

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

**APPLICATION FOR REZONING ORDINANCE 2018-0861**

**JANUARY 17, 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 **2018-0861**.

***Location:*** 5221 University Boulevard (SR 109) West;  
Northwest Quadrant of University Boulevard (SR  
109) and I-95

***Real Estate Number:*** 153081-0000

***Current Zoning District:*** Planned Unit Development (PUD 2006-1265-E)

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

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

***Planning District:*** District 3—Southeast

***Applicant/Agent:*** T.R. Hainline, Esq.  
Rogers Towers, P.A.  
1301 Riverplace Boulevard, Suite 1500  
Jacksonville, Florida 32207

***Owners:*** Home Depot USA, Inc.  
2455 Paces Ferry Road  
Atlanta, Georgia 30339

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2018-0861** seeks to rezone 10.67± acres of a property from Planned Unit Development (PUD 2006-1265) to Commercial Community/General-1 (CCG-1). The property is located in the Community/General Commercial (CGC) land use category within the Urban Priority Development Area of the Future Land Use Element of the 2030 Comprehensive Plan.

The request is being sought in order to develop the site for general commercial uses. There is a companion Zoning Exception **2018-0862** that seeks to permit for outside sales and display. The intent of the exception is to allow for the development of a RaceTrac convenience store and filling station.

### **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 CGC land use designation. According to the Future Land Use Element (FLUE), CGC in the Urban Priority Area 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. Commercial retail sales and service establishments including auto sales; Restaurants; Offices; Business and Professional Offices, including Veterinary offices; and Financial Institutions are some of the uses permitted in the CGC land use category.

**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**

**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 3.2.2**

The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

**Objective 6.3**

The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

**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 PUD 2006-1265 to CCG-1 in order

to permit the development of a RaceTrac convenience station and other general commercial uses.

### SURROUNDING LAND USE AND ZONING

The subject property is located at the northwest corner of Interstate 95 and University Boulevard West. The property has frontage along University Boulevard, a principal road, and Richard Street, a local road. As evidenced from the surrounding land uses and zoning districts, the University Boulevard corridor is primarily intended for commercial uses. Considering the subject parcel is currently underdeveloped and blighted, the proposed rezoning to CCG-1 would allow the applicant to promote commercial infill and redevelop the site for a general assortment of commercial uses. Nonetheless, adjacent land uses and zoning districts are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	PBF	PBF-3	Trade School/I-95
East	CGC	CCG-1/CCG-2	I-95
South	CGC	CCG-1/CCG-2	Commercial Retail
West	CGC/MDR	CCG-2/RMD-D	Commercial Retail/Multi-Family

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

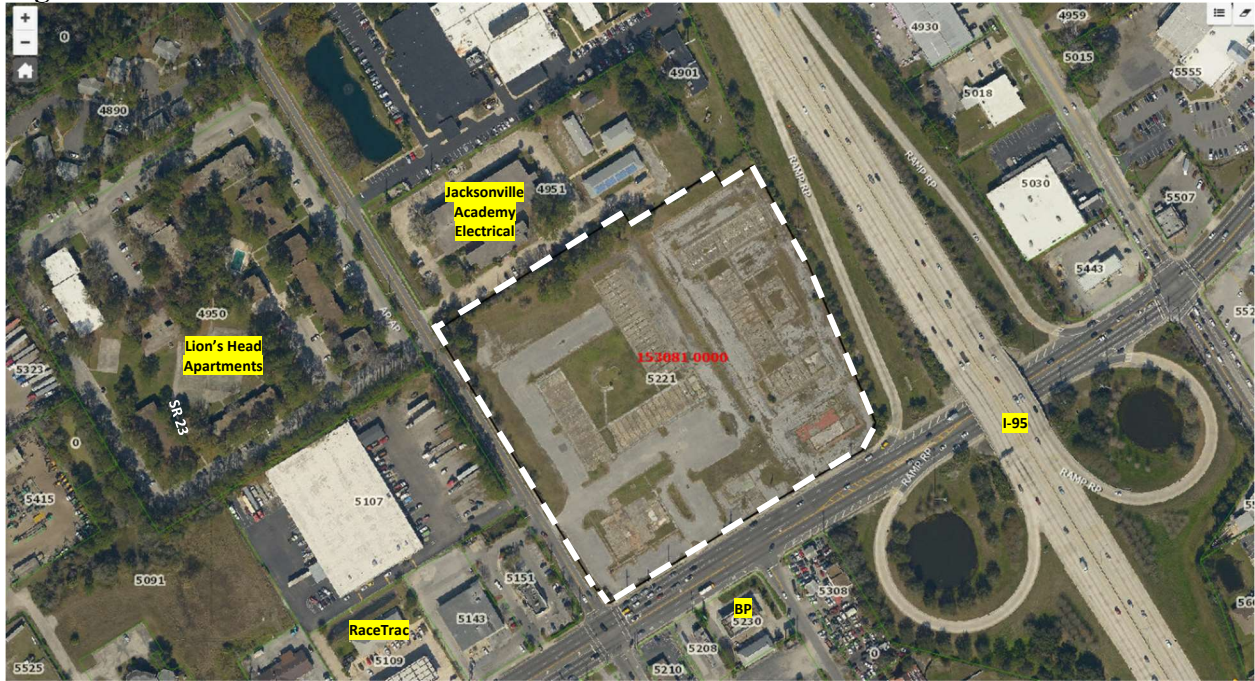
Upon visual inspection of the subject property on January 3, 2019 by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2018-0861** be **APPROVED**.

