

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**APPLICATION FOR REZONING ORDINANCE 2016-0389****JULY 21, 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 **2016-0389**.

Location: 545 Starratt Road; on the north side of Starratt Road between Perdue Road and Airport Center Drive

Real Estate Number(s): 106948 0010

Current Zoning District: Residential Low Density-120 (RLD-120)

Proposed Zoning District: Commercial Office (CO)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Residential Professional Institutional (RPI)

Planning District: North – 6

Planning Commissioner: Marshall Adkison

City Council District: The Honorable Reggie Gaffney, District 7

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

Owner: Beacon Electrical Contractors, Inc.
731 Duval Station Road, Suite 103-306
Jacksonville, Florida 32218

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Planned Unit Development **2016-0389** seeks to rezone approximately 0.57 acres of land from RLD-120 to CO. The site is located on the north/west side of Starratt Road between New Berlin Road and Airport Center Drive East. The subject property contains a single family residence serviced by a well and septic system.

The applicant is proposing this change from Residential Low Density-120 (RLD-120) to Commercial Office (CO) to allow the owner to use the property as their electrical company's business office. There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, Ordinance 2016-0388 (Application 2016C-07) requesting to change the functional land use category of the subject property from Low Density Residential (LDR) to Residential Professional Institutional (RPI). The Planning and Development Department has submitted its report on the companion Small-Scale Land Use Amendment 2016C-07 and recommends that the same be denied.

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?*

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. The transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important to this predominately single-family residential area where a new commercial use is being introduced, as is proposed in this rezoning. Therefore, while the proposed uses are consistent with the category description of the functional land use category, the intensity and scale of the project is not consistent with the intent of the 2030 Comprehensive Plan. Descriptions of the current Land Use category, as well as that proposed are noted below.

The current Low Density Residential (LDR) category permits housing densities of up to 7 dwelling units per acre when full urban services are available. Generally, single-family detached housing will be the predominant land use in this category, although mobile homes, patio homes, townhomes and multi-family dwellings may also be permitted in appropriate locations. Additionally, certain secondary and supporting uses are permitted in all residential categories including supporting commercial and service establishments and home occupations.

According to the Category Descriptions for the Suburban Development Areas of the FLUE, the RPI future land use category is intended to provide low to medium density development. The

RPI category is also generally intended to provide a transition between commercial and residential uses. Single-use development is limited to residential or office. Limited commercial retail and service establishments which serve a diverse set of neighborhoods may also be permitted as part of mixed use developments. Plan amendment requests for new RPI designations are preferred in locations which are supplied with full urban services and in locations which serve as a transition between commercial and residential land uses.

In the RPI land use category, commercial single-use is limited to offices only. The zoning category of Commercial Office (CO) also limits the types of commercial offices to medical, professional, cosmetology and similar uses, and essential services uses, a much more limited use than the Commercial Neighborhood (CN) or Commercial Residential Office (CRO) zoning districts.

The area immediately surrounding the subject site is in the LDR land use category. This 0.6 mile section of Starratt Road between New Berlin Road and Airport Center Drive has CGC land use around both of these signalized intersections, but most of the CGC land use at these intersections are the result of land use amendments approved between 2000 and 2008. Approximately 650 ft. to the southwest of the subject site, there is a small shopping center at the intersection of New Berlin Road and Starratt Road with the land use of Community General Commercial (CGC). Three hundred feet to the east of the property, at the intersection of Airport Center Dr. are two large vacant commercial lots with the land use designation of CGC.

The intent of the RPI category is to provide for a transitional land use between residential and non-residential uses. The subject property is surrounded on all sides by the LDR land use and residential zoning, therefore, the proposed amendment would result in an island of commercial RPI land use in the middle of a residential area.

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

No. A review of the request was done applying the following goals, objectives and policies of the 2030 Comprehensive Plan:

FLUE 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.

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: 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.

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.

Policy 3.1.17: The City shall, through Land Development Regulations, require higher density residential development and supporting commercial facilities to locate on major arterial or collector roads used for mass transit routes, and in proximity to major employment areas in order to ensure the efficient use of land, public facilities, and services, and transportation corridors.

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.

At first glance, an office building may seem like a benign use, however the subject property is surrounded on all sides by the LDR land use and residential; zoning districts and the proposed amendment would result in an island of commercial RPI land use in the middle of a residential area inconsistent with Policy 3.2.1. Additionally, the intent of the RPI category is to provide for a transitional land use between residential and non-residential uses which is not the case with this request. Moreover the proposed rezoning is surrounded by LDR which does not provide support for commercial facilities or higher density residential as outlined in Policy 3.1.17.

However, the RPI category is the least intense commercial category and specifically limits single-use development to residential or office uses. With this limitation in conjunction with the proposed zoning district of CO, the location within the Suburban Development Area and the collector classification of Starratt Road, the proposed rezoning could be compatible with the future trend of the area and optimize the combined potential for economic benefits as called for in Objective 3.2 and Policy 3.1.17.

At this time, the proposed rezoning is premature as it does not result in a logical extension of abutting non-residential development. While the proposed request could be compatible with surrounding development, it does not achieve the overall intent of providing for a compact development pattern that results in a logical gradation of uses. As such, the amendment is inconsistent with FLUE Goal 1, Objective 1.1, Policies 1.1.10 and 1.1.22. The proposed rezoning does not accomplish a legitimate public purpose and will detract from the character and quality of life in the general area by creating excessive traffic, noise, physical activities.

The application will constitute a spot zoning, which is an isolated zoning district unrelated to adjacent and nearby districts.

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

No. The site can be developed in accordance with the minimum lot and minimum yard requirements set forth in section 656.334 of the Zoning Code. The site can be developed with the permissible uses and the permissible uses by exception.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RLD-120	Single family dwellings
South	LDR	RLD-120	Single family dwellings
East	LDR	RLD-120	Single family dwellings
West	LDR	RLD-120	Single family dwellings

The subject property is currently served by a septic system and is located within the Suburban Development Area. The applicant has provided a service availability letter from JEA indicating system capacity exists for water and sewer connections and should be considered in connection with this application for compliance with Policies 1.2.5, 1.2.9 and 1.2.11 of the Infrastructure Element Sanitary Sewer Sub-Element of the 2030 Comprehensive Plan.

The Planning and Development Department recommends denial of this application based on its inconsistency with the overall intent of the 2030 Comprehensive Plan and compatibility with surrounding Zoning Districts.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on July 6, 2016, 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 **2016-0389** be **DENIED**.



Aerial view of the subject site facing north



The subject site ahead on the left facing northeast along Starratt Rd.



The subject site facing north from Starratt Rd.



The subject site ahead on the right facing southwest along Starratt Rd.



