

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2013-0624 TO**

**PLANNED UNIT DEVELOPMENT**

**DECEMBER 12, 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 **2013-0624** to Planned Unit Development.

***Location:*** 3.19+ acres of land located at the southwest corner of the San Jose Boulevard (SR 13) and Oak Bluff Lane intersection

***Real Estate Number(s):*** 158797-0000, 158796-0100

***Current Zoning District(s):*** Commercial Community/General-1 (CCG-1), Commercial Residential and Office (CRO) and Planned Unit Development (PUD) and Residential Low Density-90 (RLD-90)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Low Density Residential (LDR), Residential/Professional/Institutional (RPI), and Community/General Commercial (CGC)

***Proposed Land Use Category:*** Community/General Commercial (CGC)

***Planning District:*** Southeast, District 3

***City Council Representative:*** The Honorable Matt Schellenberg, District 6

***Applicant/Agent:*** Paul Harden, Esq.  
Law Offices of Paul Harden, P.A.  
501 Riverside Avenue, Suite 901  
Jacksonville, Florida 32202

***Owner(s):*** Ramzy Bakkar  
Oak Bluff Property, LLC  
P.O. Box 50910  
Jacksonville Beach, Florida 32240

***Staff Recommendation:*** **APPROVE with CONDITIONS**

### **GENERAL INFORMATION**

Application for Planned Unit Development **2013-0624** seeks to rezone approximately 3.19± acres of property from Commercial Community/General-1 (CCG-1), Commercial Residential and Office (CRO), Residential Low Density-90 (RLD-(90) and Planned Unit Development (PUD) to Planned Unit Development (PUD). The subject property is located at the southwest corner of the intersection of Oak Bluff Lane and San Jose Boulevard (State Road 13). San Jose Boulevard is a major commercial corridor, and the property is located approximately 0.4 miles north of the San Jose Boulevard and Interstate 295 interchange. The property was acquired by Oak Bluff, LLC from the Florida Department of Transportation and is currently undeveloped, with the exception of a storm water pond on a portion of the site. The property has split land use designations and zoning districts.

The proposed PUD zoning district is being sought for similar commercial and retail uses found in the nearby area. Surrounding property uses include a commercial shopping center to the south, a commercial shopping center to the north, undeveloped land to the west, and commercial uses to the east across San Jose Boulevard.

There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, Ordinance 2013-0623 (Application 2013C-011) requesting to change the functional land use category of the subject property from Low Density Residential (LDR) and Residential Professional Institutional (RPI) to Community General Commercial (CGC). The Planning and Development Department has submitted its report on the companion Small-Scale Land Use Amendment 2013C-011 and recommends that the same be approved.

### **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 Low Density Residential (LDR) and Residential Professional Institutional (RPI) functional land use categories 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series 2013C-011 (Ordinance 2013-0623) that seeks to amend that portion of the site to the Community General Commercial (CGC) category. Staff is recommending that Application for Small-Scale Land Use Amendment to the Future Land use Map Series be approved.

The subject site is surplus land owned by the FDOT, and acquired for the widening of San Jose Boulevard (SR 13) and related storm water needs in the 1980's. The proposed rezoning and

amendment to the CGC category will allow the site to be developed with a wide variety of retail goods and services to serve this diverse neighborhood. Generally, the CGC land use category permits commercial retail sales and service establishments such as auto sales, restaurants, hotels/motels and business and professional offices. Compatibility with adjacent properties and uses shall be achieved through the implementation of proposed site design techniques, including but not limited to: a transition in uses, buffering, setbacks, and the orientation of open spaces and design of vehicular traffic circulation.

The subject site is located at the signalized intersection of San Jose Boulevard and Oak Bluff Lane where full urban services, including mass transit, are available. The site fronts on San Jose Boulevard which is a developed commercial retail corridor on both sides of the road for several miles to the south and a mile to the north of the subject property; and a majority of which is within the CGC Future Land Use category. The proposed PUD rezoning and companion Land Use Amendment is a logical extension of the CGC category and continues a long established pattern of commercial development adjacent to and abutting LDR land uses along San Jose Boulevard. Additionally, the subject property is located within the Urban Development Area, which promotes the use of existing infrastructure through redevelopment and infill development.

