

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

January 22, 2021

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.: 2020-751**

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: **Deny**

Planning Commission Recommendation: **Approve**

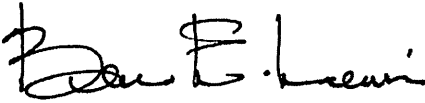
Planning Commission Commentary: There was one speaker in opposition whose concerns were obtrusive lighting, flooding and intensive uses in CCG-1. The Commissioners felt the site is small and impracticable for any other use.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Absent
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, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B".

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 ORDINANCE 2020-0751****JANUARY 21, 2021**

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 2020-0751.

Location: 4529 Roosevelt Boulevard

Real Estate Number: 093305-0000

Current Zoning District: Commercial Residential Office (CRO)

Proposed Zoning District: Commercial Community/General-1 (CCG-1)

Current Land Use Category: Residential Professional Institutional (RPI)

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

Planning District: District 4—Southwest

Applicant: Beth Whitney
Mark Dowst and Associates, Inc.
536 N. Halifax Avenue, Suite 100
Daytona Beach, FL 32218

Owner: Lockie Brown
Roosevelt Square LLLP
1545 Peachtree Street
Atlanta, GA 30309

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Rezoning Ordinance 2020-0751 seeks to rezone 0.38± acres of undeveloped property from Commercial Residential Office (CRO) to Commercial Community/General-1 (CCG-1) in order to allow for the construction of an employee parking lot and dense landscape buffer. The Planning and Development Department finds that the subject property is located in the Residential Professional Institutional (RPI) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. However, there is a companion Application for Small-

Scale Land Use Amendment to the Future Land Use Map Series L-5469-20C (Ordinance 2020-0750) that seeks to amend the portion of the site that is within the Residential Professional Institutional (RPI) land use category to Community/General Commercial (CGC). The Planning & Development Department has recommended denial for Ordinance 2020-0750.

The subject property is located along Appleton Avenue, a local street, located to the East of Roosevelt Square Shopping Center. This section of properties to the east of the shopping center are primarily zoned for residential dwellings and very limited commercial/ office space. The property is surrounded on two sides by single family dwellings, zoned RMD-B/ RLD-60, and a Medical office to the south zoned CRO. A few properties located behind the shopping center to the east are zoned CRO and act as a transitional zoning district to the residential districts to the east and the commercial shopping center located in zoning district CCG-1 to the west. Commercial Residential Office (CRO) is a zoning district with limited permitted uses which serves as appropriate transitional uses between residential and nonresidential areas. With the surrounding properties developed with single family dwellings the department finds the expansion of commercial uses further east into the residential neighborhoods is not justification for an up zoning to CCG-1.

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 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. The Commercial Community/General-1 (CCG-1) Zoning District is a primary zoning district within the Community/General Commercial (CGC) functional land use category. The site is also located in Planning District 4 and Council District 14.

Community/General Commercial (CGC) in the Urban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is preferred to provide support for commercial and other uses. 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 Functional Highway Classification Map.

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

No. This rezoning does not further the Goals, Objectives and Policies of the 2030 Comprehensive Plan, including the following:

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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

The subject property is located in the Urban Area and the site has access to water and sewer service. The proposed use will be in compliance with Policy 1.2.9.

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.

Approval of this application will set a precedence for future lots to request the same rezoning and will not achieve a well-balanced and organized combination of residential to non-residential area. CCG-1 is a district that permits the intense commercial uses which will not protect or preserve the character of the surrounding residential neighborhood. Due to these reasons listed this request will not be in compliance with Goal 3.

Airport Environment Zone

The site is located within the 300 foot Height and Hazard Zone for the Jacksonville Naval Air Station (NAS-Jax). Zoning will limit development to a maximum height of less than 300 feet, 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).

Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Flood Zones

The entire subject site is located within the 0.2 Percent Annual Chance Flood Hazard flood zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The 0.2 PCT Annual Chance Flood Hazard flood zone is defined as an area within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

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

No. The proposed rezoning does not conflict with any portions of the City's land use regulations. If approved, the subject property will be permitted for commercial uses permitted in CCG-1 Zoning District which would be held to standards of the City's land use regulations but is not consistent with the surrounding uses and does not support the Goals, Objectives and Policies of the 2030 Comprehensive Plan.

