

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2019-0605

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 **2019-0605**.

Location: 5111 Firestone Rd; 0 Salk Ave; 7165 Salk Ave:
& 0 Salk Ave.
Between I-295 and Firestone Road

Real Estate Number: 014344-0000; 014345-0000; 014359-0010;
014330-0000

Current Zoning District: Residential Medium Density-A (RMD-A)
Commercial Office (CO)

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

Current Land Use Category: Medium Density Residential (MDR)
Community/General Commercial (CGC)

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

Planning District: District 4—Southwest

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

Owner: Lisa Duncan
Duncan William A Jr. Trust
8906 Tribly Avenue
Jacksonville, FL 32210

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0605** seeks to rezone 2.37± acres of a property from Residential Medium Density-A (RMD-A) and Commercial Office (CO) to Commercial Community/General-1 (CCG-1) to allow for the development of commercial uses. The property is currently located in the Medium Density Residential (MDR) and Community/General Commercial (CGC) Land Use Category within the Urban Area of the Future Land Use Element of the 2030 Comprehensive Plan. There is a proposed companion Small Scale Land Use Amendment (**2019-0604**) to change the all of the parcels to the Community/General Commercial (CGC) Land Use Category. The Planning and Development Department is also recommending approval of **2019-0604**.

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 Medium Density Residential (MDR) and Community/General Commercial (CGC) functional land use categories according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. There is a proposed Small Scale Land Use Amendment to change all of the subject parcels to Community/General Commercial (CGC) via Ordinance 2019-0604. If approved, the proposed rezoning will be consistent with 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. According to the Future Land Use Element (FLUE) CGC in the Urban 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 infrastructure

through infill development and redevelopment The proposed application is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Future Land Use Element

Policy 3.2.4

The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

The proposed rezoning will permit the expansion of commercial into a residential area, however no new commercial through traffic will be generated as all the parcels to the south are zoned commercial leading to 103rd Street (SR 134). Additionally, the expansion of commercial uses will not have any negative effects on the residential character of the area to the north.

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 proposed subject sites are currently occupied either by Single Family structures, or are vacant. The proposed development allow these underutilized parcels to transition to commercial to serve the major interchange of 10rds Street and Interstate 295. According to the JEA Availability Letter provided by the applicant, it shows that the subject site will be serviced by both city water and sewer services which ensure that the subject site will have all of the required infrastructure.

Airport Environment Zone

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

Future Land Use Element

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.

SURROUNDING LAND USE AND ZONING

The subject site is located approximately 550 feet north of 103rd Street on Firestone Road, and borders interstate 295 on the eastern side of the parcels. All three of these roadways are classified as collector or higher, and are built to handle the amount of traffic that a commercial district would need. The subject site is located next to a large shopping center complex to the west and a smaller center to the south. The subject site is located within the Urban Development Area, Planning District 4 and Council District 10. The adjacent land use categories and zoning districts are as follows:

| <u>Adjacent Property</u> | <u>Land Use Category</u> | <u>Zoning District</u> | <u>Current Use(s)</u> |
|--------------------------|--------------------------|------------------------|-------------------------------|
| North | MDR | RMD-A | Single Family |
| East | MDR | RMD-A | Interstate 295 |
| South | CGC | CO/CCG-1 | Office/Shopping Center |
| West | MDR/CGC | PUD/RMD-D | Church/Warehouse/Mini Storage |

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-1 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 9, 2019** by the Planning and Development Department, the required Notice of Public Hearing signs **was** posted.



Source: Planning and Development Department
Date: September 9, 2019

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0605** be **APPROVED**.



View of the subject property along Salk Ave.

