

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

**APPLICATION FOR REZONING ORDINANCE 2016-0808**

**JANUARY 19, 2017**

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 **2016-0808**.

***Location:*** 2019 Lake Shore Boulevard,  
between San Juan Avenue and Palmer Avenue

***Real Estate Numbers:*** 068638-0000

***Current Zoning District:*** Commercial Community General-2 (CCG-2)

***Proposed Zoning District:*** Commercial Residential Office (CRO)

***Current Land Use Category:*** Community General Commercial (CGC)

***Planning District:*** Southwest, District 4

***Planning Commissioner:*** Chris Hagan

***City Council District:*** The Honorable Jim Love, District 14

***Owner:*** Mirey Mualin  
6442 Windmill Gate Road  
Miami Lakes, FL 33014

***Agent:*** Charles E. Blumstein  
2019 B Lake Shore Boulevard  
Jacksonville, FL 32210

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2016-0808** seeks to rezone 0.53 of an acre of land from Commercial Community General-2 (CCG-2) to Commercial Residential Office (CRO) in order to correct a long-standing non-conforming use. The property is located at 2019 Lake Shore Boulevard, between San Juan Avenue, classified as a 4-lane minor arterial roadway, and Palmer Avenue, a local roadway. The subject site is located in the Community General Commercial (CGC) functional land use category of the *2030 Comprehensive Plan* within the Urban

Development Area of the City. The property is currently being used as an office and seeks to come into compliance with the Zoning Code in order to receive financing to sell the property. The property fronts Lake Shore Boulevard, a 2-lane collector roadway, and is located at the southwest corner of the intersection of Lake Shore Boulevard and Palmer Avenue. An automobile paint shop abuts the subject site on its northerly property line, and a single-family dwelling abuts it to the east. The subject site lies at the confluence of three zoning districts – CCG-2 (subject property and properties to the north and west); CRO to the northeast along the San Juan Avenue corridor; and Residential Low Density-60 (RLD-60) to the south and east. The CRO zoning district is considered a transitional district between residential uses and commercial uses.

### **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 to Zoning Code or rezoning of land*, the Planning and Development Department finds that the subject property is located in the CGC functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the *2030 Comprehensive Plan*. The CGC land use category within the Urban Area is intended to provide for a wide variety of retail goods and services which cater to large areas of the City and a diverse set of neighborhoods. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Business and professional offices are permitted in the CGC land use category. Therefore the proposed use is generally consistent with the current land use designation of the subject property.

#### ***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 goals, objectives, and policies of the *2030 Comprehensive Plan*:

### Future Land Use Element (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 1.1.10

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 3.1.3

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land 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 3.2.2

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 site is in an urbanized and developed part of the City and is located one-half block from an existing commercial corridor (San Juan Avenue) with similar uses and a similar CRO zoning designation. As such, the proposed rezoning would provide for a compact and compatible land use pattern within the Urban Development Area and is consistent with FLUE Objective 1.1 and Policy 3.2.2. Further, as mentioned above, approval of this rezoning from the CCG-2 district to the CRO district would provide for a gradual transition from intense commercial uses to the north and west of the subject site to the existing residential uses to the south and east of the site, currently zoned RLD-60. The proposed rezoning would help to protect the neighborhood from potential negative impacts resulting from the intense uses currently permitted in the CCG-2 district. As such, the proposed rezoning is consistent with FLUE Policies 1.1.10 and 3.1.3.

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

#### **Airport Environment Zone**

The site is located within the 300-foot Civilian and Military Height and Hazard Zone for Airports. Zoning limits development to a maximum height of less than 300'. Additionally, uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

FLUE Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

**Septic Tank Failure Area**

The property is located in an identified septic tank failure area. The City shall continue the effort to phase out septic tanks in defined failure areas in order to comply with Chapter 751, Ordinance Code. See policies of the Infrastructure Element below:

***Infrastructure Element (IE), Sanitary Sewer Sub-Element***IE Policy 1.2.4

Existing septic tanks for estimated wastewater flows of 600 or less gallons per day (gpd) shall connect to the collection system of a regional utility company provided that gravity service is available via a facility within a right-of-way or easement, which abuts the property.

