

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

**APPLICATION FOR REZONING ORDINANCE 2014-543 TO**

**PLANNED UNIT DEVELOPMENT**

**SEPTEMBER 4, 2014**

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 **2014-543** to Planned Unit Development.

***Location:*** Atlantic Boulevard between Kings Avenue,  
Farragut Place and Olevia Street

***Real Estate Number(s):*** 081532-0000, 081533-0000, 081534-0000,  
081535-0000, 081536-0000, 081537-0000,  
801538-0000, 081539-0000

***Current Zoning District:*** Commercial Community General-1 (CCG-1)  
Commercial Community General-2 (CCG-2)

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

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

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

***City Council District:*** The Honorable Warren Jones, District 9

***Applicant/Agent:*** Steve Diebenow, Esq.  
Driver, McAfee, Peek & Hawthorne, P.L.  
One Independent Square, Suite 1200  
Jacksonville, Florida 32202

***Owners:*** Daniel and Cathy Wilensky  
2112 Smullian Trail North  
Jacksonville, Florida 32217

Southside Assembly of God, Inc.  
2118 Kings Avenue  
Jacksonville, Florida 32207

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

### **GENERAL INFORMATION**

Application for Planned Unit Development **2014-543** seeks to rezone approximately 11.89 acres of land from CCG-1 and IBP-1 to PUD. The rezoning to PUD is being sought so that the property can be developed as a filling station with 16 fuel dispensers, a free standing car wash and a 5,000 square foot convenience store. There are additional uses which are usually found in the CCG-1 and CCG-2 Zoning Districts. The site contains five individual structures which will be demolished. The site is within the San Marco Overlay Zone.

### **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 is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Development that includes residential uses is preferred to provide support for commercial and other uses. A combination of compatible mixed uses should be vertically integrated within a multistory building. 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 an arterial or higher on the Functional Highway Classification Map. 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.

The uses provided herein shall be applicable to all CGC sites within the Urban Priority Area.

**Principal Uses:** Commercial retail sales and service establishments including auto sales; Restaurants; Hotel and motel; Office, Business and Professional Office including veterinary office; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities; Off street parking lots and garages; Filling stations; and Uses associated with and developed as an integral component of TOD. Residential uses shall not be the sole use and shall not exceed 80 percent of a development. Existing dwellings which were legally built as single or multifamily dwellings prior to adoption of the 2030 Comprehensive Plan are allowed within this category. Adult entertainment facilities are

allowed by right only in Zoning District CCG-2.

**Secondary Uses:** Secondary uses shall be permitted pursuant to the Commercial land use introduction. In addition, the following secondary uses may also be permitted: Group care facilities; Criminal justice facilities; Dude ranches; Riding academies; Private camps; Camping grounds; Shooting ranges; Fishing and hunting camps; Fairgrounds; Race tracks; Stadiums and arenas; Transit stations; Transportation terminals and facilities (but not freight or truck terminals); Personal property storage establishments; Crematoria; Blood donation and plasma centers; Building trade contractors; Rescue missions; and Day labor pools.

**Accessory Uses:** Warehousing, light manufacturing and fabricating may be permitted provided it is part of a commercial retail sales or service establishment, and the accessory use shall be located on a road classified as collector or higher on the Functional Highway Classification Map.

*(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 category 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, and furthers the following goals, objectives and policies contained herein, including:

F.L.U.E. Policy 1.1.8 Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

F.L.U.E. 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.

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 3.2.2 The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

*(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 use of existing and proposed landscaping: The written description indicates the development will meet Part 12 with one exception that "trees shall be distributed so that all portions of the VUA are within a 55 foot radius of any tree". The layout of the fuel pumps and VUA area make it difficult to meet this requirement. The development will provide the required amount of landscaping; however it will not meet the 55 foot radius.

Traffic and pedestrian circulation patterns: The site plan shows access drives on the three sides facing public right-of-ways and an access drive on the alley.

The use and variety of building setback lines, separations, and buffering: The San Marco Overlay Zone includes specific setbacks, building height and lot coverage for commercial development. The site is within the San Marco Overlay Zone and the PUD is requesting one change to the Commercial/Nonresidential Development Standards. Section 656.399.7 (e)(4) requires the entrance and primary façade to face Atlantic Boulevard. This requirement will orient the rear/service area of the building and fuel pumps to Olevia Street. Under the proposed site plan, the service area is oriented to a private alley.