Source: Planning and Development Department
Date: September 9, 2019



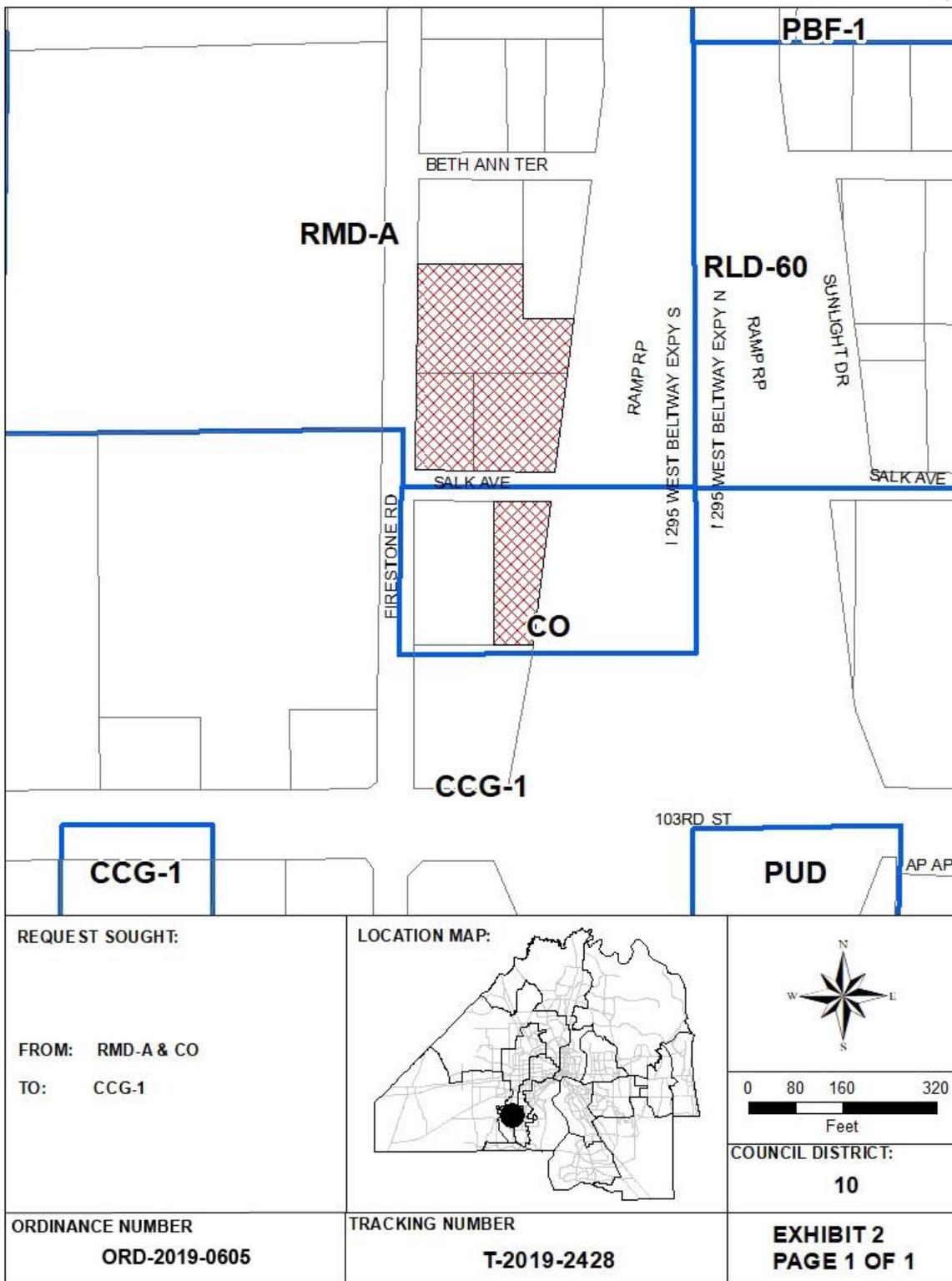
View of the subject property along Salk Ave.

Source: Planning and Development Department
Date: September 9, 2019



View of the neighboring shopping center across Firestone Road from the subject site.

Source: Planning and Dvelopment Department
Date: September 9, 2019



Legal Map

Source: JaxGIS
 Date: September 9, 2019