SURROUNDING LAND USE AND ZONING

The subject site is located on the north side of Appleton Avenue, a local street and directly behind the Roosevelt Square shopping center. The properties that surround the subject site on the north, east are all developed with single family dwellings zoned Residential Medium Density-B (RMD-B). The properties to the west of the subject property are commercial properties zoned CCG-1. Staff does not think the intensification of the Zoning District furthers the 2030 Comprehensive Plan's GOPs.

Adjacent Property	Land Use Category	Zoning District	Current Use
North	MDR	RMD-B	Single Family Dwellings
South	RPI	CRO	Medical Office
East	RPI	CRO	Single Family Dwellings
West	CGC	CCG-1	Retail Shopping Center

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-1 will not be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 5, 2021 by the Planning and Development Department, the required Notice of Public Hearing sign was posted.



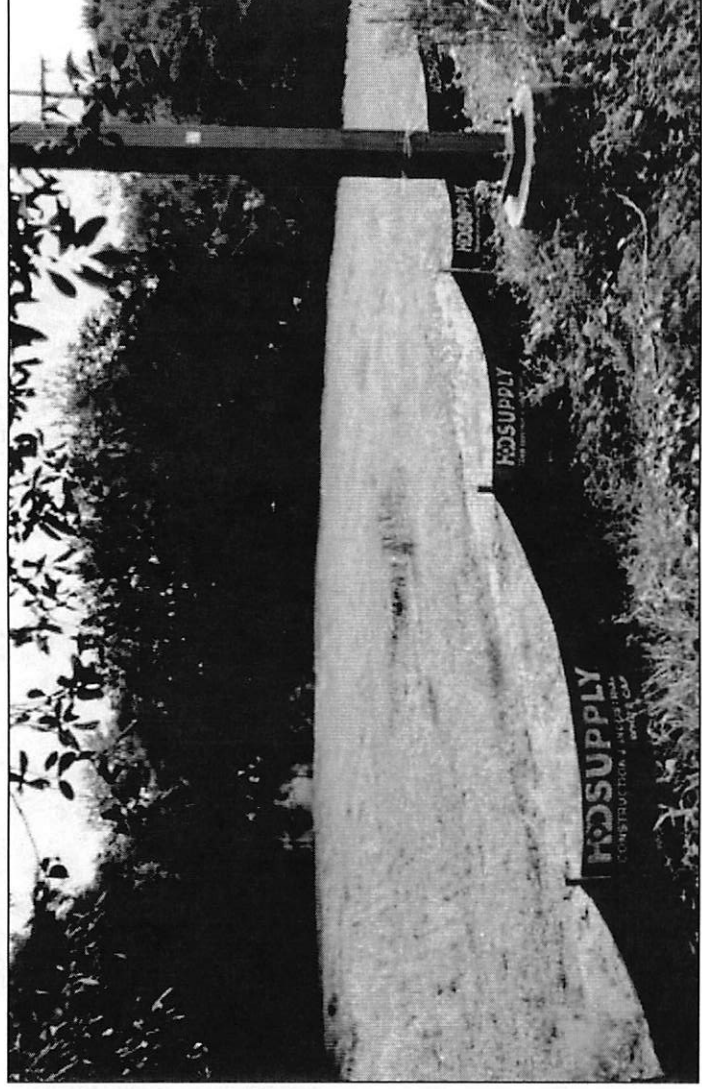
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2020-0751 be **DENIED**.



