

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-806

JANUARY 7, 2016

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 **2015-806**.

Location: 5303 Cemetery Road between 103rd Street and Como Road

Real Estate Numbers: 014387-0000

Current Zoning District: Commercial Office (CO)

Proposed Zoning District: Commercial Community General-2 (CCG-2)

Current Land Use Category: Residential Professional Institutional (RPI)

Proposed Land Use Category: Community General Commercial (CGC)

Planning District: Southwest, 4

Planning Commissioner: Chris Hagan

City Council District: The Honorable Reginald L. Brown, District 10

Applicant/Agent: Robert Fleet
Fleet and Associates, Inc.
11557 Hidden Harbor Way
Jacksonville, Florida 32223

Owner: Jimmy Jaffa
Century 21 Car Wash 103rd Street, LLC
11150 San Jose Boulevard
Jacksonville, Florida 32223

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-806** seeks to rezone 0.77 acres of land from CO to CCG-2 to develop commercial uses similar to the commercial uses found along 103rd Street. The property contains one house. There is a companion future land use amendment 2015C-023 (Ord.

2015-805) to change the land use from Residential Professional Institutional (RPI) to Community General Commercial (CGC). The Department is recommending approval of the land use amendment 2015C-023.

The area along 103rd Street at this location can be characterized as a mix of commercial, office, multi-family dwellings and vacant land. The subject parcel is east of the intersection of I-295 and 103rd Street. There is a recently constructed RaceTrac filling station/convenience store adjacent to the parcel.

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 the subject property is located in the Residential Professional Institutional (RPI) functional land use category. According to the category description of the Future Land Use Element (FLUE), RPI is intended to accommodate medium to high density residential, office and institutional uses.

Companion future land use amendment 2015C-023 (Ord. 2015-805) proposes to change the land use category from the Residential Professional Institutional (RPI) to Community/General Commercial (CGC) land use category. The change would allow for outlets and establishments that offer a wide range of goods and services including general merchandise, apparel, food and related items. General commercial uses include business and professional offices, financial institutions, car washes, mobile home/motor home rental and sales, off-street parking lots and garages, and boat storage and sales, among other similar types of commercial developments.

The subject property is located in a developed area of the City and on a minor arterial roadway less than one half of a mile east of the I-295 access ramp. Development of the subject site as CGC is compatible with the character of the adjacent uses. The

Commercial Community General-2 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.

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

FLUE Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE 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.

FLUE Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

FLUE Policy 2.2.8 Encourage the redevelopment and revitalization of run-down and/or under-utilized commercial areas through a combination of regulatory techniques, incentives and land use planning. Adopt redevelopment and revitalization strategies and incentives for private reinvestment in under-utilized residential and/or commercial areas where adequate infrastructure to support redevelopment exists.

FLUE 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.

FLUE 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.

FLUE Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

FLUE Policy 3.2.2 The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning will not be in conflict with any portion of the City's land use regulations. The proposed rezoning will allow for the redevelopment of commercial properties along a commercial corridor.

SURROUNDING LAND USE AND ZONING

The subject property is located on 103rd Street with the surrounding uses, land use categories and zoning as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	RPI	CO	Single family dwelling
East	CGC	PUD (13-644)	Racetrac filling station/convenience store
South	CGC	CCG-2	Office building, automotive repair
West	RPI	CRO	Undeveloped
	CGC	CCG-2	Office building

The proposed rezoning to CCG-2 will be consistent and compatible with the surrounding uses, both commercial and residential, in the area.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on December 28, 2015, the required Notice of Public Hearing sign was posted:



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2015-806** be **APPROVED**.



Aerial view of the subject site facing north



The subject site ahead on the right facing north along Cemetery Road



The subject site facing northeast from Cemetery Road



The subject site facing southeast from Cemetery Road