The use and variety of building sizes and architectural styles: The proposed development does contain architectural elevations which show a hipped roof for the fueling canopy and convenience store. Materials appear to be consistent with other similar uses; glass windows with concrete block and masonry walls. Colors are not specified in the written description.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The parking areas will contain the required amount of perimeter landscaping.

The particular land uses proposed and the conditions and limitations thereon: The PUD written description contains uses which are permitted in the CCG-2 Zoning District. Some of these uses are incompatible with the surrounding uses and the character of the neighborhood. **It is recommended the following uses be prohibited: Dancing entertainment establishments not serving alcohol, truck stops, major automotive repair, open-air theaters, arenas, carnivals or circuses, go-kart tracks, boatyards, racetracks for animals or vehicles and adult entertainment.**

*(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 where residential, office, commercial and institutional uses co-exist along a Atlantic Boulevard, a minor arterial. Commercial development at this location complements the office, commercial and residential uses for those in the immediate area.

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	RPI	PBF-1 CRO	COJ park Offices
South	CGC	CO CCG-2	Parking lot for church Southside of Assembly of God Church
East	CGC	CCG-2	Offices
West	CGC	CO CCG-2	Offices, Single family dwellings Offices

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 PUD written description contains uses which are permitted in the CCG-2 Zoning District. Some of these uses are incompatible with the surrounding uses and the character of the neighborhood. **It is recommended the following uses be prohibited: Dancing entertainment establishments not serving alcohol, truck stops, major automotive repair, open-air theaters, arenas, carnivals or circuses, go-kart tracks, boatyards, racetracks for animals or vehicles and adult entertainment.**

The written description requests one monument sign not to exceed 200 square feet in area and 25 feet in height. The property has over 200 linear feet of frontage on Atlantic Boulevard. The CCG zoning district allows a sign up to 50 feet in height. The PUD has lowered the maximum height which is more compatible with the neighborhood.

Although the written description includes illumination levels, it does not prohibit sag lenses, drop lenses and convex lenses. These type of lenses increase glare and light pollution. **It is recommended these type of lenses be prohibited.**



Example of drop lenses in a filling station canopy.



Example of flush lenses, which decrease glare and light pollution.

*(6) Intensity of Development*

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

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site has access from all four sides and is within 200 feet of Interstate 95.

*(7) Usable open spaces plazas, recreation areas.*

The project will be developed with the required amount of open space. 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

*(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 with the following exceptions; a total of 20 parking spaces will be provided and no loading space will be provided. The 20 spaces represent a parking ratio of 4 spaces/1,000 square feet. This ratio is between the minimum 3 spaces/1,000 square feet and the maximum 6 spaces/1,000 square feet required for commercial uses. The Department has reviewed the site plan with the additional parking spaces and an absence of a loading space and does not expect any adverse impact to the functionality of the site or the surrounding area.

*(11) Sidewalks, trails, and bikeways*

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.