Aerial View

Source: JaxGIS Map



View of Subject Property
Source: Planning & Development Department 10/14/2020



View of Properties to the East

Source: Planning & Development Department 01/05/2021



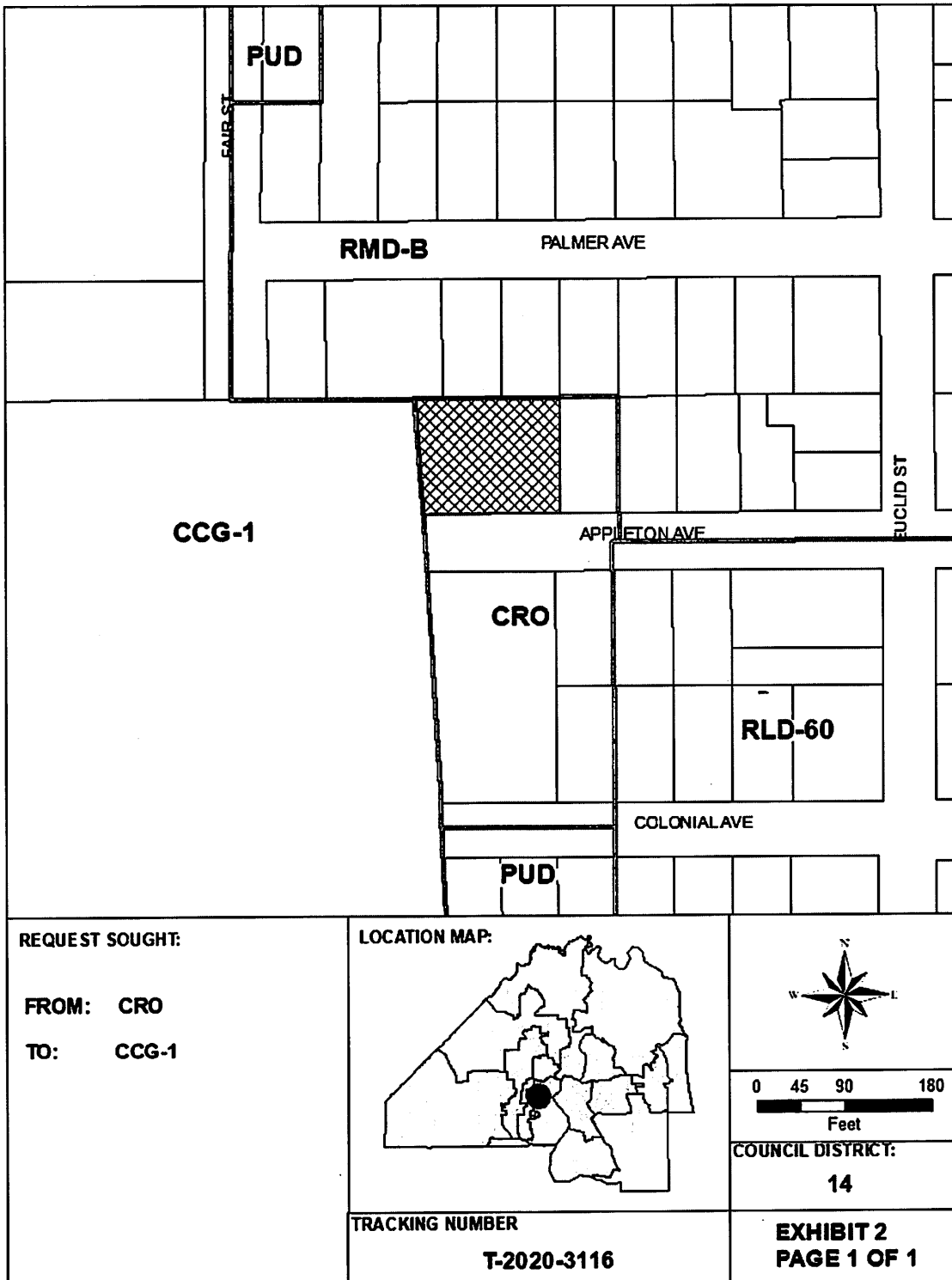
View of Property to the South

Source: GoogleMaps



View of Properties to the West

Source: Planning & Development Department 10/14/2020



Legal Map
 Source: JaxGIS Map

Application For Rezoning To Conventional Zoning District**Planning and Development Department Info**