Therefore, the proposed rezoning promotes a compact land use and development pattern, incorporating site design standards that offer a full range of employment, shopping and leisure opportunities while promoting infill development in an existing commercial area with access to full urban services consistent with FLUE Goal 3, Objective 3.2 and Policies 1.1.22 and 3.2.2.

The development of general commercial and retail uses on the subject site allows for the gradual transition of densities and intensities which is compatible with the character of the surrounding area. As such, the proposed amendment is consistent with FLUE Objective 1.1 and Policy 1.1.10. The proposed development has an adequate buffer from the residential neighborhood to the west and will not introduce anymore non-residential traffic into the adjacent neighborhood than already exists, and therefore is consistent with FLUE Policy 3.2.4. In addition, the PUD site plan calls for the limitation and specific location of access from Oak Bluff Lane, as well as improvements to the roadway at the San Jose Boulevard intersection, thereby satisfying FLUE Policy 3.2.8 and Transportation Element Policy 2.3.6.

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 proposed rezoning and companion land use amendment would provide for a development constrained by a written description and site plan of/for the intended plan of development and is required to meet all portions of the City's land development regulations.

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*

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): Low Density Residential (LDR) and Residential Professional Institutional (RPI). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2013C-011 (Ordinance 2013-0623) that seeks to amend the portion of land to Community General Commercial (CGC). The development of general commercial and retail uses on the subject site allows for the gradual transition of densities and intensities which is compatible with the character of the surrounding area, and is a logical extension of the uses found within the established pattern of commercial development along this San Jose Boulevard corridor.

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

- FLUE Policy 1.1.7 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.
- FLUE Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.
- FLUE 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.
- FLUE 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.

FLUE 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.

FLUE Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the residential character of and precludes non-residential traffic into adjacent neighborhoods and meets design criteria set forth in the Land Development regulations.

FLUE Policy 3.2.8 The City shall encourage the reorientation and combined use of existing curb cuts and/or parking lots to minimize the negative impacts of non-residential development on adjacent residential uses and the transportation system.

This proposed mixed-use CGC land use designation and companion PUD aids in maintaining a compact land use pattern, allowing for the conversion of undeveloped, underutilized land to commercial uses incorporating landscaping, buffering, interconnectivity, and of intensities compatible with the character of the surrounding area. This will provide an opportunity for the expansion of business uses in a nodal area the City.

*(2) Consistency with the Concurrency Management System*

Pursuant to the provisions of Chapter 655 *Concurrency 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. A City Development Number was not provided by the applicant.

*(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 treatment of pedestrian ways:

Internal sidewalks will be provided per the 2030 Comprehensive Plan. Vehicular traffic in the parking lot will share proximate walking area with pedestrians moving to and from the use(s).

Traffic and pedestrian circulation patterns:

As indicated on the attached conceptual site plan, access to the Property may be from Oak Bluff Lane, San Jose Boulevard, and adjacent parcels to the south. Prior to verification of substantial compliance with this PUD and permitting, the location and design of all access points will be

subject to the review and approval of the Development Services Division and FDOT. The number and location of the access points shown on the conceptual Oak Bluff PUD site plan are schematic and may be subject to realignment and relocation prior to development. In addition, interconnecting drives to adjacent properties shall be permitted. It is anticipated that access to San Jose Boulevard shall be provided off site via an access point on the parcel adjacent to and south of this PUD.

It is the intent of the developer to relocate the existing retention pond on the site to the parcel to the west of this one, thereby creating a significant buffer between the proposed uses and existing single-family neighborhood to the west, mitigating any potential adverse impacts such as noise, activities and lighting, and will not negatively affect those residential uses. If approved with the proposed conditions, which includes improvements to Oak Bluff Lane at the San Jose Boulevard intersection, the proposed PUD aids in maintaining a compact land use pattern, allowing for the conversion of undeveloped, underutilized land to commercial uses incorporating landscaping, buffering, interconnectivity, and of intensities compatible with the character of the surrounding area.

