

2014-0332
MJK

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2014-332

JUNE 5, 2014

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 2014-332**.

Location: 6765 Dunn Avenue
Between New Kings Road (US 1) and Rolling River
Boulevard

Real Estate Number(s): 003809-0040

Current Zoning District: Planned Unit Development (PUD 1988-1311)

Proposed Zoning District: Commercial Neighborhood (CN)

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

Planning District: North, District 6

City Council District: The Honorable Ray Holt, District 11

Applicant/Agent: City of Jacksonville
214 N. Hogan St.
Jacksonville, FL 32202

Owner: Dunn Village LLC
C/O Alliance Tax Advisors
433 Las Colinas Blvd. E. Ste. 980
Irving, TX, 75039

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning **Ordinance 2014-0332** seeks to rezone a 25.74 acre parcel from the PUD to CN zoning district. The property is developed as a 76,172 square foot shopping center

anchored by a grocery store. The main shopping center was constructed in 2010, and there are numerous outparcels which have yet to be developed.

Portions of the area were once part of the Perret's Dairy Farm. PUD Ordinance 87-861-661 rezoned the subject property and additional areas from Open Rural (OR) to PUD for a development known as Rolling River Estates. Additional land was added per Ordinance 87-861-661. The commercial tract was rezoned from PUD to PUD per Ordinance 1988-1311-684 to allow for modifications to the size of commercial buildings. The PUD allows for the commercial tract to be developed per the former Commercial General (CG) zoning district. Upon adoption of the current Zoning Code in 1991, the former CG zoning district became the current CCG-1 zoning district. Uses permitted by right and permissible by exception are substantially similar between CG and CCG-1.

Preceding the construction of the shopping center in 2010, Administrative Deviation AD-08-97 was granted to allow an increase in total parking from 300 spaces to 398 spaces. In 2012, Zoning Exception E-12-47 was granted for a K-12 school with 100 students, although the school use was never commenced. Most recently, Zoning Exception E-14-10 was granted on May 8, 2014 for a proposed liquor store. At the upcoming June 5, 2014 meeting, the Planning Commission is scheduled to consider a request to rehear E-14-10. It should be noted that exceptions for liquor stores are not allowed in the proposed CN zoning district.

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 the subject property is 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 proposed CN zoning district is a primary zoning district within the CGC functional land use category.

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

No. The proposed rezoning could be inconsistent with Future Land Use Element (FLUE) Policy 1.1.8 which calls for the City to require that all new non-residential projects be developed in nodal areas, in appropriate commercial infill locations, or as part of mixed or multi-use developments such as Planned Unit Developments (PUDs), cluster developments, Traditional Neighborhood Design (TND) developments, and Locally Designated Historic Preservation Districts, as described in this element. The property is currently zoned PUD as part of the larger Rolling Hills mixed use development. Further, the intersection of Dunn Avenue and New Kings Road (US 1) is a commercial node.

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

Yes. The proposed CN zoning district limits neighborhood retail sales and service establishments to a maximum of 40,000 square feet. Rezoning the property to CN would render the 76, 172 square foot shopping center into a nonconforming structure.

SURROUNDING LAND USE AND ZONING

The subject property is zoned PUD and contains a shopping center. Contiguous uses are as follows:

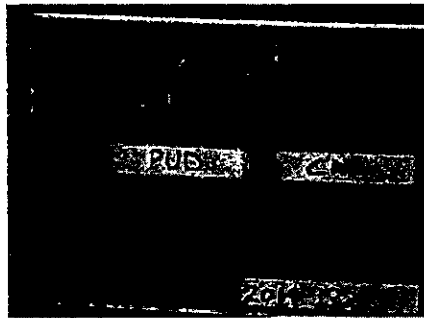
<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Property Use</u>
North	LDR	PUD	Single Family Subdivision
South	LDR	RR-Acre	Undeveloped
East	LDR	PUD	Single Family Subdivision
West	CGC	PUD	Undeveloped

The subject property has been zoned PUD with entitlements for retail commercial uses since the enactment of Ordinance 87-861-661. The decision to allow general commercial uses was rendered 27 years ago, and yet the property wasn't developed until 2010, and a significant amount of land remains undeveloped. This rezoning could have a chilling effect on efforts to promote commercial uses on the subject property. Uses allowed by right under the current PUD

but which would not be allowed by right under the proposed CN district includes drive-thru facilities, hotels and motels, commercial indoor recreational or entertainment facilities (such as bowling alleys, skating rinks, and movie theaters), restaurants serving beer and wine for on-premises consumption, churches, filling stations, and hardware stores. Further, under the CN district, development of outparcels well suited for fast food restaurants would first require zoning exceptions for drive-thru facilities.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 28, 2014, the Planning and Development Department staff observed that the required Notice of Public Hearing signs were posted.

