

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2016-109**

**MARCH 3, 2016**

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 **2016-109**.

***Location:*** 7924 Devoe Street; on the north side of Interstate 10 (I-10) at the southwest corner of the Greeland Avenue and Devoe Street intersection

***Real Estate Numbers:*** 005896-0010

***Current Zoning District:*** Commercial Community General-1 (CCG-1)

***Proposed Zoning District:*** Commercial Community General-2 (CCG-2)

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

***Planning District:*** Northwest, 5

***Planning Commissioner:*** Ben Davis

***City Council District:*** The Honorable Reginald L. Brown, District 10

***Applicant/Owner:*** Donald and Tonia Patton  
A & D Tire Company  
PO Box 225  
Yulee, Florida 32041

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2016-109** seeks to rezone 0.69 acres of land from the CCG-1 to the CCG-2 Zoning District for the purpose of opening a tire and repair shop for trucks and trailers. The proposed commercial uses are similar to the existing commercial uses found along this Devoe Street corridor. The property contains a closed gas station/convenience that was originally developed in 1992.

The area along Devoe Street at this location can be characterized as a mix of commercial, office, single-family dwellings and vacant land. The subject parcel is on the north side of I-10 at the existing Interstate-10 (I-10) interchange at Marietta (exit 355), just west of the I-295 interchange.

There is a Flash Foods filling station/convenience store to the north across Devoe Street. Ordinance 2008-1029 approved a similar request rezone approximately 2.5 acres of undeveloped land from RMD-A and CCG-1 to CCG-2. The site location is adjacent to Interstate 10 to the north and Ramona Boulevard to the south, with Greeland Road, an access point to I-10, bordering the property to the west. The property is located at the expressway entrance and adjacent to an existing commercial area.

The relocation and reconstruction of the Interstate-10 (I-10) interchange at Marietta (exit 355) began in 2012 as a part of FDOT's 5-year work program. The site subject will be approximately 2,500 feet to the east (at Hammond Boulevard) of the new interchange once opened.

### **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 that the subject property is located in the Community/General Commercial (CGC) functional land use category. According to the category description of the Future Land Use Element (FLUE), CGC is intended to accommodate outlets and establishments that offer a wide range of goods and services including general merchandise, apparel, food and related items. General commercial uses include business and professional offices, financial institutions, car washes, mobile home/motor home rental and sales, off-street parking lots and garages, and boat storage and sales, among other similar types of commercial developments.

The subject site was originally developed with uses permitted in the CGC land use category. The southern side of this Devoe Street corridor has historically contained a mix of uses in the CCG-1 and CCG-2 zoning districts that have existed in harmony with single-family RLD-60 homes to the north. The proposed change in/to the allowable uses from CCG-1 to CCG-2 is compatible with the character of the area and adjacent uses. The Commercial Community General-2 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.

Therefore, the proposed rezoning 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 application is consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

FLUE 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.

FLUE Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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 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 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

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 property is located adjacent to a major interstate highway interchange and is within the suburban growth boundary. Approval of this zoning change will be consistent

with the intent to locate the most intense commercial activities at or near major highway intersections and the request is consistent with the general intensity of the surrounding neighborhood.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning will not be in conflict with any portion of the City's land use regulations. The proposed rezoning will allow for the redevelopment and re-use of an existing commercial property along a commercial corridor.

**SURROUNDING LAND USE AND ZONING**

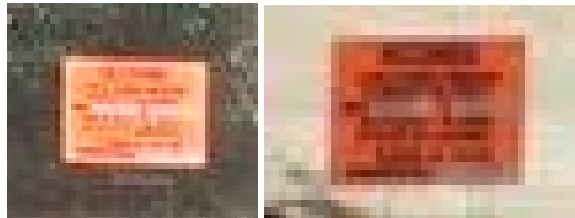
The subject property is located on the north side of I-10 at the existing Interstate-10 (I-10) interchange at Marietta (exit 355), just west of the I-295 interchange. The surrounding uses, land use categories and zoning as follows:

<b>Adjacent Properties</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
North	CGC/LDR	CCG-1/RLD-60	Filling station/Store and SF-home
East	CGC	RLD-60	Vacant residential
South	CGC	CCG-1	Interstate-10 (I-10)
West	CGC	CCG-1	Commercial/office/warehouse

The proposed rezoning to CCG-2 will be consistent and compatible with the surrounding uses, both commercial and residential, in the area.

