

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2016-0525

TO PLANNED UNIT DEVELOPMENT

SEPTEMBER 8, 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 **2016-0525** to Planned Unit Development.

Location: 9069 and 9109 San Jose Boulevard
Between Baymeadows Road and Harbor Acres Lane
North of Beauclerc Road

Real Estate Number: 148709 0000 and 148714 0000

Current Zoning District: Planned Unit Development (2013-0475-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Neighborhood Commercial (NC)

Planning District: Southeast, District 3

City Council District: The Honorable Lori Boyer, District 5

Applicant/Agent: Steven Diebenow
Driver McAfee Peek and Hawthorne
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: SSL San Jose, LLC
9995 Gate Parkway North, Suite 320
Jacksonville, Florida 32246

Staff Recommendation: **APPROVE WITH CONDITION**

GENERAL INFORMATION

Application for Planned Unit Development Ordinance **2016-0525** seeks to rezone approximately 5.56± acres of land located on San Jose Boulevard approximately 300 feet north of the intersection of Beauclerc Road with San Jose Boulevard from PUD to PUD. The current Planned Unit Development 2013-0475 allows for two (2) alternate uses; a commercial shopping center of approximately 45,000 square feet (Alternate A) or a 140 bed Assisted Living Facility (Alternate B). Only one of the two alternate uses will be developed.

The owners have proceeded with the development of a three-story 92,000 square foot Assisted Living Facility (Alternate B) on the property. This rezoning to PUD is being sought for the sole purpose of allowing the uses below in the alternative “B” development plan, in conjunction with the assisted living facility where not previously allowed:

1. An establishment or facility which includes the retail sale of beer and/or wine for on-premises consumption.
2. Permanent or restricted outside sale and service in conjunction with a restaurant, meeting the performance standards and criteria set forth in Chapter 656, Part 4.
3. An establishment or facility which includes the retail sale of liquor for on-premises consumption in conjunction with a bona fide restaurant.

The uses and restrictions in Alternate “A” (commercial shopping center) are the same as previously approved by the City Council in Ordinance 2013-0475-E. No other changes are proposed to the conditions or written description of that approved Ordinance.

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 Neighborhood Commercial (NC) 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 NC functional land use category within the Suburban Character Area permits offices, multi-family dwellings, commercial retail and service establishments, and secondary supporting uses. 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.

(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

Yes. 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): Neighborhood Commercial (NC). The proposed PUD is located within the NC land use category and within the Suburban Development Area. The Rezoning from PUD to PUD includes a site plan on 5.56 acres on San Jose Blvd. between Baymeadows Road and Sunbeam Road. The previous PUD (2013-475-E) approved a 45,000 square foot shopping center or as an alternative an assisted living facility. The site is an existing (recently built) assisted living facility. The proposal will utilize this existing assisted living facility and now the applicant is seeks a rezoning from PUD to PUD to allow for the retail sales and service of alcoholic beverages in conjunction with an assisted living facility. The allowed uses in the written description are consistent with the NC land use category. Neighborhood Commercial in the Suburban Area permits offices, multi-family dwellings, commercial retail and service establishments and other uses.

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

Comprehensive Land Use Policy Analysis

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 proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

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 1.1.10 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 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 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

According to the site plan, the applicant proposed a 25 foot setback of all structures and parking areas along San Jose Blvd. Rear and side yard setbacks of 10 feet also apply. Should additional development occur, the applicant should comply with buffer requirements in order to better allow the transition of densities as called for in Policy 1.1.10 of the FLUE. The PUD provides commercial retail services that help serve the daily needs of the residents of the assisted living facility in an area with full urban services. The PUD results in compatible land use patterns and provide a scaled transition of commercial uses to the residential areas fulfilling Objective 1.1, Policy 1.1.12 and Objective 3.2. The PUD appears to be consistent with the policies identified in the FLUE, TE, and CCME and the NC Land Use Category Description including the locational criteria for such uses.

Airport Environs Zone

The site is located within the 300 foot Height and Hazard Zone for the NAS Airport. Zoning will limit development to a maximum height of less than 300 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.10051(d). The PUD does not include a school site or any residential.

