

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2013-428 TO

PLANNED UNIT DEVELOPMENT

AUGUST 15, 2013

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 **2013-428** to Planned Unit Development.

Location: Property at the southeast intersection of Collins Road and Grayfield Drive

Real Estate Number(s): 099068-0000

Current Zoning District: Planned Unit Development (PUD 2002-718-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Residential Professional Institutional (RPI)

Planning District: Southwest, 4

City Council District: The Honorable Jim Love, District 14

Applicant/Agent: Steve Diebenow, Esq.
Driver McAfee, Peek & Hawthorne, PL
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: Ghandi Ayoub
Smoker Friendly
7628 103rd Street, Suite 9
Jacksonville, Florida 32210

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2013-428** seeks to rezone approximately 1.44 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed as a filling station with 8 pumps and a 6,500 square foot convenience store. If the filling station is not constructed, the site is allowed a maximum of 16,700 square feet of commercial neighborhood uses.

The proposed development furthers and enhances the goals set forth within the Southwest Jacksonville Vision Plan which promotes infill development. Given the lack of commercial development adjacent to and around the project site, the plan is to create a filling station utilizing best practices for site planning and design, be a pedestrian oriented development, and provide more convenient retail and service establishments to the surrounding community.

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

(1) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

Yes. The Planning and Development Department finds that the subject property is located in the Residential Professional Institutional (RPI) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The RPI functional land use category permits Residential Professional Institutional (RPI) is a category primarily intended to accommodate medium to high density residential, professional office, and institutional uses. Limited commercial retail and service establishments which serve a diverse set of neighborhoods may also be a part of mixed use developments. RPI is generally intended to provide transitional uses between commercial and residential uses. Within the RPI land use category, the Planned Unit Development is a secondary zoning district. 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. A description of the category is noted below.

RPI - SUBURBAN AREA USES

The uses provided herein shall be applicable to all RPI sites within the Suburban Area.

Principal Uses: Multi-family dwellings; Office; Business and Professional Office; Institutional; Large scale institutional uses, which require supporting residential and office components; Financial institutions; Restaurants (without drive-in or drive-thru facilities).

Secondary Uses: Secondary uses shall be permitted pursuant to the Commercial land use introduction. In addition, the following secondary uses may also be permitted: Single-family dwellings as part of a single-use or mixed used development; Veterinary Offices; and Filling stations.

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

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended plan of development meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Residential Professional Institutional (RPI). This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

F.L.U.E. Policy 1.1.11 Encourages 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.

F.L.U.E. 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.

F.L.U.E. Policy 3.2.5 The City shall incorporate the City of Jacksonville Design Guidelines and Best Practices Handbook into the Land Development Regulations.

The proposed development would allow for economic investment and commercial development in the Southwest Planning District. Additionally, the FLUE indicates that this type of use on this site should abut a roadway classified as a collector or higher on the adopted highway functional classification system map, which is part of the 2030 Comprehensive Plan. The subject site abuts Collins Road, which is classified as a collector roadway. Therefore, the proposed amendment would also be consistent with the 2030 Comprehensive Plan, allowing for commercial uses that will support the daily needs of nearby residential development, on a site that is located adjacent to and in close proximity to existing and emerging residential areas.

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of

the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a commercial development. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The particular land uses proposed and the conditions and limitations thereon: The written description is proposing uses which are generally found in the CRO and CN zoning districts. The development, as proposed, includes clearing the property and constructing a 6,500 square foot gas station with a retail component and eight (8) pumps located under a canopy. The closest gas stations are located approximately 1.49 miles to the north (Hess) and 1.59 miles to the south (Shell). The proposed development is consistent with the general purpose and intent of the City of Jacksonville's 2030 Comprehensive Plan and Land Use Regulations. The property is currently zoned PUD pursuant to Ordinance 2002-718, which restricts development of the property to multi-family uses, town homes, condominiums, a clubhouse, swimming pool(s), car wash and/or up to 16,700 square feet of office uses, including a leasing office. Currently, the property is undeveloped.

