

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING 2017-0832

JANUARY 18, 2018

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 **2017-0832**.

<i>Location:</i>	9115 Hare Avenue North side of Hare Avenue between Mill Creek Road and Lamson Street
<i>Real Estate Number:</i>	143749 0000
<i>Current Zoning District:</i>	Residential Medium Density-A (RMD-A)
<i>Proposed Zoning District:</i>	Commercial Community/General-2 (CCG-2)
<i>Current Land Use Category:</i>	Medium Density Residential (MDR)
<i>Proposed Land Use Category:</i>	Community/General Commercial (CGC)
<i>Planning District:</i>	Greater Arlington/Beaches, District 2
<i>Applicant/Agent:</i>	Michael J Bueme Bueme Engineering, Inc. 975 Arthur Moore Drive Green Cove Springs, FL 32043
<i>Owner(s):</i>	Gary Hale Ace Door & Window Service, Inc. 9115 Hare Avenue Jacksonville, Florida 32211
<i>Staff Recommendation:</i>	DENY

GENERAL INFORMATION

Application for Rezoning **2017-0832** seeks to rezone approximately 0.14 acres from Residential Medium Density-A (RMD-A) to Commercial Community General-2 (CCG-2). The property owner intends to expand their existing business on the adjacent parcel onto the proposed site.

The project is located with the Woodland Acres Neighborhood Action Plan and is a part of the Woodland Acres Land Use and Zoning Study area.

There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, **Ordinance 2017-0832 (Application 2017C-022)** requesting to change the functional land use category of the subject property from Medium Density Residential (MDR) to Community General Commercial (CGC).

The proposed amendment is inconsistent with the Woodland Acres Neighborhood Plan Study (1978) and the Land Use and Zoning Study (2007). A proposed zoning plan for Woodland Acres was developed in 1978 to “better suit the community’s needs”. One of the stated reasons was to discourage encroachment of commercial use.

The Woodland Acres Land Use and Zoning Study (2007) echoes the sentiments of the earlier study. The 2007 study states:

Given the mix of uses in the census tract encompassing the study area, Woodland Acres is sufficiently served by commercial acreage without any changes to existing land use designations. The commercial development needs to be built so as to be a good neighbor to residential development because of the location of commercial land use categories adjacent to residential categories. (Page 20)

The Department is recommending that land use amendments not be supported in the Woodland Acres area, unless they can be determined to enhance neighborhood character and be consistent with the guidelines and findings of this Study. (Page 21)

The Planning and Development Department recognizes the development pressure within the Woodland Acres study area. Woodland Acres has the opportunity to be developed and redeveloped into a walk-able community that provides the residents different types of housing, schools, retail and recreational 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?*

No. The Planning and Development Department finds that the subject property is located in a Medium Density Residential (MDR) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the 2030 Comprehensive Plan. The MDR future land use category is intended to provide compact medium to high density residential development and transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. Multi-family housing such as apartments, condominiums, townhomes and row houses should be the predominant development typologies in this category. MDR is generally intended to provide transitional uses between commercial and single family residential uses.

The CGC Future Land Use Category is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Development that includes residential uses is preferred to provide support for commercial and other uses. 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 on the Functional Highway Classification Map.

The property subject to the proposed amendment is located on Hare Avenue, which is classified as a local road. Therefore, the proposed amendment is not consistent with the CGC Future Land Use Category preference for new designations to be in locations which abut roadways classified as arterial or higher. Additionally, the proposed amendment and rezoning would set a precedent for further CGC encroachment into established residential neighborhoods.

Previously, three separate similar requests were reviewed by the Planning and Development Department for the same neighborhood (2015-0656, 2014-0415, and 2016-0246). The Planning and Development Department recommended denial in all three applications. However, two of the applications were approved by ordinance through the legislative process and one was denied.

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

No. This rezoning would not further the following objective and policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Future Land Use Element (FLUE) Policy 2.2.4

Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.

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 3.1.20

The City shall recognize and maintain neighborhoods through the development and implementation of district plans and/or neighborhood plans, which identify the needs of the City's neighborhoods and the opportunities to improve and maintain those neighborhoods in light of continued growth and development pressures within and surrounding them.

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 4.1.8B

The City shall evaluate all proposed amendments to the Comprehensive Plan as to their compliance with the area's vision plan and any existing neighborhood 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.

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

Yes. The proposed rezoning of the subject parcel from RMD-A to CCG-2 would conflict with the City's land use regulations as it relates to parking of vehicles and the use of a residentially zoned property for commercial uses.