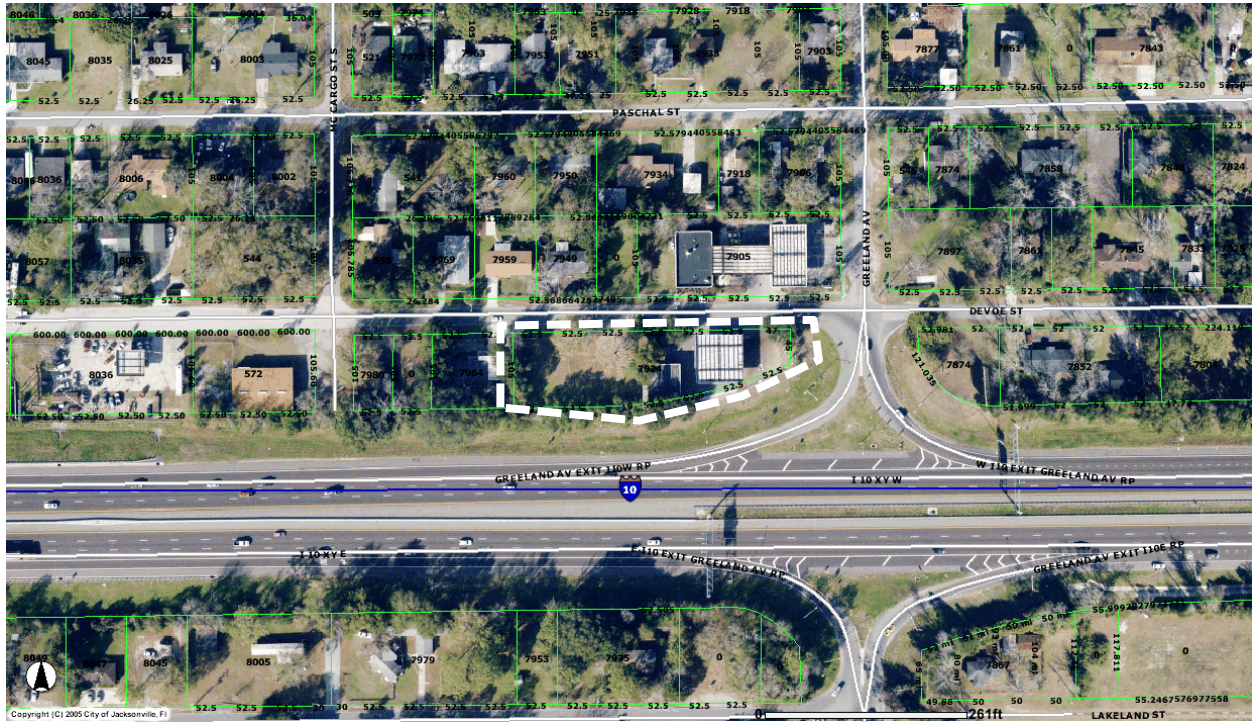
**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on February 22, 2016 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 **2016-109** be **APPROVED**.



**Aerial view of the subject site facing north**



**The subject site ahead on the left facing west along Devoe St at the Greeland Av intersection**



**The subject site on the left facing west along Devoe St**



**The subject site facing southwest from Devoe St**



**The subject site facing southwest from Devoe St**



**The subject site facing southwest from Devoe St**



**Facing southeast at the subject site from the Flash Foods store across Devoe St**



**Facing southeast at the Devoe St/Greeland Av intersection with the site on the right**



**Facing west along Devoe St; just west of the subject site**