**SUPPLEMENTAL INFORMATION**

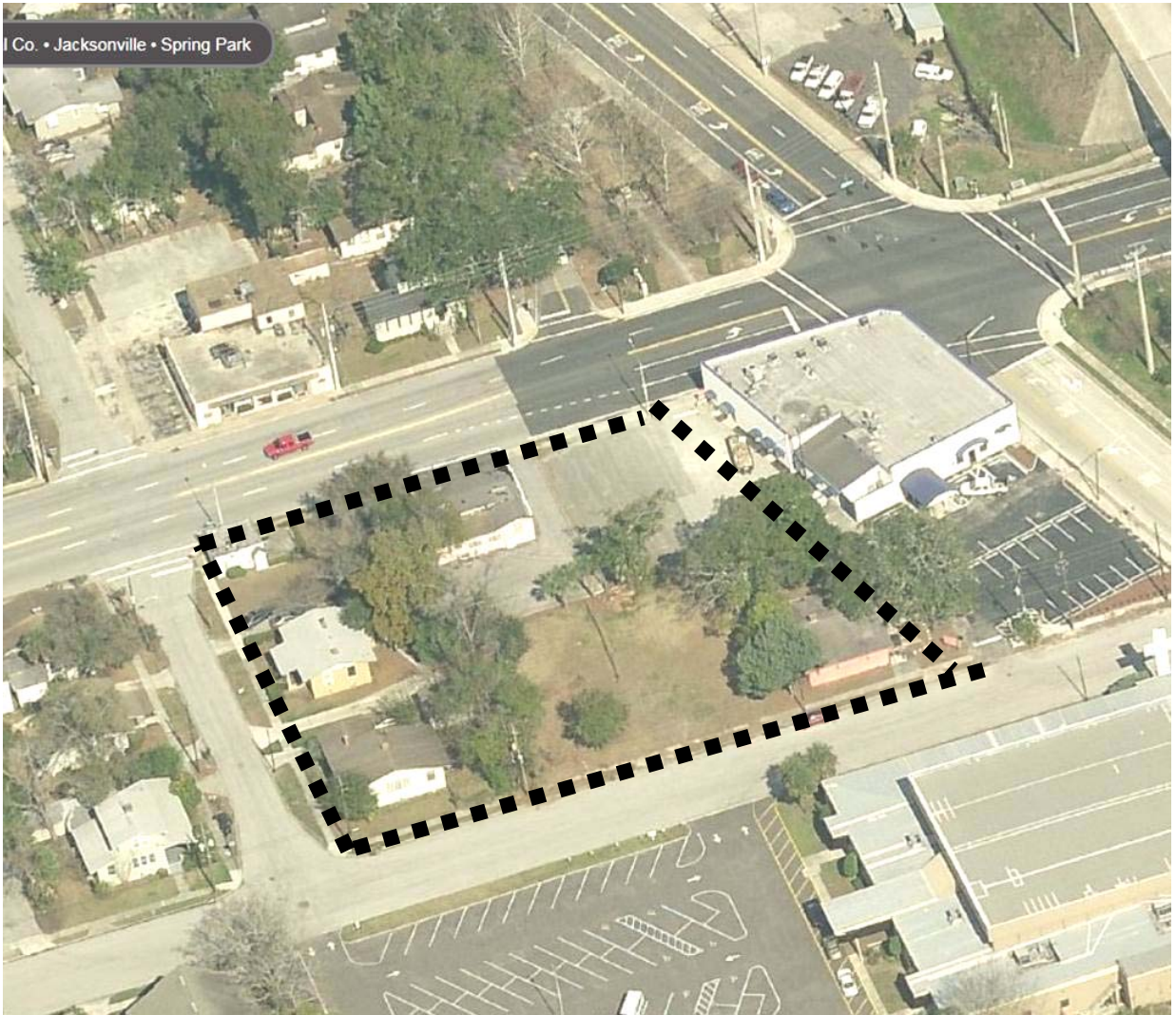
Upon visual inspection of the subject property on September 4, 2014, the required Notice of Public Hearing sign was posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-543** be **APPROVED with the following conditions:**

1. The subject property is legally described in the original legal description dated July 10, 2014.
2. The subject property shall be developed in accordance with the original written description dated July 31, 2014.
3. The subject property shall be developed in accordance with the original site plan dated July 17, 2014.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated August 19, 2014 or as otherwise approved by the Planning and Development Department.
5. The following uses shall be prohibited: Dancing entertainment establishments not serving alcohol, truck stops, major automotive repair, open-air theaters, arenas, carnivals or circuses, go-kart tracks, boatyards, racetracks for animals or vehicles and adult entertainment.
6. All sag lenses, drop lenses and convex lenses shall be prohibited.





