

City of Jacksonville, Florida

Donna Deegan, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

August 17, 2023

The Honorable Ronald B. Salem, Pharm. D., President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2023-398**

Dear Honorable Council President Salem, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote:	5-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Absent
Daniel Blanchard	Aye
David Hacker	Aye
Morgan Roberts	Aye

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

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2023-0398

July 21, 2023

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 **2023-0398**

Location: 0 103rd Street
Between Ken Road and Kinkaid Road

Real Estate Number: 013792-0000

Current Zoning District: Commercial Community/General-2 (CCG-2)

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

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

Applicant/Agent: Lon Ogden
OECS, LLC
405 Periwinkle Place
Saint Johns, FL 32259

Owners: Richard Neighbors
CCS CAT, LLC
1107 Harpeth Ridge Drive
Franklin, TN 37069

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2023-0398** seeks to rezone .84 acres of property from Commercial Community/General- 2 (CCG-2) to Commercial Community/General-1 (CCG-1). The rezoning is being sought to bring the subject parcel and adjacent parcel to the west into a common Zoning District for a single development and to avoid interconnecting this development to the adjacent CCG-2 parcel to the east.

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 2045 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 2045 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the 2045 Comprehensive Plan?

Yes. The Planning and Development Department finds that the subject property is located in the Community / General Commercial (CGC). Principal uses within the CGC land use category include uses such as, commercial retail sales and service establishments, restaurants, hotels and motels, multi-family dwellings, and filling stations. The application is down-zoning .84 acres of from CCG-2 to CCG-1. The CCG-2 Zoning District is the most intensive commercial district. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2045 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 2045 Comprehensive Plan?

Yes. The proposed rezoning furthers the following goals, objectives, and policies of the 2045 Comprehensive Plan:

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 surrounding area along 103rd Street is comprised of a mix of old and new commercial and industrial areas. The proposed commercial district would be consistent with the surrounding types of uses and would be served by the 103rd Street.

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 allow for the development of a vacant piece of property to be built out with commercial uses which will help sustain the viability of the surrounding area as a mixture of both commercial and industrial uses.

Objective 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

When the parcels are developed, an uncomplementary buffer consisting of a six foot tall, 85% visual screen and a tree every 25 feet will be required where adjacent to a residential use.

Airport Environment Zone

The site is located within the 150 foot Height Zone for Herlong Recreational Airport. Zoning will limit development to a maximum height to 150 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height 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).

Aquifer Recharge

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protection. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

Septic Tank Failure Area

The property is located in an identified septic tank failure area. The City shall continue the effort to phase out septic tanks in defined failure areas in order to comply with Chapter 751, Jacksonville Ordinance Code. See policies of the Infrastructure Element below:

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 along 103rd Street which is comprised of a mix of commercial, office, and residential uses. The Surrounding Land Use and Zoning Categories are as followed:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	PUD 2005-0696	Residential Townhomes
East	CGC	CCG-2	Convenience Store
South	MDR	RMD-B	Single-family dwellings
West	CGC	CCG-1	Vacant Commercial

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on June 27, 2023 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 **2023-0398** be **APPROVED**.



