

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

December 3, 2020

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2020-690**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

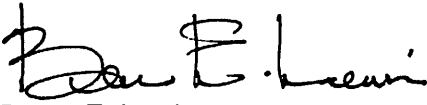
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 7-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	Aye
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large, stylized "B" and "L".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING 2020-0690

DECEMBER 3, 2020

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 2020-0690

Location: 1939 Hendricks Avenue
Between Atlantic Boulevard and Landon Avenue.
Portion of property fronting Thacker Avenue

Real Estate Numbers: portion of 082022-0000

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

Proposed Zoning: Commercial Residential Office (CRO)

Current Land Use Category: Residential Professional Institutional (RPI)

Planning District: Southeast, District 3

Applicant / Agent: Paul Harden, Esq.
Law Office of Paul M Harden
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Owner: Wesley C. Hargrave
Estate of Raymond P Diemer
1939 Hendricks Avenue
Jacksonville, FL 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning 2020-690 seeks to rezone approximately 0.13 acres of Residential Medium Density-D (RMD-A) to Commercial Residential Office (CRO). The entirety of the property located at 1939 Hendricks Avenue is split zoned; CCG-1 on the western side and RMD-A on the eastern side. The property is also located in split Land Use Categories; CGC on the western side and RPI on the eastern side. Residential Professional Institutional (RPI) functional land use categories as defined by the Future Land Use Map (FLUM) series contained in the Future Land Use Element (FLUE) as adopted as part of the 2030 Comprehensive Plan is consistent with RMD-A and CRO.

The applicant is requesting to rezone the RMD-A portion of the property to CRO in order to bring the lot into a commercial zoning district that is compatible with the existing development of the property and adjoining parcels to the south. The portion of the property being rezoned is developed with a parking lot. The parking lot services the structure on the property, which was built in 1952 and is classified as a Club/Hall by the Property Appraiser.

The subject property is not consistent with the San Marco Overlay Zone. The proposed rezoning is bringing a legal non-conforming property into conformance with a commercial zoning district that is compatible with the Land Use Category without intensifying the Land Use Category.

The subject site is located within the boundaries of the Landon District of the North San Marco NAP. This area includes a mix of single-family, multi-family and small businesses scattered throughout along with a middle school, a library, a community center and a park and tennis courts. Recommendations for this area involve reduced speed limits on the local roadways and cooperation between City of Jacksonville and Duval County Public Schools regarding the impact of school drop-off and pick up on Atlantic Boulevard and Hendricks Avenue. Streetscaping / landscaping should be utilized to enhance community character to exhibit the desired community aesthetic and preserve the integrity of the community's character. The NAP continues stating that requests for intensification of zoning must demonstrate a benefit to the neighborhood. The relationship between residential and commercial uses should be considered to enhance the neighborhood and contribute to the community character. The proposed rezoning would extend the CRO zoning abutting to the south and continue the existing use as a parking area for the larger parcel without creating a negative impact to the abutting and nearby residential uses.

Because the property is used for commercial purposes and abuts a residential use on the northern property line there should be an uncomplimentary use buffer. Sec. 656.1216. - Buffer standards relating to uncomplimentary land uses and zoning, defines the buffer requirements for this property.

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 subject site is located at 1939 Hendricks Avenue, a minor arterial roadway, with frontage on Thacker Avenue, a local roadway and within the RPI land use category and

Urban Development Area. RPI in the Urban Area is intended to provide compact medium density development. Development which includes medium density residential and professional office uses is preferred. Limited commercial retail and service establishments which serve a diverse set of neighborhoods are also encouraged in order to reduce the number of Vehicle Miles Traveled. RPI designations are preferred in locations which are supplied with full urban services and in locations which serve as a transition between commercial and residential land uses.

The proposed rezoning to CRO to bring the existing parking area into compliance with the Zoning Code would accommodate parking for the larger parcel that is under common ownership. The proposed zoning is consistent with the existing RPI land use category description within the Future Land Use Element of the 2030 Comprehensive Plan.

Therefore, the proposed rezoning will be 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.

