

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-0791

NOVEMBER 26, 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 **2019-0791**.

Location: 15480 Max Leggett Parkway; at the intersection of Max Leggett Parkway and Owens Road

Real Estate Number: 106245 0010

Current Zoning District: Public Buildings and Facilities-2 (PBF-2)

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: 6 – North

Applicant: Lara Hipps
Hipps Group Inc.
1650 Margaret Street #323
Jacksonville, Florida 32204

Owner: Steven W Sell
First Coast Health Ventures LLC
2380 Sadler Road Suite 201
Fernandina Beach, FL 32034

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0791** seeks to rezone approximately 1.66± acres of land from Public Buildings and Facilities-2 (PBF-2) to the Commercial Community/General-1 (CCG-1) Zoning District. 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. This request is being sought in order to allow the property to be developed as a fast-food restaurant. The property is currently undeveloped.

There is a companion Small Scale Land Use Amendment application for the property (L-5399-19C; Ord. 2019-0790) to change the underlying future land use of the land from the current Light Industrial (LI) designations to Community/General Commercial (CGC.) If approved the property will be 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. Approximately 8.09± acres of the property will remain zoned as PBF-2 with an underlying land use of LI.

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 with the approval of companion Small Scale Land Use Amendment L-5399-19C (**Ordinance 2019-0790**), the subject property will 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. Staff also notes approximately 8.09± acres of the subject property will remain within the Light Industrial (LI) functional land use category.

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. The land use for 1.66 acres of land is being changed from LI to CGC, which allows for commercial uses.

To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, policies or text of the 2030 Comprehensive Plan:

Future Land Use Element (FLUE):

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.

The applicant has submitted a JEA availability letter showing the water and sewage connection points available for this site. The applicant will be required to connect to centralized services.

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.

This rezoning would help to achieve a well-balanced combination of land uses by allowing for a commercial use in a location surrounded by residential and industrial uses.

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

No. The proposed change in Zoning District is consistent with the Community/General Commercial (CGC) future land use category as defined in the Future Land Use Element of the 2030 Comprehensive Plan. If approved as recommended by the Planning and Development Department, the subject property will be rezoned from PBF-2 to CCG-1 in order to permit a fast-food restaurant.

SURROUNDING LAND USE AND ZONING

The subject property has access via Max Leggett Parkway and Owens Road. Surrounding properties in the area range from industrial uses to residential properties. Nearby properties include a hospital and commercial shopping plazas. Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LI/CGC	IL/PUD 2015-0562	Vacant/ Multi-family development
East	CGC	PUD 2013-0473	Vacant/ Hospital
South	LI	IL	Manufacturing
West	LI	IL/PUD 2009-0253	Vacant

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 20, 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 **2019-0791** be **APPROVED**.



Aerial view of the subject site facing north



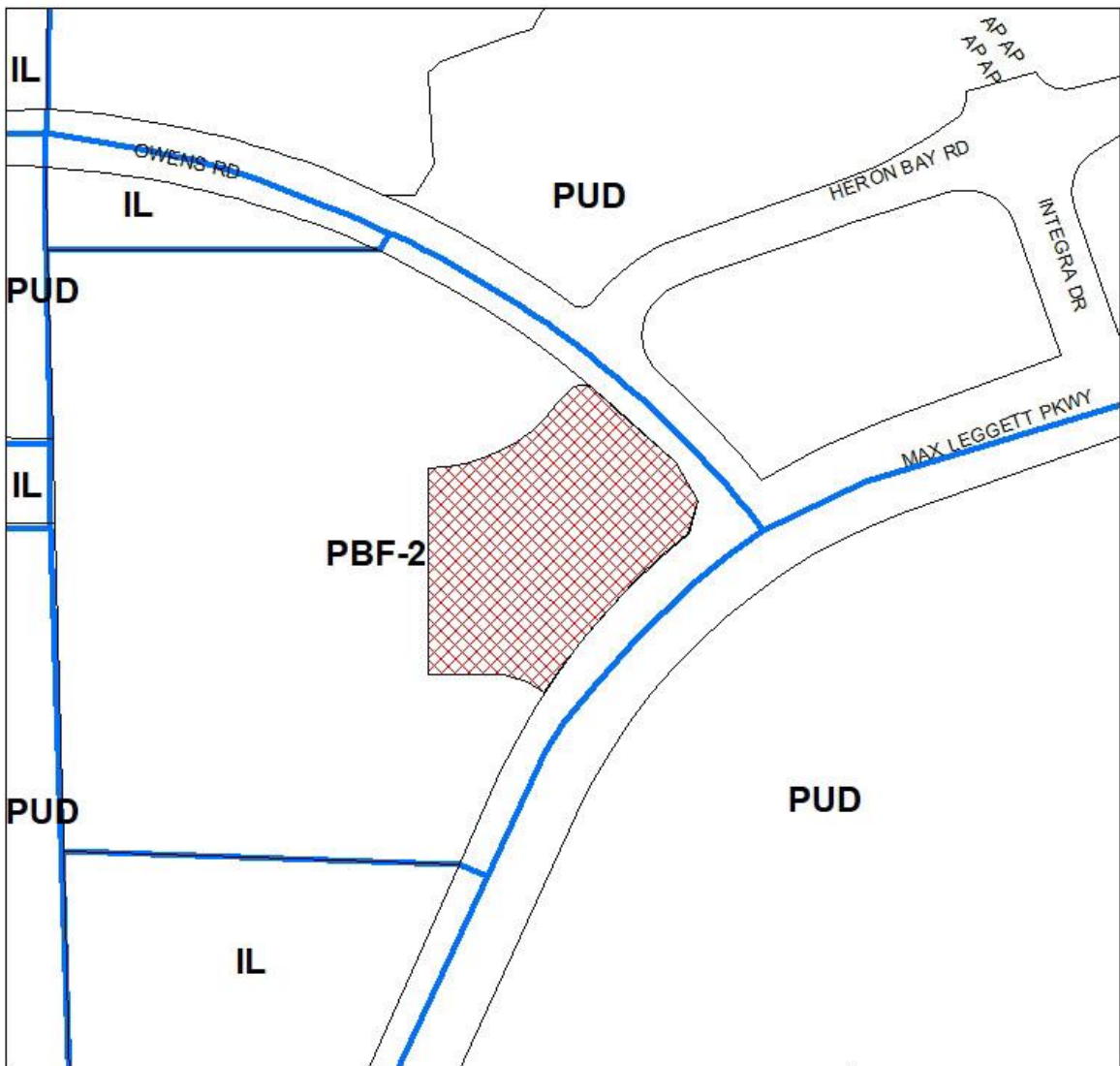
Source: Planning & Development Dept, 11/20/2019

The subject site from Owens Road.



Source: Planning & Development Dept, 11/20/2019

Adjacent property north of subject property: multi-family housing.



<p>REQUEST SOUGHT:</p> <p>FROM: PBF-2</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p>	<p>COUNCIL DISTRICT:</p> <p>7</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0791</p>	<p>TRACKING NUMBER</p> <p>T-2019-2519</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>