

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-0482

AUGUST 17, 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 **2017-0482**.

Location 14091 Philips Highway
Northeast side of Philips Highway between SR-9B and
Racetrack Road

Real Estate Number: 168114 0000

Current Zoning District: Agriculture (AGR)

Proposed Zoning District: Commercial Neighborhood (CN)

Current Land Use Category: Agriculture-IV (AGR-IV)

Proposed Land Use Category: Neighborhood Commercial (NC)

Planning District: Southeast, District 3

Agent: Fred Atwill
Atwill, LLC
9001 Forest Acres Lane
Jacksonville, FL 32234

Owner: 14091 Philips Hwy, LLC
c/o Abdi Abbassi
2151 Riverside Avenue
Jacksonville, FL 32204

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2017-0482** seeks to rezone approximately 7.47 acres of land from Agriculture (AGR) to Commercial Neighborhood (CN). The property is currently developed with only a single mobile home on the property. There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the *2030 Comprehensive Plan*, **Ordinance 2017-0481 (Application 2017C-012)** that changes the functional land use category of the subject property from Agriculture-IV (AGR-IV) to

Neighborhood Commercial (NC). The proposed changes are to allow the property to be developed as a medical office center.

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 district consistent with the functional land use category identified in 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 Agriculture-IV (AGR-IV) 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 2017-0481 (Application 2017C-012) was filed requesting amendment of the subject property's functional land use category from AGR-IV to NC. This category is preferred in locations supplied with full urban services, which abut a roadway classified as a collector or higher, and which are compatible with adjacent residential neighborhoods. Sites with two or more property boundaries or transportation rights-of-way are considered preferable locations. In general, NC is primarily intended to provide commercial retail and service establishments that serve the daily needs of nearby residential neighborhoods. Office business and professional offices are considered principle uses in NC. The proposed CN zoning district is a primary zoning district within the NC 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 AGR to CN 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.

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

Yes. The proposed rezoning and companion land use amendment are consistent with the following Goals, Objectives, and Policies of the *2030 Comprehensive Plan*, Future Land Use Element:

Future Land Use Element (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 3.2.4

The City shall permit expansion of commercial areas 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 nonresidential traffic.

FLUE Policy 3.2.7

The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

FLUE Policy 4.1.8B

The City shall evaluate all proposed amendments to the Comprehensive Plan as to their compliance with the areas vision plan and any existing neighborhoods plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.

The proposed amendment to the NC Future Land Use Category and this companion rezoning will assist in allowing the redevelopment of the site for medical offices located in a rural development area of the City. The proposed rezoning to CN will bring commerce opportunities to the neighborhood's residential community. Therefore, the proposed rezoning is consistent with the FLUE Policies and Objectives of the *2030 Comprehensive Plan*.

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

No. The proposed rezoning is not in conflict with any portion of the City's land use regulations. The proposed rezoning would allow the redevelopment of the site for medical office space that is consistent with the CN zoning district and would provide additional services to the nearby residential neighborhoods. The subject property meets the requirements of the CN zoning district as set forth in Section 656.312 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

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

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	PUD	Undeveloped
East	LDR/NC	PUD	Undeveloped
South	LDR/NC	PUD	Undeveloped
West	MU	PUD	Single-family

The proposed rezoning is compatible with the nearby residential uses. The subject property is located in an area comprised of numerous PUD zoning districts that have not yet been developed. If approved this site would provide a valuable use to the surrounding neighborhoods by providing medical offices to serve the area.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 1, 2017, 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 Ordinance **2017-0482** be **APPROVED**.



