

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-0664

JANUARY 3, 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 **2018-0664**.

Location: 0 Philips Highway (SR 5); Southwest Quadrant of I-295 (SR 9A) and SR 9B

Real Estate Number: 167871-0010

Current Zoning District: Industrial Light (IL)

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

Current Land Use Category: Light Industrial (LI)

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

Planning District: District 3—Southeast

Applicant/Agent: Paul M. Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Jed V. Davis
Westland Timber, LLC
4310 Pablo Oaks Court
Jacksonville, FL 32224

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2018-0664** seeks to rezone 120.86± acres of a property from Industrial Light (IL) to Commercial Community/General-1 (CCG-1). The property is currently located in the Light Industrial (LI) land use category within the Suburban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan. There is a companion Large Scale Land Use Amendment L-5305-18A (**Ordinance 2018-0825**) that seeks to amend the land use on

the property from Light Industrial (LI) to Community/General Commercial (CGC). The request is being sought in order to develop the site for commercial uses.

The subject parcel was previously rezoned from Industrial Business Park (IBP) to Industrial Light (IL), per **Ordinance 2014-0347**.

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.

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. Currently the site has a LI land use designation. According to the Future Land Use Element (FLUE), CGC in the Suburban Development Area is intended to provide development in a nodal development pattern. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services; abut a roadway classified as an arterial or higher on the Functional Highway Classification Map; and which are located in areas with an existing mix of non-residential uses. Nodal sites with two or more boundaries on a transportation right-of-way shall be considered preferred locations for these uses. Principal uses include, but are not limited to, commercial retail sales and service establishments including auto sales; restaurants; hotels and motels; offices; financial Institutions; multi-family dwellings; and commercial recreational and entertainment facilities.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will 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.

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.

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.

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.

Policy 3.2.13

The City shall encourage commercial uses at interstate interchanges to use site design measures which serve to unify the projects by such techniques as cross access and interconnectivity. The site design measure should minimize impacts to surrounding areas.

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.

Conservation and Coastal Management Element

Policy 4.1.5

The permitted uses within Category I and II wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs):

(1) Conservation uses, provided the following standards are met:

- (a) Dredge and fill - Dredging or filling of the Category I and II wetlands shall not exceed more than 5% of the wetlands on-site; and
- (b) Vegetation –

For Category I wetlands: All native vegetation outside the development area is maintained in its natural state

For Category II wetlands: No more than 10% of the aerial extent of the vegetation outside the development area may be altered or removed; and

(2) Residential uses, provided the following standards are met:

- (a) Density/Dredge and fill - Where lots, except for lots of record as defined in the Future Land Use Element, are located totally within the wetlands:
 - i. Density shall not exceed one (1) dwelling unit per five (5) acres; and
 - ii. Buildings shall be clustered together to the maximum extent practicable; and
 - iii. Dredging or filling shall not exceed 5% of the wetlands on-site; and
- (b) Vegetation –

For Category I wetlands: All native vegetation outside the development area is maintained in its natural state

For Category II wetlands: No more than 10% of the aerial extent of the vegetation outside the development area may be altered or removed; and

(3) Water-dependent and water-related uses, provided the following standards are met:

- (a) Vegetation –

For Category I wetlands: All native vegetation outside the development area is maintained in its natural state

For Category II wetlands: No more than 10% of the aerial extent of the vegetation outside the development area may be altered or removed; and

(b) Boat facilities siting and operation – Boat facilities are further subject to Objectives 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies of this element.

(4) Access to a permitted use, subject to the requirements of (a), (b), and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

(5) Any use which can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d), and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

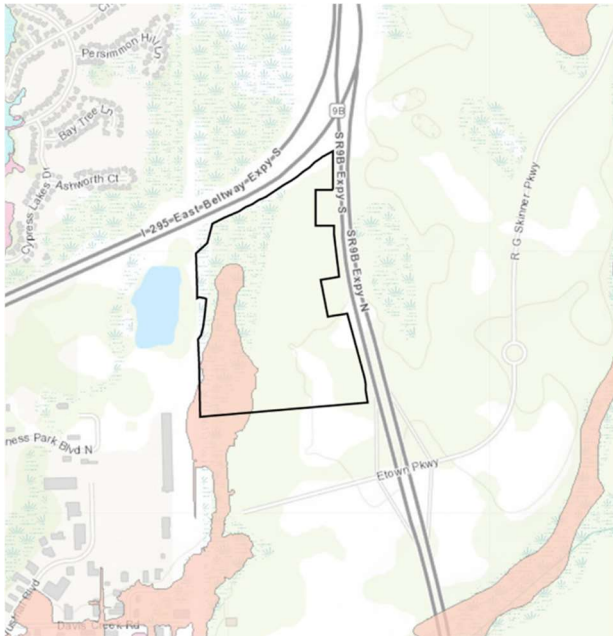
(6) For Category II wetlands only, silvicultural uses are allowed, provided the following standards are met:

