

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-845 TO

PLANNED UNIT DEVELOPMENT

AUGUST 16, 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 Ordinance **2015-845** to Planned Unit Development.

Locations: The northwest corner of the intersection of Martin Luther King Jr. Parkway and Myrtle Avenue, with a portion located at 1326 20th Street West, between Martin Luther King Parkway and 20th Street West

Real Estate Numbers: 045987 0000 & 045988 0000

Current Zoning District: Planned Unit Development (PUD 2006-0772)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)
Community General Commercial (CGC)

Proposed New Land Use Community General Commercial (CGC)

Planning District: Urban, District 1

Planning Commissioner: Abel Harding

City Council District: The Honorable Katrina Brown, District 8

Applicant/Agent: L. Charles Mann
165 Arlington Road
Jacksonville, FL 32205

Owner: Angela Sutton
4412 Wesley Drive
Tallahassee, FL 32303

Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-0845** seeks to rezone 0.5 acres from Planned Unit Development (PUD) (2006-0772) to Planned Unit Development (PUD). The site is currently zoned for a town home community, which was never constructed. The property currently has a split land use designation, with the rear 3 lots designated LDR, and the front 2 lots designated CGC. The proposed companion land use amendment (2015-0844) if approved, would move the western portion of the subject site to the CGC land use, however, the Planning and Development Department has recommend denial of the proposed land use change. Although the site borders a major collector road, the only access to the site is from the locally designated 20th Street West. All commercial traffic would enter and exist along this predominantly residential street. The eastern portion of the site is currently vacant, and used as overflow parking for the surrounding commercial uses, while the western residential structure is vacant an partially boarded up, although there does appear to be some activity, as there was a vehicle stored in the carport.

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?

No. The Planning and Development Department finds that the subject property, with the proposed denial of the companion small scale land use amendment 2015C-024 (2015-0844) will be located in both the CGC functional land use category and the LDR functional land use category, according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The LDR land use category is a category intended to provide for low density residential development. Generally, single family detached housing should be the predominant typology in this category. The site is within the Urban Priority Development Area as set forth in the 2030 Comprehensive Plan. The proposed PUD Zoning District would be incompatible with the rear portion of the property, which, with a denial of the application for land use amendment, would remain in the LDR land use category. The site is too small to accommodate a full mixed use development.

Therefore, the proposed rezoning is inconsistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 *Comprehensive planning for future development* of the Ordinance Code.

LDR in the Urban Priority Area is intended to provide for low density residential development. Further, it is intended to promote neighborhoods in need of redevelopment and to provide a compact single-family development typology that is supportive of transit, neighborhood

commercial uses and services. In these instances, the category provides a higher density than LDR in other Development Areas of the City. The application of this higher density should be supported by a neighborhood plan or study. Plan amendment requests for new LDR designations are preferred in locations which are supplied with full urban services.

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

Principal Uses: Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and other uses associated with and developed as an integral component of TND.

Secondary Uses: Secondary uses shall be permitted pursuant to the Residential land use introduction. Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

CGC in the Urban Priority Area 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.

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.

(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?

Yes. The proposed change in Zoning District is **inconsistent** with the Low Density Residential (LDR) future land use category as defined in the Future Land Use Element of the 2030 Comprehensive Plan. The LDR land use category predominantly allows for single family detached homes, and with a recommendation of denial for the proposed future land use amendment (2015-0844), the proposed Planned Unit Development (PUD) Zoning District, as proposed, would conflict with the portion of the property in the LDR land use.

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 categories as identified in the Future Land Use Map series (FLUMs): Low Density Residential (LDR) and Community General Commercial (CGC). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2015C-024 (Ordinance 2015-844) that seeks to amend the portion of land that is within the LDR land use category to CGC.

The proposed amendment is **inconsistent** with the following policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

FLUE Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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.

FLUE Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

FLUE Policy 3.2.4: “The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.” The proposed rezoning would expand the commercial zoning district further into the residentially zoned portion of the neighborhood. The expansion of commercial uses would encroach on existing residential homes, and could negatively impact the residential character of the area. The existing commercial zoning district is located along Myrtle Avenue, and does not extend beyond the first two block of each street, on both sides, for the entirety of this portion of Myrtle Avenue. The proposed rezoning could set a precedent, which could lead to further erosion of the residential areas though continued encroachment of commercial uses.

Policy 4.1.8B: “The City shall evaluate all proposed amendments to the comprehensive Plan as their compliance with the area’s vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.” The subject property is located in the 29th and Chase Neighborhood Action Plan (NAP). This NAP recommends against the further encroachment of commercial uses into the residential areas. The proposed rezoning, as submitted, conflicts with the goals and objectives of this plan, and therefore should not be given a favorable consideration.

(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 and variety of building setback lines, separations, and buffering: The written description proposes uses found in the CCG-1 Zoning District and prohibited any use with alcoholic beverages.

The use and variety of building sizes and architectural styles: The proposed application does not address any specific architectural style.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The proposed PUD states the development will comply with the landscape regulations of the Zoning Code.

(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 **not** achieved by the following:

The type, number and location of surrounding external uses: The proposed development is located in an area that consists mainly of residential dwellings and commercial uses front on along Myrtle Avenue. The proposed development would encroach upon the single family uses and impact the neighborhood.

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	CGC	CCG-2	Office
	LDR	RLD-60	Single family
South	MDR	RMD-B	Multi-family
East	CGC	CCG-2	Office
West	LDR	RLD-60	Single family

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 proposed amendment as submitted does not promote the goals and objectives of the 29th & Chase Neighborhood Action Plan (NAP). The NAP recommends against commercial encroachment in residential areas. The proposed amendment has been reviewed against these plans and has been found to be in conflict with the goals and objectives of this plan and as such the amendment is not in compliance with FLUE Policy 4.1.8B.

