

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO**APPLICATION FOR REZONING ORDINANCE 2019-0163****APRIL 4, 2019**

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 **2019-0163**.

Location: 0 Beach Boulevard (SR 212)

Real Estate Number: 136291-0000; 136380-0000

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

Proposed Zoning District: Commercial Community/ General-1 (CCG-1);

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

Planning District: District 2—Greater Arlington/Beaches

Applicant/Owner: Anes Dracic
Modwelling, LLC.
4518 Congressional Dr.
Jacksonville, Florida 32246

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0163** seeks to rezone 0.9± acres of a property from Commercial Community/ General-2 (CCG-2) to Commercial Community/ General-1 (CCG-1). The northern portion of the property is located in the Low Density Residential (LDR) land use category and the southern portion of the property is located in the Community/ General Commercial (CGC) within the Urban Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request is being sought in order develop multi-family dwellings in conjunction with commercial uses so the applicant can better utilize the waterfront property, along Pottsborg Creek, to its fullest potential.

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/ Commercial General (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The Commercial Community General-1 Zoning District is a primary zoning district within the Community General Commercial functional land use category, and the subject property meets the primary criteria and standards. The application is 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 is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. CGC in the Urban Area 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. 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. Subject property is located along Beach Blvd which is classified as Major Arterial on the Functional Highway Classification Map. The proposed application is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Future Land Use Element

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.

According to the JEA Availability Letter, provided by the applicant, it shows that the subject site will be supplied by Potable Water and City Sewer along the Beach Boulevard ROW. Therefore, subject property will be in compliance with Policy 1.2.9.

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.

The subject property is located along Beach Boulevard and if approved the proposed rezoning from CCG-2 to CCG-1 would allow the applicant to construct Multi-family residence in conjunction with office/commercial space. The proposed use will achieve that well-balanced and organized combination of residential and non-residential uses, therefore, being in compliance with Goal 3.

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.

The proposed rezoning will continue to sustain the viability of the existing commercial node along Beach Boulevard, and is therefore consistent with Objective 3.2.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site.] Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size:	0.68 of an acre
General Location(s):	The wetlands are primarily located through the center of the subject site (See Wetlands Map in Attachment A)
Quality/Functional Value:	The wetland has a high functional value for water filtration attenuation and flood water capacity and has a direct impact on the City's waterways.
Soil Types/ Characteristics:	Evergreen-Wesconnett complex, depressional, 0 to 2 percent slopes (22) - consists of nearly level, very poorly drained soils, sandy soils. They are in depressions. The soils are moderately slowly permeable to rapidly permeable. The high water table is at or above the surface for very long periods.
Wetland Category:	Category II
Consistency of Permitted Uses:	Conservation
Environmental Resource Permit (ERP):	Not provided by applicant
Wetlands Impact:	Insufficient information to determine impacts.
Associated Impacts:	The subject site, according to GIS data, indicates a large portion of wetlands. Upon further investigation the area, based on contours and imagery, can be considered transitional wetlands.

The subject property will be required to go through the proper mitigation processes to account for the wetlands before they would be able to build upon the site. Therefore the subject property will be in compliance with all wetland requirements of the 2030 Comprehensive Plan.

Flood Zones

Approximately 0.20 of an acre of the subject site is located within the AE-Floodway flood zone (See Attachment B in Memo). Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm of Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The AE-Floodway flood zone is defined as areas within the 100-year floodplain or SFHA where flood insurance is mandatory if construction is allowed within the floodway. Areas located within AE Floodway zones should be left intact as construction and filling within these areas is severely restricted. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

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-2 to CCG-1 in order to construct Multi-Family dwellings in conjunction with Commercial uses.

SURROUNDING LAND USE AND ZONING

The subject site is located on the north side of Beach Boulevard, a principal arterial road and is located in the suburban development area. Pottsburg Creek runs along the eastern side of the property. It is also located within the Urban Priority Development Area, Planning District 5 and Council District 9. According to the Future Land Use Element (FLUE), CGC in the Suburban Development Area is intended to provide for compact development in nodal and corridor development patterns while promoting the advancement of existing commercial land uses and the use of existing infrastructure. 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 arterial or higher on the Functional Highway Classification Map. Residential uses shall not be the sole use and shall not exceed 80 percent of the development. The adjacent land use categories and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	WT	Pottsburg Creek
East	CGC	WT	Pottsburg Creek
South	CGC	CCG-2	Jax Humane Society
West	CGC	CCG-2	Mixed Use

It is the opinion of the Planning and Development Department that the requested rezoning to CCG-1 will be consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on March 11, 2019 by the Planning and Development Department, the required Notice of Public Hearing signs was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0163** be **APPROVED**.



