

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-0039

FEBRUARY 21, 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 **2019-0039**.

Location: 8480 103rd Street (SR 134)

Real Estate Number: 013554 0000 and 013553 0010

Current Zoning District: Community Commercial General-1 (CCG-1)

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

Current Land Use Category: Community General Commercial (CGC)

Applicant/Agent: Zach Miller, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owners: Neena Kumar
8480 103rd Street
Jacksonville, Florida 32210

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2019-0039** seeks to rezone .9± acres of property from Community Commercial General-1 (CCG-1) to Community Commercial General-2 (CCG-2). The property is located in the Community General Commercial (CGC) land use category within the Suburban Development Area of the Future Land Use Element of the 2030 Comprehensive Plan. The request is being sought in order to allow for the development of the site with expanded commercial uses.

Currently, the property appears to be used as a car lot, although there are no buildings on site. The smaller parcel to the east that is also a subject of this rezoning application is currently vacant.

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 CCG-1 to CCG-2 to allow for development under uses in the CCG-2 zoning District. Currently the site has a CGC land use designation. According to the Future Land Use Element (FLUE), CGC in the Suburban Development Area is intended to provide for compact development in nodal and corridor development patterns while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as arterial or higher 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 rezoning furthers the following goals, objectives, and policies of the 2030 Comprehensive Plan:

Policy 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

The proposed rezoning will facilitate commercial development within an existing commercial corridor and is appropriate for commercial infill, and is therefore compatible with the above policy.

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 the attached JEA letter dated January 3, 2019, the site is currently served by centralized water and may connect to centralized wastewater collection systems via gravity flow. Development will be required to conform to the comprehensive plan, this rezoning is compatible with the above policy.

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.

The proposed rezoning will enhance the viability of an existing commercial area without negatively affecting the fabric and character of the City's neighborhoods, and is therefore compatible with the above goal.

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.

The proposed rezoning will enhance the viability of the existing commercial corridor in which it is located, and is therefore consistent with the above objective.

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.

The proposed rezoning will allow for the redevelopment of an existing commercial property and utilize vacant adjacent land, and is therefore consistent with the above policy.

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

No. The proposed rezoning will not be in conflict with any portion of the City's land use regulations.

SURROUNDING LAND USE AND ZONING

The subject property is located on the south side of 103rd Street, between Kinkaid Road and Shindler Drive. Between those two roads, the south side of 103rd Street has largely been developed with intense commercial uses including automobile lots and building trades contractors. The property across 103rd Street to the North is currently being built out with a multi-family townhome complex. While the subject site abuts CCG-1 zoning districts to the east and west, there is already existing CCG-2 zoning approximately 200 feet to the west and 180 feet to the east.

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	PUD	Townhome development
East	CGC	CCG-1	Vacant
South	MDR	RMD-B	Vacant
West	CGC	CCG-1	Building trades contractor

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 24, 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 **2019-0039** be **APPROVED**.



Aerial



Current state of east parcel



Existing car lot on west parcel



Townhome development, north across 103rd street

