

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-0278

TO PLANNED UNIT DEVELOPMENT

FEBRUARY 4, 2016

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 **2015-0278** to Planned Unit Development.

Location: 0 Interstate 95 South,
between Belair Road South and Emerson Street

Real Estate Number: 125824-0000 & 125825-0000

Current Zoning District: Residential Low Density 60 (RLD-60)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

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

Planning District: Southeast, District 3

Planning Commissioner: Daniel Blanchard

City Council District: The Honorable Scott Wilson, District 4

Applicant/Agent: Steve Diebenow, Esq.
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: SLG Investment Partnership LLLP
6740 Epping Forest Way North, Unit 108
Jacksonville, FL 32217

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2015-0278** seeks to rezone approximately .89 acres from RLD-60 to PUD. The proposed PUD would allow for many possible commercial uses typically allowed in the CCG-2 Zoning District with a proposed overflow parking lot for an adjacent commercial entertainment use, an existing ice skating rink, and the replacement of an existing static billboard with a new Light-Emitting Changing Message Device billboard, with only the southern face of the proposed new sign to be light emitting. The site would also include a natural buffered area to the west, to help shield the existing residential properties from any negative impacts from the proposed commercial uses. The proposed buffer, at its most narrow, would be a minimum of 40 feet in width. The application has a companion small scale land use amendment, 2015-277, proposing to amend the Future Land Use from LDR to CGC. If this ordinance is passed, the proposed change in zoning district would be compatible with the proposed Future Land Use category. The property has frontage on Interstate 95, a Freeway, as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan

The property is predominantly in a natural state, excluding the static billboard that is currently on the southeastern corner of the site, adjacent to the I-95 interstate. The site would be accessed through the commercial property adjacent to the south, as an extension of their existing parking area.

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. There is a companion Application for Semi-Annual Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, Ordinance 2015-0277 (Application 2015C-002) requesting to change the functional land use category of the subject property from Agriculture-IV (AGR-IV) to Neighborhood Commercial (NC). The Planning and Development Department has submitted its report on the companion Small-Scale Land Use Amendment 2015C-002 and recommends that the same be approved. A description of the category is noted below.

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*

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) CGC & LDR. As previously mentioned, the only portion of the project located in the CGC category will be the access drive, as noted on the provided site plan, dated October 21, 2015, labeled exhibit E. 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 the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

The subject area of this proposed PUD is a small, oddly shaped portion of land immediately abutting interstate 95. It is unlikely the property would ever develop for residential purposes, given its proximity to the interstate. Additionally, approval of this application would allow the property to serve as infill development, for commercial purposes, and fully realize the potential of this undeveloped portion of land in an efficient manner.

FLUE Policy 1.1.10 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.

The proposed PUD site plan shows a substantial buffered area between the proposed parking area and upgraded billboard, and that of the existing residences to the west. The PUD provides a guarantee of an orderly transition between the residential homes and the commercial uses, and provides protection from the existing any further exposure to the noise from the interstate.

FLUE Policy 1.1.20 Development uses and densities shall be determined by the Development Areas described in the Operational Provisions for the Central Business District (CBD); Urban Priority Area (UPA); the Urban Area (UA); the Suburban Area (SA); and the Rural Area (RA) as identified in the 2030 Comprehensive Plan, in order to prevent urban sprawl, protect agricultural lands, conserve natural open space, and to minimize the cost of public facilities and services.

As mentioned previously, this site in an underutilized parcel of land, placed in the LDR land use, and adjacent to interstate 95. The property is located within the Urban Priority Development Area, so the increase in intensity, to better utilize the land within this area, and not increase the creation of new developed areas is supported by the comprehensive plan.

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.

This proposed PUD would achieve the highest and best use of the property, while ensuring its continued compatibility with the surrounding residential areas. The property would be unlikely to develop as a residential property, given its size, shape and proximity to Interstate 95, commercial development is more compatible with the potential nuisances.

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 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

The proposed Planned Unit Development is intended for commercial uses. 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 existence and the location of open spaces, plazas, recreational areas and common areas:

The proposed PUD incorporates a large area of open space, which accounts for approximately half of the total area of the PUD.

The use of existing and proposed landscaping:

The project will be required to meet the minimal standards set forth in Section 656, Part 12.

The treatment of pedestrian ways:

The Applicant will provide sidewalks and bike paths consistent with Section 654.133 of the Zoning Code.

The use of topography, physical environment and other natural features:

Approximately half of the property will remain as a natural buffer, maintaining the existing vegetative areas to the west.

Traffic and pedestrian circulation patterns:

The site will be accessed from an internal connection to the adjacent commercial property to the south, which is accessed off of Emerson Street.

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

The applicant is proposing a minimum yard setback from any residential property of 25 feet. Only landscaping and buffering may be constructed within this setback.

Signage:

Applicant proposes the following signage restrictions:

- (1) One (1) double-sided static sign shall be permitted, subject to the Second Amended and Restated Settlement Agreement between the City of Jacksonville, Scenic Jacksonville, Inc. and CBS Outdoor (n/k/a Outfront Media, LLC), including the requirement to obtain a sign permit from the City of Jacksonville.

- (2) The Existing Sign may be replaced with the Proposed Sign, which may contain one (1) Light-Emitting Changeable Message Device (“LECMD”) on the south-facing sign face and one (1) static sign on the north-facing sign face.

