

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2016-0394**

**JULY 21, 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 2016-394**.

***Location:*** 9717 103<sup>rd</sup> Street  
Between Monroe Smith Road and Britton Lane

***Real Estate Number:*** A portion of 012997 0100

***Current Zoning District:*** Commercial Office (CO)

***Proposed Zoning District:*** Commercial Neighborhood (CN)

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

***Planning District:*** Southwest (4)

***Planning Commissioner:*** Chris Hagan

***City Council District:*** The Honorable Doyle Carter, District 12

***Applicant/Agent:*** Charles L. Mann  
Mann-Pelicer  
165 Arlington Road  
Jacksonville, Florida 32211

***Owner:*** Jimmy Wilder  
Westside Family Worship Center  
9717 103<sup>rd</sup> Street  
Jacksonville, Florida 32210

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

### **GENERAL INFORMATION**

Application for Rezoning Ordinance **2016-394** seeks to rezone 1.21 acres of land from CO to CN. The site is located at 9717 103<sup>rd</sup> Street between Monroe Smith Road and Britton Lane. The property is currently developed with the Westside Family Worship Center Church. The applicant intends to rezone the forward portion of the property to CN, while the remaining rear 7.18 acres of the parcel will remain RMD-B. The property is located within the West Jacksonville Neighborhood Association but is not within a neighborhood action plan (NAP) area. The property is within a 150 height limitation airport restriction zone, and is located in the Suburban Development Area of the City.

### **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 CGC Functional Land Use Category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The CGC Functional Land Use Category within the Suburban Development Area permits commercial retail sales and service establishments, restaurants, business and professional offices, off-street parking lots, filling and convenience stations, and mixed use residential and commercial development. Development on CGC properties within the Suburban Development Area shall be massed along the highest abutting classified road on the Functional Highway Classification Map.

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

Yes. The proposed amendment is consistent with the following policies of the respective elements of the 2030 Comprehensive Plan:

Future Land Use Element

**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 the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

**Policy 1.1.17** Require public and private infrastructure facilities to be located and designed in a manner that complements surrounding development.

**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.

Infrastructure Element, Sanitary Sewer Sub-Element

**Policy 1.1.7** The City shall incorporate incentives in its Land Development Regulations which encourage development, and redevelopment in areas where the public wastewater system has or will have adequate capacity. Developments which qualify for mixed use and/or regional economic development must also undergo land use amendments to expand the suburban boundaries to incorporate these areas.

The proposed rezoning to CN is permitted in the CGC land use category. The site is located in an area with access to full urban services, is in the Suburban Development Area and in an appropriate location for infill commercial development.

**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. The subject property meets the lot requirements of the CN Zoning District as set forth in Section 656.312 of the Zoning Code and will be developed in accordance with the Land Development Regulations through the 10 set review or small plans review and permitting process, if applicable. The applicant has stated in his application the purpose of the rezoning is to provide enhanced signage and to permit retail sales in connection with the permitted Church use. The CN Zoning District permits one street frontage sign not exceeding one square foot for each linear foot of street frontage, up to a maximum of 200 square feet. If the applicant meets the minimum required setback of 10 feet, a sign meeting these standards would not conflict with any portion of the City's land use regulations.

### SURROUNDING LAND USE AND ZONING

The surrounding land use categories, zoning and uses are as follows:

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use</u>
North	MDR	RMD-B	Undeveloped
South	CGC	CCG-2	Auto body shop
East	CGC	CO	Single-family home
West	CGC	CO	Fueling station and convenience mart

The property is located along a transitional use area of 103<sup>rd</sup> Street. Nearby are an amalgamation of institutional uses, apartment communities with access from 103<sup>rd</sup> Street, intense commercial retail sales and service, mobile home park, and single-family development. Commercial Neighborhood (CN) zoning at this location complements and supports adjacent and neighboring uses.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on June 28, 2016 the required Notice of Public Hearing signs **were** posted.



*Source: Planning and Development Department*

*Date: June 28, 2016*

### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2016-0394** be **APPROVED**.