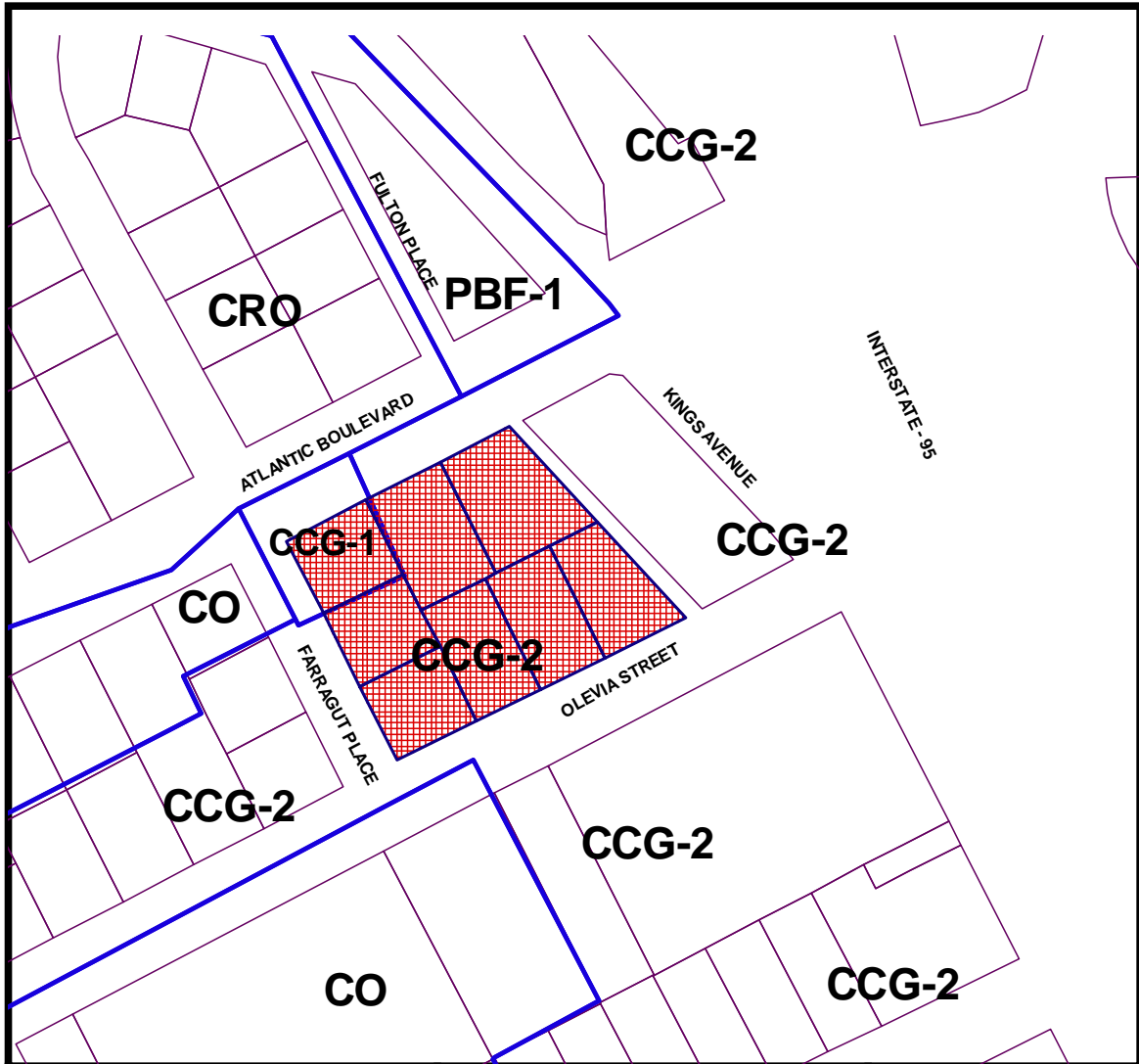
View looking west on Atlantic Boulevard. Filling station will be on the left side.

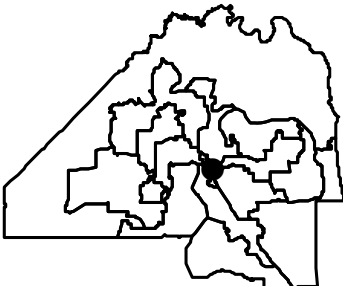
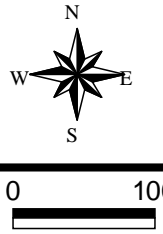


View looking east on Atlantic Boulevard. Filling station will be on the right side.



View of alley. "Do Not Enter" sign at Olevia Street side.



<p>REQUEST SOUGHT:</p> <p>FROM: <b>CCG-1 &amp; CCG-2</b></p> <p>TO: <b>PUD</b></p>		 <p>COUNCIL DISTRICT: <b>9</b></p>
<p>ORDINANCE <u>2014_0543</u></p>		<p>FILE COPY</p>