

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2020-0048**

**FEBRUARY 20, 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 Ordinance **2020-0048**.

***Location:*** 3018 Lenox Avenue; Between McDuff Avenue  
South and Shearer Avenue

***Real Estate Number:*** Portion of 063333-0000

***Current Zoning District:*** Residential Low Density-60 (RLD-60)

***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 5—Northwest

***Applicant/Agent:*** Steve Diebenow, Esq.  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202

***Owner:*** Orange Blossom Trail Orlando, LLC  
8560-12 Old Kings Road South  
Jacksonville, Florida 32217

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2020-0048** seeks to rezone 0.40± acres of a property from Residential Low Density-60 (RLD-60) to Commercial Community/General-2 (CCG-2). The request is being sought to expand the subject property's commercial land area and allow for the development of a filling station. The subject site is an undeveloped portion of a larger parcel that is already zoned CCG-2 with a CGC land use designation. There is also companion Small Scale Land Use Amendment L-5422-19C (**Ordinance 2020-0047**) that seeks to amend the land use on the property from Low Density Residential (LDR) to Community General/Commercial (CGC).

A portion of the subject parcel was previously rezoned from RLD-G (later renamed RLD-60) to CCG-2 by City Council on January 11, 1994 via **Ordinance 1993-1429**.

### **Brownfields Study Area**

This site is located within the Brownfields Pilot Study Area by Resolution 2000-125-A as defined in F.S. 376.79(4). The property may or may not have contamination.

Since the property is located within a Brownfields Area, the owner may request the property be designated a Brownfield Site. A Brownfield Site is property where the expansion, redevelopment, or reuse of the property may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. The property owner may qualify for tax credits.

### **Lackawanna Neighborhood Study (1980)**

The subject site is also within the boundaries of the Lackawanna Neighborhood Study. The study identifies the subject site as an area with a proposed commercial land use. The study further explains that the proposed commercial development within the study area is recommended where it currently exists, along the major arterial roads including Lenox Avenue and McDuff Avenue. Therefore, the proposed amendment to CGC is consistent with the Lackawanna Neighborhood Study.

## **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-5422-19C (**Ordinance 2020-0047**), 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 LDR land use designation. According to the Future Land Use Element (FLUE), Community/General Commercial (CGC) in the Urban Priority Area is intended to provide compact development which should generally be developed in nodal and corridor development patterns, while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as an arterial or higher on the Highway Functional Classification Map.

**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, 2019-4197, the proposed development shall maintain connection to City water and sewer with an estimated flow of 400 gpd.

**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 RLD-60 to CCG-2 in order to permit for the development of a filling station.

**SURROUNDING LAND USE AND ZONING**

The subject property is located at the southeast corner of the intersection of Sunbeam Road and Neal Drive, and is currently undeveloped. The proposed rezoning to CCG-2 would allow the applicant to expand the commercial land allowance of parcel and permit for a filling station. Nonetheless, adjacent land uses and zoning districts are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	CGC	CCG-2	Vacant Church
East	CGC	CCG-2	Parking Lot
South	MDR	RMD-A	Interstate 10
West	LDR	RLD-60	Single-Family Dwelling

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**

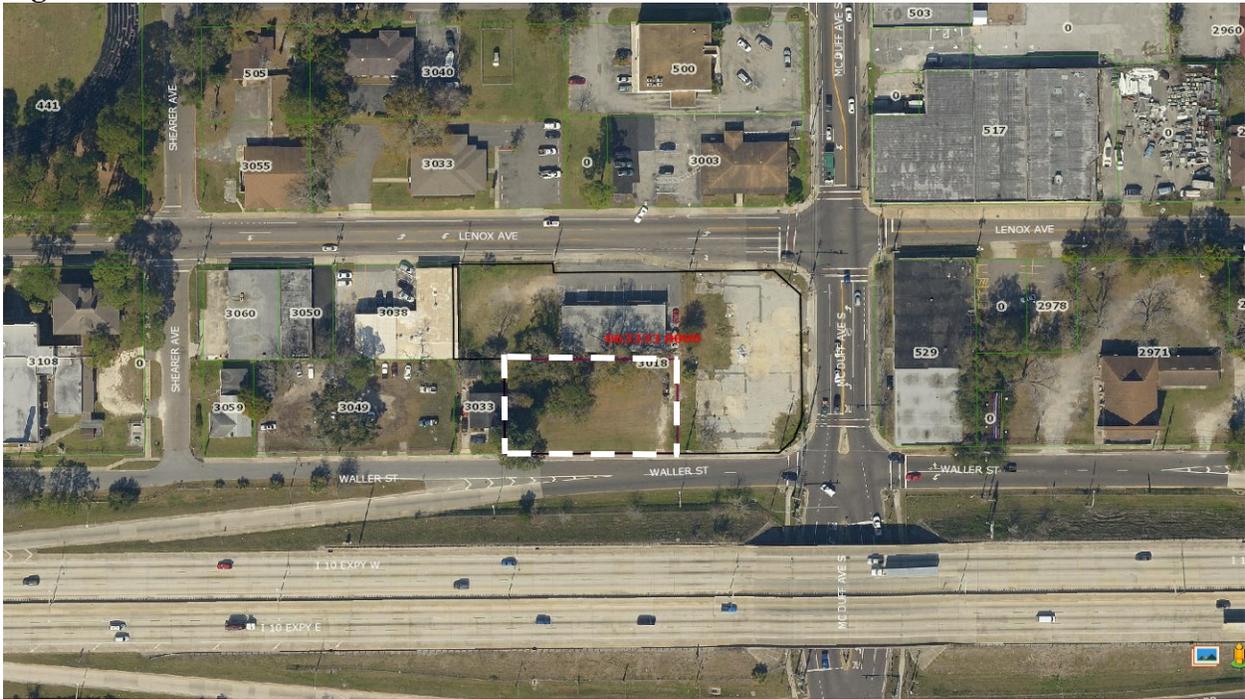
Upon visual inspection of the subject property on February 6, 2020 by the Planning and Development Department, the required Notice of Public Hearing sign **was** posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2020-0048** be **APPROVED**.

**Figure A:**



Source: Planning & Development Dept, 12/30/19

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

**Figure B:**



Source: Planning & Development Dept, 2/6/20

**View of the subject property, facing north on Waller Street.**

**Figure C:**



**Source: Planning & Development Dept, 2/6/20**

**The remaining portion of the parcel (not being rezoned), facing south on Lenox Avenue.**



