

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2019-0793

DECEMBER 5, 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 **2019-0793**.

Location: 3621 St. Augustine Rd; Between Sheridan Lane and Stubbs Lane

Real Estate Number: Portion of 126048-1000

Current Zoning District: Residential Medium Density-A (RMD-A)

Proposed Zoning District: Commercial Community/General-2 (CCG-2)

Current Land Use Category: Medium Density Residential (MDR)

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

Planning District: District 3—Southeast

Applicant/Agent: T.R. Hainline, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

Owner: Peerless Bullfrog
3621 St. Augustine Road
Jacksonville, FL 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0793** seeks to rezone 0.58± acres of a property from Residential Medium Density-A (RMD-A) to Commercial Community/General-2 (CCG-2). The request is being sought to expand the commercial land area for Commercial Construction Services (CCS), the existing construction company.

There is a companion Small Scale Land Use Amendment L-5402-19C (**Ordinance 2019-0792**) that seeks to amend the land use on the property from Medium Density Residential (MDR) to Community/General Commercial (CGC).

The subject parcel was also previously granted for a Zoning Exception (**E-90-141**) for light manufacturing and processing by Planning Commission on September 13, 1990.

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 that with the approval of companion Small Scale Land Use Amendment L-5402-19C (**Ordinance 2019-0792**), the subject property will be located in the Community/General Commercial (CGC) 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. Currently the site has a MDR land use designation. According to the Future Land Use Element (FLUE), CGC in the Urban Development Area is intended to provide development in a nodal development pattern. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services; abut a roadway classified as an arterial or higher on the Functional Highway Classification Map; and which are located in areas with an existing mix of non-residential uses. Principal uses include, but are not limited to, commercial retail sales and service establishments including auto sales; restaurants; hotels and motels; offices; financial Institutions; multi-family dwellings; and commercial recreational and entertainment facilities.

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

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.

In reference to the attached JEA Availability Letter, 2019-2947, the proposed development shall maintain connection to City water and sewer with an estimated flow of 15 gpd.

Policy 3.2.4

The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

The proposed rezoning at the subject site supports this policy by restricting access along Sheridan Lane, a residential road, thereby maintaining the residential character of the abutting area.

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 proposed rezoning to CCG-2 would allow for small infill development on a traditionally underutilized parcel.

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 RMD-A to CCG-2 in order to permit the development of commercial uses—all while adhering to local, state, and federal regulations governing wetlands.

SURROUNDING LAND USE AND ZONING

The subject property is located between Sheridan Lane and Stubbs Lane along St. Augustine Road. Currently operating as a construction company, the proposed rezoning to CCG-2 would allow the applicant to expand their current commercial boundary along Sheridan Lane South, a platted, unimproved private right-of-way. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-A	Vacant
East	MDR	RMD-A	Single-Family Dwellings
South	MDR	RMD-A	Single-Family Dwelling
West	CGC	CCG-2	Commercial Retail

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-2 will be consistent and compatible with the surrounding uses.

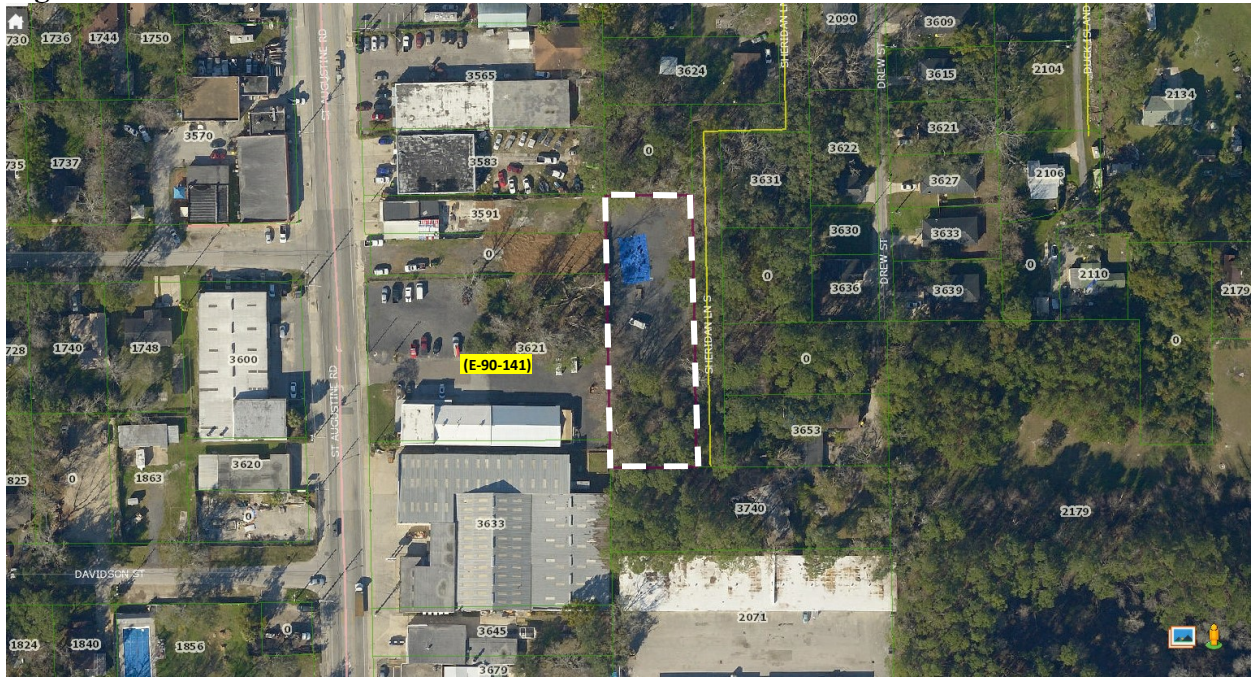
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 14, 2019 by the Planning and Development Department, the required Notice of Public Hearing sign was posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0793** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 10/11/19

