

# City of Jacksonville, Florida

*Lenny Curry, Mayor*

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August 19, 2021

The Honorable Samuel Newby, President  
The Honorable Rory Diamond, LUZ Chair  
And Members of the City Council  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report / Ordinance No. 2021-429/Application No. L-5574-21C**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairman Diamond and Honorable Members of the City Council:

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2021-429 on August 19, 2021.

P&DD Recommendation	APPROVE
PC Issues:	None
<b>PC Vote:</b>	<b>5-0 APPROVE</b>

Joshua Garrison, Chair	Aye
Dawn Motes, Vice-Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Ian Brown	Aye
Alexander Moldovan	Absent
Jason Porter	Aye

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If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

*Kristen D. Reed*

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**Report of the Jacksonville Planning and Development Department**

**Small-Scale Future Land Use Map Amendment – August 13, 2021**

**Ordinance/Application No.:** 2021-429 / L-5574-21C  
**Property Location:** 6300 Blanding Boulevard  
**Real Estate Number(s):** 097854 0010, a portion of  
**Property Acreage:** 2.90 acres  
**Planning District:** District 4, Southwest  
**City Council District:** District 9  
**Applicant:** Patrick Krechowski  
**Current Land Use:** Low Density Residential (LDR)  
**Proposed Land Use:** Community/General Commercial (CGC)  
**Development Area:** Suburban  
**Current Zoning:** Residential Rural- Acre (RR-Acre)  
Residential Low Density-60 (RLD-60)  
Residential Medium Density-A (RMD-A)  
Commercial Office (CO)  
Commercial Community General-2 (CCG-2)  
**Proposed Zoning:** Planned Unit Development (PUD), 13.69 acres

***RECOMMENDATION: APPROVAL***

**APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT**

Redevelopment of former drive-in movie theater (abandoned/vacant) to automobile dealership with vehicle staging and body shop.

**BACKGROUND**

The 2.90 acre subject site is part of a larger 13.69 acre property located with frontage along the west side of Blanding Boulevard, a major arterial roadway, and along the north side of 118<sup>th</sup> Street, a collector roadway. The subject amendment site with the larger parcel was previously the home of a drive-in movie theater. The land use application requests a change of the amendment site to Community/General Commercial (CGC) in order to allow for the proposed use of the property for an auto

dealership. A companion rezoning is pending concurrently with this application to change the zoning district from RR-Acre, RLD-60, RMD-A, CO and CCG-2 to PUD pursuant to Ordinance 2021-430.

The property is located in Council District 9, the Southwest Planning District, and within the boundaries of the Southwest Vision Plan. The property is also located in the Suburban Development Area as identified in the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

The adjacent land use categories, zoning districts and property uses are as follows:

North: Land Use: LDR and CGC

Zoning: PUD

Property Use: Undeveloped timberland (entitled for multi-family residential)

South: Land Use: LDR and MDR

Zoning: RLD-60 and RMD-A

Property Use: Part of the companion PUD rezoning (Ordinance 2021-430) that is a vacant drive-in theatre; single-family residential and undeveloped residential land

East: Land Use: CGC

Zoning: CCG-2 and CO

Property Use: Part of the companion PUD rezoning (Ordinance 2021-430) that is a vacant drive-in theatre; commercial uses fronting Blanding Boulevard

West: Land Use: LDR

Zoning: RR-Acre and RLD-60

Property Use: Vacant and undeveloped residential land

## **IMPACT ASSESSMENT**

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site's existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy 1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials as shown in this section.

Where there is not an associated site specific policy or note on the Annotated FLUM, the impact assessment incorporates supplemental information for non-residential land use categories that permit residential uses in order to assess the potential impacts. Supplemental information related to these impacts are depicted as scenario 2 in the

Impact Assessment Baseline Review Table and, as relevant, in the analysis following the table.