SURROUNDING LAND USE AND ZONING

The 0.14 parcel is located on Hare Avenue between Mill Creek Road and Lamson Street. Surrounding land uses, zoning districts and uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-A	Single-family residential
East	CGC	CCG-2	Commercial
South	CGC	CCG-2	Warehouse/Vehicle Repair
West	MDR	RMD-A	Single-family residential

Extending the CCG-2 Zoning District further into Hare Avenue would promote the intensification and encroachment of commercial development into the residential area. Single-family dwellings that surround and are immediately adjacent to the subject property will be negatively impacted with noise, vibrations and light glare. Therefore, the requested CCG-2 Zoning District is inconsistent and incompatible with the character of the primarily residential neighborhood.

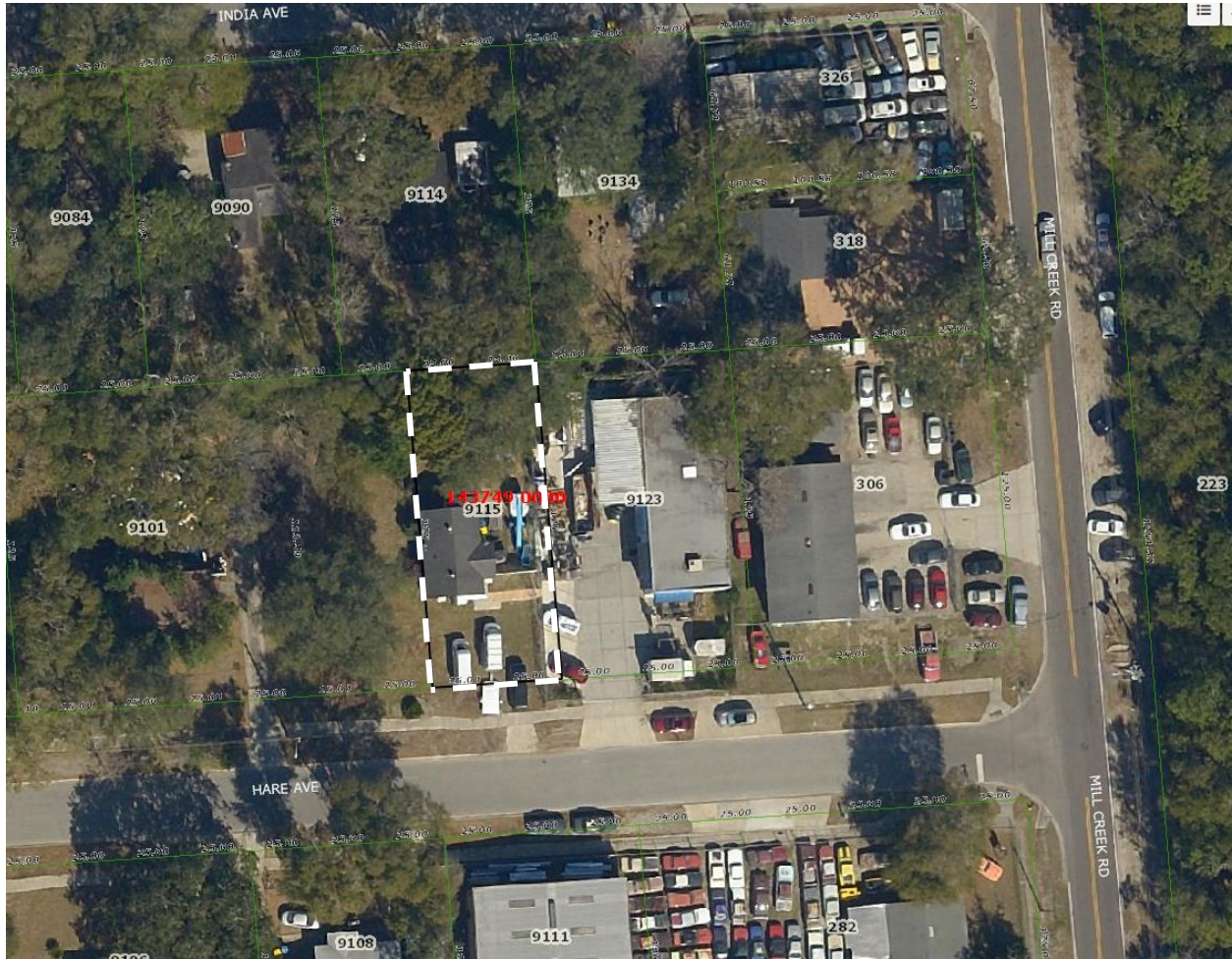
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 5, 2018, 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 **2017-0832** be **DENIED**.



