

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2019-0164**

**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 **2019-0164**.

***Location:*** 3911 University Boulevard West (SR 109)  
Between Powers Avenue and St. Augustine  
Road

***Real Estate Number(s):*** 152867-0500

***Current Zoning District(s):*** Industrial Light (IL)

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

***Current Land Use Category:*** Light Industrial (LI)

***Planning District:*** Southeast, District 3

***Applicant/Owner:*** John Phelan  
Fare University, LLC  
9310 Old Kings Road South, Suite 1101  
Jacksonville, Florida. 32257

***Agent:*** Robert White, P.E.  
Taylor and White, Inc.  
9556 Historic Kings Road South, Suite 102  
Jacksonville, Florida. 32256

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2019-0164** seeks to rezone 1.09 acres of land from Industrial Light (IL) to Commercial Community / General-1 (CCG-1). The Site is currently split zoned Industrial Light (IL) and Commercial Community / General-1 (CCG-1) with the front two thirds of the property closest to University boulevard West (SR 109) being zoning Commercial Community / General-1 (CCG-1). The application is being sought to bring the entire parcel of land under the same zoning district. There is no companion Land Use Amendment with the application

as Commercial Community / General-1 (CCG-1) is allowed as a secondary zoning district under the Light Industrial Land Use.

**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. The property has a split land use of CGC and LI. LI allows CCG-1 as a secondary Zoning District. The site is located in an Industrial Situational Compatibility Zone and pursuant to Section 656.399 of the City of Jacksonville Zoning Code, must exceed the buffers required under Part 12 of the Zoning Code.

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

Yes. According to the Future Land Use Element (FLUE), LI is a category which provides for the location of industrial uses which have fewer objectionable impact than Heavy Industrial on residential areas such as noise, odor, toxic chemical and wastes. Site access to roads classified as collector or higher are preferred, and the subject site will have direct access from a minor arterial roadway.

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

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| <p><b>Policy 3.2.7</b><br/>The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.</p> |
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The area along University Boulevard is commercial in character, and the proposed rezoning is seeking to extend this are further into an existing parcel along University Boulevard. The subject site is served by the available public services,

and will remain consistent with the commercial market demands. The proposed rezoning is consistent to **Policy 3.2.7**.

**Policy 3.2.19**  
 The City shall prohibit expansion or new development of non-industrially designated land uses in industrially designated areas unless the use is determined to be an accessory and complementary use to the industrial area, unless otherwise provided for herein. Amend the Land Development Regulations to include standards and/or criteria for location and intensity of these types of non-industrial uses.

The proposed rezoning to CCG-1 is allowed under the LI Land Use Category as a secondary district. By keeping the Land Use industrial on the rear of the property it will allow the subject property to remain consistent with **Policy 3.2.19** by not allowing for the change of the Industrial Land Use to a Commercial Category.

**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. The subject property meets the requirements of the CCG-1 Zoning District as set forth in Section 656.313 of the Zoning Code.

**SURROUNDING LAND USE AND ZONING**

The surrounding uses, land use category and zoning are as follows:

| <b>Adjacent Property</b> | <b>Land Use Category</b> | <b>Zoning District</b> | <b>Current Use</b>                      |
|--------------------------|--------------------------|------------------------|---|
| <b>North</b>             | LI                       | IL                     | Open Storage                            |
| <b>South</b>             | CGC                      | CCG-1                  | Restaurant Fast Food                    |
| <b>East</b>              | LI / CGC                 | IL / CCG-1             | Office                                  |
| <b>West</b>              | LI / CGC                 | IL / CCG-1             | Retail Store / Warehouse / Distribution |

The proposed rezoning is located on University boulevard West (SR 109), a 4-lane undivided minor arterial highway developed with exclusively commercial properties. The area behind the commercial properties on the northern side of University Boulevard West does have Industrial Characteristics, however the properties located behind the subject property are mainly used for Storage and Warehouse uses.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on March 20, 2019 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 **2019-0164** be **APPROVED**.



Aerial

Source: JaxGIS  
Date: March 19, 2019





View of the subject property.

Source: Planning and Development Department  
Date: March 21, 2019



View of the neighboring property to the southeast across University Boulevard.

Source: Planning and Development Department  
Date: March 21, 2019



View of the neighboring property to the east of the subject property.