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

The applicant proposes no setbacks except for any required uncomplimentary buffer and 10 foot landscaped buffer along the western property line. An additional ten foot landscaped buffer along the Oak Bluff Lane and San Jose Boulevard frontage is required, as they are adjacent to a right-of-way.

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

The applicant proposes general commercial and retail uses. With limitations placed on those uses permitted within the written description and a conceptual layout of the site, the proposed development is consistent with the adjoining land uses and the established pattern of development in the area. The approval of this PUD aids in maintaining a compact and compatible land use pattern consisting of infill development; and therefore is consistent with FLUE Policies 1.1.20 and 3.2.2.

*(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 site fronts on San Jose Boulevard which is developed as a commercial retail corridor on both sides of the road for several miles to the south and a mile to the north of the subject property; a majority of which is within the CGC Future Land Use category. The proposed application is a logical extension of and promotes a continuation of a long established pattern of commercial development along San Jose Boulevard. Surrounding property uses include a commercial shopping center to the south, a commercial shopping center to the north, undeveloped land to the west, and commercial uses to the east across San Jose Boulevard.

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(s)
North	NC	PUD	Commercial/retail
East	CGC	CCG-1/PUD	Commercial/YMCA facility
South	CGC	CCG-1	Undeveloped/commercial uses
West	LDR	RLD-90	Undeveloped

*(6) Intensity of Development*

The PUD is appropriate at this location with specific reference to the following:

The location of various uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses:

The proposed commercial and retail uses are similar to surrounding property uses, which include a commercial shopping center to the south, a commercial shopping center to the north, undeveloped land to the west, and commercial uses to the east across San Jose Boulevard.

The existing residential density and intensity of use of surrounding lands:

The subject site is located at the eastern end of the local road Oak Bluff Lane, which provides access into the Scott Mill residential area, and has historically been utilized as a collector road as it is one of few access points that intersect with San Jose Boulevard. The proposed PUD change is located in an environment that is more suitable for and conducive to the creation of new businesses and provides for a continuation of the long established pattern of commercial development along this San Jose Boulevard corridor.

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

The site is served by city utilities (electric, sewer and water).

*(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 2004 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.

(11) *Sidewalks, trails, and bikeways*

The project will contain an internal pedestrian system that meets the 2030 Comprehensive Plan. External sidewalks are already present along Oak Bluff Lane and San Jose Boulevard.

### SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on September 19, 2013 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 2013-0624 be **APPROVED with the following CONDITIONS:**

- 1. The subject property is legally described in the original legal description dated August 7, 2013.**
- 2. The subject property shall be developed in accordance with the original written description dated March 20, 2013.**
- 3. The subject property shall be developed in accordance with the original site plan dated March 20, 2013.**
- 4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated September 24, 2013 or as otherwise approved by the Planning and Development Department.**



5. **A median or barrier shall be installed along Oak Bluff Lane to prevent westbound left-turn access into the site; subject to the review and approval of the Planning and Development Department.**
6. **Prior to submittal of Verification of Substantial Compliance, cross access easements and the shared access driveway from San Jose Boulevard and the property to the south shall be included in all plan submittals.**
7. **The developer shall pursue a north bound dedicated left turn lane on San Jose Boulevard, south of Oak Bluff Lane which may require relocation of the off-site driveway, subject to FDOT approval.**