Aerial
Source: Staff, Planning and Development Department
Date: 12.22.2017



Subject Property

Source: Staff, Planning and Development Department

Date: 01.05.2018



Adjoining property to the west (same ownership)

Source: Staff, Planning and Development Department

Date: 01.05.2018



Adjoining property to the south, across Hare Avenue

Source: Google StreetView

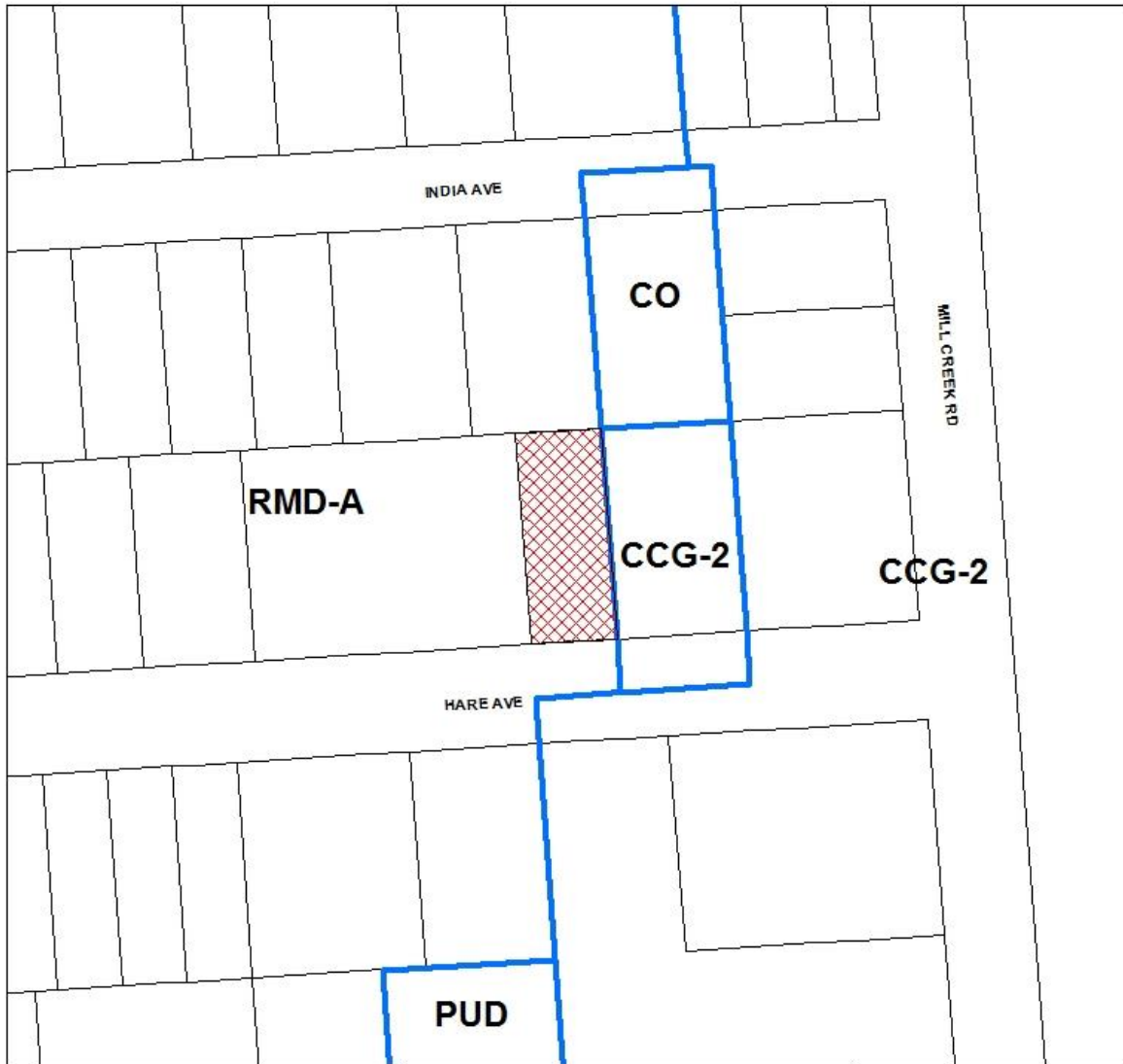
Date: 01.05.2018

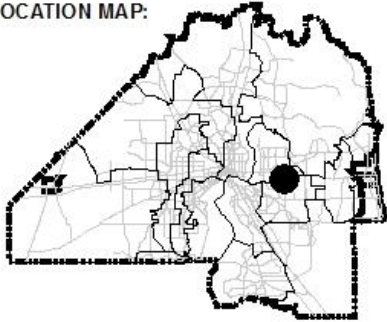



Adjoining property to the west

Source: Google StreetView

Date: 01.05.2018



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: CCG-2</p>	<p>LOCATION MAP:</p> 	 <p>0 30 60 120</p> <p>Feet</p>
<p>ORDINANCE NUMBER:</p> <p>ORD-2017-0832</p>	<p>TRACKING NUMBER:</p> <p>T-2017-1558</p>	<p>COUNCIL DISTRICT:</p> <p>1</p> <p>PAGE 1 OF 1</p>