

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2018-0348

JUNE 21, 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 Ordinance **2018-0348**.

Location: 8654 New Kings Road (US-1) and 0 Gilchrist Road;
NW Corner of New Kings Road and Gilchrist Road

Real Estate Numbers: 040029-0000 and 039928-0000

Current Zoning Districts: Commercial Office (CO) and
Commercial Community/General-1 (CCG-1)

Proposed Zoning District: Recreation and Open Space (ROS)

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

Planning District: District 5—Northwest

Applicant/Agent: Drive, McAfee, Hawthorne & Diebenow, PLLC
Steve Diebenow, Esq.
One Independent Drive W, Suite 1200
Jacksonville, Florida 32202

Owners: Rufus & Roxy LLC
Scott Fallows
800 Heartwood Lane, Unit 17
Bayfield, CO 81122

Blue Ribbon Realty LLC
Guy Lachapelle
2762 Beaver Street W
Jacksonville, FL 32254

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2018-0348 (Z-1762)** seeks to rezone 11.42± acres of a split-zoned property from Commercial Office (CO) and Commercial Community/General-1 (CCG-1) to Recreation Open Space (ROS). The property is located in the Community/General Commercial

(CGC) land use category within the Urban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan. The site has approximately 705 feet of frontage along New Kings Road and 405 feet of frontage along Gilchrist Road. The applicant has indicated that JEA electric, water and sewer service will continue to be provided to the site

A portion of the subject property is currently operating as Sunny Oaks Community, a mobile home and RV park (RE: 040029-0000), with the other portion of the subject property (RE: 039928-0000) being undeveloped. Based on correspondence with the applicant, the developer plans to phase out the use of mobile homes on the property and redevelop the site as a fully functional RV park—hence the desire for a change in rezoning to ROS.

The site is located off New Kings Road, which is within the KingSoutel Crossing Corridor CRA boundary. The CRA Study described New Kings Road as a major gateway to the City's downtown that will continue to be an automobile-oriented commercial environment. Some areas along the corridor aid in visual blight; new development along the corridor should aid in gateway development through roadway improvements and suburban streetscape features including architectural features, signage or landscaping. The proposed rezoning to allow for a RV Park continues the commercial environment of the New Kings Road corridor. The development of the RV should consider its relationship to New Kings Road and potential streetscape projects that could enhance the corridor's redevelopment and aid in removing blight.

Considering the rezoning site is within the boundaries of a 500-foot buffer of a wellhead, the application was also forwarded to the Environmental Quality Division for review of the application for possible impacts. As of June 14, 2018, no response was provided.

An application for a Zoning Exception (**E-10-37**) was previously filed at the subject property (RE: 039938-0000 only) which sought for the development of a residential treatment facility, but was ultimately withdrawn by the applicant.

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 of Zoning Code or rezoning of land* of the Zoning Code, the Planning and Development Department finds the subject property to be located in the Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

The Future Land Use category descriptions also depict how the ROS future land use category permits travel trailer parks as a secondary use. Considering there are only a handful of travel trailer parks located within Duval County, providing additional RV park facilities would further Goal 1 of the ROS element.

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

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. Community/General Commercial (CGC) in the Urban Area is a category primarily 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. The applicant is looking to convert the existing mobile home park to an RV Park. An RV Park is an allowed use in CGC. The proposed ROS zoning to accommodate the RV Park is an allowed secondary zoning district in the CGC land use category.

The western portion of this parcel directly abuts a neighborhood of Low Density Residential Land Uses. Compatibility with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques including but not limited to: transitions in uses; buffering; setbacks; the orientation of open space; and graduated height restrictions to affect elements such as height, scale, mass and bulk of structures, pedestrian accessibility, vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise and odor. In addition, all development on sites that abut a Low Density Residential land use designation shall provide the following:

- A scale transition as defined and illustrated in this element.
- When developing mixed uses, residential uses shall be arranged on the site to provide a use transition between new non-residential uses and the protected abutting residential land uses to the greatest extent feasible.
- Elements such as yards, open space, at-grade parking and perimeter walls shall be arranged, designed and landscaped in a manner compatible with adjacent areas to serve as a visual buffering element.