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

Yes. This rezoning is supported by the following Objectives and Policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Policy 1.1.10

Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

CRO with RPI is considered a transitional zoning district and land use category. The uses allowed in this Zoning District is limited compared to uses in more intense commercial zoning districts like CCG-1 or 2. The request for rezoning is to bring the commercial parking lot into a commercial zoning district. The parking lot is a part of the parcel that has a commercial building on it. The parking lot has existed for several decades.

Policy 3.1.3

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

To promote this Policy the property owner will need to provide proper buffering from the residential use to the north. The proposed rezoning is a transitional zoning district and appropriate for the area, however; the buffering will make the transition complete and bring the property into total compliance. Buffering for the property is found in Sec. 656.1216 (b) of the Zoning Code.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning will not be in conflict with any portion of the City's land use regulations. The proposed zoning district would be compatible with the adjoining properties to the west and south which is general character of the surrounding area. Additionally, currently the west portion of the subject parcel is zoned CCG-1; the rezoning of the western half of the parcel will allow the parking to be under a commercial zoning district that is compatible with the RPI land use category.

SURROUNDING LAND USE AND ZONING

The subject property is located on the east side of Hendricks Avenue, just north of Atlantic Boulevard. The surrounding uses, land uses, and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	RPI	RMD-A	Single-family
East	PBF	PBF-1	Middle School
South	RPI	CRO	Parking Lot
West	CGC	CCG-1	Office Building

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 16, 2020, the required Notice of Public Hearing signs were posted:



RECOMMENDATION

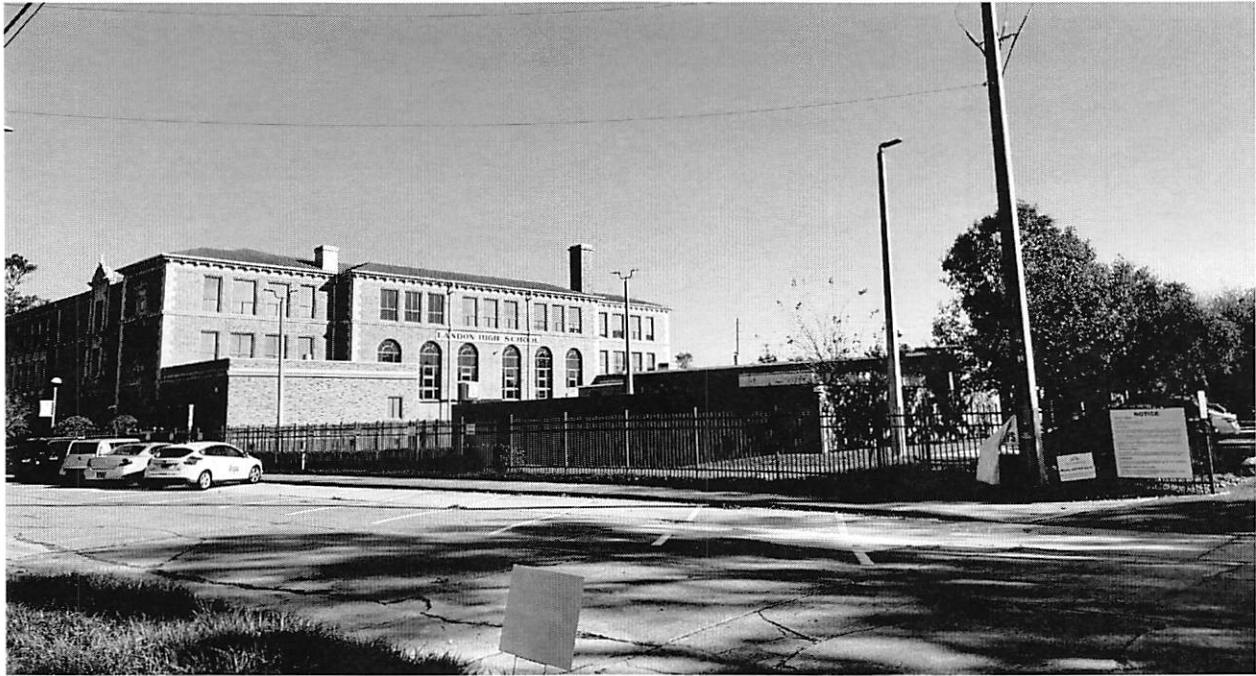
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2020-0690 be **APPROVED**.