*Source: Planning and Development Department*

*Date: March 21, 2019*

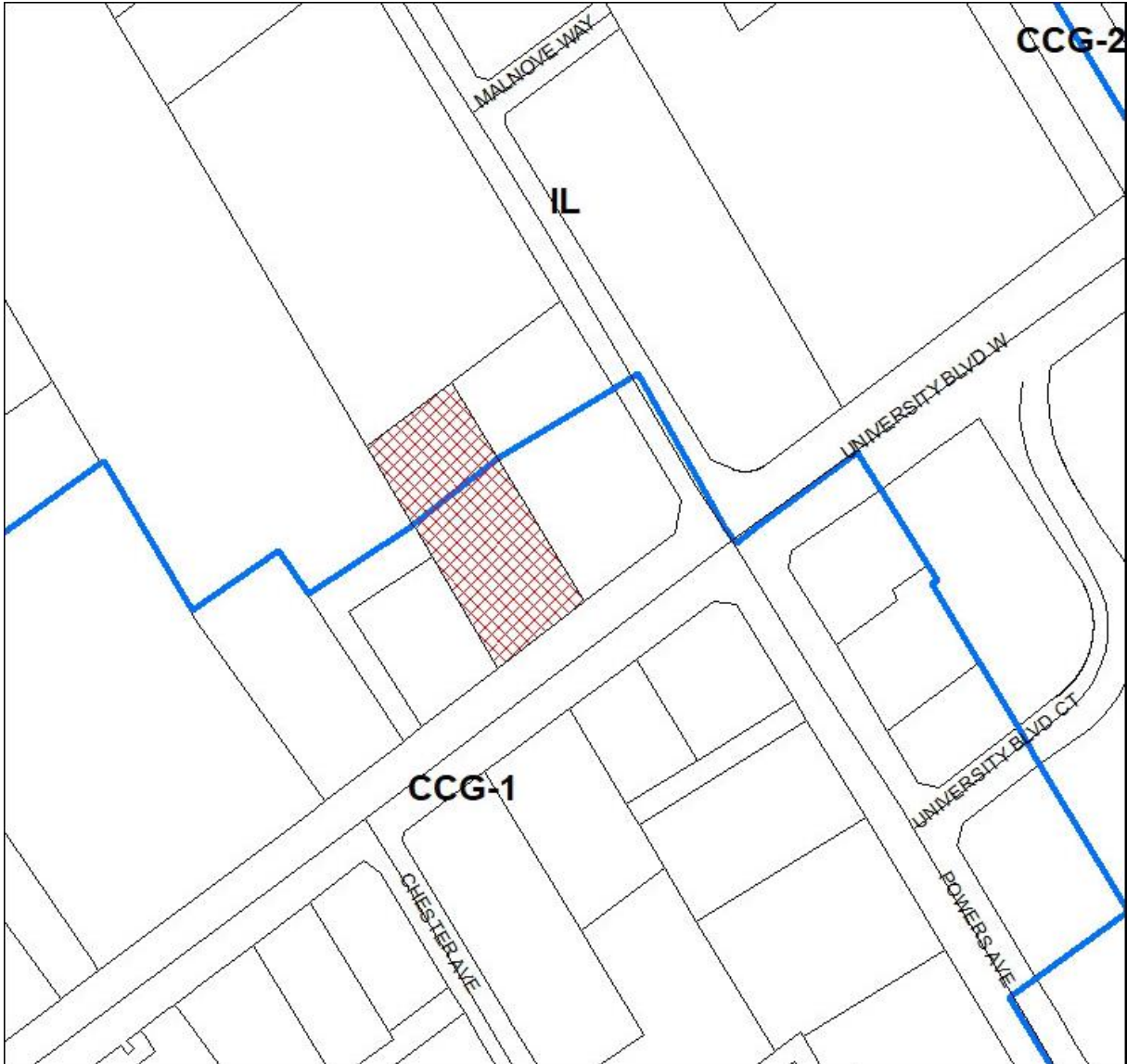


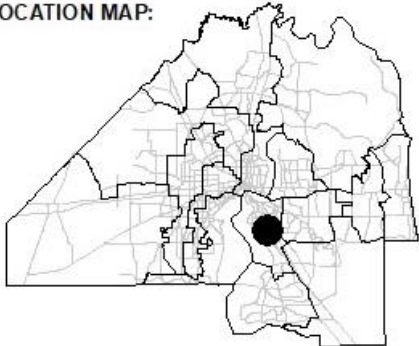

View of the neighboring property to the west of the subject property.

*Source: Planning and Development Department*

*Date: March 21, 2019*





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| <p><b>REQUEST SOUGHT:</b></p> <p><b>FROM: IL</b></p> <p><b>TO: CCG-1</b></p> | <p><b>LOCATION MAP:</b></p>  |  <p>0 70 140 280<br/>Feet</p> <p><b>COUNCIL DISTRICT:</b></p> <p><b>5</b></p> |
| <p><b>ORDINANCE NUMBER</b></p> <p><b>ORD-2019-0164</b></p>                   | <p><b>TRACKING NUMBER</b></p> <p><b>T-2019-2209</b></p>  | <p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>  |

Legal Map

Source: JaxGIS  
Date: March 19, 2019