FLUE Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Wetlands

This is an existing assisted living facility, the ground has been filled and there will be no new development/construction of the site under this application. Additionally, further investigation revealed that an Environment Resource Permit #125825 from the St. Johns River Water Management District has been issued for the wetlands that were altered. This meets Goal 4 of the CCME (see below) which achieves no further net loss as a result of mitigation.

Goal 4 To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetland resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

Septic Tank Failure

The subject site is located in an area of septic tank failure. However, the site is served by city

sewer and water according to a JEA Availability of Services letter which was provided with Policy 1.2.9 of the FLUE and Policy 1.2.6 of the Sanitary Sewer Sub Element that ensures proper connection to central water and sewer for this project.

FLUE Policy 1.2.9 Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

Infrastructure Element, Sanitary Sewer Sub-Element

Policy 1.2.6 Within the Suburban Boundary Map as defined in the Future Land Use and Capital Improvements Elements, new septic tanks will be forbidden pursuant to the Septic Environmental Protection Board – Rule 3; however, they may be permitted as interim facilities, provided the following requirements are satisfied:

Flood Zone

The subject site is within the AE flood zone. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as “AE”. Although there will be no new development of this site under this application, development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.(See Attachment E) See Policies 2.7.1 and 2.7.3 of the Conservation /Coastal Management Element below:

2.7.1 The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

2.7.3 The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by: A. Land acquisition or conservation easement acquisition; B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and C. Incentives, including tax benefits and transfer of development rights.

CCHA

The application is located within a Coastal High Hazard Area (CHHA). This is an existing assisted living facility, the ground has been filled and there will be no new development/construction of the site under this application. Should development occur the applicant should consider the CCME policies and objectives below.

Objective 7.4 Limit development density and intensity within the Coastal High Hazard Area (CHHA) and direct it outside of the CHHA, and mitigate the impact of natural hazards in the area.

Policy 7.4.8 The City shall promote, in instances where a proposed project is located within the CHHA, the clustering of uses. Such clustering will be used to limit the acreage within the CHHA

that will be affected by the proposed development, and will serve to limit the amount of infrastructure provided within the CHHA. To demonstrate compliance with the clustering concept identified in this policy, proposed site plans may be required to include conditions that restrict future development on any other portion of the site within the CHHA and /or place a conservation easement on any remaining wetlands within the CHHA not already proposed for impacts.

Wellhead Protection Zone

The site is within the 750 and 500-foot buffer of a wellhead. Should the applicant drill a well on site requirements with Policy 1.2.3 should be met. See Policy 1.2.3 of the Potable Water Sub-Element of the Infrastructure Element below:

1.2.3 The City shall implement the Wellhead Protection Ordinance to protect its potable water supply source. Improperly constructed or maintained Hawthorne Group and Floridan Aquifer private wells in proximity to a Public Potable Water well within Duval County are potentially harmful to the drinking water supply of the City of Jacksonville. A Pathway Focused Approach to prevent migration of contamination from the shallow aquifer into the Floridan aquifer is reasonable and prudent to protect public water supplies. The intent of this policy is to protect and safeguard the health, safety and welfare of the residents of Duval County by establishing a Pathway Focused Approach to wellhead protection that safeguards the Floridan aquifer from intrusion of any contaminants that may jeopardize present and future public water supply wells.

Within Wellhead Protection Areas, the following shall apply:

1. Within a 500-foot radius around an existing Public Potable Water well, those actions and uses established by the Florida Department of Environmental Protection in Rule 62-521.400, Fla. Admin. Code shall be prohibited.
2. Pursuant to Chapter 366 City of Jacksonville Municipal Code, no existing private wells shall be deepened and no new wells shall be constructed within designated Wellhead Protection Areas that penetrate a portion of the Hawthorne Group or the Floridan Aquifer without first obtaining a well construction permit from the City of Jacksonville Environmental Quality Division (EQD) as provided in Environmental Protection Board Rule 8 and including a review of areas of known contamination at or near the proposed or existing well location. All new wells within such areas must be fully grouted.
3. Pursuant to Chapter 366 City of Jacksonville Municipal Code, abandonment of existing wells shall be in accordance with applicable SJRWMD requirements and a copy of the plugging and abandonment report shall be submitted to the EQD.

Transportation Element (TE)

1.4.8 The City shall encourage street networks within new development plans to be designed and constructed so as to provide for future public street connections and increased connectivity to adjacent developable or redevelopable parcels.

