

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

**APPLICATION FOR REZONING ORDINANCE 2014-547 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 **2014-547** to Planned Unit Development.

***Location:*** Baymeadows Road; on the south side of Baymeadows Road between Regina Road and San Jose Boulevard

***Real Estate Number(s):*** 149236-0000

***Current Zoning District:*** Planned Unit Development (PUD 2007-1246-E)

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

***Current Land Use Category:*** Residential Professional Institutional (RPI)

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

***City Council District:*** The Honorable Lori N. Boyer, District 5

***Applicant/Agent:*** Wyman Duggan, Esq.  
Rogers Towers, PA  
1301 Riverplace Boulevard, Suite 1500  
Jacksonville, Florida 32207

***Owner:*** IberiaBank  
c/o Neel Stacy  
5310 State Road 64 East  
Bradenton, Florida 34208

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2014-547** seeks to rezone approximately 2.33 acres of land from PUD to PUD. The proposed PUD seeks to permit the development of an

approximately 7,000 square feet restaurant with a brewery (a facility for alcoholic beverage production and on site consumption, including the production and distribution of beer/cider/mead). Alternate uses proposed are office, professional and limited commercial/retail. The existing PUD (Ordinance 2007-1246-E) approved a mix of up to 28,000 square feet of office and retail uses, including a 250 seat restaurant with alcohol sales, and a boat dock.

The subject site is located on Baymeadows Road between Regina Road and Goodby's Creek. The property has an RPI land use category and is currently undeveloped. Existing and permitted uses in the surrounding area include commercial, retail, restaurant, office, single family residential, and high rise multifamily residential uses.

### **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. RPI in the Suburban Area is intended to provide low to medium density development. Development which includes medium density residential and professional office uses is preferred.

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; Commercial retail sales and service establishments limited to 50 percent of the site area; Live/Work Units; Financial institutions; Restaurants (without drive-in or drive-thru facilities); Single Room Occupancies (SROs); Off street parking lots and garages when combined with another principal use; Single-family dwellings which were originally constructed as single-family dwellings prior to adoption of the 2030 Comprehensive Plan; and Uses associated with and developed as an integral component of TOD.

An establishment or facility in which beer, wine, or other alcoholic beverages are produced for on-site consumption where production does not exceed 10,000 barrels (310,000 gallons) per year and offsite sales to a state licensed wholesaler do not exceed 75% of production is permissible by PUD only. The aforementioned shall not limit the production of beer, wine or other alcoholic beverages for exclusively on-site consumption in conjunction with an otherwise permissible restaurant or retail sales and service establishment.

Single-use developments shall be limited to residential or office. Single use residential developments shall be pursuant to the requirements of the Medium Density Residential (MDR) category. Mixed use developments may not include more than 90 percent of any individual use.

The proposed 7,000 square feet restaurant with the industrial brewery qualifies as one of the required mix of uses required by the RPI land use category. 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?*

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): 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 1.1.8 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.

FLUE 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.

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 3.2.6 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

FLUE Objective 3.4 Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, education and recreational activities.

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

*(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 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: There is an existing sidewalk along Baymeadows Road, and pedestrian access will be provided by sidewalks installed in accordance with the 2030 Comprehensive Plan.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The proposed building will be set back a minimum of sixty (60) feet from the right of way line of Sunset Drive North, and a minimum of sixty (60) feet from the east property line. A twenty-five (25) wide naturally vegetated buffer will be provided along the vehicle use area adjacent to Sunset Drive North. Evergreen trees and shrubs will be planted within this buffer to create a visual barrier. An eight (8) foot tall, 95% opaque stucco wall will be placed between the buffer and the vehicle use area. The buffer and fencing shall be installed prior to any building construction. The landscaping will comply with the requirements of Part 12. The proposed structure will have approximately 7,000 s.f. of enclosed space, 2,000 s.f. of outdoor seating area, and a dock and elevated walkway.

Traffic and pedestrian circulation patterns: Vehicular access to the property will be via Baymeadows Road. There will be no access from Sunset Drive North. The location and design of all access points will be subject to the review and approval of the City Traffic Engineer and the Planning and Development Department. The proposed boat dock will be for patrons of retail uses on the property and will not be available to the general public.

The use and variety of building groupings: The proposed building will be set back a minimum of sixty (60) feet from the right of way line of Sunset Drive North, and a minimum of sixty (60) feet from the east property line. The proposed structure will have approximately 7,000 s.f. of enclosed space, 2,000 s.f. of outdoor seating area, and a dock and elevated walkway surrounded by seventy-three parking spaces and landscaped and passive open space.

