

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 5, 2023

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2022-858**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico 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: **Approve**

Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were two speakers in opposition. The Commissioners felt the rezoning is appropriate.

Planning Commission Vote:	6-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Aye
David Hacker	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2022-0858

JANUARY 5, 2023

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 **2022-0858**.

Location: 4457 Beverly Avenue

Real Estate Number: 069244-0000

Current Zoning District: Planned Unit Development (PUD)

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southwest, District 4

Applicant/Agent: Steve Diebenow, Esq.
One Independent Drive, STE. 1200
Jacksonville, FL 32202

Owner: Triple Net Equities, Inc.
10739 Deerwood Park Blvd Suite 300
Jacksonville, FL 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2022-0858** seeks to rezone approximately 0.13± acres of property from Planned Unit Development (PUD) to Commercial Community General-1 (CCG-1) to allow for the development of commercial retail uses. The property is located in the Community General Commercial (CGC) land use category within the Urban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan. The property is currently zoned PUD Ordinance 2005-0564 which allowed for the development of one single family dwelling with one enclosed car garage. Pursuant to Ordinance 2005-564-E, the site was rezoned from CCG-1 to PUD in 2005. Approval of the rezoning request would return the site to its previous zoning designation. This rezoning application is companion to Administrative Deviation Ord. #2022-0860/(AD-22-70) and Zoning Variance Ord. #2022-0859/(V-22-14) for the overall redevelopment and expansion of commercial uses for 4261 Roosevelt Boulevard & 4461 Beverly Avenue.

The companion Administrative Deviation application (2022-0860/AD-22-70) seeks deviations for increase in compact parking spaces and reduction in landscaping requirements of Part 12 of the Zoning Code. The department is recommending Approval on the Administrative Deviation.

Additionally, the companion Zoning Variance Ordinance 2022-0859 (V-22-14) seeks to reduce the required sidewalk width from 6 feet to 5.5 feet. The department is also recommending Approval on the Zoning Variance.

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 Planning and Development Department finds that the subject property is located in the Community General Commercial (CGC) 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.

CGC land use in the Urban Development Area is intended to provide 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.

Principal uses in the CGC land use category include commercial retail sales and service establishments including auto sales; restaurants; hotels and motels; offices, business and professional offices, and multi-family dwellings.

The CCG-1 zoning district is a primary zoning district in the CGC land use category. The proposed rezoning from PUD to CCG-1 is consistent with the CCG land use category in the Urban Development Area.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Ordinance Code. A description of the category is noted below.

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.

Future Land Use Element

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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.

The subject properties is located in the Suburban Area and According to the JEA Availability letter dated September 21, 2022, submitted with the application, the site has access to water connection from an existing main within Roosevelt Blvd ROW and access to city sewer through an existing main within Beverly Avenue ROW. Therefore the properties is in compliance with Policy 1.2.9.

Airport Environment Zone

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

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.

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 PUD to CCG-1 in order to permit the development of commercial retail uses.

SURROUNDING LAND USE AND ZONING

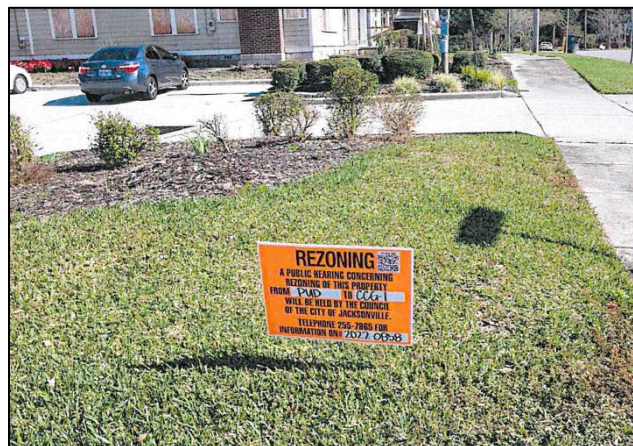
The subject site is located on the north side of Beverly Avenue between Roosevelt Boulevard (US-17) and Fair Street. Extending further east from Roosevelt Boulevard properties are developed with single family dwellings zoned Residential Low Density-60 including adjacent property to the north 4450 Melrose Avenue. Adjacent property to the west 4461 Beverly zoned CCG-1 is currently developed as office space but will be redeveloped, upon the approval of companion applications AD-22-70/V-22-14, with commercial retail space. Properties with frontage along Roosevelt, including property to the south, are zoned CCG-1. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR/CGC	RLD-60/CCG-1	Commercial/Single Family
South	CGC	CCG-1	Single Family Dwellings
East	CGC	CCG-1	Single Family Dwellings
West	CGC	CCG-1	Office Space

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 **December 7, 2022** 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 **2022-0358** be **APPROVED**.