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

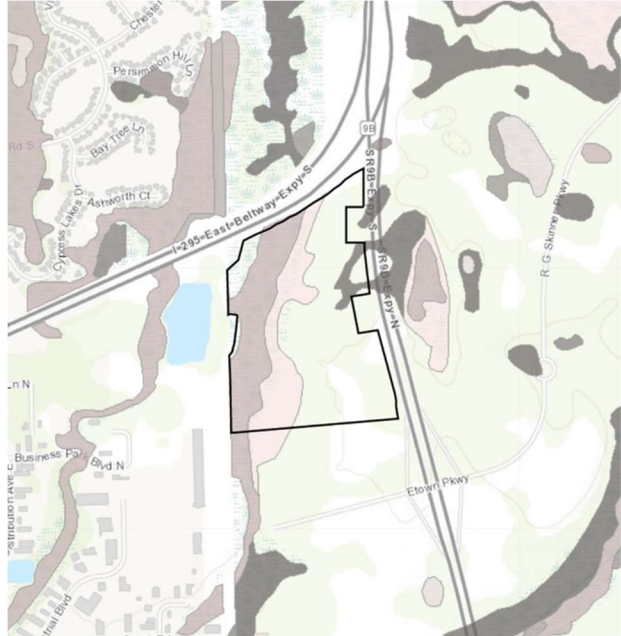
No. The proposed rezoning is not in conflict with any portion of the City's land use regulations. If approved as recommended by the Staff of the Planning and Development Department, the subject property will be rezoned from IL to CCG-1 in order to permit the development of commercial uses—all while adhering to local, state, and federal regulations governing wetlands.

Upon baseline review, approximately 21.5 acres of the subject site was determined to be within the AO flood zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). The AO flood zone is defined as areas of relatively shallow flooding within the 100-year floodplain or SFHA. Flood insurance is mandatory within the AO flood zone. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Staff should also note the existence of category III wetlands on the subject property, with approximately 55 acres of wetlands stretching along the western edge of the property with a small, isolated patch of wetlands in the middle of the eastern property boundary. As such, commercial uses may be developed in category III wetlands, provided the standards in **CCME Policy 4.1.5** are met.



Map showing flood zones.



Map showing wetlands.

For more information regarding flood zones and wetlands, please see the attached memorandum from Community Planning Division.

SURROUNDING LAND USE AND ZONING

The subject property is located in the southwest quadrant of the SR 9B and I-295 intersection. Nonetheless, access to the site will be restricted to SR 9B. Currently operating as timberland, the proposed rezoning to CCG-1 would allow the applicant to promote compatibility with the abutting commercial uses to the south and provide a commercial node at an emerging, yet critical interchange. Nonetheless, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RR-Acre	Vacant
East	LDR/CGC	PUD 2018-0671/0564	Vacant
South	CGC	IBP	JEA Production Facility
West	LDR/LI	RR-Acre/IL	Warehousing

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 December 13, 2018 by the Planning and Development Department, the required Notice of Public Hearing signs **were not** posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2018-0664** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 12/13/18