(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 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	LDR	RLD-60	Residential
East	LDR	RLD-60	I-95
South	BP	PUD	Indoor Recreation
West	LDR	RLD-60	Residential

(6) Intensity of Development

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 site will be buffered from any residential area, providing of the privacy and safety of adjacent residential areas.

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

The site will be served by city sewer and water.

(7) Usable open spaces plazas, recreation areas.

This project is commercial in nature, and has proposed a large buffer area, to be left in a natural state.

(8) Impact on wetlands

Surveying of a 2005 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

The subject site is less than 50 acres in size, and therefore a listed species survey is not required.

(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. There will also be external sidewalks as required.

SUPPLEMENTAL INFORMATION

The applicant submitted a signed and notarized Sign Posting Affidavit dated May, 4, 2015 that indicated the required Notice of Public Hearing sign was posted (attached).



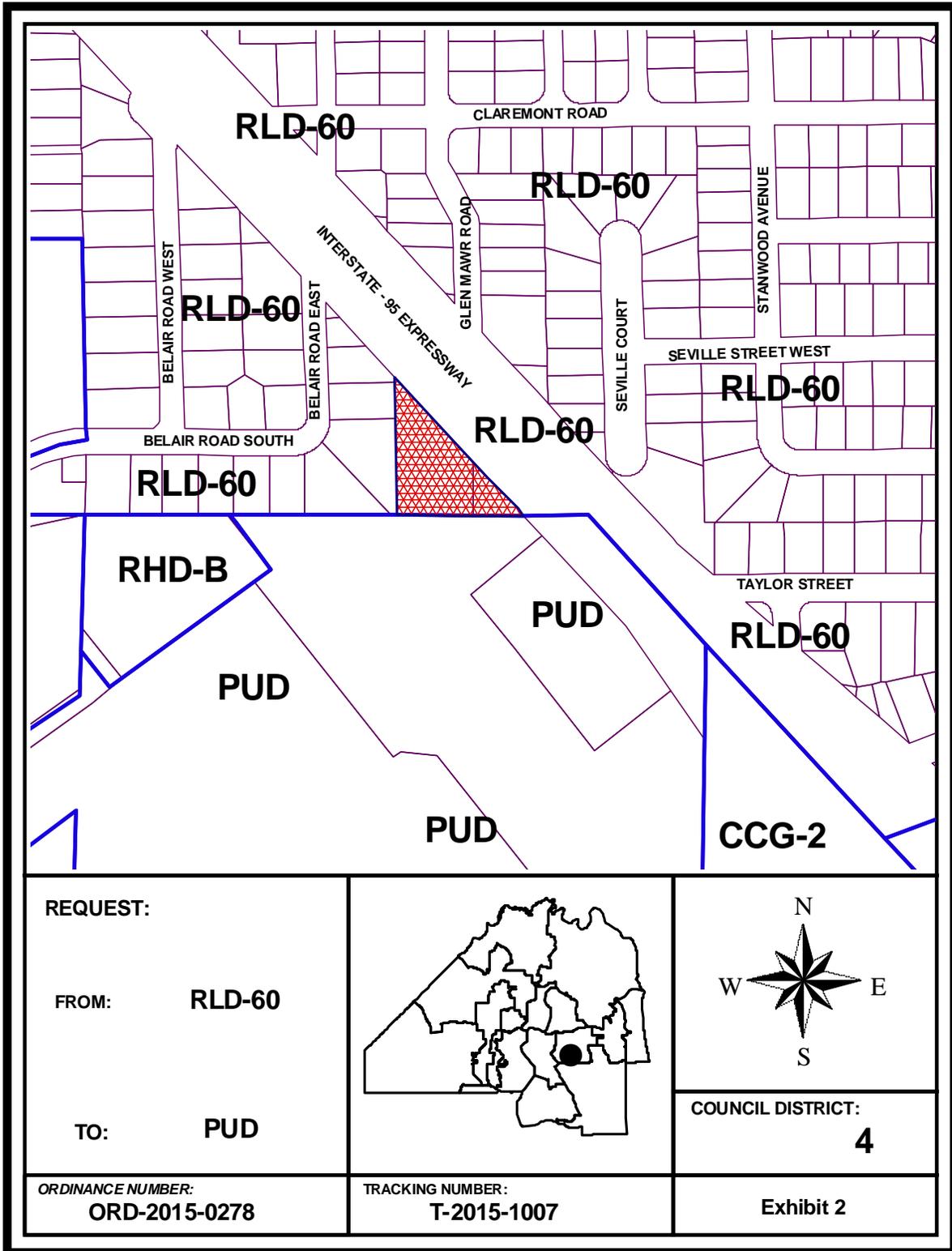
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2015-0278 be **APPROVED** with the following exhibits:

1. **The original legal description dated December 10, 2015**
2. **The original written description dated January 5, 2016.**
3. **The original site plan dated December 11, 2015.**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2015-0278 **APPROVED** subject to the following conditions, which may only be changed through a rezoning:

- 1) **The height, location, style and permitting of any outdoor advertisement, off-sight sign or billboard will be subject to the requirements of Florida Department of Transportation review and permitting process.**



<p>REQUEST:</p> <p>FROM: RLD-60</p> <p>TO: PUD</p>		
<p>ORDINANCE NUMBER: ORD-2015-0278</p>	<p>TRACKING NUMBER: T-2015-1007</p>	<p>COUNCIL DISTRICT: 4</p> <p>Exhibit 2</p>