

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2013-0476

TO PLANNED UNIT DEVELOPMENT

AUGUST 29, 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 **2013-0476** to Planned Unit Development.

Location: 405 New Berlin Road
Between Magnolia Street and Ponce Boulevard

Real Estate Numbers: 106596 0110, 108003 0000, 108002 0000

Current Zoning District: Planned Unit Development (PUD 2003-030-E) and
Commercial Neighborhood (CN)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: North, District 6

City Council District: The Honorable Ray Holt, District 11

Applicant/Agent: Dan C. Boswell
4014 Rainie Road
Jacksonville, Florida 32218

Owner: Jack A. Blackburn
Cedar Bay Enterprises, LLC.
405 New Berlin Road
Jacksonville, Florida 32218

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development Ordinance **2013-0476** seeks to rezone approximately 1.86± acres of land from PUD and CN to PUD. The rezoning to PUD is being sought for the purpose of adding additional property (2 parcels) to an existing PUD and to add a freestanding crematorium behind the existing funeral home. The addition of the two parcels along New Berlin Road will add approximately 31 new parking spaces for a total of 78 off street spaces plus 5 handicap spaces. The crematory will be located north of the delivery drive to the rear of the funeral home. All operations of the building will be within the enclosed space. No fumes or exhaust will be generated outside the building. All uses permitted by right under the CN category and uses permissible by exception will continue. The existing PUD is a funeral home of approximately 3600 sq.ft. building including a portico and porch which amounts to a total of 6,000 sq.ft. The proposed crematory is approximately 225 sq.ft. building and will be located along the western periphery of the property, between the two existing dry retention areas. The funeral home chapel seats 150 persons.

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 Community/ General Commercial (CGC) 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 CGC functional land use category permits commercial developments which include business and professional offices, fast food establishments, small department stores, auto repair and sale, and similar other types of commercial retail and service uses. 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 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?

No. The written description and the site plan of the intended plan of development meet all portions of the City's land use regulations and further their intent by providing specific development standards.

Furthermore, 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 as follows:

(1) Consistency 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 subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Community/ General Commercial (CGC).

This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan including the following goals, objectives and policies:

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 3.2.1 The City shall promote, through the use of development incentives and other regulatory measures, development of commercial and light/service industrial uses in the form of nodes, centers or parks, while discouraging strip commercial development patterns, in order to limit the number of curb cuts and reduce conflicts in land uses, particularly along collectors and arterials.

FLUE Policy 1.1.10 Promote the use of Planned Unit Developments (PUDs), cluster development, 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.

Therefore, proposed rezoning to Planned Unit Development, as conditioned, is consistent with the 2030 Comprehensive Plan, and further the following goals, objectives and policies contained therein.

(2) Consistency with the Concurrency and Mobility 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 Management System Office (CMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development does not intend to utilize lands for residential use.

(4) Internal compatibility

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

The use of existing and proposed landscaping:

The project will be required to meet the minimal standards set forth in Section 656, Part 12. Furthermore, the new parking areas will be screened from residential homes across Magnolia Street.

Traffic and pedestrian circulation patterns:

The property will be accessed through two points of access; one existing full access on New Berlin Road and a second full access proposed on Magnolia Avenue.

The use and variety of building setback lines, separations, and buffering:

Applicant proposes a 20 foot front yard setback and 10 feet side and rear yard setbacks consistent with the original PUD. According to the submitted site plan, the stand-alone crematory will be set back at least 40 feet from the rear, westernmost property line. The minimum landscape buffers between the parking lot and ROW will be maintained consistent with the requirements found in Part 12.

The particular land uses proposed and the conditions and limitations thereon:

Applicant proposes uses consistent with the previously adopted PUD 2003-030-E in addition to a crematory.

Signage:

The Applicant proposes signage consistent with regulations found within the CCG-1 Zoning District.

(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 along a portion of New Berlin Road developed with older single-family homes and low intensity neighborhood commercial uses. An expansion of the funeral home including a crematory at this location will complement the existing surrounding office, residential, and retail uses.

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

| <u>Adjacent Property</u> | <u>Land Use Category</u> | <u>Zoning District</u> | <u>Current Use(s)</u> |
|--------------------------|--------------------------|------------------------|-------------------------------|
| North | LDR, CGC | RLD-60, CN | Single-family, Office |
| East | CGC, LDR | CN, RLD-60 | Retail, Single-family |
| South | CGC | CN | Retail, Commercial Service |
| West | LDR | RLD-60 | Single-family |

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category. The PUD is appropriate at this location with specific reference to the following:

The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the proposed PUD:

The crematory use will be located behind the existing funeral home and will be screened from a single-family subdivision to the west by trees and fencing. All operations of the building will be within the enclosed space. No fumes or exhaust will be generated outside the building.

The availability and location of utility services and public facilities and services:

The site is served by city sewer and water.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:

New Berlin Road is classified as a Class 1 Collector roadway. Magnolia Street is classified as a Local road. No mass transit stop is required at this location.

(7) Usable open spaces plazas, recreation areas.

There is no residential component to the development. No recreation area is required.

(8) Impact on wetlands

Surveying of a 1995 Geographical Information Systems shape file did not identify any wetlands on-site. 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 is required to be developed in accordance with Part 6 of the Zoning Code. The addition of 30 parking spaces is required to meet the demand generated by the addition of the crematory use on site.

(11) Sidewalks, trails, and bikeways

The project will contain an internal pedestrian system that meets the 2030 Comprehensive Plan. There will also be external sidewalks as required.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on August 14, 2013, the required Notice of Public Hearing sign **was** posted.