Subject Property



Aerial





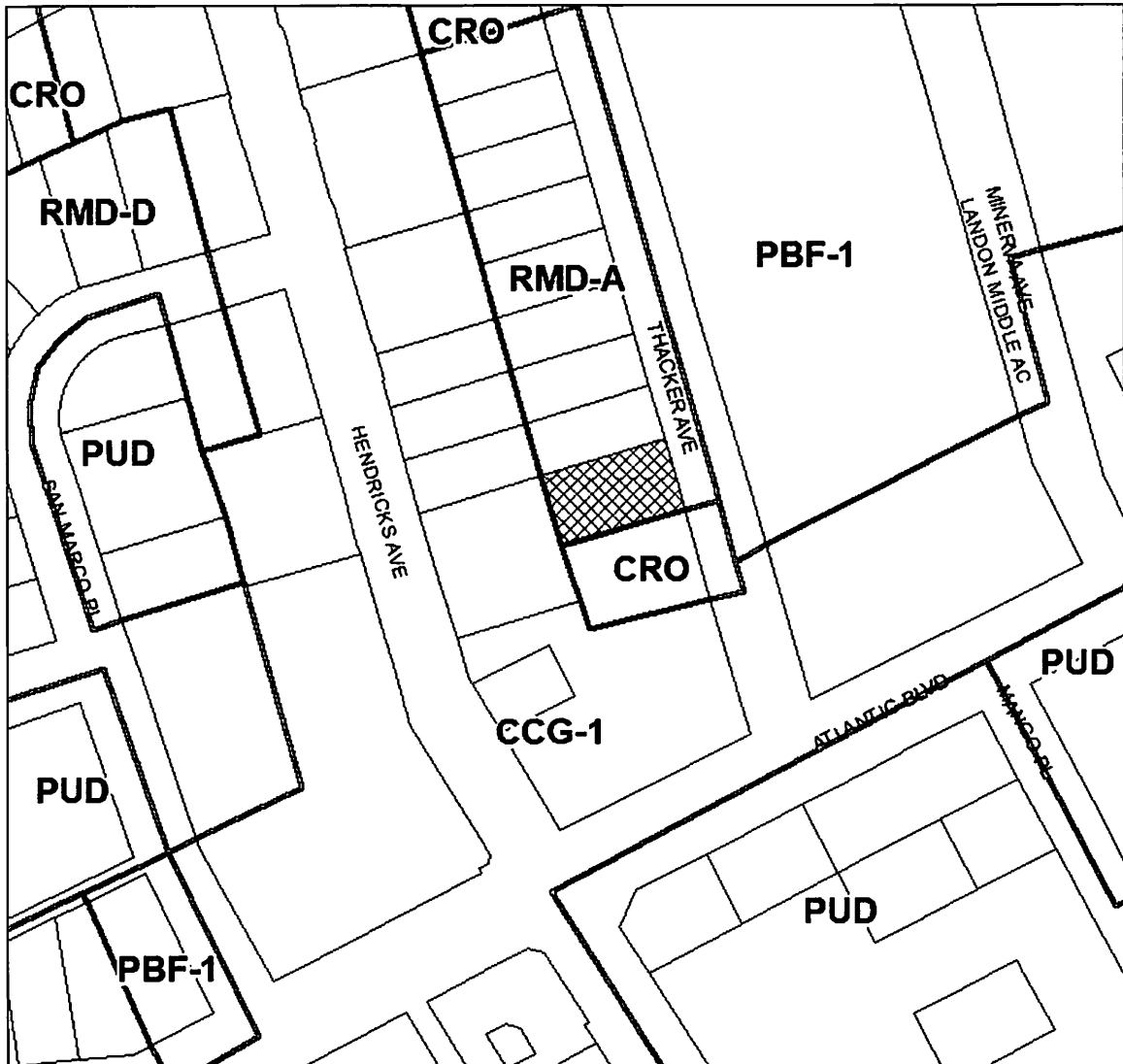
Property to the east: Public School

*Source: Staff, Planning and Development Department
Date: 11/16/2020*



Property to the North: Single Family Dwelling

*Source: Staff, Planning and Development Department
Date: 11/16/2020*



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: CRO</p>	<p>LOCATION MAP:</p>	<p>COUNCIL DISTRICT:</p> <p>5</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2020-0690</p>	<p>TRACKING NUMBER</p> <p>T-2020-3176</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2020-0690 **Staff Sign-Off/Date** CMQ / 10/28/2020
Filing Date 11/10/2020 **Number of Signs to Post** 2
Hearing Dates:
1st City Council 12/08/2020 **Planning Commission** 12/03/2020
Land Use & Zoning 01/05/2021 **2nd City Council** N/A
Neighborhood Association SAN MARCO PRESERVATION SOCIETY
Neighborhood Action Plan/Corridor Study N SAN MARCO NAP

Application Info

Tracking # 3176 **Application Status** SUFFICIENT
Date Started 10/07/2020 **Date Submitted** 10/07/2020

General Information On Applicant

Last Name HARDEN **First Name** PAUL **Middle Name** M.
Company Name
LAW OFFICE OF PAUL M. HARDEN
Mailing Address
501 RIVERSIDE AVENUE, SUITE 901
City JACKSONVILLE **State** FL **Zip Code** 32202
Phone 9043965731 **Fax** 9043995461 **Email** PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name HARGRAVE **First Name** WESLEY **Middle Name** C
Company/Trust Name
ESTATE OF RAYMOND P. DIEMER
Mailing Address
1939 HENDRICKS AVE
City JACKSONVILLE **State** FL **Zip Code** 32207
Phone **Fax** **Email**

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 082022 0000	5	3	RMD-A	CRO

Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category

RPI

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 0.13

Justification For Rezoning Application

THE SITE IS AN INFILL LOCATION WITH AN EXISTING PARKING LOT IN RMD-A. THE REZONING WILL BRING THE SITE INTO COMPLIANCE WITH ZONING AND ACCOMMODATE PARKING FOR THE OVERALL PARCEL.

Location Of Property

General Location

ON THE EAST SIDE OF HENDRICKS AVE, NORTH OF ATLANTIC BLVD

House # 1939 **Street Name, Type and Direction** HENDRICKS AVE **Zip Code** 32207

Between Streets

ATLANTIC BLVD

and LONDON AVE

Required Attachments For Formal, Complete application

The following items must be attached to each application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below for inclusion of information required.

Exhibit 1 ☐ A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.

Exhibit A ☐ Property Ownership Affidavit – Notarized Letter(s).

Exhibit B ☐ Agent Authorization - Notarized letter(s) designating the agent.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

- ☐ One copy of the Deeds to indicate proof of property ownership.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be **POSTED** on the property **BY THE APPLICANT** within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING.** (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF PUBLICATION** to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest by my signature that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