Compatible relationship between land uses in a mixed use project: The PUD proposes the concept of a mixed-use development scaled for and complimentary to surrounding uses and pedestrians within the site. The submitted site plan provides detail, showing major access points, buffer areas, internal VUA's, alignments, and configurations, etc.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The proposed rezoning is located within the Southwest Jacksonville Vision Plan. In the Vision Plan, the area in which the subject property is located is considered a "suburban area" of the Southwest Planning District. The Vision Plan calls for the creation of a development that contains a mix of uses, instead of individual strip commercial developments or shopping malls. The applicant has indicated that the intent of the proposed development is to function as a commercial use that will support the daily needs of nearby residential development, on a site that is located adjacent to and in close proximity to existing and emerging residential areas, utilizing best practices for site planning and design, be a pedestrian oriented development, and provide more convenient retail and service establishments to the surrounding community and thereby conforms to the Southwest Vision Plan.

(5) External Compatibility

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The type, number and location of surrounding external uses: The proposed development is located in an area with residential, office, and commercial uses. Commercial development at this location complements the existing residential, warehousing, office and commercial uses in the immediate area. The PUD (2011-589) across Collins Road to the north of the subject property also proposes a wide variety of commercial uses including filling stations and conveniences stores. The site plan does not show a car wash. This proposed use does generate noise, and the Department believes additional review if this use were to be implemented is required. A car wash should be a permissible use by exception, and **it is the recommendation of the department that car washes be moved from a permitted use to a permissible use by exception.**

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	MDR	PUD (99-352)	Multi-family dwellings
	CGC	PUD (11-589)	Proposed commercial uses
South	BP	PUD (02-718)	Warehouse
East	RPI	CRO	Undeveloped, single family dwellings
West	MDR	RMD-C	Multi-family dwellings

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The written description uses language from the Jacksonville Design Guidelines and Best Practices Handbook concerning lighting design. This language will reduce the excessive light levels which may impact the surrounding multi-family complexes. The permitted uses for the proposed commercial development contained in the written description include uses which are generally found in the CRO and CN zoning districts. The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations.

(6) Intensity of Development

The proposed development is consistent with the RPI functional land use category as a commercial development. The PUD is appropriate at this location because it will support the existing residential, warehousing/office and service establishments in the area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site is at the intersection of Collins Road and

Grayfield Drive, which is not signalized.

Any other factor deemed relevant to the limitation of the intensity of the development for the benefit of the public health, welfare and safety: The written description uses language from the Jacksonville Design Guidelines and Best Practices Handbook concerning lighting design. This language will reduce the excessive light levels which may impact the surrounding multi-family complexes. The permitted uses for the proposed commercial development contained in the written description include uses which are generally found in the CRO and CN zoning districts. The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations.

(7) Usable open spaces plazas, recreation areas.

The project will be developed as a filling station and convenience store. The open space requirement will be met through landscaping and retention ponds. A recreation area is not required.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-site. However, any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

(9) Listed species regulations

No wildlife survey was required as the project is less than the 50-acre threshold.

(10) Off-street parking including loading and unloading areas.

The site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan. There is an existing sidewalk along Collins Road and a sidewalk is required along Grayfield Drive.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on August 5, 2013, the required Notice of Public Hearing sign was posted.



