

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2016-0637

OCTOBER 20, 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 2016-0637**.

<i>Locations:</i>	877 25 th Street West; between Brick Road and Davis Street North
<i>Real Estate Numbers:</i>	088221-0000
<i>Current Zoning District:</i>	Residential Low Density-60 (RLD-60)
<i>Proposed Zoning District:</i>	Commercial Neighborhood (CN)
<i>Current Land Use Category:</i>	Low Density Residential (LDR)
<i>Proposed Land Use Category:</i>	Neighborhood Commercial (NC)
<i>Planning District:</i>	Urban Core, 1
<i>Planning Commissioner:</i>	Abel Harding
<i>City Council District:</i>	The Honorable Reggie Gaffney, District 7
<i>Applicant/Agent:</i>	Lara Hipps 1650 Margaret Street Jacksonville, FL 32204
<i>Owner:</i>	Escore Investment Group, Inc. 1746 N. Pearl Street Jacksonville, FL 32206
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2016-0637** seeks to rezone 0.18 acres of land from the Residential Low Density-60 (RLD-60) Zoning District to the Commercial Neighborhood (CN) Zoning District. The site is within the LDR 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. The application has a companion Small Scale Land Use

Amendment 2016C-027 (Ord 2016-0636) proposing to amend the Future Land Use from LDR to NC. If this ordinance is passed, the proposed change in zoning district would be compatible with the proposed Future Land Use category. The property is developed with a 2,300 square foot commercial building built as a convenience store in 1955.

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. Provided the companion small scale land use amendment (2016-0636) is approved, the Planning and Development Department finds that the subject property will be located in the Neighborhood Commercial (NC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The NC functional land use category is primarily intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicles Miles Traveled Density, location and mix of uses shall be pursuant to the Development Areas as set forth in the 2030 Comprehensive Plan.

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 amendment is consistent with the following policies 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 the 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 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.

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 3.2.4 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 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application should be carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:

Metro North Neighborhood Action Plan

According to the plan, many business opportunities can be created in the Metro North Study Area since a portion of the area is within the Enterprise Zone's boundary. Because of the limited number of businesses, a high portion of Metro North resident income is spent outside of the study area. The plan states the City should develop strategies for improving neighborhood commercial structures and businesses on the basis of short- and long- term strategies. The Short-Term Strategy: Improve the exterior appearance and upgrade goods and services offered through businesses located on Pearl and Main Streets. The Long-Term Strategy: Adopt a site plan overlay and architectural guidelines to use as

a framework for developers interested in the larger under-used commercial sites. The applicant plans to renovate and re-open the convenience store. Improving the exterior appearance as well as providing goods and services to the immediate neighborhood achieves the short term strategy identified in the neighborhood action plan.

Urban Core Vision Plan

The subject property is located within the boundaries of the Urban Core Vision Plan. The plan states the high percentage of vacant land is a telltale sign of the fact that the Urban Core has regressed in residential population and commercial uses over the last 40 years, but it also represents tremendous opportunity for future growth. The low percentages of commercial and recreation uses are indicative of the fact that Urban Core residents lack proximate access to commercial goods and services and to recreational amenities that are essential to a high quality of life. Sub-principle 2.3 is to redevelop the major road corridors with neighborhood retail and services. One of the action items to achieve the sub-principle is to promote neighborhood retail through zoning changes and economic incentives. Although the proposed amendment site is not located on a major corridor identified in the Vision Plan, it does achieve the goal to promote neighborhood retail and provide commercial goods and services to improve the resident's quality of life.

Brownfield Zone

The subject site is located in a designated brownfields area for rehabilitation and economic development. Resolution 2007-13-A designated the present boundary to mirror the "Enterprise Empowerment Zone area of the Urban Core planning district. Although the proposed site is located in that zone, it does not mean the area of the site is contaminated with hazardous substances. However, if sources of hazardous materials are found, the Brownfields Redevelopment Act of 1997 empowers the City to work with property owners and developers on a volunteer basis to clean up contaminated sites for development thereby providing tax incentives.

Policy 2.3.11 The DIA continues to promote the development and redevelopment of mixed-use projects that include housing and retail uses in the downtown area by providing regulatory incentives to developers of such uses. Examples of regulatory incentives consistent with this policy and Policy 2.3.15 are the lessening of parking requirements, flexibility in location of required parking and regulatory relief on Brownfields projects.

The Neighborhood Commercial (NC) is a land use is a category which provides for commercial retail and service establishments. Site access to roads classified as collector or higher on the Highway Functional Classification Map or sites with 2 or more property boundaries on transportation rights-of-ways are preferred. This property has frontage on three roadways. This application for rezoning allows for the re-use of a bypassed parcel of commercial land to be used to serve the community, and surrounding residential areas based on its original and historic use.

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

No. It is the opinion of the Planning Department that the proposed rezoning, in conjunction with the proposed small scale land use amendment, would not conflict with the land development regulations of the city. The site has been used for commercial activity since the current 2,300 square foot structure's construction in 1955. The use as a convenience store dates back at least to the 1950s, and existed as a legal nonconforming use since the adoption of the current zoning code. This rezoning would allow the use to re-open and continue to serve the residents in the area and the CN zoning district would limit the type and intensity of uses that would be allowed on this property to those that are compatible with the surrounding neighborhood.