Ordinance # 2020-0751 Staff Sign-Off/Date ELA / 12/02/2020

Filing Date 12/08/2020 Number of Signs to Post 1

Hearing Dates:

1st City Council 01/26/2021 Planning Commission 01/21/2021

Land Use & Zoning 02/02/2021 2nd City Council 02/09/2021

Neighborhood Association N/A

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 3116

Application Status FILED COMPLETE

Date Started 09/08/2020

Date Submitted 09/08/2020

General Information On Applicant

Last Name	First Name	Middle Name
WHITNEY	BETH	
Company Name		
MARK DOWST AND ASSOCIATES, INC.		
Mailing Address		
536 N. HALIFAX AVE., SUITE 100		
City	State	Zip Code
DB	FL	32118
Phone	Fax	Email
3862587999	3862574310	BWHITNEY@MDAENG.COM

General Information On Owner(s) Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
BROWN	LOCKIE	
Company/Trust Name		
ROOSEVELT SQUARE LIMITED LIABILITY LIMITED PARTNERSHIP		
Mailing Address		
1545 PEACHTREET STREET		
City	State	Zip Code
ATLANTA	GA	30309
Phone	Fax	Email
4048887971		LBROWN@DEWBERRYGROUP.COM

Property InformationPrevious 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	093305 0000	14	4	CRO	CCG-1

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 #**

5469

Total Land Area (Nearest 1/100th of an Acre) 0.38**Justification For Rezoning Application**

THE REQUEST IS TO CONVERT A 0.382 ACRES AREA TO THE SAME ZONING AS THE 28 ACRE SHOPPING CENTER. CHANGING THE ZONING WILL ALLOW THE OWNER TO USE HIS LAND TO CONSTRUCT AN EMPLOYEE PARKING LOT AND DENSE LANDSCAPE BUFFER.