Compatible relationship between land uses in a mixed use project: The proposed development is consistent and compatible with planned and permitted development in the area. The property fronts on an arterial road and is primarily bordered by commercial, office and residential uses. The node of retail commercial and office uses at the Baymeadows Road/San Jose Boulevard intersection, with CN, CCG-1, and CCG-2 zoning, begins approximately 700 feet to the west. Commercial and office uses are immediately adjacent to the east and north across Baymeadows Road, with CO and CRO zoning. The hours of operation for the retail sales and service of alcoholic beverages shall be 11 a.m. – 11 p.m. Monday through Saturday and 10 a.m. – 9 p.m.

on Sunday; provided, however, that sales and service may continue until 2 a.m. on New Year's Eve and St. Patrick's Day. Outside amplified music will cease at 10 p.m. Monday through Saturday and at 8 p.m. on Sunday. Service delivery and distribution activities related to the brewing of beer and cider/mead products shall be limited to the hours of 9 a.m. – 3 p.m. Monday through Friday. The proposed restaurant, retail and office uses are compatible in both intensity and density with these surrounding uses and zoning districts, and would be an amenity to the adjacent residential and office uses.

*(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:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: This application proposes a “downzoning” from the current PUD development standards. It provides landscaping, buffering, lighting, sound and hours of operations provisions and reduces the maximum development square footage from 28,000 square feet to approximately 7,000 square feet. The proposed development parameters generally will be consistent with the Commercial Residential Office and Commercial Neighborhood zoning districts; permitted secondary zoning districts in the RPI land use category, except for the minimum lot requirements and maximum lot coverage, which are “none” instead of 75 feet/7,500 square feet and 50%, respectively. The proposed PUD contains limitations on the uses permitted on the subject property as well as a common development scheme and unified architectural theme that contains special provisions for signage, landscaping, and other issues relating to the common areas and vehicular and pedestrian traffic.

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, office and commercial uses function as a mixed-use development. The additional restaurant and brewery uses at this location complement the existing offices and commercial uses 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	CO	Professional office uses
South	LDR	RLD-90	Single-family homes
East	RPI/LDR	CO/RLD-90	Professional office/single-family home
West	RPI	RMD-A	Single-family homes

The proposed development is consistent and compatible with planned and permitted development in the area. The property fronts on an arterial road and is primarily bordered by

commercial, office and residential uses. The node of retail commercial and office uses at the Baymeadows Road/San Jose Boulevard intersection, with CN, CCG-1, and CCG-2 zoning, begins approximately 700 feet to the west. Commercial and office uses are immediately adjacent to the east and north across Baymeadows Road, with CO and CRO zoning.

*(6) Intensity of Development*

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

*(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. 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 Baymeadows Road in front of the property.

### SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on August 24, 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 2014-547 be **APPROVED with the following conditions:**

1. **The subject property is legally described in the original legal description dated June 9, 2014.**
2. **The subject property shall be developed in accordance with the original written description dated August 4, 2014.**
3. **The subject property shall be developed in accordance with the original site plan dated March 31, 2014.**
4. **The development shall be subject to the Development Services memorandum dated August 27, 2014, or as otherwise approved by FDOT, and the Planning and Development Department.**
5. **An eight (8) foot tall, 95 percent opaque stucco wall shall be installed and maintained along the eastern property line, ending ten (10) feet south of the Baymeadows Road right-of-way.**
6. **Drive-thru's shall be prohibited.**
7. **There shall be no outdoor amplified music.**





