

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-495

AUGUST 20, 2015

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 **2015-495**.

Location: 0 New Kings Road
between Dunmire Avenue and Lorida Avenue

Real Estate Numbers: 022279 0000

Current Zoning District: Residential Low Density-60 (RLD-60)

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

Current Land Use Category: Low Density Residential (LDR)

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

Planning District: Northwest, District 5

Planning Commissioner: Lara Diettrich

City Council District: The Honorable Reggie Brown, District 10

Applicant/Agent: Charlie Mann
Mann-Pellicer
165 Arlington Road
Jacksonville, Florida 32211

Owner: Carlos McGhee
6522 Barth Road
Jacksonville, Florida 32219

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-495** seeks to rezone 1.33 acres of the subject property currently developed as an automobile storage lot in the Residential Low Density-60 (RLD-60) Zoning District to Commercial Community/General-2 (CCG-2) Zoning District. The purpose of this application is to bring the existing use on site into compliance with the Zoning Code. The subject property is being used as a vehicle storage and auto repair site as an extension to the existing 2.28 acre auto storage and repair shop abutting the property at the intersection of Dunmire Avenue and New Kings Road. The land use amendment and rezoning changes would accommodate the existing uses found on the common owned CGC site immediately north of subject site and expand its current uses in addition to being used as a storage yard. The common owned auto repair and storage is 2.28 acres and consists of a fully fenced open storage yard with a concrete building built in 1956 and adjacent trailer.

The application site is within the Sherwood Forest/ Lincoln Villas Neighborhood Action Plan in Council District 10 and the Northwest Planning District. A review of the proposed rezoning by the Community Planning Division finds in their memorandum dated **July 31, 2015**, that the proposed rezoning application is consistent with the Sherwood Forest/ Lincoln Villas Neighborhood Action Plan.

Also, the application has a proposed Companion Small Scale Land Use Amendment Application (2015C-014) to change the land use to CGC, under **Ordinance 2015-494**. Staff has recommended **APPROVAL** of the request.

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 LDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the

2030 Comprehensive Plan. However, concurrent with this Application for Rezoning, an Application for Small-Scale Land Use Amendment to Future Land Use Map Series-2030 Comprehensive Plan, i.e. **Ordinance 2015-494** (Application 2015C-014) was filed requesting amendment of the subject property's functional land use category from LDR to CGC. The Commercial Community/General-1 zoning district is a primary zoning district within the Community/General Commercial functional land use category, and the subject property meets the primary criteria and standards. If the amendment is adopted by the City Council, this Application for Rezoning from RLD-60 to CCG-2 will be 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.

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

Yes. The proposed amendment is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

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 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the city's residential areas.

Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

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.

Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

Policy 4.1.8B The City shall evaluate all proposed amendments to the comprehensive Plan as their compliance with the area's vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.

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.

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. The subject property meets the minimum requirements of the CCG-2 zoning district as set forth in Section 656.313 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The subject property is located on the east side of New Kings Road. The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	CGC	CCG-2	Automobile storage
East	LDR	RLD-60	Retention pond
South	CGC	CCG-2	Single-family
West	LDR	RLD-60	Wooded undeveloped/ Single-family

The property is a remnant parcel of residential zoned property different from similar CCG-2 zoned commercial property on the east side of New Kings Road. Property zoned CCG-2 can be found along the east side of New Kings Road stretching from Soutel Drive all the way to Gilchrist Road. Furthermore, the property is currently being utilized as an automobile storage yard, which is a permissible use in the CCG-2 zoning district by Zoning Exception. The applicant has applied for a Zoning Exception, E-15- 42, to allow the current auto storage use.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 6, 2015 the required Notice of Public Hearing sign was posted.



Source: Staff, Planning and Development Department
 Date: August 3, 2015

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2015-495** be **APPROVED**.



Subject property, existing 6+ feet tall fence.

*Source: Staff, Planning and Development Department
Date: August 3, 2015*



View facing southeast. Adjacent auto repair shop to the north.

*Source: Staff, Planning and Development Department
Date: August 3, 2015*



New Kings Road facing south.

*Source: Staff, Planning and Development Department
Date: August 3, 2015*



Single-family directly to the south.

*Source: Staff, Planning and Development Department
Date: August 3, 2015*



Dunmire Avenue, north of the adjacent vehicle storage and auto repair site.