The application site has road frontage on two sides. New Kings Road is classified as a principal arterial roadway and Gilchrist Road is a local roadway.

The project is also located within the boundaries of the Kings-Soutel CRA Corridor Study, a wellhead protection zone, the AE floodplain and areas of high sensitivity for archaeological resources. Please see the attached memorandum for additional review of these boundaries.

The proposed zoning application should be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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.

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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

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.

Policy 3.1.2

The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

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.

Policy 3.1.21

The City shall provide design standards in the Land Development Regulations to ensure compatibility with adjacent uses and to protect neighborhood scale and character through transition zones, bulk, massing, and height restrictions. The City shall consider the feasibility and effectiveness of developing design standards for each Development Area, not to include the Central Business District, which has established design standards.

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.

Recreation and Open Space Element

Policy 2.2.1

The City shall require that all new non-residential land uses, except in the Central Business District, provide a minimum of 10% of the property in open space.

Transportation Element

Policy 2.3.6

The City shall require access to new and redeveloped non-residential parcels with frontage along two or more roadways be limited to one access point per roadway. Access from the higher functional class roadway, or roadway with the higher average daily traffic inclusive of development traffic for roadways of the same functional class, shall be limited to right turn-in/right turn-out only, unless 1) it can be demonstrated in a traffic study, submitted for review and approval to the JPDD, that such access restrictions would present a safety hazard, would cause undue congestion or delay on adjacent road facilities, would cause environmental degradation, or would hinder adequate traffic circulation, 2) there already exists more than one full access point on the roadway, and at least one of the full access points is eliminated.

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. If approved as recommended by the Staff of the Planning and Development Department, the subject property will be rezoned from CCG-1/CO to ROS. Moreover, approval of the rezoning will prompt the site to be redeveloped in accordance with the performance standards for *Travel trailer parks and campgrounds* set forth in Section 656.401(w), as well as with the permitted uses and permissible uses by exception established in Section 656.334—all while adhering to local, state, and federal regulations governing wetlands.

However, the request for conventional rezoning cannot regulate other appropriate mitigation measures such as transitional buffering and landscaping requirements between land uses. There is also no mechanism for regulating noise, odor, vibration, and aesthetic controls.

SURROUNDING LAND USE AND ZONING

The subject property is located at the intersection of New Kings Road and Gilchrist Road in the northwest corner. Other nearby uses along New Kings Road include motels, restaurants, convenience stores, service garages, junkyards, and truck sales. Other properties are undeveloped or contain residences. Gilchrist Road is developed almost exclusively with single-family dwellings. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	PUD 1998-0928	Truck Rental and Leasing
East	CGC	CCG-1/CCG-2	Single Family Dwelling
South	LDR/CGC	RR-Acre/CCG-1	Single Family Dwellings
West	LDR	RR-Acre	Single Family Dwellings

It is the opinion of the Planning and Development Department that the requested rezoning to ROS will be consistent and compatible with the surrounding uses. The rezoning will also allow for the northern parcel (RE: 040029-0000), to be brought into conformance with a zoning district that allows for travel trailer parks as a permitted use.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 31, 2018 by the Planning and Development Department, 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 **2018-0348** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 5/25/18

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 5/31/18

View of New Kings Road and the first subject parcel (RE: 040029-0000) facing southwest.

Figure C:



Source: Google Maps, 11/2015

View of New Kings Road and the second subject parcel (RE 039928-0000) facing southwest

Figure D:



Source: Google Maps, 11/2015

Neighboring truck rental (PacLease) to the north of the subject site, facing southwest.

Figure E:



Source: Planning & Development Dept, 5/31/18

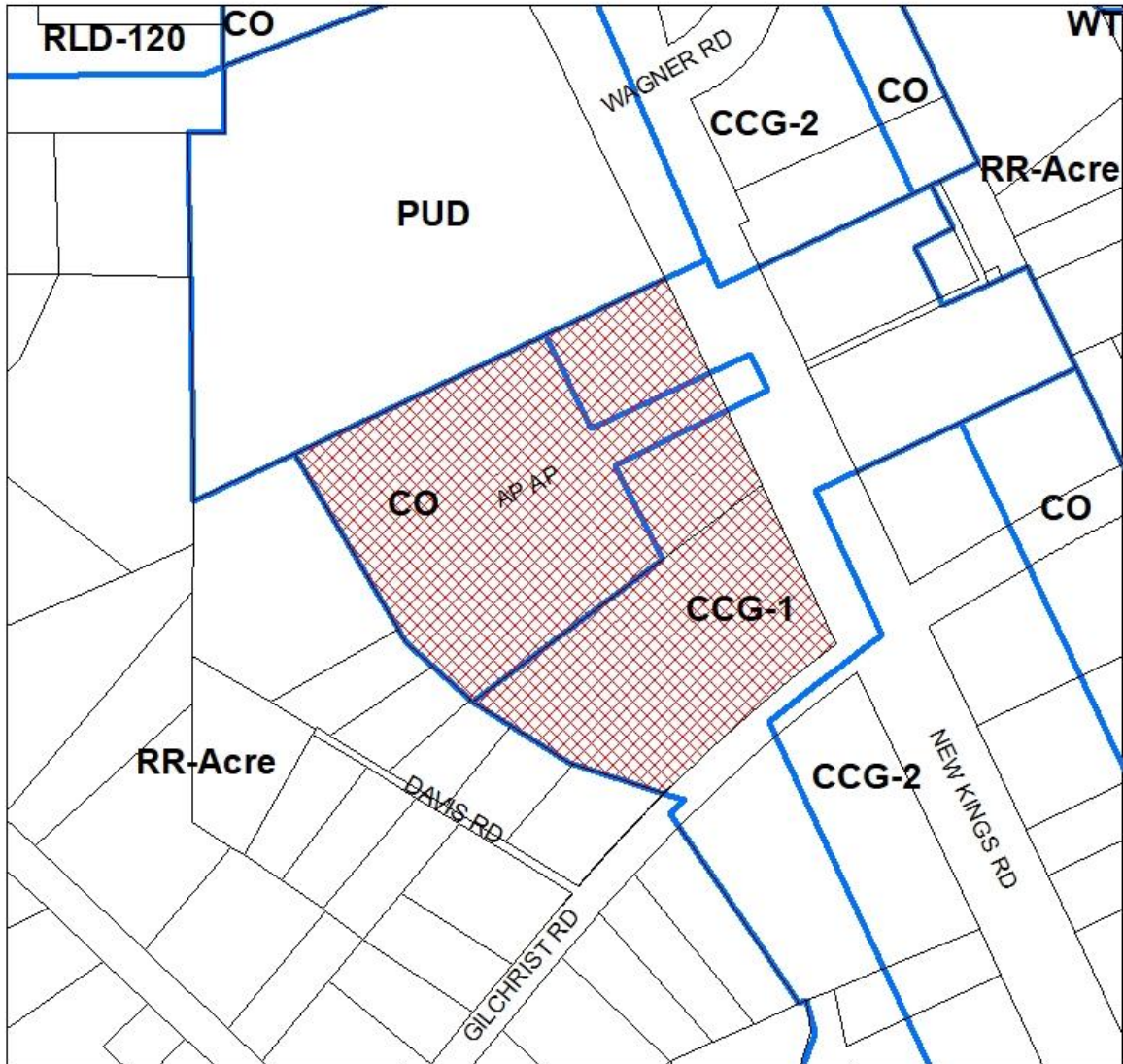
View of Gilchrist Road and the subject site, facing north.

Figure F:



Source: Planning & Development Dept, 5/31/18

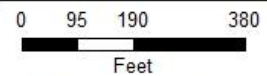
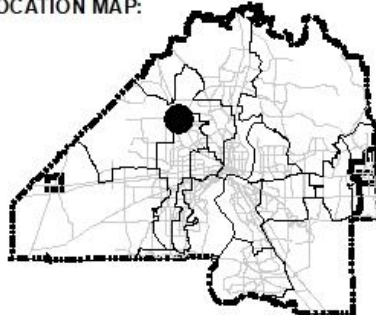
View of Gilchrist Road and vacant land to the south of the subject site, facing southeast.



REQUEST SOUGHT:

FROM: CCG-1, CO
TO: ROS

LOCATION MAP:



COUNCIL DISTRICT:
10

TRACKING NUMBER

T-2018-1762

PAGE 1 OF 1