Element

Policy 2.3.5

The City shall require that access to new single-family residential parcels with frontage along two or more roadways be located in accordance with the following parameters:

1. If one of the roadways is unimproved, access to the parcel may be provided from the improved roadway,
2. If the roadways are of differing functional classes, then access to the parcel shall be provided from the roadway with the lower functional class only,
3. If the roadways are of the same functional class, then access shall be provided as follows:
 - a. In the case of redevelopment of existing parcels, from the roadway where the prevailing pattern of existing driveways are located; or
 - b. In the case of new subdivisions where no pattern currently exists, on the roadway with the lower average daily traffic (ADT) inclusive of development traffic.
 - c. Driveways should be on the same road on which the parcel is addressed and the front door of the home is located, except in the case of an entirely new planned unit development or traditional neighborhood development where rear entry drives are expressly contemplated.

The above parameters shall be followed unless it can be demonstrated in a professional traffic study submitted for review and approval to the Traffic Engineering Division and the JPDD, and with which the City staff agrees, that such access restrictions would either:

1. Present a safety hazard;
2. Would cause undue congestion or delay on adjacent road facilities;
3. Would cause environmental degradation; or
4. Would hinder adequate traffic circulation.

Policy 2.3.7

Access for corner lots or parcels shall be located the greatest distance from the corner commensurate with property dimensions. For roadways having a functional classification of collector or higher, access shall not be less than 150 feet from the geometric centerline of intersecting roadways, 100 feet from the outside through lane, or commensurate with property dimensions, where the lot frontage is insufficient to meet these requirements, subject to the approval of the Traffic Engineering Division and JPDD.

Infrastructure Element – Sanitary Sewer Sub-element

Policy 1.2.6

Within the Suburban Boundary Map as defined in the Future Land Use and Capital Improvements Elements, new septic tanks will be forbidden pursuant to the Septic

Environmental Protection Board – Rule 3; however, they may be permitted as interim facilities, provided the following requirements are satisfied;

1. Single family/commercial (estimated flows of 600 gpd or less):
 - a. Requirements of Chapter 64E-6, Florida Administrative Code (F.A.C.) are accommodated.
 - b. The collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Commercial (above 600 gpd)
 - a. Requirements of Chapter 64E-6, F.A.C. are accommodated.
 - b. The collection system of a regional utility company is not within 50 feet of the property.
3. Subdivision (commercial or single family):
 - a. Requirements of Chapter 64E-6, F.A.C. are accommodated.
 - b. The collection system of a regional utility company is greater than ¼ mile from the proposed subdivision.
 - c. Each lot is a minimum of 1 acre unsubmerged property.
 - d. Alternative (mounded) systems are not required.

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 shall be carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site. Based upon the city's geographic information data, the Planning and Development Department has determined the general location, type, 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: 2.6 Acres

General Location(s): The wetlands are located in the northwest area of the proposed development.

Quality/Functional Value:

The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation and small size. In addition, the wetland has no clear or significant impact on the City's waterways.

Soil Types/Characteristics:

Evergreen-Wesconnet complex consists of nearly level, very poorly drained soils. These soils formed in decomposed organic materials underlain by thick sandy marine sediments. 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.

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 by the applicant

Wetlands Impact: Insufficient information to determine impacts.

Associated Impacts: None

Relevant Policies

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 4.1.6

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, 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.

(b) Agricultural uses, provided 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.

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 at the intersection of Alvin Road and Alvin Road South. Moreover, these two corridors are developed almost exclusively with single-family dwellings. Other properties are either undeveloped or contain estate-sized residences. The proposed rezoning to RLD-60 would render the lots to have a 60 foot width and 6,000 square foot area—which, in terms of density, would complement the nearby Trails at Bent Creek subdivision (**PUD 2002-0526**) to the west and the Longleaf subdivision (**PUD 2003-1158**) to the southeast. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	PUD 2018-0366	Vacant (Proposed Single-Family)
East	LDR	RR-Acre	Single-Family Dwellings
South	LDR	RR-Acre	Single-Family Dwellings
West	LDR	PUD 2018-0443	Vacant (Proposed Single-Family)

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

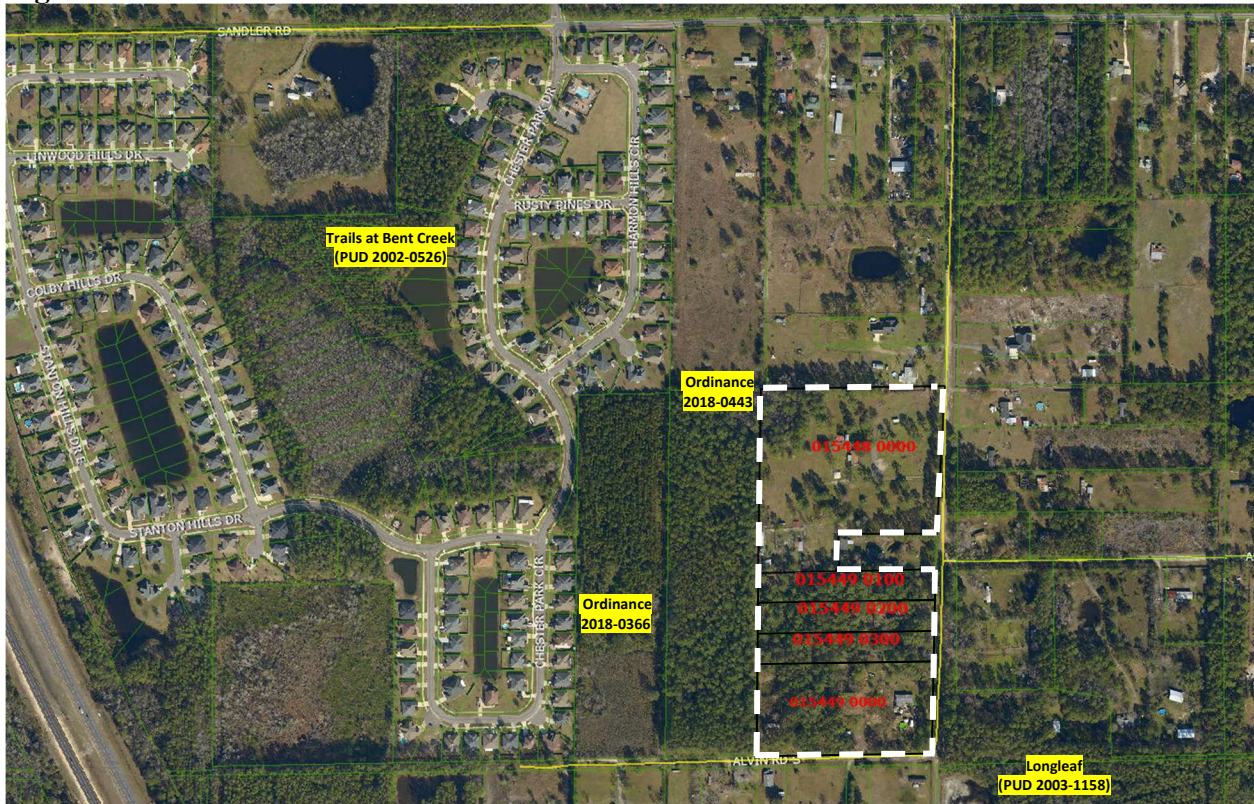
Upon visual inspection of the subject property on October 24, 2018 by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2018-0700** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 10/24/18

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 10/24/18

View of Alvin Road and the subject parcel, facing west.

Figure C:



Source: Planning & Development Dept, 10/24/18

View of Alvin Road South and the subject parcel, facing north.