**Impact Assessment Baseline Review**

<b>Development Analysis of 2.90 acres/ 126,324 square feet</b>		
Development Boundary	Suburban Development Area	
Roadway Frontage Classification / State Road	No frontage but a portion of a larger parcel that fronts Blanding Boulevard– Minor Arterial Roadway and 118 <sup>th</sup> Street – Collector Roadway	
Plans and/or Studies	Southwest Vision Plan	
Site Utilization	Current: Vacant Drive-In Movie Theater	Proposed: Auto Dealership
Land Use / Zoning	Current: LDR / RR-Acre and RLD-60	Proposed: CGC / PUD
Development Standards for Impact Assessment	Current:  5 units/acre	Proposed: Scenario 1: 0.35 FAR  Scenario 2: 20% non-residential at 0.35 FAR and 80% residential (at 15 units/acre in Suburban Area)
Development Potential	Current:  14 dwelling units	Proposed: Scenario 1: 44,213.4 square feet of CGC space  Scenario 2: 8,842.68 square feet of CGC space and 34 dwelling units
Net Increase or Decrease in Maximum Density	Scenario 1: Decrease of 14 dwelling units Scenario 2: Increase of 20 dwelling units	
Net Increase or Decrease in Potential Floor Area	Scenario 1: Increase of 44,213.4 sq. ft. Scenario 2: Increase of 8,842.68 sq. ft.	
Population Potential	Current: 37 people	Proposed: Scenario 1: Not applicable

<b>Development Analysis of 2.90 acres/ 126,324 square feet</b>	
	Scenario 2: 79 people
<b>Special Designation Areas</b>	
Aquatic Preserve	No
Septic Tank Failure Area	No
Airport Environment Zone	300-foot Height Restriction Zone for Naval Air Station Jacksonville
Industrial Preservation Area	No
Cultural Resources	No
Archaeological Sensitivity	High, Medium and Low Sensitivity
Historic District	No
Coastal High Hazard/Adaptation Action Area	No
Groundwater Aquifer Recharge Area	Discharge Area
Wellhead Protection Zone	No
Boat Facility Siting Zone	No
Brownfield	No
<b>Public Facilities</b>	
Potential Roadway Impact	Scenario 1: 1,787 net new daily trips Scenario 2: 501 net new daily trips
Potential Public School Impact	Increase of 10 new students
Water Provider	JEA
Potential Water Impact	Scenario 1: Decrease of 1,513.3 gallons/day Scenario 2: Increase of 4,708.1 gallons/day
Sewer Provider	JEA
Potential Sewer Impact	Scenario 1: Decrease of 1,135 gallons/day Scenario 2: Increase of 3,531.1 gallons/day
Potential Solid Waste Impact	Scenario 1: Increase of 34.3 tons/year Scenario 2: Increase of 66.1 tons per year
Drainage Basin/Sub-basin	Fishing Creek Sub-Basin, Ortega River Basin
Recreation and Parks	Jammes Road Park
Mass Transit Access	Bus Stop #2458 and #5089 on Route 5 off of Blanding Boulevard
<b>Natural Features</b>	
Elevations	21-36 feet above mean sea level
Land Cover	4340: Upland mixed coniferous/hardwood
Soils	(63) Sapelo fine sand, 0 to 2 percent slopes
Flood Zones	0.2 Percent Annual Chance Flood Hazard
Wetlands	6300: Wetland Forest Mixed
Wildlife (applicable to sites greater than 50 acres)	Not Applicable

## Utility Capacity

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been established by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure shall continue to be based on JEA's Water, Sewer and Reuse for New Development Projects document (latest edition).

According to the land use amendment application and the companion PUD rezoning application, the site will utilize JEA water and sewer services.

## 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.

## Transportation

The Planning and Development Department completed a transportation analysis, on file with the Planning and Development Department, and determined that the proposed amendment from LDR to CGC has the development potential under scenario 1 as 100 percent non-residential. The development potential under scenario 2 is calculated as 80 percent residential with 20 percent non-residential uses for the proposed CGC designation. If the land use is amended to CGC, development would result in 1,787 new net trips under scenario 1 or 501 new net trips under scenario 2. This analysis is based upon the comparison of what potentially could be built on that site versus the maximum development potential. Trips generated by the new development will be processed through the Concurrency and Mobility Management System Office.

## Transportation Element

**Policy 1.2.1** The City shall use the Institute of Transportation Engineers *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

## Capital Improvements Element

**Policy 1.6.1** Upon adoption of the Mobility Plan implementing ordinance, the City shall cease transportation concurrency and use a quantitative formula for purposes of assessing a landowner's mobility fee for transportation impacts generated from a proposed development, where the landowner's mobility fee shall equal the cost per vehicle miles traveled (A); multiplied by the average vehicle miles traveled per Development Area (B); multiplied by the daily trips (C); subtracted by any trip reduction adjustments assessed to the development.

