

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR****APPLICATION FOR REZONING ORDINANCE 2019-0839****JANUARY 9, 2020**

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 **2019-0839**.

***Location:*** 11971 Pulaski Road, 0 & 1151 Miller Circle North

***Real Estate Number:*** 109523-0000, 109521-0000, 109524-0000

***Current Zoning District:*** Residential Low Density-60 (RLD-160)

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

***Current Land Use Category:*** Low Density Residential (LDR)

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

***Planning District:*** District 6—North

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

***Owner:*** John Hunt  
KST Investment LLC  
15231 Landmark Circle South  
Jacksonville, FL 32226

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2019-0839** seeks to rezone 1.86± acres of a property from Residential Low Density-60 (RLD-160) to Commercial Community/General-1 (CCG-1). There is a companion Land Use Amendment application for the property (L-5410-19C) to change the underlying future land use of the property from the current Low Density Residential (LDR) designation to a designation of 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. The request is being sought in order to bring an existing plant nursery, Pulaski Plant Nursery, into compliance with the land use and zoning.

### **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 request is for a rezoning from RLD-60 to CCG-1 in order to bring an existing plant nursery into compliance with the land use and zoning. The 1.86± acre subject property is along the west side of Pulaski Road, a collector roadway and north of Miller Circle North, a local road. The property is located in Planning District 6, Council District 7 and within the Suburban Development Area. The site currently has a Low Density Residential (LDR) land use designation. According to the Future Land Use Element (FLUE), LDR in the Suburban Area is intended to provide for low density residential development. As a companion to the rezoning, the applicant is proposing a land use change for the subject site from LDR to Community/General Commercial (CGC) with Ordinance 2019-838.

Future land use amendment requests for new Community/ General Commercial (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. Commercial retail sales and service, filling stations, and business and professional offices are primary uses within CGC.

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

Yes, the proposed rezoning furthers the following goals, objectives, and policies of the 2030 Comprehensive Plan's Future Land Use Element:

## **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 maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

*Per an attached JEA service availability letter dated April 8, 2019, there is a 12-inch water main within the Pulaski Road right-of-way adjacent to the proposed amendment site. In addition there is an 8-inch gravity sewer main within the Pulaski Road right-of-way, adjacent to the property. Any new commercial development of the property would be required to utilize these connections, and therefore the proposed rezoning is consistent with the above policy 1.2.9.*

### **Policy 3.2.7**

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.

*The proposed rezoning of CCG-1 will create a zoning district that will permit the use of planet nursery, which has been operating within the area for several years, and create a zoning district that transitions from the more intense zoning district of CCG-2 to the East and the RLD-60 zoning district to the north and west. The proposed use will be in compliance with Objective 1.1.*

### **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.

*The subject property has operated as a plant nursery for several years and is requesting to simply bring the use of the property into compliance with the correct zoning district. This area along Pulaski Road is a mix zoning between RLD-60, RMD-A and CCG-2 so this rezoning will not create a property out of character for the general area and will allow a property being underutilized to continue existing and operating as a plant nursery.*

## **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low and high sensitivity for the presence of archaeological resources. Projects that move forward through the Site Review process may be required to

perform a Professional Archaeological Reconnaissance Survey on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

**Policy 1.2.6**

The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

**Airport Environment Zone**

The site is located within the 300 foot Height and Hazard Zone for the Jacksonville International Airport. Zoning will limit development to a maximum height of less than 300 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

**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 RLD-60 to CCG-1 in order to bring an existing plant nursery into compliance with the land use and zoning.

**SURROUNDING LAND USE AND ZONING**

The 1.86 acre subject site is located along the west side of Pulaski Road, a collector roadway and north of Miller Circle North, a local road. According to the Future Land Use Element (FLUE), CGC in the Suburban Development Area is primarily intended to provide development in a nodal development pattern. Future land use amendment requests for new Community/ General Commercial (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. Commercial retail sales and service, filling stations, and business and professional offices are primary uses within CGC. The adjacent land use categories 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	LDR	RLD-60	Single Family Dwellings
East	CGC	CCG-2	Vacant
South	LDR	RLD-60	Single Family Dwellings
West	LDR	RLD-60	Single Family Dwellings

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 9, 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 **2019-0839** be **APPROVED**.