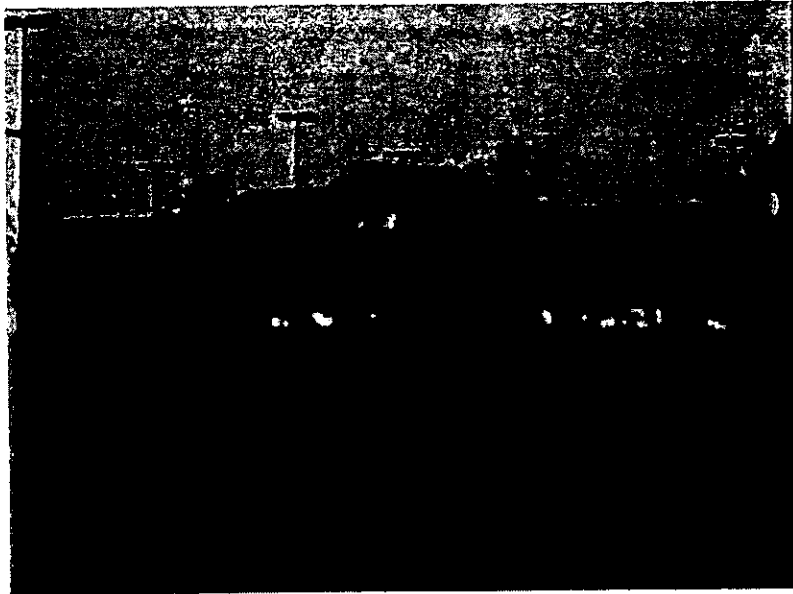


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2014-332 be DENIED.

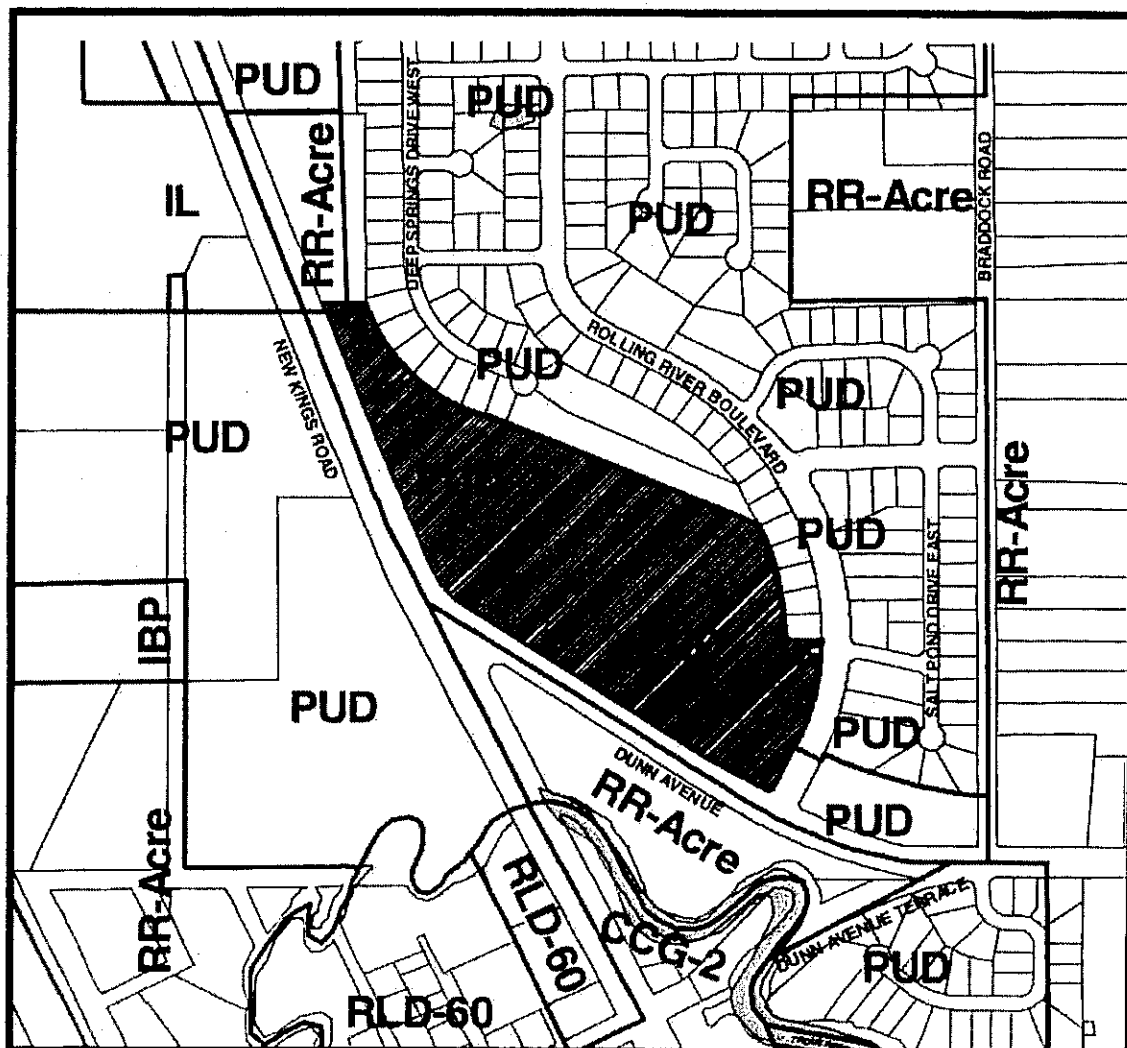


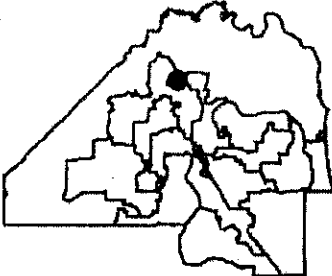


Aerial of the Subject Property



The Shopping Center

Source: City of Jacksonville Planning & Development Department
Date: May 28, 2014



REQUEST SOUGHT:		
FROM: PUD & PUD		0 100 Feet 
TO: CN	COUNCIL DISTRICT: 11	FILE COPY
ORDINANCE 2014_0332		