### Supplemental Transportation Information

**Objective 2.4** of the Transportation Element (TE) of the 2030 Comprehensive Plan requires that the City shall coordinate the mobility circulation system with the future land uses shown on the Future Land Use Map series in order to ensure that roads, road improvements and other mobility alternative improvements are provided as necessary to support development in an economically efficient and environmentally sound manner.

**Policy 2.4.2** of the TE of the 2030 Comprehensive Plan requires that the City shall amend the adopted Comprehensive Plan to incorporate the data and analysis generated by a periodic regional transportation model and study and facilitate the implementation of the study recommendations.

These two Comprehensive Plan policies ensure that the transportation impact related to land use amendments are captured in the Long Range Transportation Plan (LRTP) that is conducted every 5 years. This analysis includes the cumulative effect of all land use amendments that were approved within this time period. This plan identifies the future transportation needs and is used to create cost feasible roadway needs that can be funded by the City's Mobility Strategy Plan.

Mobility needs vary throughout the city and to quantify these needs, the city was divided into 10 Mobility Zones. The Mobility Strategy Plan identifies specific transportation strategies and improvements to address traffic congestion and mobility needs for each mode of transportation. The project site is in Mobility Zone 7.

The subject site is accessible via Blanding Boulevard, a principal arterial facility, and 118<sup>th</sup> Street, a collector facility. The proposed development is generating significant daily trips and the Transportation Planning Division recommends ongoing coordinating efforts with the Traffic Engineer to ensure that a traffic operational analysis is provided to address the specific external impacts as a result of this land use amendment as well as access improvements.

### **School Capacity**

The Planning and Development Department determined that the proposed amendment from LDR to CGC has the development potential under scenario 1 as 100% non-residential and under scenario 2 as 80% residential. Under scenario 2, the proposed amendment could result in development of 34 dwelling units.

The proposed development was analyzed in accordance with the adopted level of service standards (LOS) for school capacity as established in the Interlocal Agreement (ILA) and the Public Schools and Facilities Element. The ILA was entered into in coordination with the Duval County Public School System (DCPS) and the other municipalities within Duval County.

School concurrency LOS is the methodology used to analyze and to determine whether there is adequate school capacity for each school type (elementary, middle, and high school) to accommodate a proposed development. The LOS (105% of permanent



capacity) is based on Concurrency Service Areas (CSAs), not the closest school in the area for elementary, middle and high schools, as well as on other standards set forth in the City of Jacksonville School Concurrency Ordinance.

In evaluating the proposed residential development for school concurrency, the following results were documented:

- Elementary School
  - Concurrency Service Area (CSA): 2
  - 2020/2021 enrollment: 5,804
  - Current utilization: 71%
  - New student development from amendment: 5
  - 5-year utilization: 76%
  - Available seats in CSA 2: 2,231
  - Available seats in adjacent CSA(s): 1 and 8 is 8,736
  
- Middle School
  - CSA 2
  - 2020/2021 enrollment: 2,812
  - Current utilization: 74%
  - New student development from amendment: 2
  - 5-year utilization: 82%
  - Available seats in CSA 2: 84
  - Available seats in adjacent CSA(s): 1 and 7 is 1,145
  
- High School
  - CSA 2
  - 2020/2021 enrollment: 3,201
  - Current utilization: 82%
  - New student development from amendment: 3
  - 5-year utilization: 91%
  - Available seats in CSA 2: 670
  - Available seats in adjacent CSA(s): 1 and 8 is 1,075

The analysis of the proposed residential development reveals no deficiency for school capacity within the CSA and adjacent CSAs. Potential school capacity impacts will be addressed through the Concurrency and Mobility Management System Office.

Public School Facilities Element

Policy 2.3.2 The City will coordinate with DCPS to establish plan review procedures to manage the timing of Future Land Use Map amendments and other land use decisions so that these decisions coordinate with adequate school capacity.

Policy 2.3.3 The City will take into consideration the DCPS comments and findings on the availability of adequate school capacity in the evaluation of

comprehensive plan amendments, and other land use decisions as provided in Section 163.3177(6)(a), F.S. and development of regional impacts as provided in 1380.06, F.S

### Supplemental School Information

The following additional information regarding the capacity of the assigned neighborhood schools is provided by the Duval County School Board. This information is not based on criteria utilized by the City of Jacksonville School Concurrency Ordinance. Note that the percentage occupied may not appear correct due to ESE space requirements.

