

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-0704

NOVEMBER 9, 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 **2017-0704**.

<i>Location</i>	2514 Myrtle Avenue North, west side of Myrtle Avenue between 15 th Street West and 16 th Street West
<i>Real Estate Number:</i>	046383 0000
<i>Current Zoning District:</i>	Commercial Residential Office (CRO)
<i>Proposed Zoning District:</i>	Commercial Community General-1 (CCG-1)
<i>Current Land Use Category:</i>	Residential Professional Institutional (RPI)
<i>Proposed Land Use Category:</i>	Community General Commercial (CGC)
<i>Planning District:</i>	Urban Core, District 1
<i>Agent:</i>	Steve Diebenow, Esq. One Independent Drive, Suite 1200 Jacksonville, FL 32202
<i>Owner</i>	George Safar 6270 Powers Avenue Jacksonville, FL 32217
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2017-0704** seeks to rezone approximately 0.30 of an acre of land from Commercial Residential Office (CRO) to Commercial Community General-1 (CCG-1). There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the *2030 Comprehensive Plan*, **Ordinance 2017-0703 (Application #2017C-023)** that changes the functional land use category of the subject property from Residential Professional Institutional (RPI) to Community General Commercial (CGC). Approval of this

rezoning request to the CCG-1 zoning district does not constitute support of future zoning exception requests, or other zoning applications, all of which are subject to their own criteria.

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. The request is to rezone the 0.30 acre parcel on Myrtle Avenue from CRO to CCG-1. The Planning and Development Department finds that the subject property is located in the RPI functional land use category of the Urban Priority Development Area (UPA) 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 the Future Land Use Map Series of the *2030 Comprehensive Plan*, i.e. Ordinance 2017-703 (Application 2017C-023) was filed requesting amendment of the subject property's functional land use category from RPI to CGC.

The CCG-1 zoning district is a primary zoning district within the proposed CGC functional land use category. Community/ General Commercial (CGC) in the UPA is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure through infill development and redevelopment. Commercial retail sales and service establishments are a principal use in CGC within the UPA. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as an arterial or higher. The subject site fronts Myrtle Avenue as it intersects with 16th Street West, a local roadway. Myrtle Avenue, from Kings Road to Golfair Boulevard, is the directly accessed functionally classified roadway. Myrtle Avenue is a 2-lane divided Class II Collector in this vicinity and is currently operating at 39.66 percent of capacity. This Myrtle Avenue segment has a maximum daily capacity of 14,040 vehicles per day (vpd) and a 2016 daily traffic volume of 5,569. This proposal for a convenience store of

approximately 1,512 square feet (ITE 826 Specialty Retail Center) would generate 67 vpd.

The parcel to the north, across 16th Street from the subject site is zoned CCG-2 and parcels to the east across Myrtle Avenue from the subject site are zoned CRO. If the amendment is adopted by the City Council, this Application for Rezoning from CRO to CCG-1 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?***

The proposed rezoning is consistent with the following Goals, Objectives and Policies of the *2030 Comprehensive Plan*, Future Land Use Element:

Future Land Use Element (FLUE) Policy 1.1.11

Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

FLUE Policy 1.2.9

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

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

To 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 3.2.2

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 located in a commercialized area which includes uses that serve the adjacent neighborhood. Due to its location in the Urban Core, the subject site is provided with full urban services, and the revitalization and reuse of the existing commercial structure for a convenience store will offer additional employment and shopping opportunities to the area. Further, redevelopment of the site will sustain this intersection as an existing commercial area. Given the aforementioned, the proposed rezoning is consistent with FLUE Goal 3, Objective 3.2 and Policies 1.1.11, 1.2.9, 2.2.8, and 3.2.2.

The proposed rezoning has also been identified as being related to the following issues identified in the *2030 Comprehensive Plan*.

Airport Notice Zone

The site is located within the 500 feet Height and Hazard Zone for the Herlong Recreational Airport. Zoning will limit development to a maximum height of less than 500 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. 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.

