

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2016-0244

JUNE 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 Ordinance **2016-0244**.

Location: 7804 Devoe Street; on the north side of Interstate 10 (I-10) between Greeland Avenue and Permento Avenue

Real Estate Numbers: 005902-0000

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, 5

Planning Commissioner: Ben Davis

City Council District: The Honorable Reginald L. Brown, District 10

Applicant/Agent: Lara Hipps
Hipps Group, Inc.
1650 Margaret Street, #323
Jacksonville, Florida 32204

Owner: John Wade
541 Permento Avenue South
Jacksonville, Florida 32220

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2016-0244** seeks to rezone 0.70 acres of land from the RLD-60 Zoning District to the CCG-2 Zoning District for the purpose of expanding an existing business contiguous to this parcel and align with the commercial zoning in the surrounding area

at and around the Devoe Street/Interstate 10 interchange. The proposed commercial uses are similar to the existing commercial uses found along this Devoe Street corridor. The property is currently vacant and originally contained a mobile home that was removed from the site in early 2015.

The area along Devoe Street at this location can be characterized as a mix of vacant commercial land and vacant residential properties and single-family dwellings. The Devoe Street corridor contains a mix of commercial, office, single-family dwellings and vacant land. The subject parcel is on the north side of I-10 at the existing Interstate-10 (I-10) interchange at Marietta (exit 355), just west of the I-295 interchange. There is vacant commercial land and a Flash Foods filling station/convenience store to the northwest across Devoe Street, and CGC and CCG-2 land to the east across Permento Avenue. Ordinance 2008-1029 approved a similar request rezone approximately 2.5 acres of undeveloped land from RMD-A and CCG-1 to CCG-2. That site location is adjacent to Interstate 10 to the north and Ramona Boulevard to the south, with Greeland Road, an access point to I-10, to the west of the property to the west. The property is located at the expressway entrance and adjacent to an existing commercial area.

There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, Ordinance 2016-0243 (Application 2016C-002) to change the functional land use category of the subject property from Low Density Residential (LDR) to Community General Commercial (CGC).

The relocation and reconstruction of the Interstate-10 (I-10) interchange at Marietta (exit 355) began in 2012 as a part of FDOT's 5-year work program. The site subject will be approximately 2,500 feet to the east (at Hammond Boulevard) of the new interchange once opened.

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 currently located in the Low Density Residential (LDR) functional land use category according to the Future Land Use Map

series (FLUMs) adopted as part of the 2030 Comprehensive Plan. However, a companion Application for Small Scale Land Use Amendment to Future Land Use Map Series-2030 Comprehensive Plan, i.e. Ordinance 2016-0243 (Application 2016C-002) was filed requesting amendment of the subject property's functional land use category from LDR to CGC. The proposed CCG-2 zoning district is a primary zoning district within the CGC 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.

According to the category description of the Future Land Use Element (FLUE), CGC is intended to accommodate outlets and establishments that offer a wide range of goods and services including general merchandise, apparel, food and related items. General commercial uses include business and professional offices, financial institutions, car washes, mobile home/motor home rental and sales, off-street parking lots and garages, and boat storage and sales, among other similar types of commercial developments.

The subject site was originally developed with a mobile home. The southern side of this Devoe Street corridor has historically contained a mix of uses in the commercial and residential zoning districts that have existed in harmony with single-family RLD-60 homes to the north. The proposed change in/to the allowable uses from RLD-60 to CCG-2 is compatible with the character of the area and adjacent uses. The Commercial Community General-2 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.

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.

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

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

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

FLUE 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.

FLUE Policy 2.2.8 Encourage the redevelopment and revitalization of run-down and/or under-utilized commercial areas through a combination of regulatory techniques, incentives and land use planning. Adopt redevelopment and revitalization strategies and incentives for private reinvestment in under-utilized residential and/or commercial areas where adequate infrastructure to support redevelopment exists.

FLUE Goal 3 Achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

FLUE 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.

FLUE 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.

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.

The subject property is located in close proximity to a major interstate highway interchange and is within the suburban growth boundary. Approval of this zoning change will be consistent with the intent to locate the most intense commercial activities at or near major highway intersections and the request is consistent with the general intensity of the surrounding neighborhood.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning will not be in conflict with any portion of the City's land use regulations. The proposed rezoning will allow for the redevelopment and re-use of an existing commercial property along a commercial corridor.

SURROUNDING LAND USE AND ZONING

The subject property is located on the north side of I-10 at the existing Interstate-10 (I-10) interchange at Marietta (exit 355), just west of the I-295 interchange. The surrounding uses, land use categories and zoning as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	LDR/CGC	RLD-60	Vacant land/single-family homes
East	LDR/CGC	RLD-60/CCG-2	Commercial/office
South	N/A	N/A	Interstate-10 (I-10)
West	LDR/CGC	RLD-60	Vacant land/single-family homes

The proposed rezoning to CCG-2 will be consistent and compatible with the surrounding uses, both commercial and residential in the area.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 18, 2016 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 **2016-0244** be **APPROVED**.



The subject site facing south from Devoe St



The subject site facing south from Devoe St



The subject site facing southwest from Devoe St