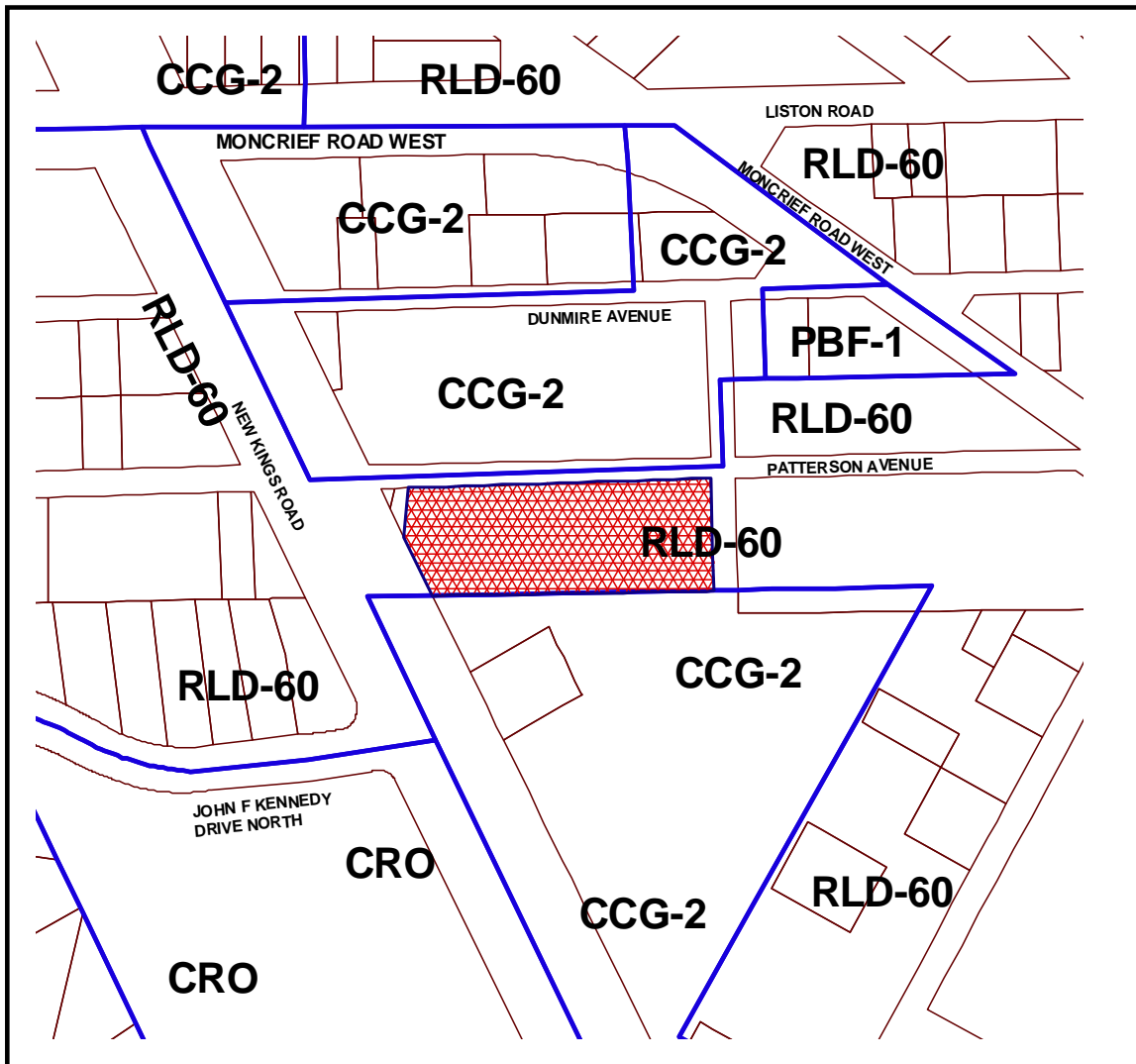
*Source: Staff, Planning and Development Department
Date: August 3, 2015*



Existing bus stop along New Kings Road.

Source: Staff, Planning and Development Department

Date: August 3, 2015



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CCG-2</p>		<p>0 100 Feet</p> <p>COUNCIL DISTRICT:</p> <p>10</p>
<p>ORDINANCE NUMBER:</p> <p>ORD-0000-0000</p>	<p>TRACKING NUMBER:</p> <p>T-2015-0862</p>	<p>Exhibit 2</p>