The maximum height of structures in the CCG-1 zoning district is 60 feet. As such, no height-related hazards are anticipated.

Neighborhood Action Plan

This site is located within the boundaries of the Kings Road/Beaver Street Neighborhood Action Plan (NAP). One major recommendation of this plan is to develop new

commercial areas to support the local residents. The area has an unmet demand for commercial developments that meet the daily needs of residents, such as grocery stores and pharmacies. This application would allow for the development of a new convenience store; therefore, it is consistent with the Neighborhood Action Plan.

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

The proposed rezoning is not in conflict with any portion of the City's land use regulations. The subject property meets the requirements of the CCG-1 Zoning District as set forth in Section 656.313 of the Zoning Code. As previously mentioned, approval of this rezoning request to the CCG-1 zoning district does not constitute support of future zoning exception requests, or other zoning applications, all of which are subject to their own criteria.

SURROUNDING LAND USE AND ZONING

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

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	CGC	CCG-2	Gas station
East	RPI	CRO	Church
South	RPI	CRO	Commercial/retail/restaurant
West	RPI	CRO	Vacant multi-family

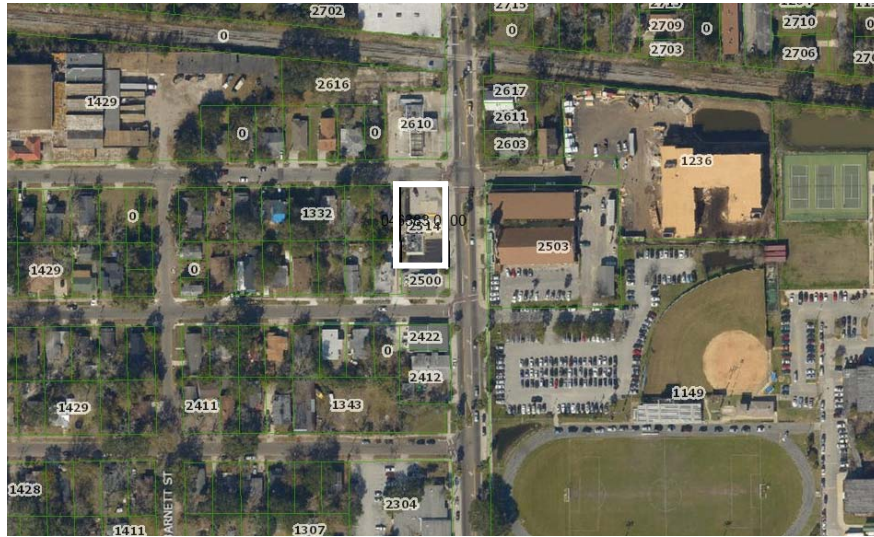
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 13, 2017, 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 2017-0704 be **APPROVED**. Approval of this rezoning request to the CCG-1 zoning district does not constitute support of future zoning exception requests, or other zoning applications, all of which are subject to their own criteria.