IE Policy 1.2.5

Existing septic tanks for estimated wastewater flows exceeding 600 gallons per day (gpd) shall connect to the collection system of a regional utility company provided that a facility abuts or is within 50 feet of the property.

IE Policy 1.2.8

The City shall continue the effort to phase out septic tanks in defined failure areas in conformance with Chapter 751, Ordinance Code (Septic Tank Superfund).

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

No. The proposed rezoning to CRO is not in conflict with any portion of the City's land use regulations.

**SURROUNDING LAND USE AND ZONING**

The surrounding land use categories, zoning districts, and uses are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	CGC	CCG-2	Auto paint shop
East	LDR	RLD-60	Single-family residential
South	LDR	RLD-60	Single-family residential
West	CGC	CCG-2	Welding service

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 3, 2017, the required Notice of Public Hearing signs were posted.

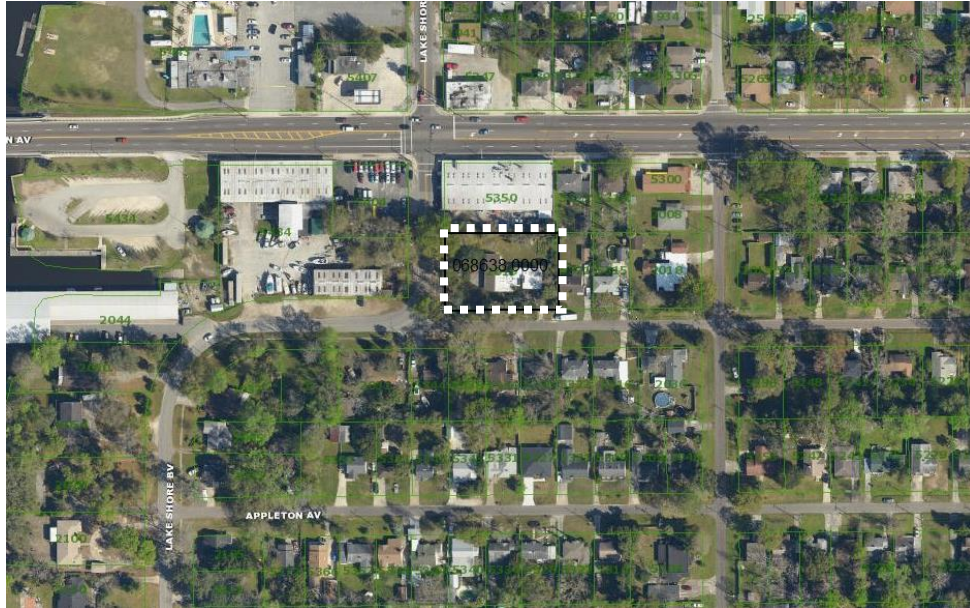


*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*

### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2016-0808** be **APPROVED**.



