

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

**APPLICATION FOR REZONING ORDINANCE 2019-0547**

**SEPTEMBER 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 **2019-0547**.

***Location:*** 825 Cassat Avenue (SR 111)

***Real Estate Number:*** 078713-0000

***Current Zoning District:*** Commercial Office (CO)

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

***Current Land Use Category:*** Community/ General Commercial (CGC)

***Planning District:*** District 5—Northwest

***Applicant:*** Basel Khader  
Elegant Cars, LLC.  
825 Cassat Avenue  
Jacksonville, FL 32205

***Owner:*** Basel Khader  
Elegant Cars, LLC.  
825 Cassat Avenue  
Jacksonville, FL 32205

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2019-0549** seeks to rezone 0.2± acres of a property from Commercial Office (CO) to Commercial Community/ General-2 (CCG-2). The property is located in the Community/ General Commercial (CGC) 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 develop the property with a used car sales lot.

The property has 59 feet of street frontage along Sappho Avenue and 153 feet along Cassat Avenue and is developed with a 1,630 square foot building that was originally constructed as a single family dwelling. The east side of Cassat Avenue is zoned predominately Commercial Office and

acts as a transitional zoning district to the residential districts to the east and the Commercial zoning districts to the west. Commercial Office (CO) is a zoning district with limited permitted uses which serves as appropriate transitional uses between residential and nonresidential areas. The properties that surround the site include single family dwellings and professional office space and the department feels CCG-2 uses would be too intense for the site and the surrounding properties. Approval of this application will set a precedence for future properties owners to request the same rezoning. If the rezoning is approved the property owner will have to return for an administrative deviation application due to the inability to provide a 25 foot uncomplimentary buffer required when adjacent to a residential district.

Additionally, the subject property has been operating illegally without a Certificate of Use (COU) since early 2019 and is requesting the rezoning due only to Code Enforcement Violation #2019-42986. This is not the first time the subject property has been issued a violation for operating without a COU. For the past several years the property has been operating as a used car lot under different business names and has been issued violations in relation to zoning, and no off-street parking spaces.

### **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/ Commercial General (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-2 Zoning District is a primary zoning district within the Community General Commercial functional land use category. The site is also located in Planning District 5 and Council District 9.

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 arterial or higher on the Functional Highway Classification Map. Auto sales are a principal in the CGC land

use category. The site is located on Cassat Ave. a minor arterial roadway. CGC is along the Cassat corridor on both sides of the road.

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**

**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 proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

*Approval of this rezoning request would create uses not compatible with the development patterns of the area and promote urban sprawl into a residential neighborhood. Therefore this request would not be in compliance with Objective 1.1.*

**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. The current zoning district Commercial Office offers commercial uses that are not too intense for the area and serves as a transitional zoning district from the residential district to the west and the more intense commercial districts to the west. CCG-2 is a district that permits the highest intensity 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.*

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 to be developed with used car lot 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 east side of Cassat Avenue, a minor arterial roadway and is located in the Suburban Development Area. It is also located within Planning District 5 and Council District 9. According to the Future Land Use Element (FLUE), CGC in the Suburban Development Area is intended to provide for compact development in nodal and corridor development patterns while promoting the advancement of existing commercial land uses and the use of existing infrastructure. 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 arterial or higher on the Functional Highway Classification Map. Auto sales are a principal in the CGC land use category. The site is located on Cassat Ave. a minor arterial roadway. CGC is along the Casset corridor on both sides of the road.

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	CGC	CO	Single Family Dwelling
East	LDR	RLD-60	Single Family Dwelling
South	CGC	CO	Office
West	CGC	CCG-2	Commercial Shopping Center

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-2 will not be consistent and compatible with the surrounding uses.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on August 20, 2019 by the Planning and Development Department, the required Notice of Public Hearing signs was posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2019-0547 be **DENIED**.