- ☐ Agreed to and submitted

Filing Fee Information

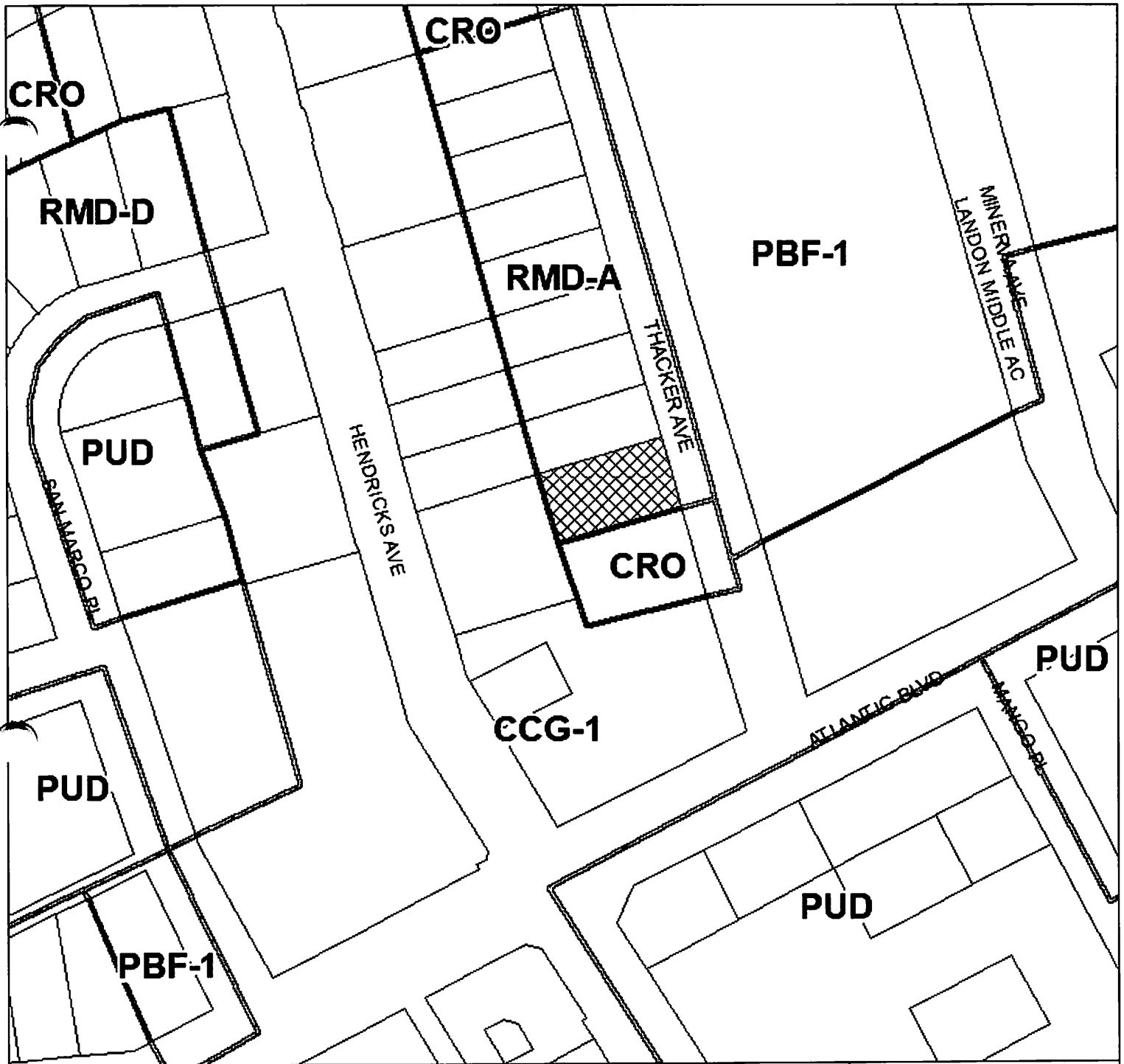
- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof
0.13 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
19 Notifications @ \$7.00 /each: \$133.00
- 4) Total Rezoning Application Cost: \$0.01

NOTE: Advertising Costs To Be Billed to Owner/Agent

October 2, 2020

Legal Description

Lot 16, Block 11, SHADYSIDE, according to the plat thereof as recorded in Plat Book 2, Pages 91 and 92, of the current Public Records of Duval County, Florida.

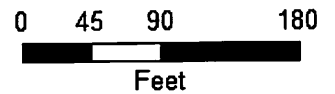
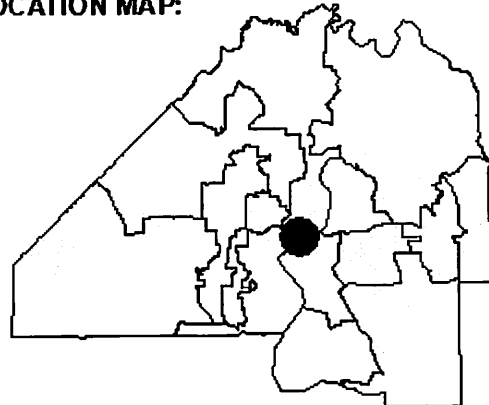


REQUEST SOUGHT:

FROM: RMD-A

TO: CRO

LOCATION MAP:



COUNCIL DISTRICT:

5

TRACKING NUMBER

T-2020-3176

**EXHIBIT 2
PAGE 1 OF 1**