**Aerial**

*Source: Staff, Planning and Development Department*

*Date: January 4, 2017*



**Subject property**

*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*





**Subject property**

*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*



**View looking east of the subject site on Palmer Ave. – residential neighborhood**

*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*



**View to the west of the subject site, across Lake Shore Blvd. – commercial use**

*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*



**View looking north on Lake Shore Blvd. to intersection with San Juan Ave. Subject site to the east (right)**

*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*





**View looking south on Lake Shore Blvd. Subject site on the west (left)**

*Source: Staff, Planning and Development Department*

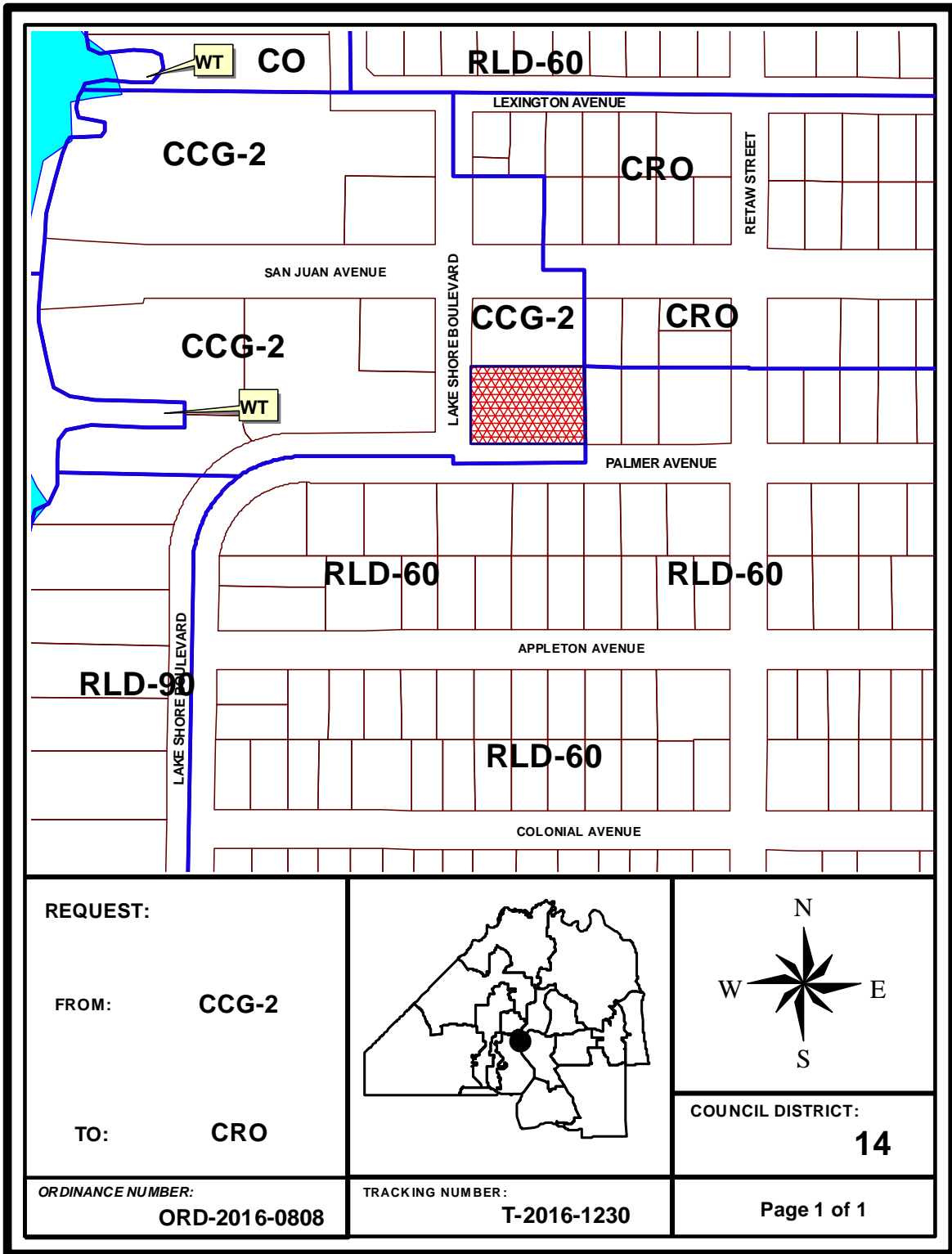
*Date: January 3, 2017*



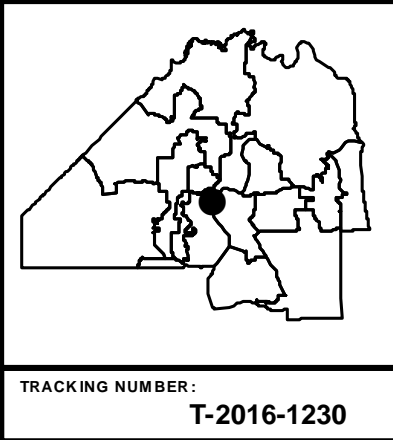
**View looking northwest along Palmer Ave. Subject site on the north (right)**

*Source: Staff, Planning and Development Department*

*Date: January 3, 2017*



REQUEST:  
  
FROM: CCG-2  
  
TO: CRO  
  
ORDINANCE NUMBER:  
ORD-2016-0808



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COUNCIL DISTRICT:  
**14**  
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TRACKING NUMBER:  
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