Location Of Property**General Location**

ROOSEVELT SQUARE

House #

4529

Street Name, Type and Direction

ROOSEVELT BLVD

Zip Code

32210

Between Streets

ROOSEVELT BLVD

and

LAKESHORE

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

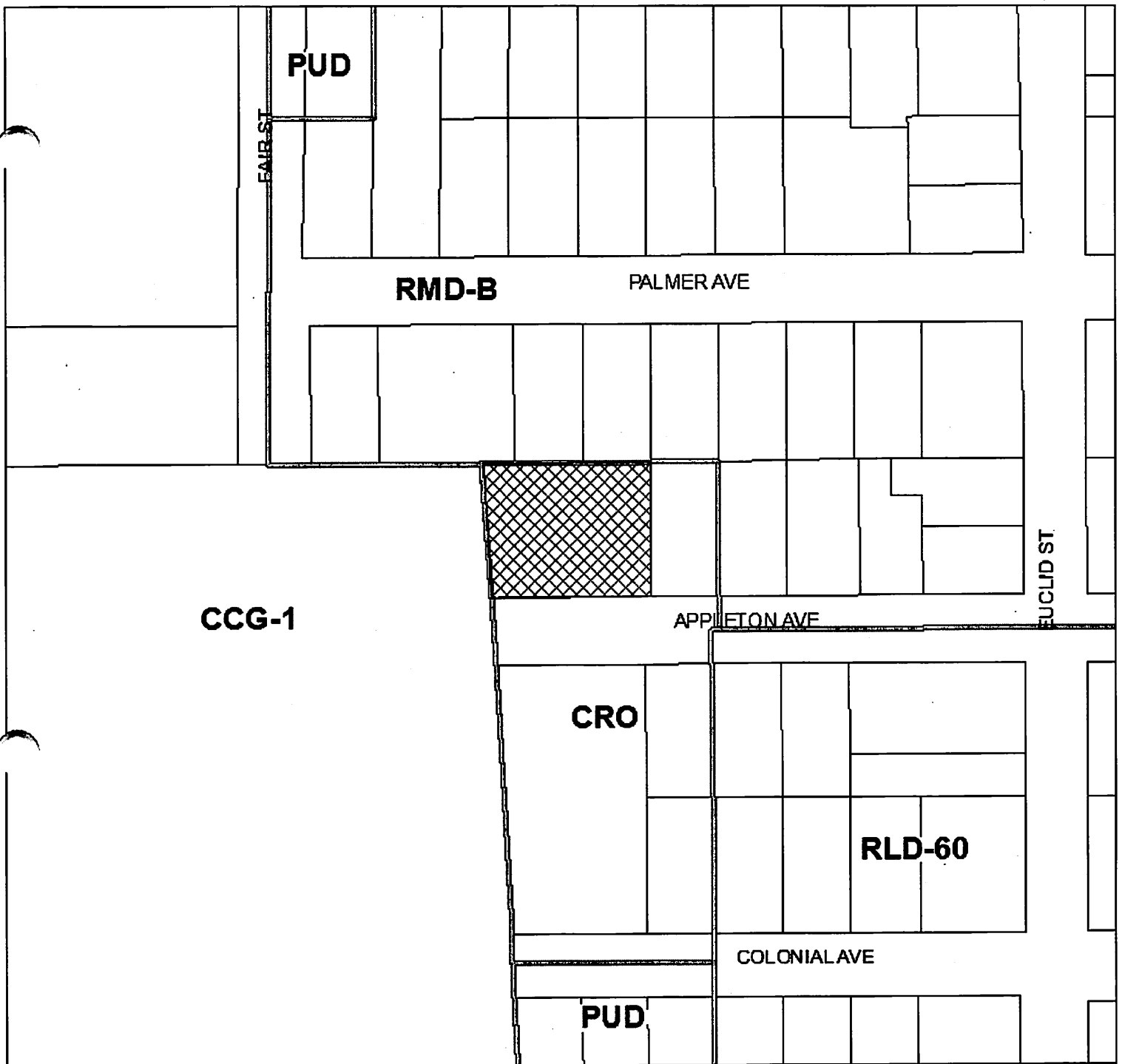
I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my 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
0.38 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
44 Notifications @ \$7.00 /each: \$308.00
- 4) Total Rezoning Application Cost: \$2,318.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

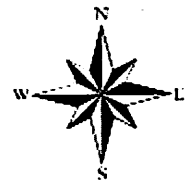
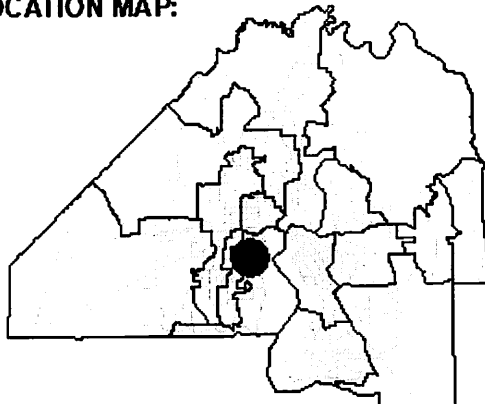


REQUEST SOUGHT:

FROM: CRO

TO: CCG-1

LOCATION MAP:



0 45 90 180



Feet

COUNCIL DISTRICT:

14

TRACKING NUMBER

T-2020-3116

**EXHIBIT 2
PAGE 1 OF 1**

Legal Description

A PART OF LOT 14, LOT 15 AND THE FRACTIONAL UNNUMBERED LOT LYING WEST OF LOT 14, BLOCK 91, REPLAT OF PART OF LAKE SIDE PARK, AS RECORDED IN MAP BOOK 6, PAGE 44, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID LOT 15, AS THE POINT OF BEGINNING, RUN S.00°09'38"E., ALONG THE EAST LINE OF SAID LOT 15 A DISTANCE OF 120.00 FEET; THENCE N.89°57'59"W., ALONG THE SOUTH LINE OF SAID LOTS 14, 15 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 135.98 FEET; THENCE S.89°57'59"E., ALONG THE NORTH LINE OF SAID LOTS 14, 15 AND THE WESTERLY EXTENSION THEREOF A DISTANCE OF 141.49 FEET TO THE POINT OF BEGINNING.