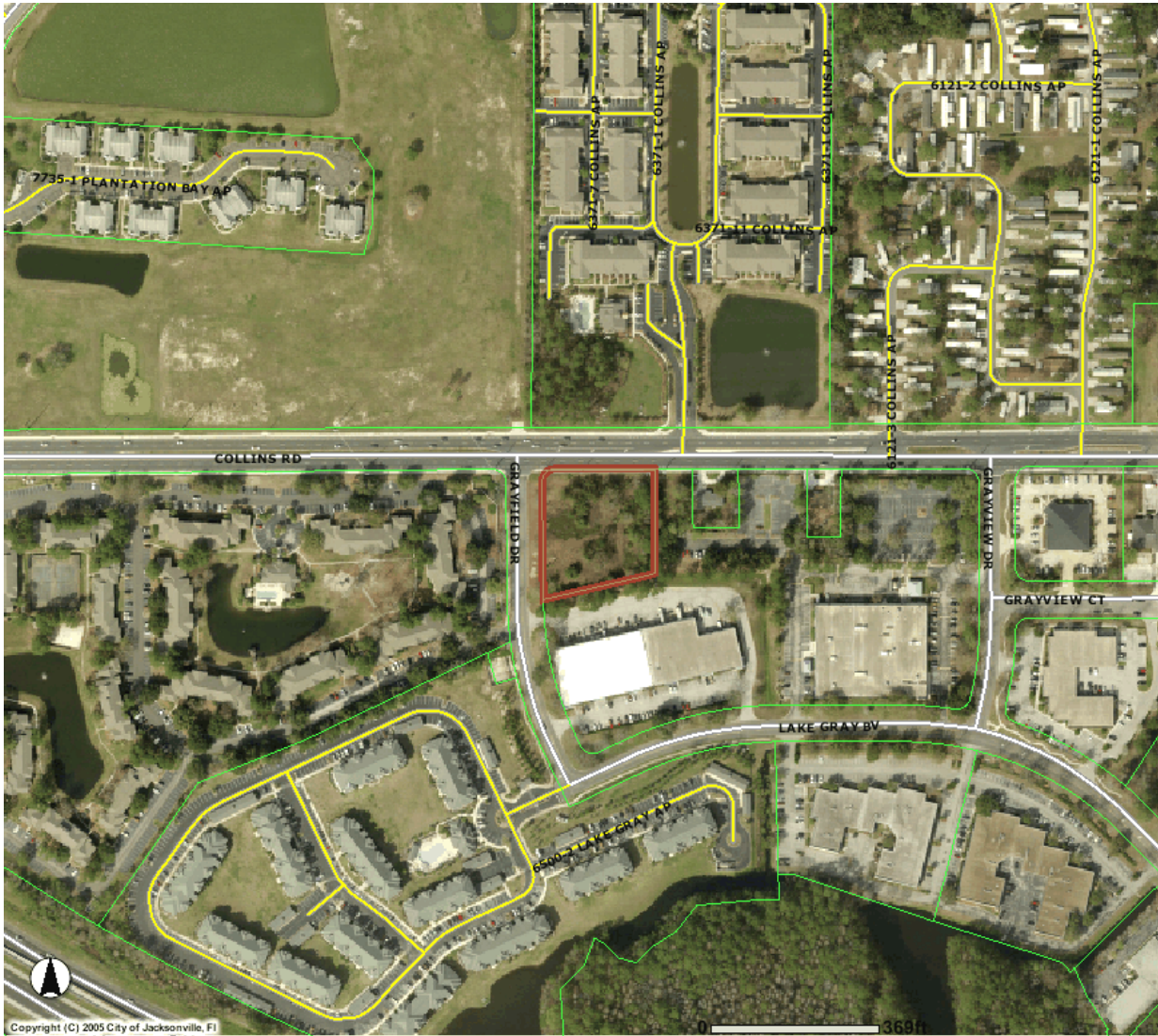
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2013-428** be **APPROVED with the following conditions:**

1. The subject property is legally described in the original legal description dated May 12, 2013.
2. The subject property shall be developed in accordance with the original written description dated June 3, 2013.
3. The subject property shall be developed in accordance with the site plan dated May 3, 2013.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated August 8, 2013 or as otherwise approved by the Planning and Development Department.
5. Car washes shall be allowed only by approval of a Zoning Exception by the Planning Commission.