- Cedar Hills Elementary #97
  - CSA 2
  - Amendment student generation: 5
  - School Capacity including permanent spaces and portables: 647
  - Current enrollment 20 day county for 2020/2021: 422
  - Percent Occupied: 65%
  - 4-year projection: 85%
  
- J.E.B. Stuart Middle School #207
  - CSA 2
  - Amendment student generation: 2
  - School Capacity including permanent spaces and portables: 1,029
  - Current enrollment 20 day county for 2020/2021: 733
  - Percent Occupied: 71%
  - 4-year projection: 59%
  
- Westside High School #241
  - CSA 8
  - Amendment student generation: 3
  - School Capacity including permanent spaces and portables: 1,786
  - Current enrollment 20 day county for 2020/2021: 1,550
  - Percent Occupied: 87%
  - 4-year projection: 93%

### **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of high, medium and low 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. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

### Historic Preservation Element

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 Naval Air Station Jacksonville. 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).

### Future Land Use Element

Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

### **Flood Zones**

Approximately 0.28 of an acre of the subject site are located within the 0.2 percent chance flood hazard flood zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The 0.2 PCT Annual Chance Flood Hazard is defined as areas within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

### Conservation /Coastal Management Element (CCME)

Policy 1.4.4 The City shall require all development within the 100-year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

Policy 2.7.1 The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

- Policy 2.7.3 The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:
- A. Land acquisition or conservation easement acquisition;
  - B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
  - C. Incentives, including tax benefits and transfer of development rights.

**Wetlands**

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city’s geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

- Approximate Size: 0.48 of an acre
- General Location(s): Wetlands are located along the western and southern boundary of the amendment site
- Quality/Functional The Category III wetlands have a medium functional value for water filtration attenuation and flood water capacity due to isolation, size and indirect impacts on the City’s waterways.
- Soil Types/  
Characteristics: Sapelo fine sand (63) – This soil series consists of nearly level, poorly drained soils. These soils formed in thick loamy and sandy sediments. They are in flatwoods. The soils are moderately slowly permeable. Generally, the high water table is at a depth of 6 to 18 inches. Slopes are linear and range from 0 to 2 percent. The Sapelo soils are sandy, siliceous, thematic Ultic Alaquods.
- Wetland Category: Category III
- Consistency of  
Permitted Uses: Category III Wetlands: All permitted uses. Must meet CCME Policies 4.1.3 and 4.1.6
- Environmental Resource  
Permit (ERP): Not provided by the applicant

**Wetlands Impact:** The PUD site plan shows this area of the site for a parking lot development

**Associated Impacts:** The 0.2 percent annual chance flood hazard are in same general areas with the wetlands.

**Relevant Policies:** CCME Policies 4.1.3 and 4.1.6 – see below

**Conservation/Coastal Management Element**

**Policy 4.1.3**

The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

- (a) **Encroachment**  
Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and
- (b) **No net loss**  
Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:
  - i the habitat of fish, wildlife and threatened or endangered species,
  - ii the abundance and diversity of fish, wildlife and threatened or endangered species,
  - iii the food sources of fish and wildlife including those which are threatened or endangered,
  - iv the water quality of the wetland, and
  - v the flood storage and flood conveyance capabilities of the wetland; and
- (c) **Floodplain protection**  
Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and
- (d) **Stormwater quality**  
In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:
  - i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv)

above provided the stormwater management system is constructed in accordance with the permit; and

- ii Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems
- (e) Septic tanks  
Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and
- (f) Hydrology  
The design of the fill shall include measures to maintain the wetlands hydrology of the site.

**Policy 4.1.6**

The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

- (1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

- (a) Silvicultural uses, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

- (b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture

Such activities are to be in compliance with Chapter 40C-44, F.A.C.

- (2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

## **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on August 3, 2021, the required notices of public hearing signs were posted. Sixteen (16) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen Information Meeting was held on August 2, 2021. There were no members of the public present.

## **CONSISTENCY EVALUATION**

### **Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies Future Land Use Element (FLUE)**

#### *Development Area*

*Suburban Area (SA):* The SA is the third tier Development Area and generally corresponds with the urbanizing portions of the City in areas that have usually been developed after consolidation. Development should generally continue at low densities with medium density development at major corridor intersections and transit stations. Development at these locations should promote a compact and interconnected land development form and is therefore encouraged to employ urban development characteristics as further described in each land use plan category.