Aerial

*Source: Staff, Planning and Development Department
Date: 10.16.2017*



Subject Property

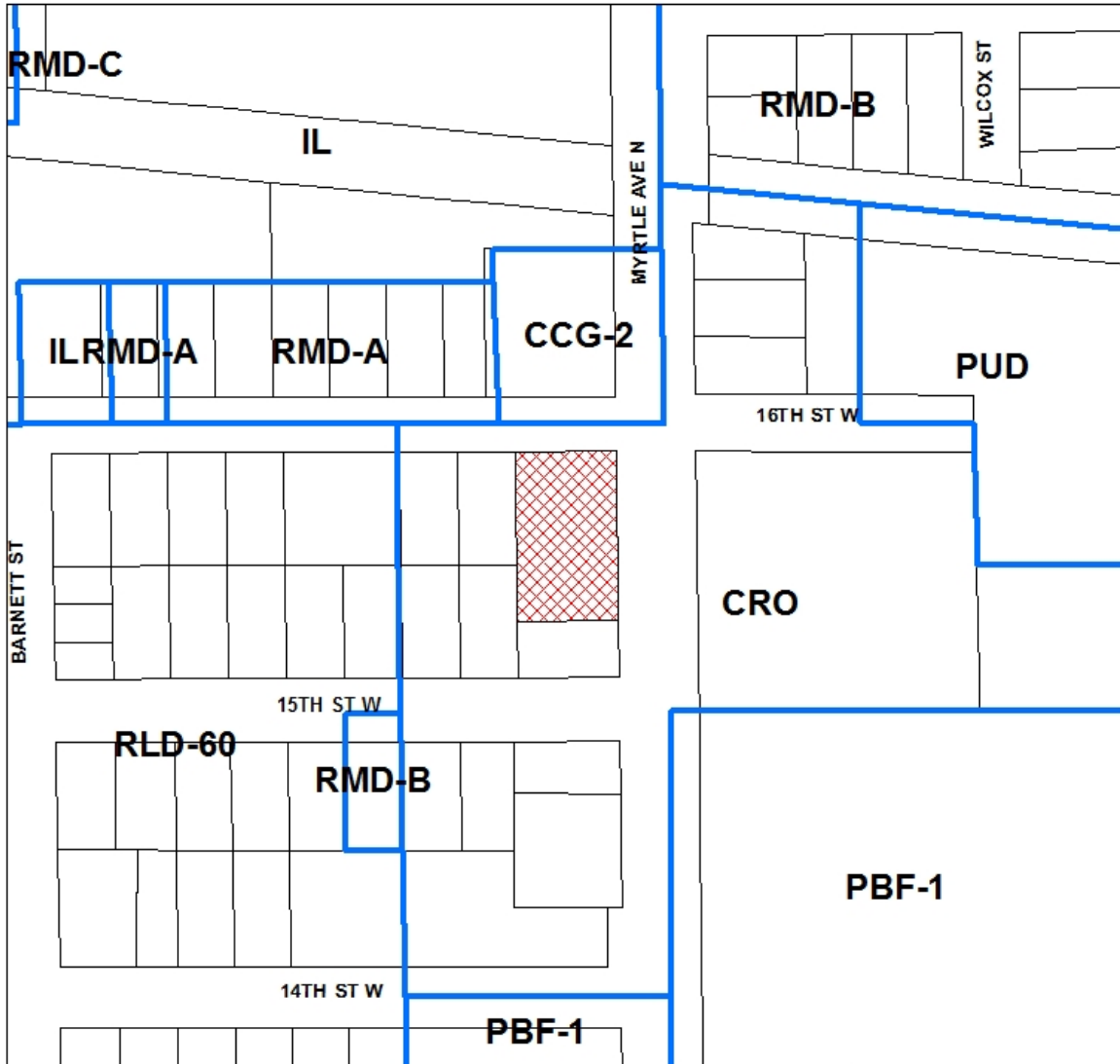
*Source: Staff, Planning and Development Department
Date: 10.13.2017*

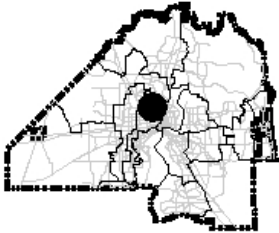



Church property across Myrtle Avenue from subject site
Source: Staff, Planning and Development Department
Date: 10.13.2017



Gas station across 16th Street from the subject site
Source: Staff, Planning and Development Department
Date: 10.16.2017



<p>REQUEST SOUGHT:</p> <p>FROM: CRO</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p> 	 <p>0 45 90 180</p> <p>Feet</p>
<p>ORDINANCE NUMBER:</p> <p>ORD-2017-0704</p>	<p>TRACKING NUMBER:</p> <p>T-2017-1519</p>	<p>COUNCIL DISTRICT:</p> <p>8</p> <p>PAGE 1 OF 1</p>