(6) Intensity of Development

The proposed development is **inconsistent** with the CGC functional land use category as a commercial development. The PUD is inappropriate at this location because it will encroach on the single family residential area negatively affecting the character of the existing residential neighborhood. Additionally, a portion of the property includes an existing single family residential structure; the application of this property for commercial uses would diminish the residential nature of the neighborhood. The character of the residential area would not be protected and land use transitions would not be achieved creating an incompatible land use pattern with the surrounding area which is inconsistent with FLUE Goal 1 and Polices 1.1.10, 3.1.3 and 3.2.4.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site borders a major collector road, the only access to the site is from the locally designated 20th Street West. All commercial traffic would enter and exist along this predominantly residential street.

(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.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on August 2, 2016, 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 **2015-845** be **DENIED**.



View of site.



View of site with vacant dwelling.



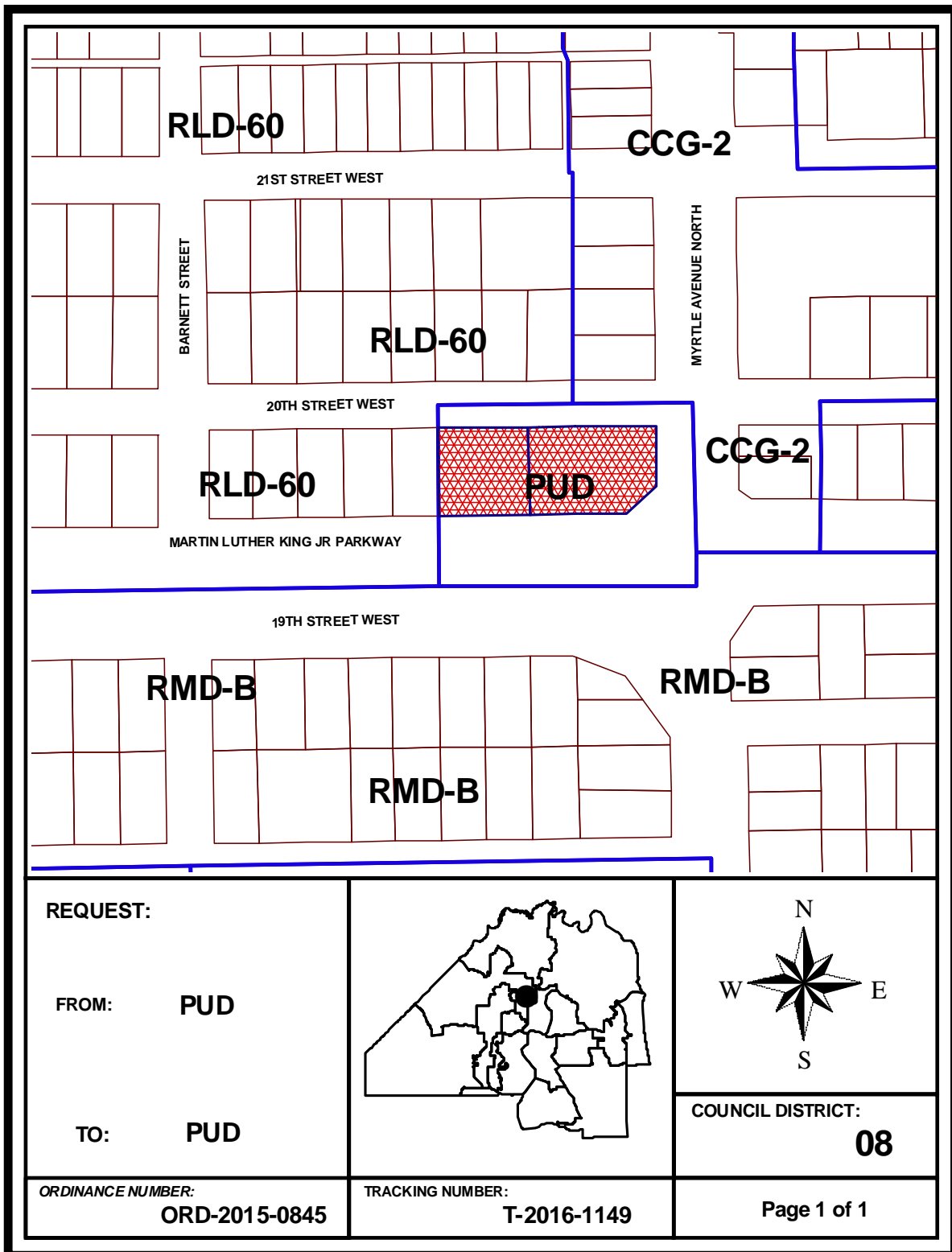
View of medical building to the north



Intersection of Myrtle Avenue and 20th Street West



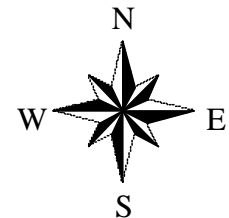
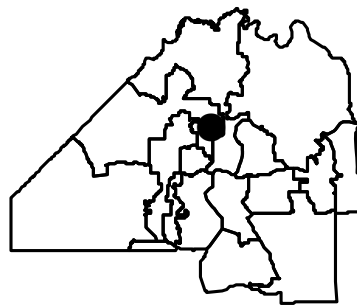
Business office across Myrtle Avenue



REQUEST:

FROM: PUD

TO: PUD



COUNCIL DISTRICT:
08

ORDINANCE NUMBER:
ORD-2015-0845

TRACKING NUMBER:
T-2016-1149

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