- Policy 1.1.5      The amount of land designated for future development should provide for a balance of uses that:
- A. Fosters vibrant, viable communities and economic development opportunities;
  - B. Addresses outdated development patterns;
  - C. Provides sufficient land for future uses that allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and is not limited solely by the projected population.
- Policy 1.1.10      Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.
- Policy 1.1.12      Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

Policy 1.1.21 Future amendments to the Future Land Use Map series (FLUMs) shall include consideration of their potential to further the goal of meeting or exceeding the amount of land required to accommodate anticipated growth and the projected population of the area and to allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business consistent with FLUE Policy 1.1.5. The projected growth needs and population projections must be based on relevant and appropriate data which is collected pursuant to a professionally acceptable methodology. In considering the growth needs and the allocation of land, the City shall also evaluate land use need based on the characteristics and land development pattern of localized areas. Land use need identifiers include but may not be limited to, proximity to compatible uses, development scale, site limitations, and the likelihood of furthering growth management and mobility goals.

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.

Pending Property Rights Element (PRE) (Ordinance 2021-334)

Goal 1 The City will recognize and respect judicially acknowledged and constitutionally protected private property rights in accordance with the Community Planning Act established in Chapter 163, Florida Statutes.

Objective 1.1 Local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive.

Policy 1.1.1 The City will ensure that private property rights are considered in local decision making.

Policy 1.1.2 The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.



4. The right of a property owner to dispose of his or her property through sale or gift.

According to the Category Description of the FLUE, the Low Density Residential (LDR) land use category is a category intended to provide for low-density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted.

According to the Category Description of the Future Land Use Element (FLUE), CGC in the Suburban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is preferred to provide support for commercial and other uses.

The land use amendment site is a portion of a property that was used as a drive in movie theater. According to the companion PUD site plan, Ordinance 2021-430, the subject portion of the larger parcel will be developed as part of the parking area for the proposed auto sales development.

The Comprehensive Plan allows expansion of commercial use adjacent to residential uses in certain cases. The land west of the amendment site is currently undeveloped residential land. The land use amendment, which expands the CGC, would not affect the residential character to the west. The proposed use of this portion of the property as a parking area would create a gradual increase in intensity between land uses with the bulk of the auto dealership development closer to the Blanding Boulevard corridor. In addition, the land use change would not encourage through-traffic into the residential land uses. The companion PUD rezoning includes buffering and other mitigation measures to promote compatibility with the abutting LDR land use category. Therefore, it is consistent with FLUE Goal 3, Objective 3.2, and Policies 1.1.10, 1.1.12 and 3.2.4.

The proposed small scale amendment would have a negligible impact on the amount of CGC designated land throughout the City and characteristics of the surrounding area demonstrate the amendment would result in compatible uses and development scale. The proposed land use change would work towards unifying the land use of the larger parcel and development. The land use application sustains the viability of the proposed auto dealership development and is therefore consistent with FLUE Policies 1.1.5 and 1.1.21.

The proposed amendment does not hinder the private property rights of the owner of record; has no impact on the right of the property owner to possess or control his or her interest in the property; maintains the owner's ability to use, maintain, develop and improve the property; protects the owner's right to privacy and security; and maintains the ability of the property owner to dispose of the property at their discretion. Therefore,

the amendment is consistent with PRE Goal 1, Objective 1.1 and Policies 1.1.1 and 1.1.2.

### **Southwest Jacksonville Vision Plan**

The subject property is located within the boundaries of the *Southwest Vision Plan*. The subject site is located within the area of the plan called the Suburban Area, Intown Neighborhood Center. Theme 3, Policy states, "Promote increased development and redevelopment in centers and organize new growth within the district". The proposed amendment to CGC would result in the continued commercial use for the redeveloped larger property. The residential land use categories to the west include undeveloped land; the proposed commercial use would not encroach into existing residential neighborhoods. The proposed amendment provides consistency with the Southwest Vision Plan.

### **Strategic Regional Policy Plan**

The proposed amendment is consistent with the following Goal of the Strategic Regional Policy Plan:

Goal 2.3        An environment that is conducive to the creation and relocation of new businesses as well as the expansion of existing businesses in the northeast Florida region.

The proposed land use amendment promotes an environment that is conducive to the expansion of a new business thereby providing an opportunity to further local economic growth. Therefore, the proposed amendment is consistent with Goal 2.3 of the Strategic Regional Policy Plan, Economic Development Element.

**LAND USE AMENDMENT**  
**LOCATION/ FIELD / CURRENT LAND USE MAP**