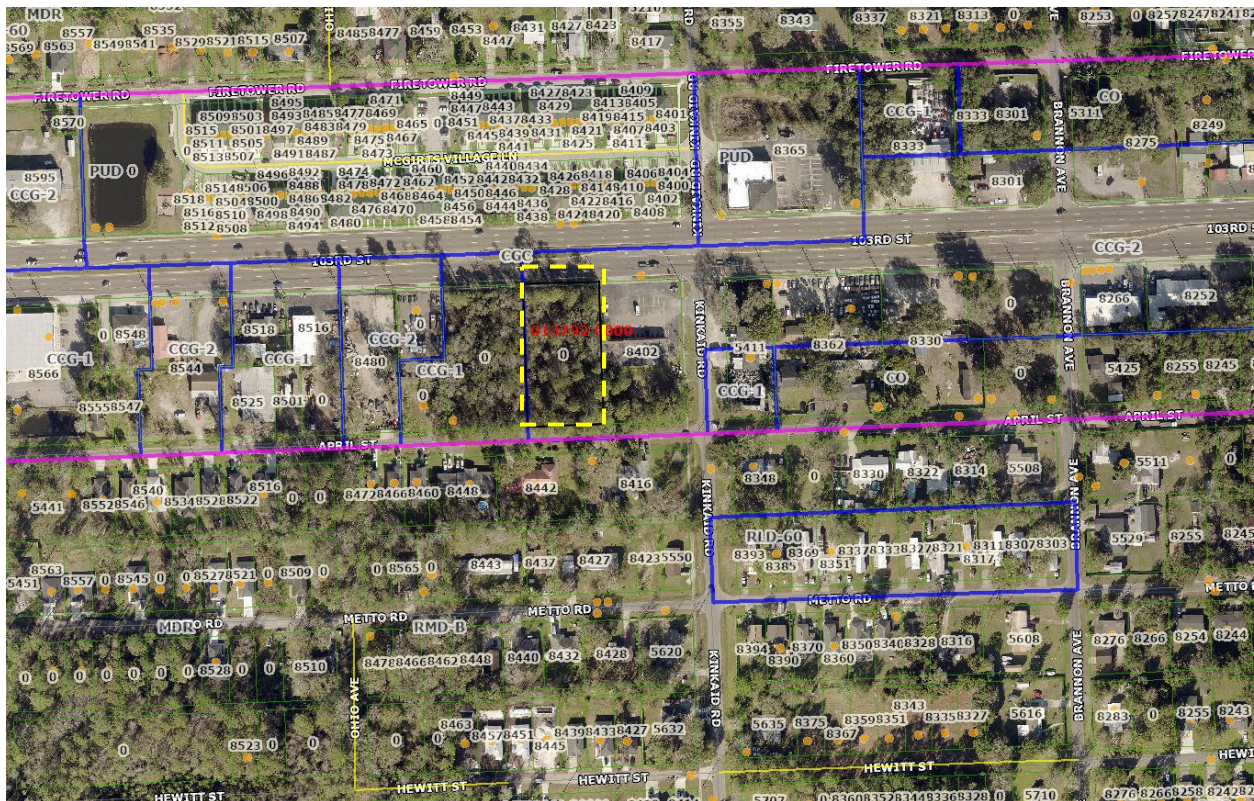
Subject property from 103rd Street



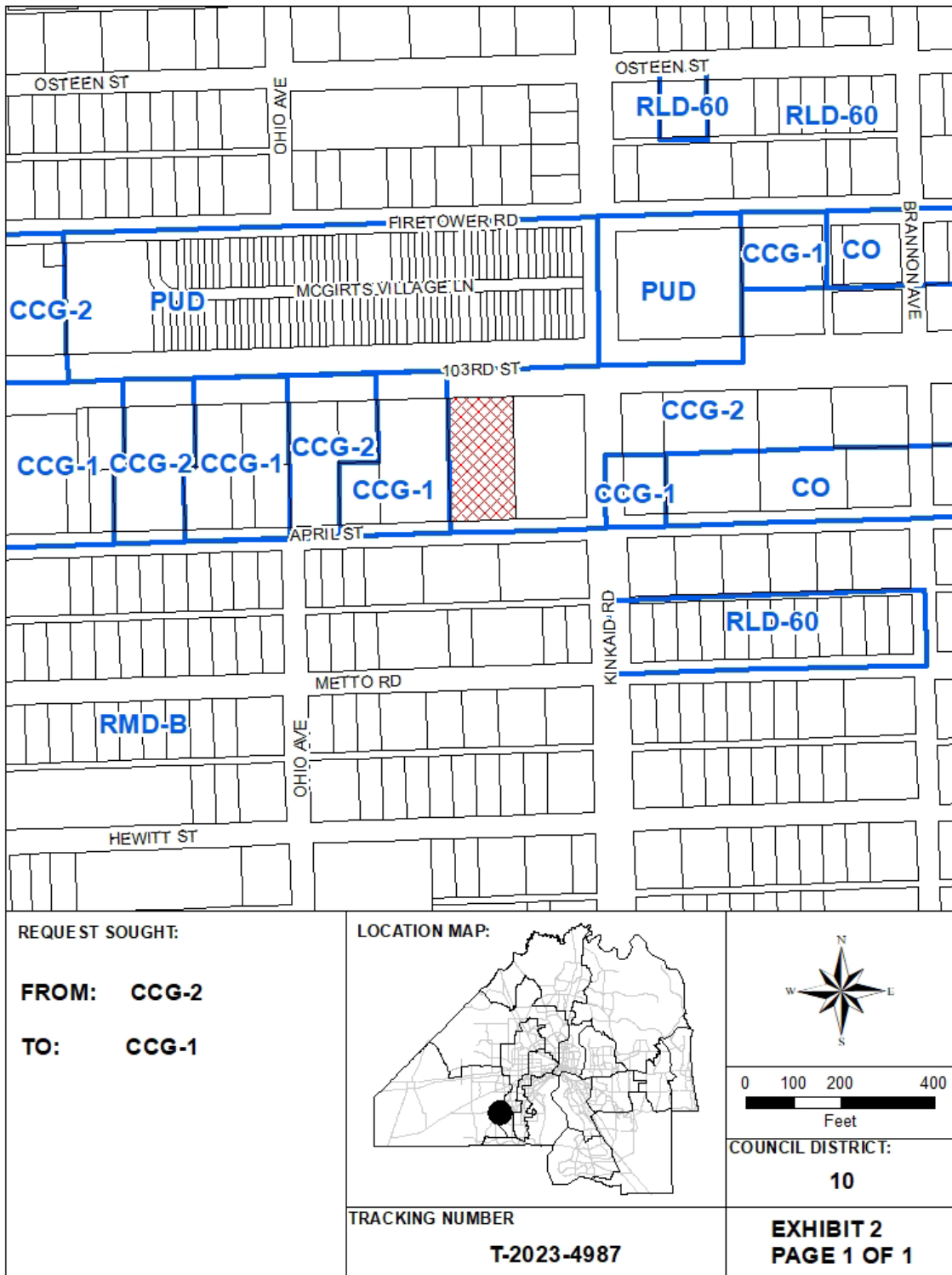
Subject Property from Adjacent Commercial Property



Adjacent Commercial Property



Aerial view of subject property



Legal map