

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**APPLICATION FOR REZONING ORDINANCE 2019-0603****SEPTEMBER 19, 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 **2019-0603**.

Location: 7 Bird Road

Real Estate Number: 108348-0000

Current Zoning District: Residential Low Density-120 (RLD-120)

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

Current Land Use Category: Low Density Residential (LDR)

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

Planning District: District 6—North

Applicant: Steve Diebenow, Esq.
One Independent Drive, Ste. 1200
Jacksonville, FL 32202

Owner: Dunn Jax, LLC.
8650-12 Old Kings Road South
Jacksonville, FL 32217

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0603** seeks to rezone 1.48± acres of a property from Residential Low Density-120 (RLD-120) to Commercial Community/General-2 (CCG-2). There is a companion Land Use Amendment application for the property (L- 5378-19C) to change the underlying future land use of the property from the current LDR designation to a designation of CGC. If approved the property will be located in the Low Density Residential (LDR) land use category within the Suburban Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request is being sought in order to eliminate split use zoning on the parcel and to permit the redevelopment of the 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 request is for a rezoning from RLD-120 to CCG-2 in order to eliminate split use zoning on the parcel and to permit the redevelopment of the property. The 1.48± acre subject property is located at the corner of Main Street North, a major arterial road, and Bird Road, a local 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. The applicant is proposing a land use change for the subject site from LDR to Community/General Commercial (CGC).

According to the FLUE, CGC is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be compact and connected and should support multi-modal transportation. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods.

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:

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 CCG-2 will create uses that are more compatible with other uses along Main Street North and 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.

Objective 3.2

Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The proposed rezoning and land use amendment will sustain the viability of the existing commercial node along Main Street North, and is therefore consistent with the above objective.

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 April 10, 2019, there are points of connection for water and sewer services adjacent to 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 1.2.9.

Objective 6.3

The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill 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 split zoned between CCG-2 and RLD-120 and the applicant wished to simply create a CCG-2 zoned property for future commercial uses. The area along Main Street North is zoned CCG-2 so this rezoning will not

create a property out of character for the general area and will allow a property being underutilized to be developed with commercial uses.

Airport Environment Zone

The site is located within the 150-foot Airport Height and Hazard Restriction Zones for Jacksonville International Airport. Zoning will limit development to a maximum height of less than 150', 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).

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 RLD-120 to CCG-2 in order to eliminate the split land use and zoning to permit development of the property.

SURROUNDING LAND USE AND ZONING

The subject site is located on the north side of Bird Road, a local road and on the east side of Main Street North, a major arterial road. According to the Future Land Use Element (FLUE), CGC in the Suburban Development Area is primarily 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 located in areas with an existing mix of non-residential uses. Development which includes Commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices Business and Professional Offices including veterinary offices; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities, etc. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	CCG-2	Multi-Family Dwellings
East	LDR	RLD-120	Single Family Dwellings
South	CGC	PUD	Single Family Dwellings
West	CGC	CCG-2	Railroad

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 August 28, 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 **2019-0603** be **APPROVED**.



Aerial View

Source: JaxGIS Map



Subject Site

Source: Planning & Development Department 09/10/2019



View of Property to the South

Source: Planning & Development Department 09/10/2019



View of Properties to the East

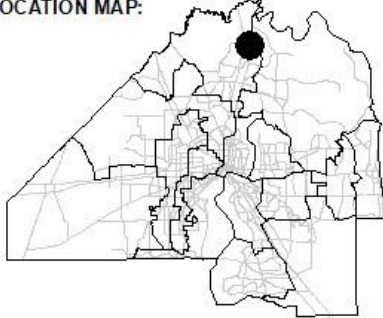
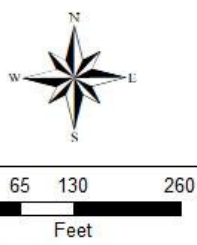
Source: Planning & Development Department 09/10/2019



View of Property to the West

Source: Planning & Development Department 09/10/2019



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-120</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>0 65 130 260 Feet</p> <p>COUNCIL DISTRICT: 2</p>
<p>ORDINANCE NUMBER ORD-2019-0603</p>	<p>TRACKING NUMBER T-2019-2340</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map
 Source: JaxGIS Map