The site is located on San Jose Boulevard which is classified as an arterial roadway according to the Functional Highway Classification Map. JTA bus stops are located on both sides of San Jose Boulevard and located within walking distance of this application.

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. City Development Number 3346 is approved for 41,895 square feet assisted living facility having 160 rooms and 230 pads by Concurrency Reservation Certificate 14340.1. Any future development utilizing the alternative for a commercial shopping center use will require a revised CRC application and revised calculation of credit, including credit for existing uses.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a multi-unit adult assisted living facility. 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 project will be required to meet the minimal standards set forth in Section 656, Part 12.

The treatment of pedestrian ways: Clearly delineated pedestrian ways are shown on the submitted site plan along parking areas that connect to the front entrance of the building and to the sidewalk along San Jose Boulevard. The Applicant will be required to meet all portions of the 2030 Comprehensive Plan regarding access and pedestrian ways.

Traffic and circulation patterns: The property will be accessed through one point of full access on San Jose Boulevard and may have cross access to adjacent parcels pending approval by neighboring property owners.

The use and variety of building setback lines, separations, and buffering: Applicant proposes a 25 feet setback of all structures and parking areas along San Jose Boulevard. Rear and side yard setbacks of 10 feet will apply as well. The north boundary of the site is shared with the Beauclerc Bay Apartments. Should multi-family uses continue to exist at this site at the time of construction, then along this boundary, the applicant shall comply with the uncomplimentary land use buffer set forth in section 656.1216.

The particular land uses proposed and the conditions and limitations thereon: Applicant proposes two development alternatives for the site. Alternative “A” includes neighborhood commercial retail and service uses previously approved in PUD 2013-0475-E. Prohibited uses include convenience stores, tattoo parlors, pawn shops, internet cafes, and adult entertainment facilities. Alternative “B” permits the development of a 140 bed adult congregate living facility not to exceed 3 stories and 28.7% lot coverage. This rezoning seeks only to allow for the on-site sales and service of alcohol, including outdoor seating, in conjunction with the assisted living facility. The list of prohibited uses remains the same.

Signage: The Adult Congregate Living Facility will have one shared entrance monument sign having a maximum sign area of 100 square feet (per side) and 15 feet in height is allowed. The sign may be internally or externally illuminated and shall be an approximately 90 degree angle to the San Jose Boulevard right-of-way. Wall signs are permitted on building walls within the PUD which face (i) San Jose Boulevard, or (ii) towards the interior of the PUD. Wall signs shall not exceed ten (10) percent of the square footage of the occupancy frontage or respective side of the building. Such signs shall be externally illuminated.

(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: This PUD proposes a single-use adult congregate living facility which is compatible in intensity with surrounding uses. San Jose Boulevard is classified as a Minor Arterial and is heavily trafficked. Conservation and undeveloped land is present both south and east of the property, and there is a multi-family apartment building north of the subject property. Single-family homes within the RLD-90 Zoning District are present to the west 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	RPI	RMD-D	Multi-family
East	CSV/LDR	CSV/PUD	Undeveloped
South	CSV/LDR	CSV	Undeveloped
West	LDR	RLD-90	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: Wetland impacts and any required mitigation will be subject to permitting in accordance with the rules and regulations of the St. Johns River Water Management District and the U.S. Army Corps of Engineers. Any wetlands and wetlands buffers required to be conserved pursuant to the St. Johns River Water Management District environmental resource permit shall be placed in a conservation easement in favor of the St. Johns River Water Management District.

(6) Intensity of Development

The proposed development is consistent with the NC functional land use category and is a single-use, adult congregate facility 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 provide buffering. Should the rear of a structure be constructed within 10 feet of the shared property boundary, the rear wall shall be architecturally finished (i.e. finished masonry, paint or stucco, not unfinished cement block). Structures whose rear walls are within ten (10) feet of the north boundary shall not exceed twenty-four (24) feet in height as measured within twenty-five (25) feet of the north boundary. No uncomplimentary use buffer is proposed for the east or south boundaries. Perimeter landscaping adjacent to San Jose Boulevard will be provided along the project's frontage on San Jose Boulevard having an average width of at least fifteen (15) feet. At least fifty percent (50%) of the site will be passive open space which may consist in part of stormwater pond area.