Aerial view of the subject site facing north





**Facing south into the subject site from Baymeadows Rd.**



**The subject site on the left facing west along Baymeadows Rd.**





**The subject site on the right facing east along Baymeadows Rd.**



**The subject site ahead on the left facing west along Baymeadows Rd.**





**Facing east into the subject site on the right from the Baymeadows Road bridge over Goodby's Creek**



**The subject site on the right facing east along Baymeadows Rd.**

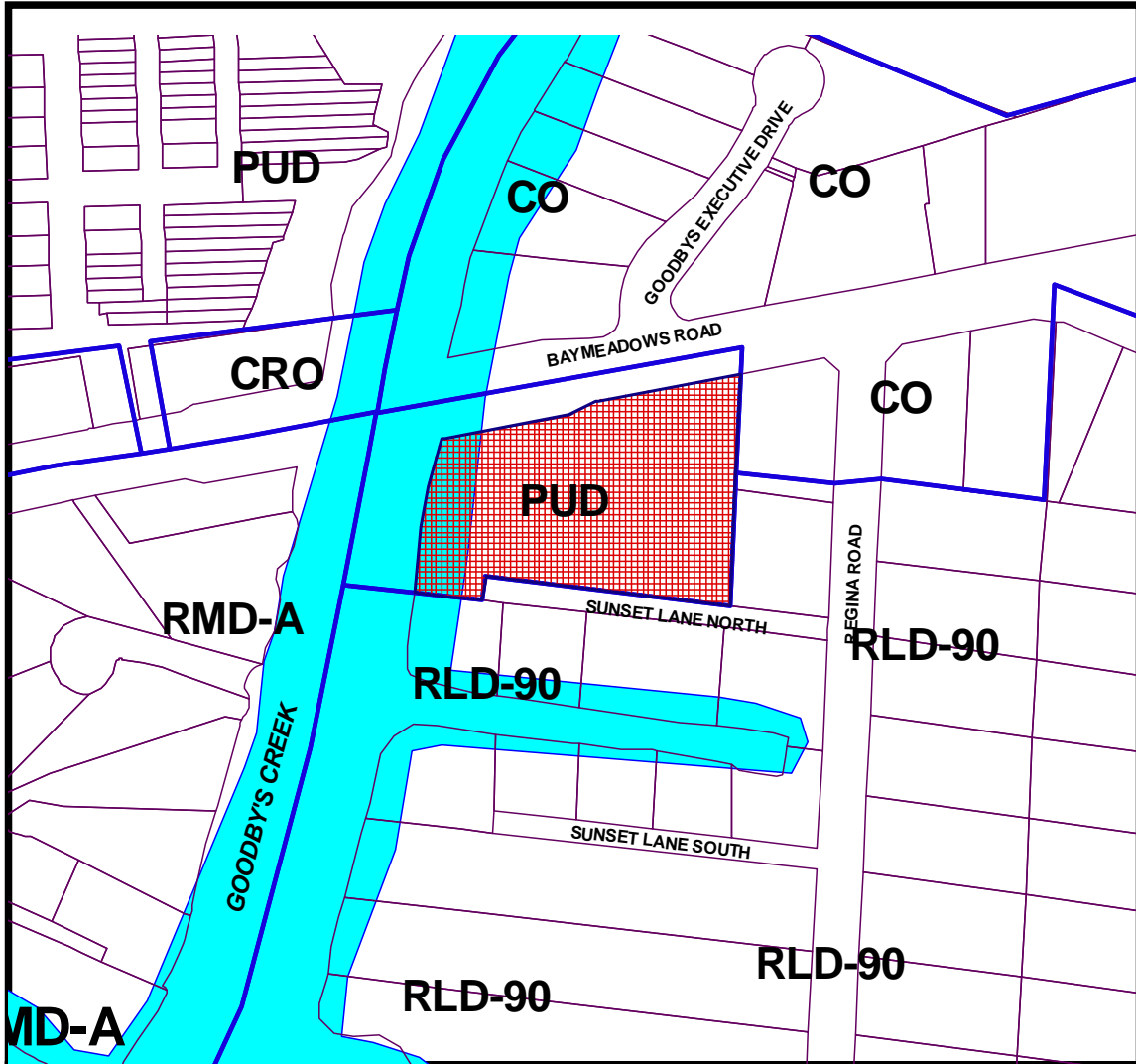


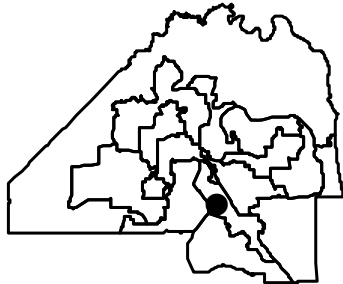
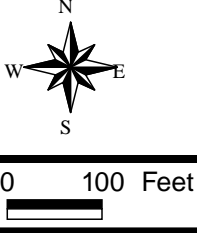


**Facing south from the Baymeadows Road Goodby's Creek bridge with the subject site on the left (eastern side of the creek)**



**Facing west down Sunset Lane N. on the south side of the subject site.**



REQUEST SOUGHT:  FROM: PUD  TO: PUD		 COUNCIL DISTRICT: <b>5</b>
ORDINANCE _2014_0547	FILE COPY	