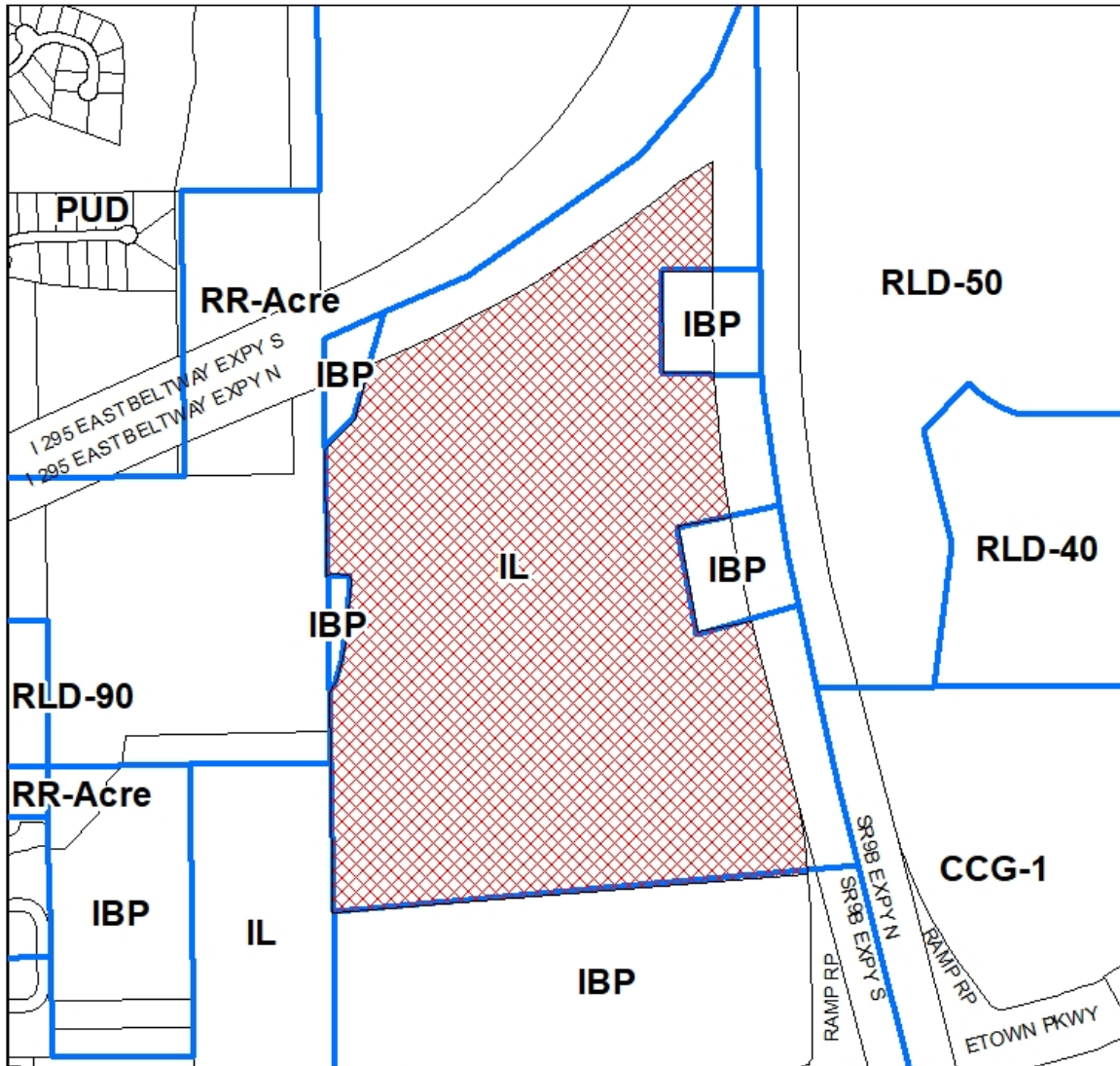
Aerial view of the subject site and parcel, facing north.

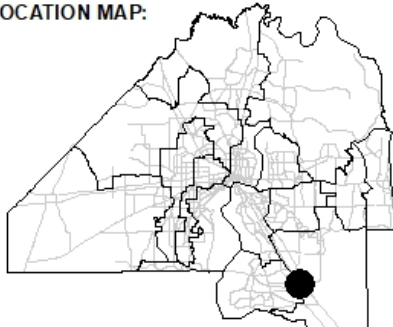
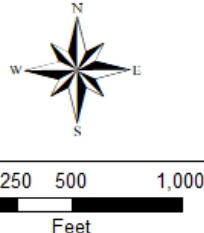
Figure B:



Source: Planning & Development Dept, 12/13/18

View of the subject parcel along SR-9B (southbound), facing west.



<p>REQUEST SOUGHT:</p> <p>FROM: IL</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT: 11</p>
<p>ORDINANCE NUMBER: ORD-2018-0664</p>	<p>TRACKING NUMBER T-2018-2020</p>	<p>PAGE 1 OF 1</p>