

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

**APPLICATION FOR REZONING ORDINANCE 2015-558**

**SEPTEMBER 9, 2016**

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 **Ord. 2015-558**.

***Location:*** 0 Edgewood Avenue  
between Carnation Road and Iris Boulevard

***Real Estate Number:*** 028089-0000

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

***Proposed Zoning District:*** Commercial Neighborhood (CN)

***Current Land Use Category:*** Residential Professional Institutional (RPI)

***Proposed Land Use Category:*** Neighborhood Commercial (NC)

***Planning District:*** Northwest, District 5

***Planning Commissioner:*** Ben Davis

***City Council District:*** The Honorable Reginald Brown, District 10

***Agent:*** L. Charles Mann  
165 Arlington Road  
Jacksonville, Florida 32211

***Owner:*** Janice Nelson  
4022 Muirfield Court  
Jacksonville, Florida 32225

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

**GENERAL INFORMATION**

Application for Rezoning **2015-558** seeks to rezone approximately 2.64 acres of land from the Commercial Office (CO) to the Commercial Neighborhood (CN) Zoning District. The site is currently undeveloped. The site is within the RPI functional land use category as defined by the Future Land Use Map series (FLUMs) contained in the Future Land Use Element (FLUE)

adopted as part of the 2030 Comprehensive Plan. According to the applicant, the request for the rezoning is to permit neighborhood commercial use consistent with the area and busy roadway as well as to provide the needed commercial space consistent with market demands for the area. There is a companion Small Scale Land Use Application 2015C-017 (2015-557) to change the land use from RPI to NC.

### **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 RPI functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. If the Small Scales Land Use Application is adopted, it will be consistent with the 2030 Comprehensive Plan. The CN zoning district is a primary zoning district within the NC land use category.

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

No. The proposed rezoning is **inconsistent** with the goals, objectives and policies of the 2030 Comprehensive Plan, including the following:

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

FLUE Policy 1.1.10 states the 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.

According to the FLUE the RPI land use category is intended to provide compact medium to high density development which includes residential, office and institutional uses. Limited commercial retail and service establishments are also permitted as a part of a mixed use development. The RPI category is intended to provide transitional uses between commercial or industrial and residential uses.

The NC land use category is intended to provide commercial retail and service establishments which served the daily needs of nearby residential neighborhoods. Preferred development patterns include those described in FLUE Policy

FLUE Policy 3.2.2 The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE 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.

FLUE Policy 3.2.6. NC uses shall generally be provided within walking distance of residential neighborhoods in order to reduce the number of vehicle miles traveled.

Locational requirements associated with the NC category encourage such sites to be located within one quarter of a mile of an intersection of collector roads or higher. However, the subject site's eastern boundary is located just beyond one quarter of a mile from the intersection of such an intersection. Furthermore, the site is located in a predominantly single-family residential area that is within the LDR land use category. While the existing RPI land use category is the lowest intensity commercial category and is specifically intended to be a transitional category between commercial and residential uses, the NC category is a step up in intensity and does not provide the same degree of regulatory protections for adjacent uses that are included in the RPI category.

As stated above, the proposed rezoning is inconsistent with the objectives and policies of the 2030 Comprehensive Plan.

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

Yes. The proposed rezoning does conflict with portions of the City's land use regulations. The subject site is located in a predominantly single-family residential area. While the existing RPI land use category is the lowest intensity commercial category and is specifically intended to be a transitional category between commercial and residential uses, the NC category is a step up in intensity and does not provide the same degree of regulatory protections for adjacent uses that are included in the RPI category.

Furthermore, the subject properties identified do not appear to be transitional categories that would support new CN development on the subject property that complies with current land use regulations of the City of Jacksonville. Section 656.125(c)(2) cautions against the creation of

“spot zoning”, that is an isolated zoning district unrelated to adjacent and nearby districts. Additionally, Section 656.125(c)(5) states that a “legitimate public purpose” may not be achieved when the proposed rezoning would “detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances.”

### SURROUNDING LAND USE AND ZONING

The site is located on Edgewood Avenue and the predominant development pattern in the immediate area is single-family located in the Low Density Residential (LDR) land use category. However, there is a small office building with a salon and an air conditioning business as well as a church located in the Community/General Commercial (CGC) land use category to the north and west of the subject site. The site is undeveloped and is surrounded by the following land uses and zoning:

<b>Adjacent Properties</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
North	CGC	CCG-2	Church
East	LDR	RLD-60	Single family dwellings
South	LDR	RLD-60	Single-family dwellings
West	CGC	CCG-2	Office

### SUPPLEMENTARY INFORMATION

Staff acknowledges receipt of posted public notice sign by applicant on the subject property on was posted, 2015:



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-558** be **DENIED**.