**Figure A:**



Source: Planning & Development Dept, 12/28/18

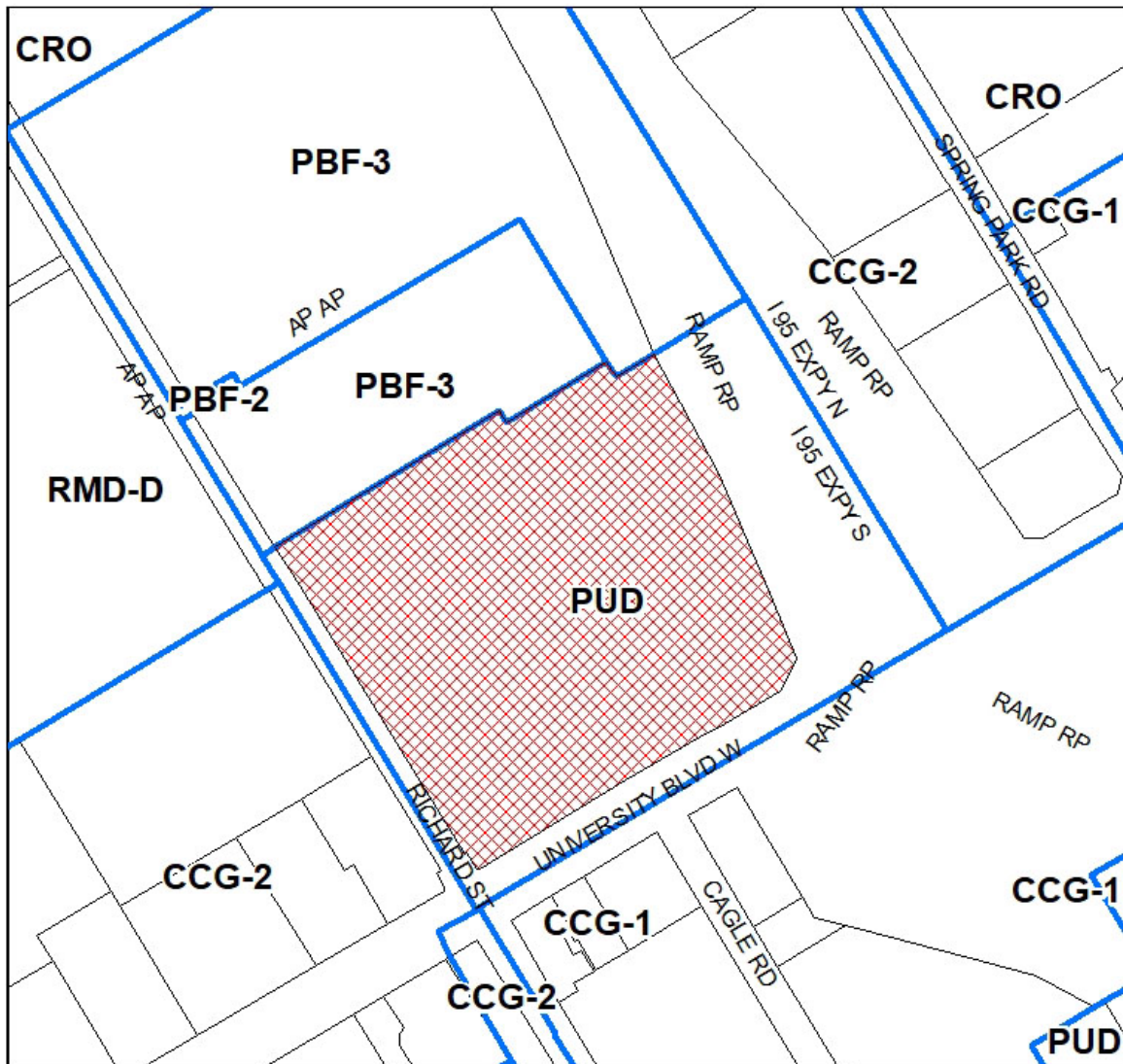
Aerial view of the subject site and parcel, facing north.

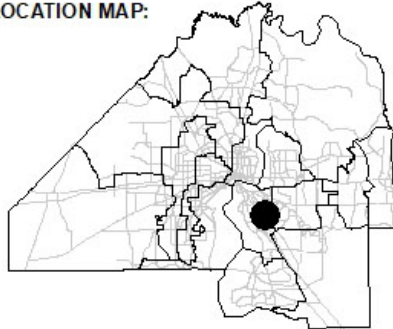
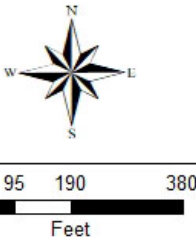
**Figure B:**



Source: Planning & Development Dept, 1/3/19

View of Richard Street and the subject parcel, facing northeast.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>5</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2018-0861</p>	<p>TRACKING NUMBER</p> <p>T-2018-2055</p>	<p>PAGE 1 OF 1</p>