**Subject property.**

*Source: Planning and Development Department  
Date: June 28, 2016*



**Single-family home (CO Zoning) to the east.**

*Source: Planning and Development Department  
Date: June 28, 2016*



**Body shop (CCG-2 Zoning) to the south.**

*Source: Planning and Development Department*

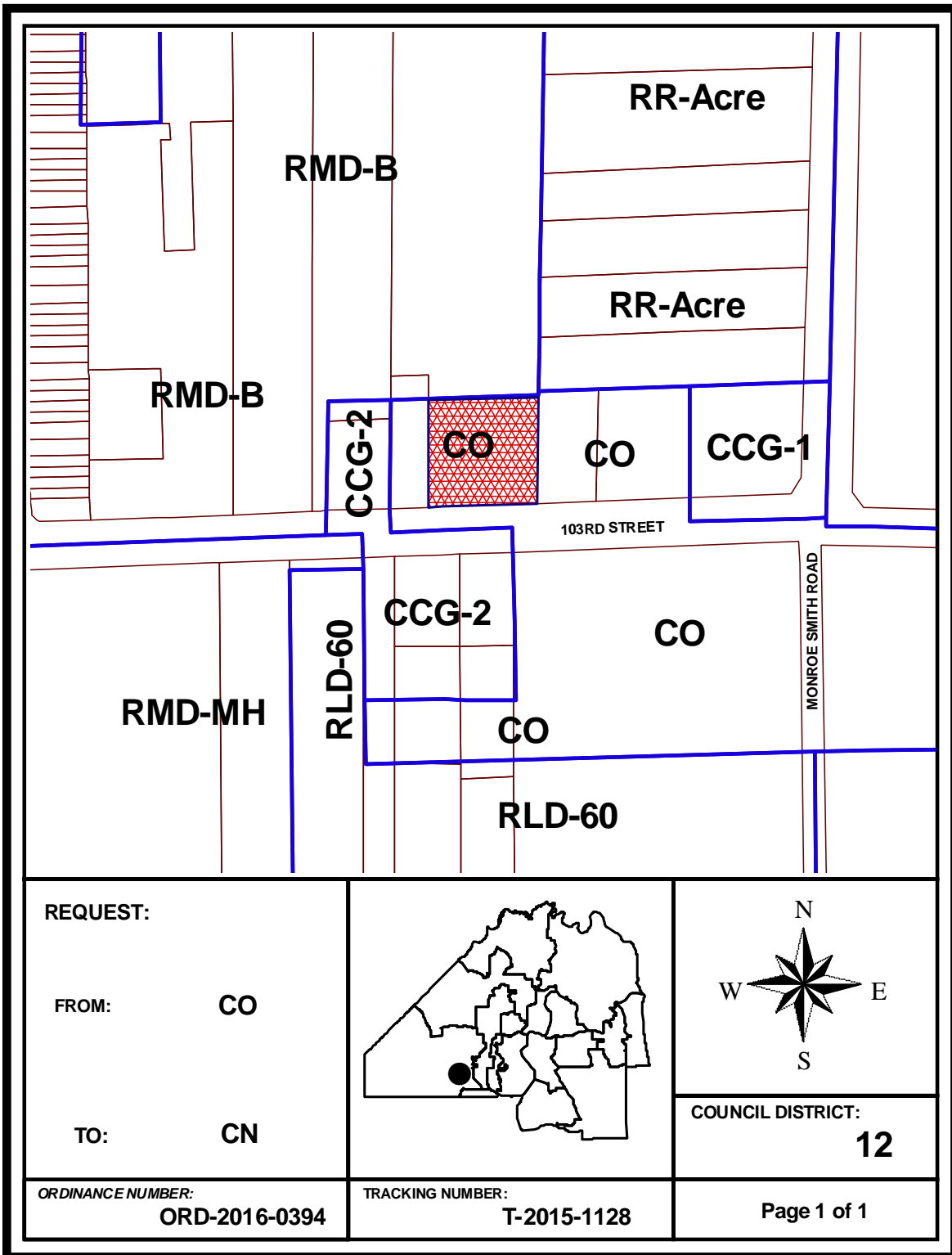
*Date: June 28, 2016*



**Two pump fueling station and convenience store to the west.**

*Source: Planning and Development Department*

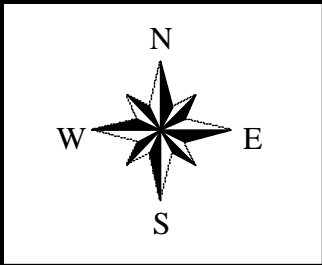
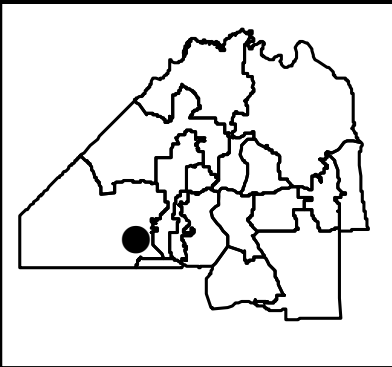
*Date: June 28, 2016*



**REQUEST:**

**FROM:** CO

**TO:** CN



**COUNCIL DISTRICT:**  
 12

**ORDINANCE NUMBER:**  
 ORD-2016-0394

**TRACKING NUMBER:**  
 T-2015-1128

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