SURROUNDING LAND USE AND ZONING

The subject property is located on the north side of 25th Street West between Davis Street North and Brick Road, in an area that has become predominately residential with a mix of single-family homes and the Brentwood Park Apartments. The surrounding uses, land use category and zoning are as follows:

<i>Adjacent Property</i>	<i>Land Use Category</i>	<i>Zoning District</i>	<i>Current Use(s)</i>
North	LDR	RLD-60	Single-family residential
East	MDR	IL, RLD-60	Multi-family residential
South	LDR	RLD-60	Vacant
West	LDR	RLD-60	Single-family residential

The proposed rezoning request is seeking to allow for commercial redevelopment/re-use consistent with the NC land use category, and is consistent with the surrounding Zoning Districts given its location and historical use as a convenience store.

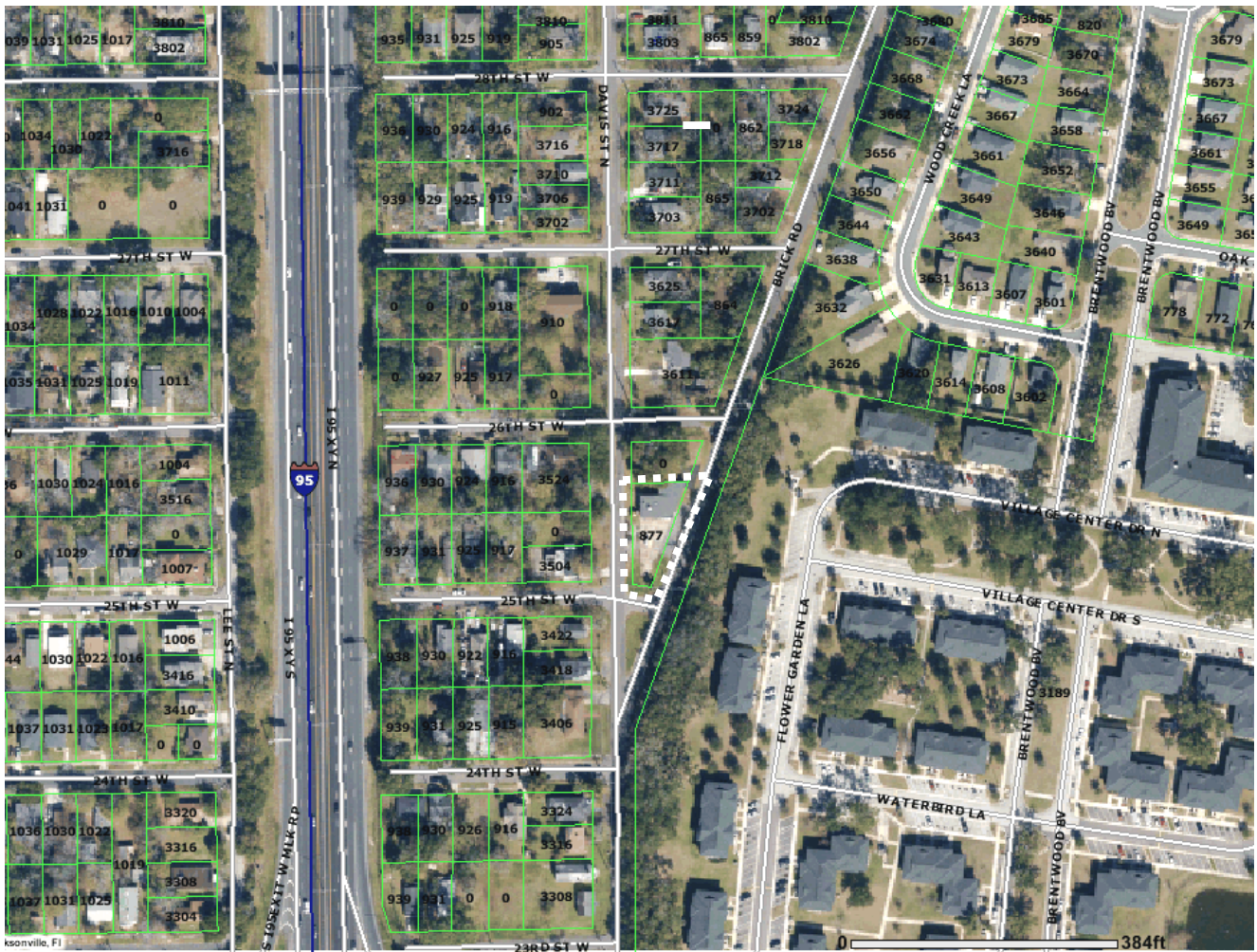
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 3, 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 **2016-0637** be **APPROVED**.



Aerial view of the subject site facing north



The subject property facing northeast from Davis St.



The subject property facing southwest from Brick Rd.



The subject property facing southwest from Brick Rd.



The subject property facing southwest from Brick Rd. towards the 25th St./Davis St. intersection