Aerial view of subject site facing east



Aerial view of the subject site facing north



The subject site on the left, facing west along Collins Road



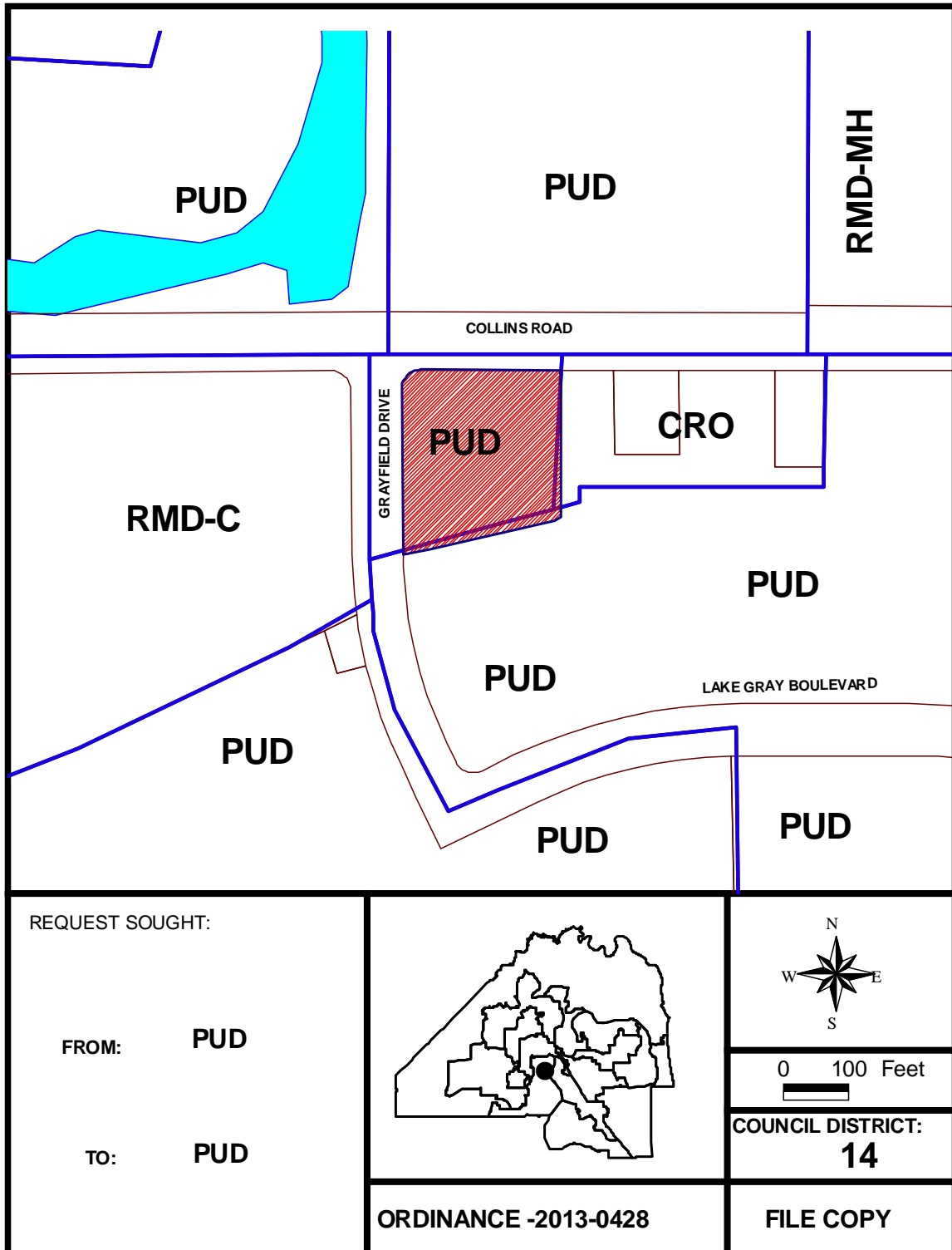
The subject site facing southwest from Collins Road



The subject site facing southwest from Collins Road



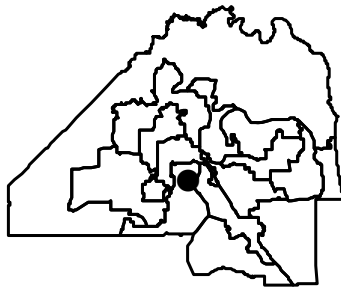
Facing south into Grayfield Drive from Collins Road with the subject site on the left



REQUEST SOUGHT:

FROM: PUD

TO: PUD



0 100 Feet

COUNCIL DISTRICT:
14

ORDINANCE -2013-0428

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