The availability and location of utility services and public facilities and services: The site is served by city sewer and water.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Access to the project will be provided by one driveway on San Jose Boulevard; however, additional access points connecting the property north of the project will be allowed with the consent of the adjoining property owner.

Any other factor deemed relevant to the limitation of the intensity of the development for the benefit of the public health, welfare and safety: There is no electronically amplified outdoor sound proposed in the PUD.

(7) Usable open spaces plazas, recreation areas.

At least five percent (5%) of the site will be active recreation area. At least fifty percent (50%) of the project will be open space, which may consist in part of stormwater pond area. The submitted site plan shows an open courtyard area between the wings of the primary building.

(8) Impact on wetlands

Surveying of a 2005 Geographical Information Systems shape file did identify 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 being developed in accordance with Part 6 of the Zoning Code. Compliance with the perimeter landscaping requirements and vehicular use area interior landscaping requirements in Chapter 656, Part 12 will be measured against the PUD as a whole, rather than against individual lots within the PUD.

(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

Upon visual inspection of the subject property on August 25, 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 the application for Rezoning **2016-0525** be **APPROVED** with the following exhibits:

- 1. The legal description dated July 12, 2016.**
- 2. The written description dated June 20, 2016.**
- 3. The original site plan dated December 15, 2014.**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2016-0525** be **APPROVED** subject to the following conditions, which may only be changed through a rezoning:

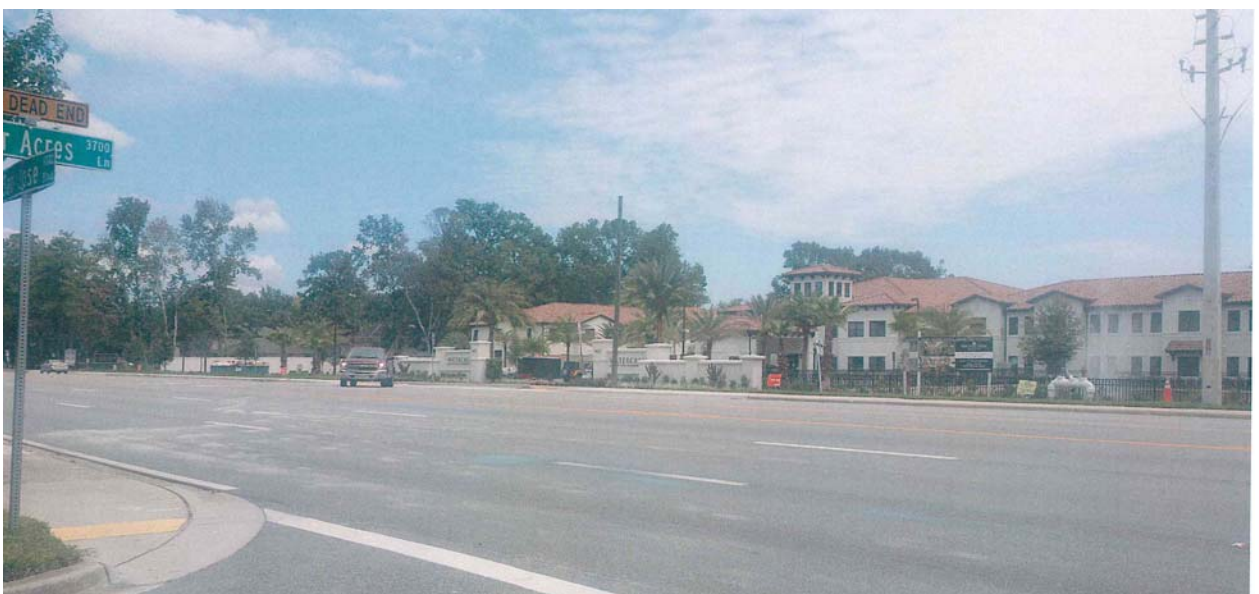
- 1. The outside sales and service, and sales of alcohol shall be subordinate to and in conjunction with the assisted living facility.**



The subject site on the right facing north along San Jose Blvd.



The subject site on the left facing south along San Jose Blvd.



The subject site facing northeast across San Jose Blvd.



Beaulerc Bay Apartments north of the subject site



San Jose and Beaulerc Road intersection to the south



RLD-60 Single-family homes across San Jose Boulevard to the west