Aerial View

Source: JaxGIS Map



**View of Subject Property**

**Source: Planning & Development Department 12/09/2019**



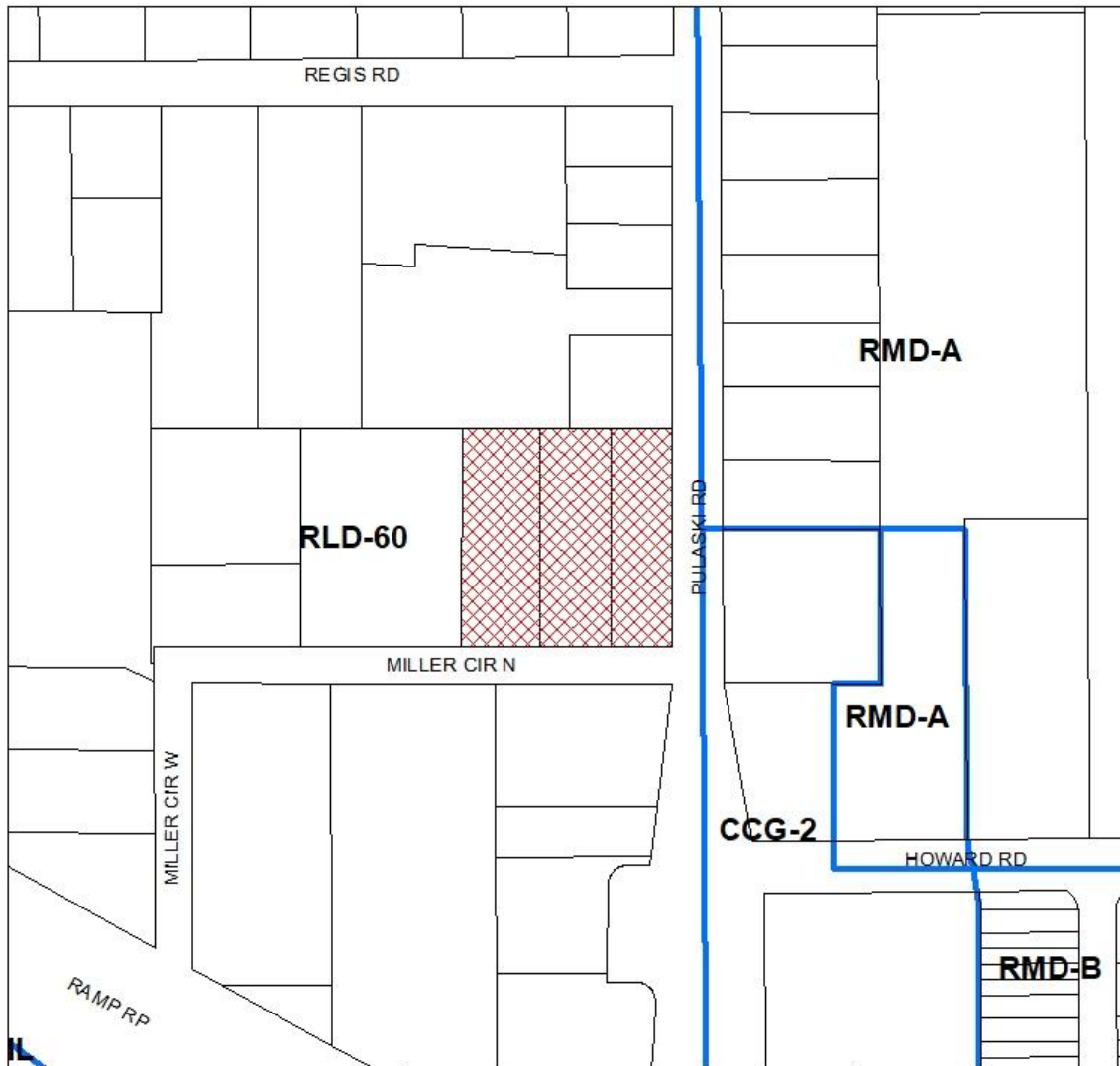
**View of Property along Miller Circle N**

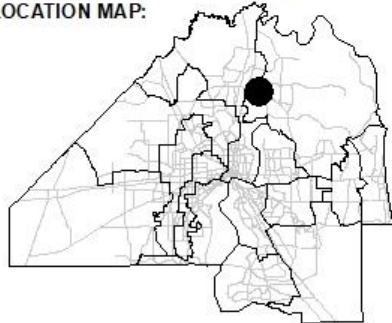
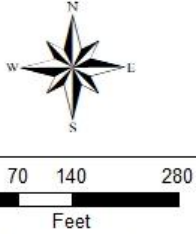
**Source: Planning & Development Department 12/09/2019**



**View of Properties to the West**

**Source: Planning & Development Department 12/09/2019**



<p><b>REQUEST SOUGHT:</b></p> <p><b>FROM: RLD-60</b></p> <p><b>TO: CCG-1</b></p>	<p><b>LOCATION MAP:</b></p>  <p><b>TRACKING NUMBER</b> T-2019-2590</p>	 <p><b>COUNCIL DISTRICT:</b> 7</p> <p><b>EXHIBIT 2</b> <b>PAGE 1 OF 1</b></p>
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**Legal Map**  
 Source: JaxGIS Map