Sign clearly posted on site.

*Source: City of Jacksonville Planning and Development Department
Date: August 14, 2013*

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2013-0476 be **APPROVED with the following conditions:**

- 1) **The subject property is legally described in the original legal description dated May 3, 2013, 2013.**
- 2) **The subject property shall be developed in accordance with the original written description dated June 27, 2013.**
- 3) **The subject property shall be developed in accordance with the original site plan dated June 27, 2013.**
- 4) **The subject property shall comply with Part 12, Landscape and Tree Protection Regulations, Zoning Code.**
- 5) **Final approval of all access drives from Magnolia Street shall be subject to the review and approval of the Development Services Division or as otherwise approved by the Planning and Development Department.**



Front of the funeral home from New Berlin Road.

*Source: City of Jacksonville Planning and Development Department
Date: August 14, 2013*



Parking will be expanded on two undeveloped parcels between Magnolia Road and the existing funeral home.

Source: City of Jacksonville Planning and Development Department

Date: August 14, 2013



Retail uses directly across New Berlin Road.

Source: City of Jacksonville Planning and Development Department

Date: August 14, 2013



Single-family homes present along Magnolia Street, across from the new parking area.

Source: City of Jacksonville Planning and Development Department

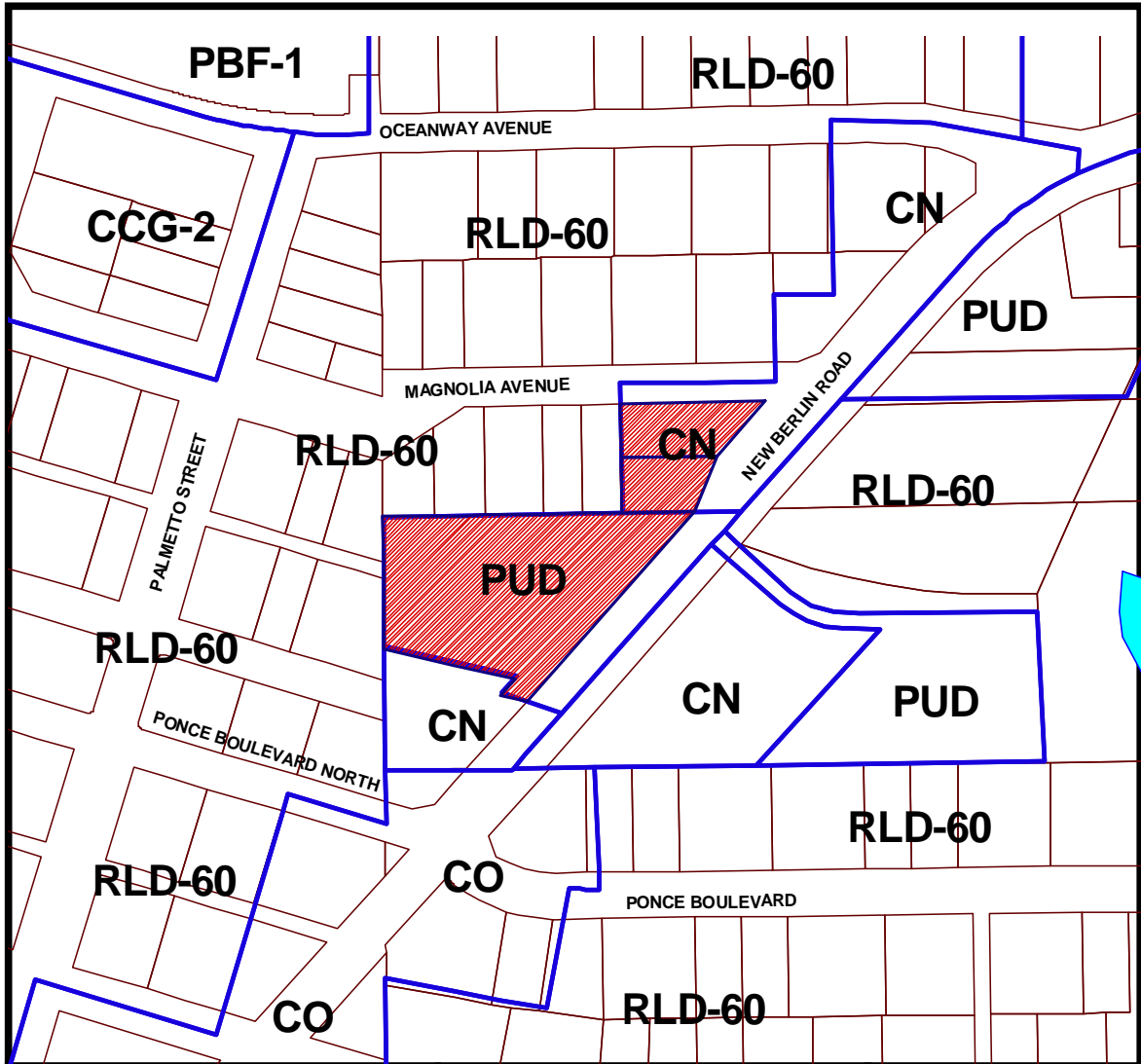
Date: August 14, 2013



Stand-alone crematory will be located in the rear of the property.

Source: City of Jacksonville Planning and Development Department

Date: August 14, 2013



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|---|--|--|
| <p>REQUEST SOUGHT:</p> <p>FROM: CN & PUD</p> <p>TO: PUD</p> | | |
| <p>ORDINANCE -2013-0476</p> | | <p>0 100 Feet</p> <p>COUNCIL DISTRICT: 11</p> <p>FILE COPY</p> |