Aerial

*Source: Staff, Planning and Development Department
Date: 07.28.2017*



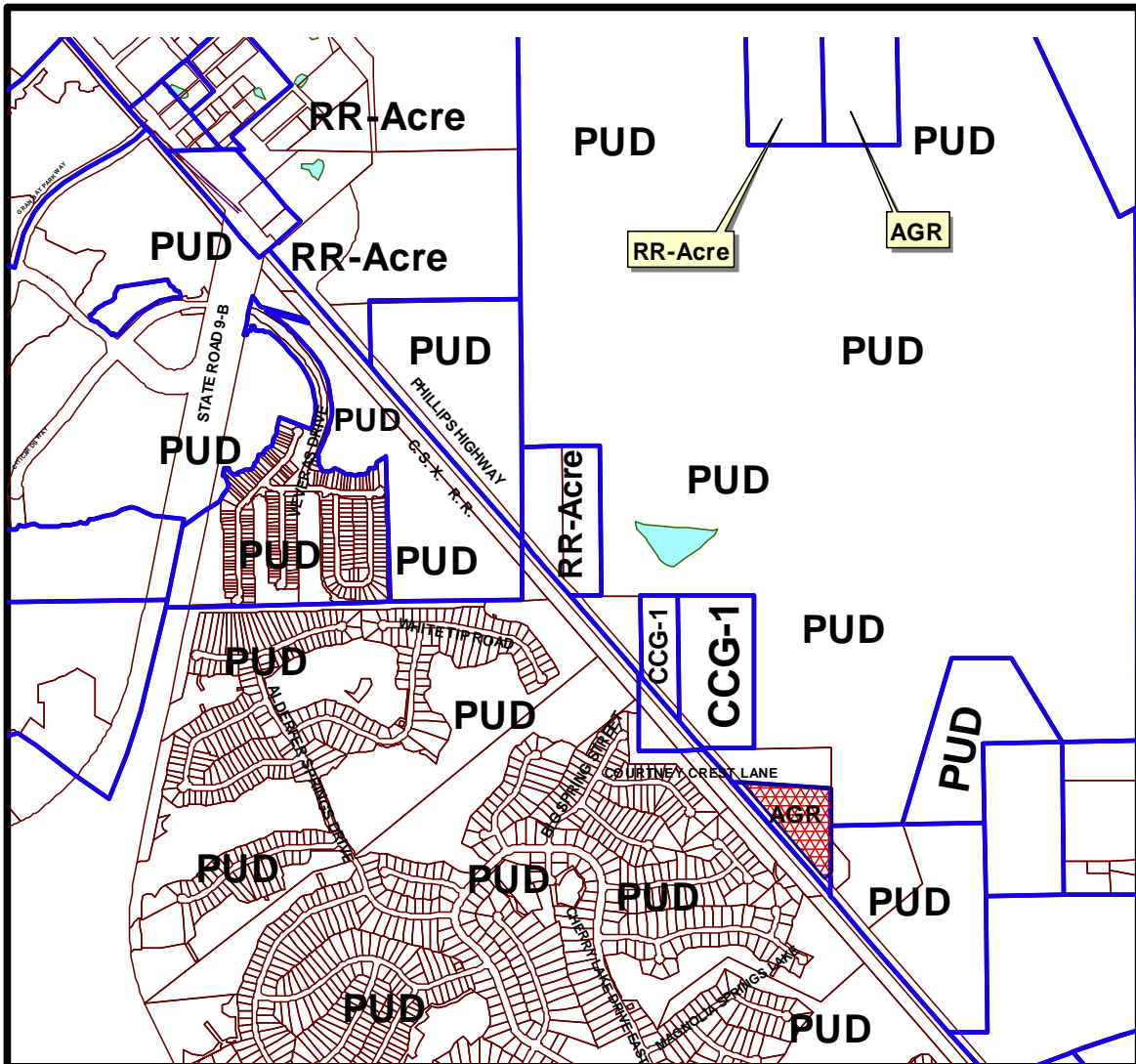
Subject Property
Source: Google StreetView
Date: 08.01.2017



West of subject property, across Philips Highway
Source: Google StreetView
Date: 08.01.2017



Philips Highway looking north
Source: Google StreetView
Date: 08.01.2017



<p>REQUEST SOUGHT:</p> <p>FROM: AGR</p> <p>TO: CN</p>		<p style="text-align: center;">N S</p> <p style="text-align: center;">0 100 Feet </p> <p style="text-align: center;">COUNCIL DISTRICT: 11</p>
<p>TRACKING NUMBER: T-2017-1476</p>		<p style="text-align: center;">Page 1 of 1</p>