Aerial view of the subject site facing north



**The subject site ahead on the right facing east along Oak Bluff Lane**



**The subject site on the right facing east along Oak Bluff Lane**



**The subject site on the right facing east along Oak Bluff Lane**



**The subject site on the right facing south along San Jose Boulevard**



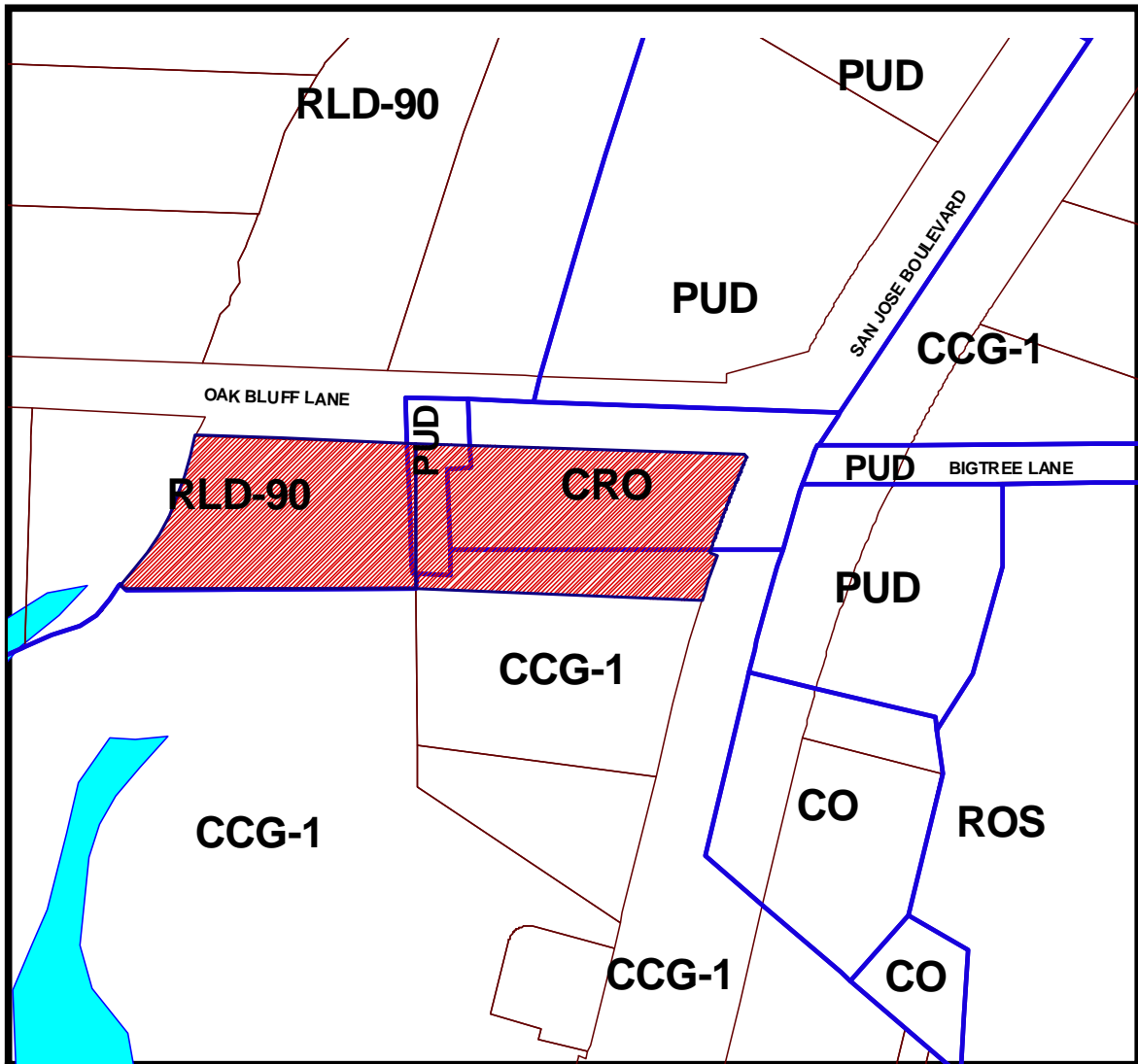
**The subject site on the left facing northwest along San Jose Boulevard**

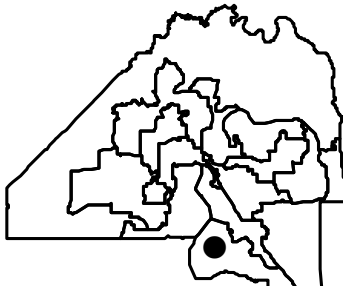


**The subject site on the left facing west along Oak Bluff Lane**



**The subject site facing southwest across San Jose Boulevard**



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-90, PUD, CRO &amp; CCG-1</p> <p>TO: PUD</p>		<p>N W E S</p> <p>0 100 Feet</p> <p>COUNCIL DISTRICT: <b>6</b></p> <p>ORDINANCE -2013-0624</p> <p>FILE COPY</p>
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