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

Figure B:



Source: Planning & Development Dept, 11/14/19

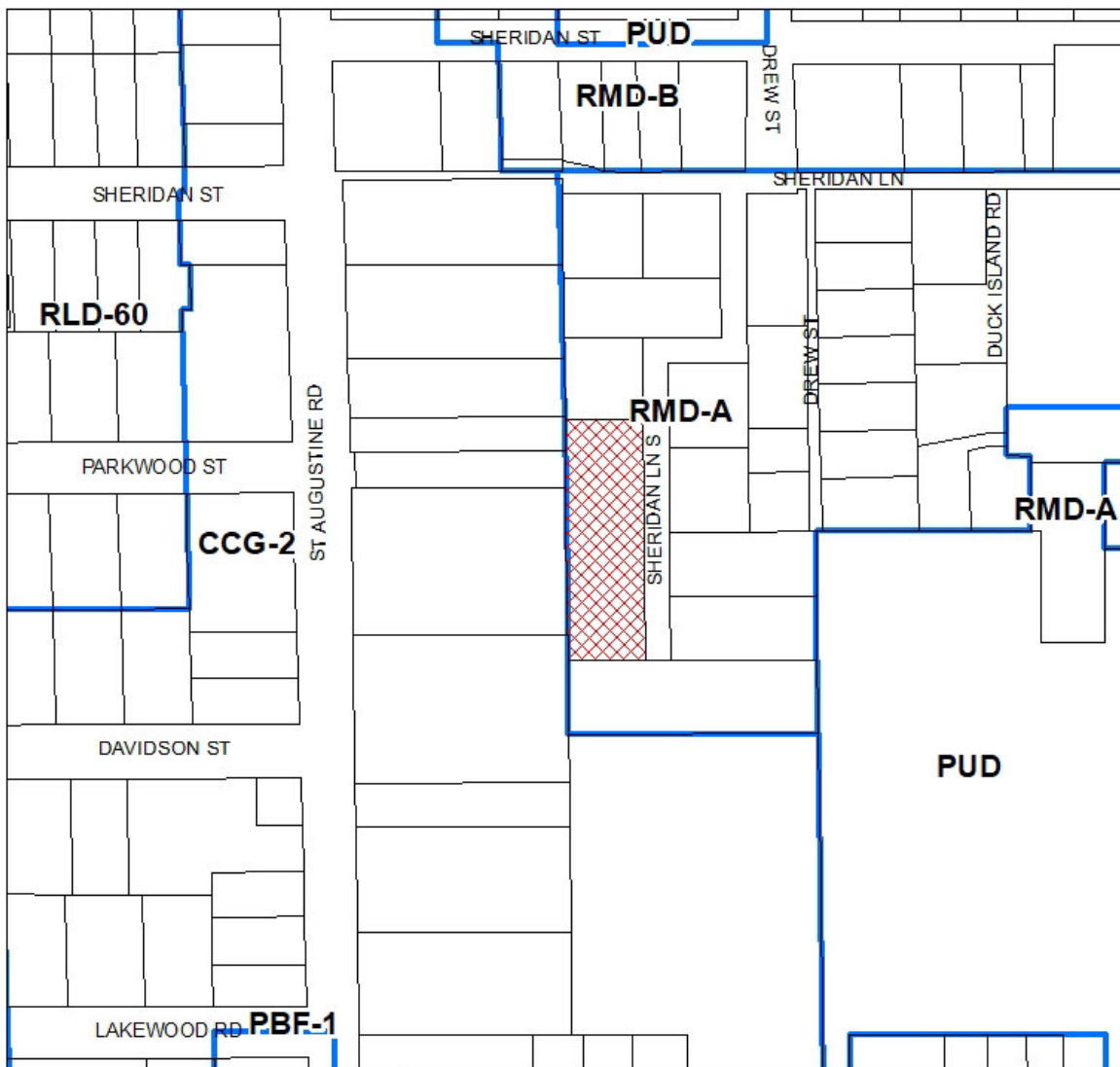
View of the subject property, facing east along St. Augustine Road.

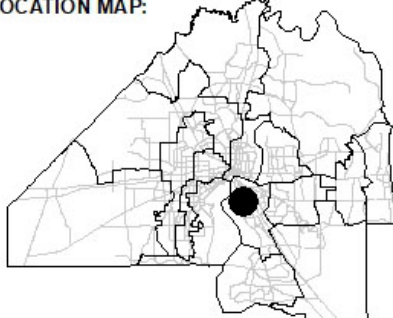

Figure C:



Source: Planning & Development Dept, 11/14/19

View of the subject property currently zoned as RMD-A (behind fence), facing east.



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>0 65 130 260 Feet</p> <p>COUNCIL DISTRICT: 5</p>
<p>ORDINANCE NUMBER ORD-2019-0793</p>	<p>TRACKING NUMBER T-2019-2549</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>