Aerial view of subject property.



Subject property



Edgewood Avenue



Edgewood Avenue



Existing convenience store directly west of the subject property.

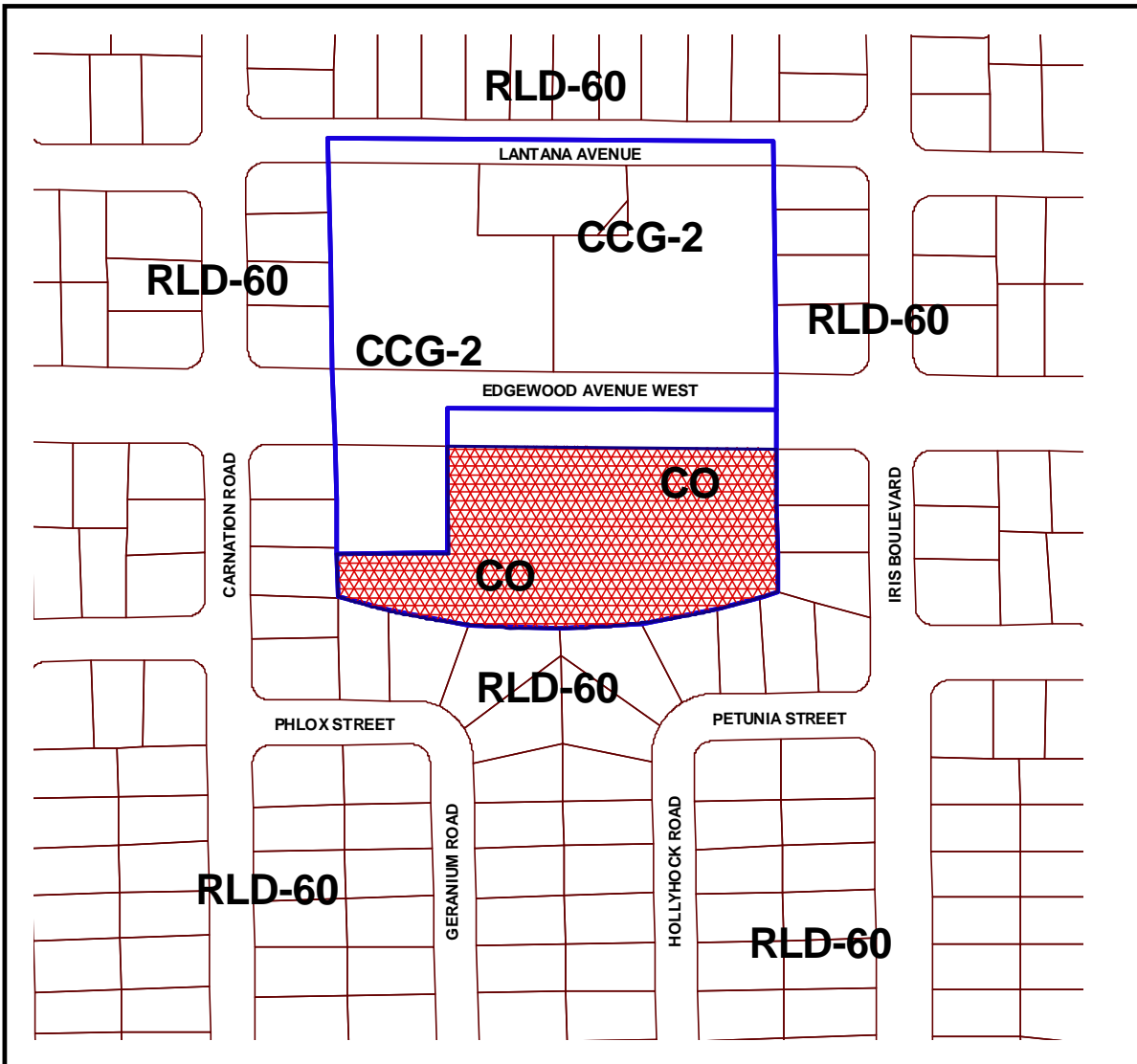


Residential dwelling



Church across Edgewood Avenue from subject property.





<p>REQUEST SOUGHT:</p> <p><b>FROM: CO</b></p> <p><b>TO: CN</b></p>		<p>0 100 Feet</p> <p>COUNCIL DISTRICT:</p> <p><b>10</b></p>
<p>ORDINANCE NUMBER:</p> <p><b>ORD-2015-0558</b></p>	<p>TRACKING NUMBER:</p> <p><b>T-2015-0889</b></p>	<p><b>Exhibit 2</b></p>