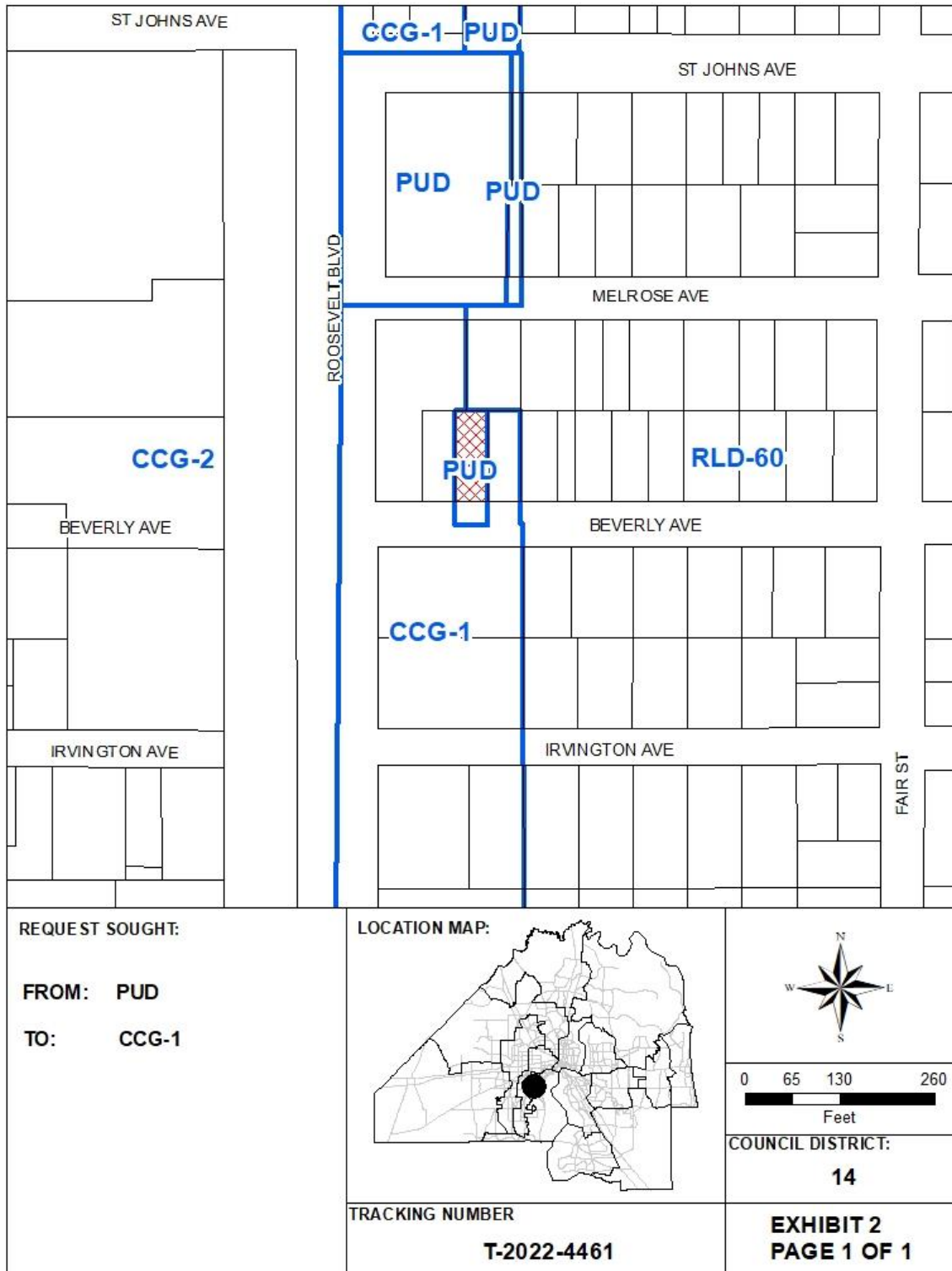
Aerial View

Source: JaxGIS Map



View of Subject Property

Source: Planning and Development Department, COJ (Date: December 7, 2022)



Legal Map
 Source: JaxGIS Map