

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FO**APPLICATION FOR REZONING ORDINANCE 2019-0199****APRIL 18, 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 **2019-0199**.

Location: 0 Philips Highway (SR 5)

Real Estate Number: 168060-0150

Current Zoning District: Industrial Business Park (IBP)

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

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

Planning District: District 3—Southeast

Applicant: Paul M. Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Ave. Suite 901
Jacksonville, FL 32202

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

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0199** seeks to rezone 116.66± acres of a property from Industrial Business Park (IBP) to Commercial Community/ General-1 (CCG-1). The property is located in the Community/ General Commercial (CGC) land use category within the Suburban Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request is being sought in order develop the property with commercial uses.

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 is a category intended to provide for a wide variety of retail goods and services. In the Suburban Development Area, CGC is intended to provide development in a nodal development pattern. Principal uses include, but are not limited to, commercial retail sales and service establishments including auto sales, restaurants, hotels and motels, and offices. Subject property is located along the west side of the State Route 9B and E Town Parkway interchange. 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 1.1.22

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.

The proposed rezoning of CCG-1 will be compatible with the future development of the area and surrounding area and therefore will be in compliance with Policy 1.1.22.

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. 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 State Route 9B and E Town Parkway interchange and if approved the proposed rezoning from IBP to CCG-1 would allow for the development of commercial uses. 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 allow vacant undeveloped pieces of property to be utilized for future commercial uses not out of character for the developing area and therefore will be in compliance with Objective 3.2.

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 IBP to CCG-1 in order to allow for the development of commercial uses.

SURROUNDING LAND USE AND ZONING

The subject site is located on the West side of State Route 9B, a principal arterial road and is located in the suburban development area. It is also located within Planning District 3 and Council District 11. 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 | CGC | CCG-1 | Timber |
| East | CGC | PUD | E Town Development |
| South | LDR | RR-Acre | Timber |
| West | PBF | PUD | JEA |

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 April 02, 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 **2019-0199** be **APPROVED**.



Aerial View

Source: JaxGIS Map



Subject Site

Source: Planning & Development Department 04/02/2019



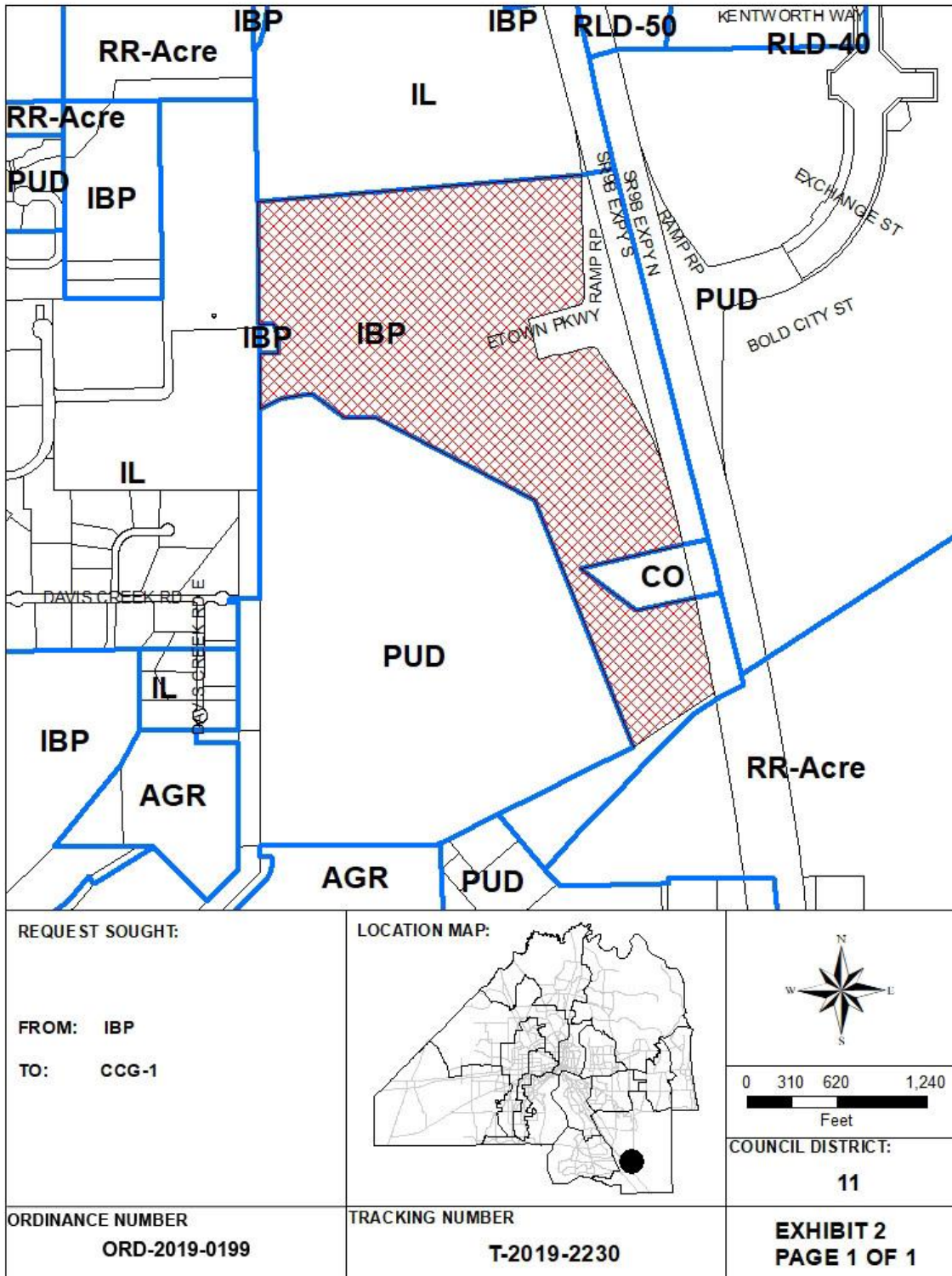
View of Property to the West

Source: GoogleMaps



View of Property to the East

Source: GoogleMaps



Legal Map
 Source: JaxGIS Map