Aerial View

Source: JaxGIS Map



Subject Site

Source: Planning & Development Department 03/11/2019



View of Property along Pottsburg Creek

Source: Planning & Development Department 03/11/2019



View of Property looking East along Beach Blvd.

Source: Planning & Development Department 03/11/2019

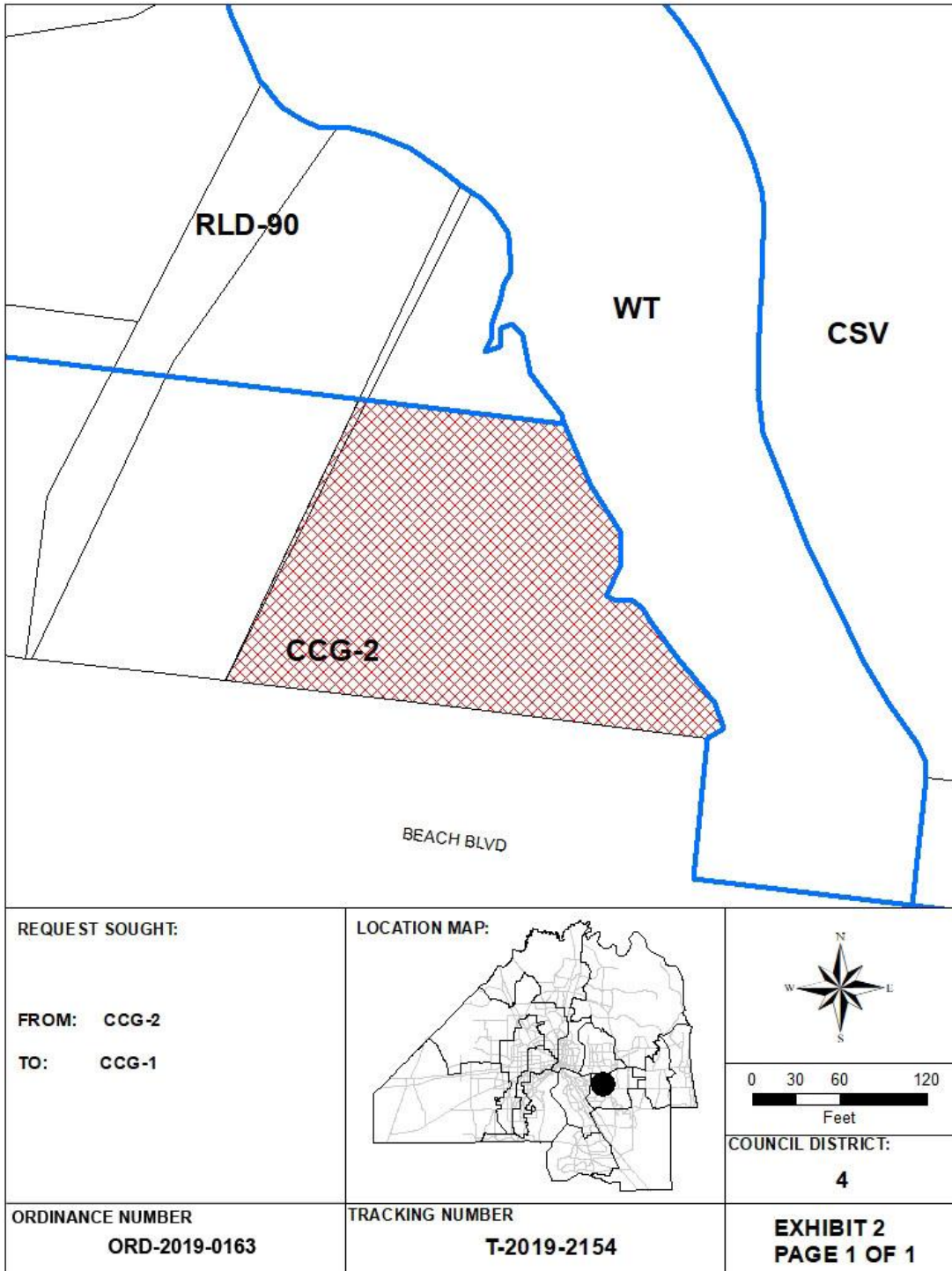


Property to the South: Jax Humane Society

Source: Planning & Development Department 03/11/2019



**Property to the West: 8463 Beach Blvd.
Source: Planning & Development Department 03/11/2019**



Legal Map
 Source: JaxGIS Map