**Aerial View**

**Source: JaxGIS Map**



**View of Subject Property**

**Source: Planning & Development Department 08/20/2019**



**View of East Property Line**

**Source: Planning & Development Department 08/20/2019**



**View of Subject Property**

**Source: Planning & Development Department 08/20/2019**



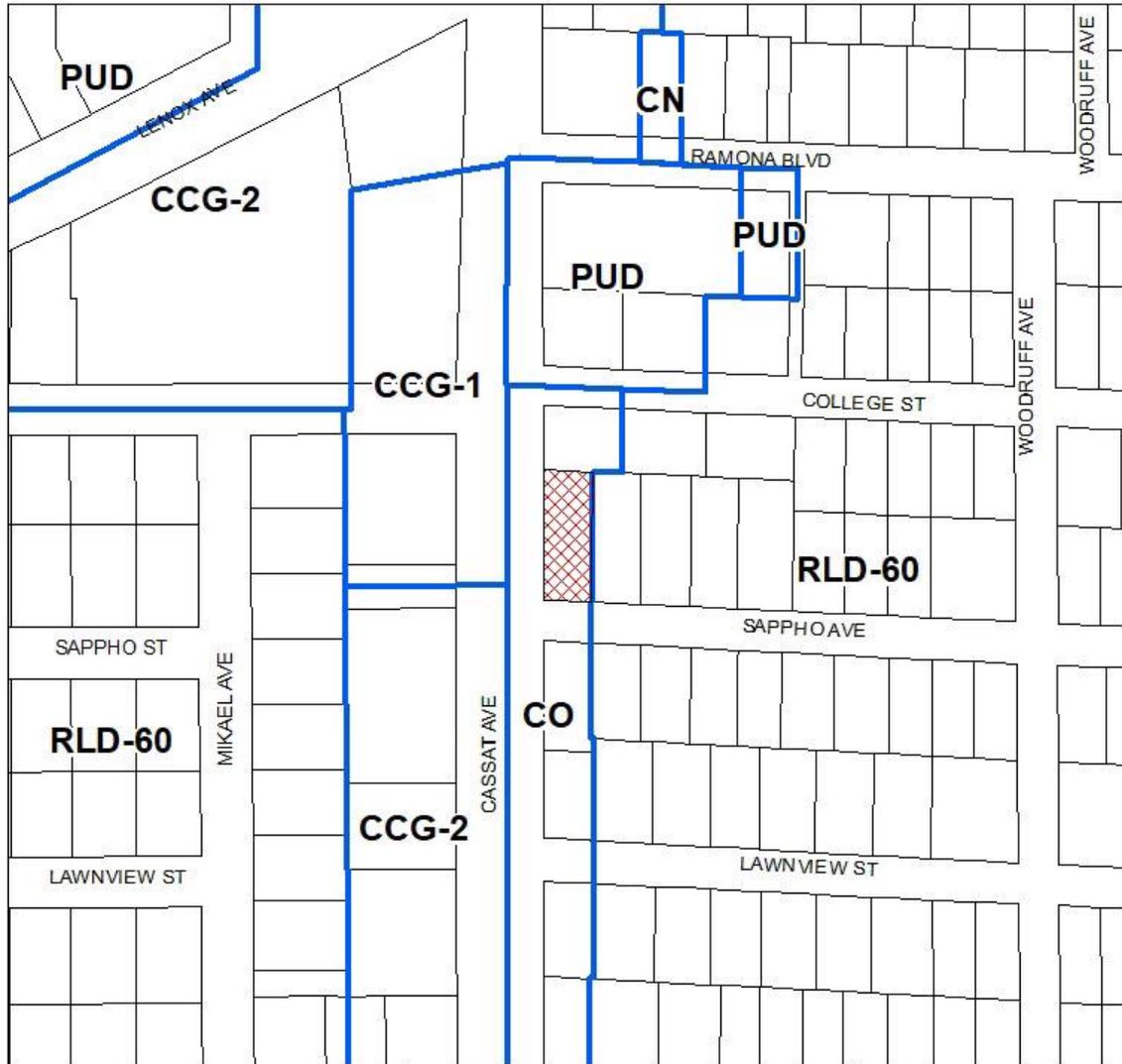
**View of Property to the East**

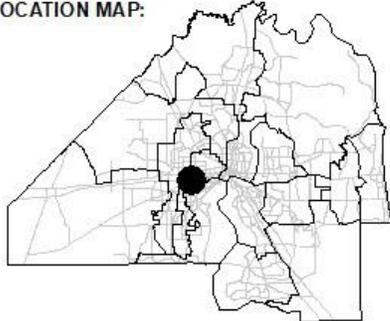
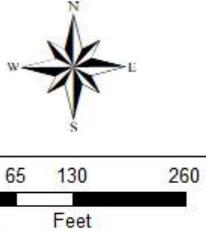
**Source: Planning & Development Department 08/20/2019**



**View of Property to the North**

**Source: Planning & Development Department 08/20/2019**



<p>REQUEST SOUGHT:</p> <p>FROM: CO</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>9</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0547</p>	<p>TRACKING NUMBER</p> <p>T-2019-2415</p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>

Legal Map  
 Source: JaxGIS Map