

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

**APPLICATION FOR REZONING ORDINANCE 2016-0725**

**TO PLANNED UNIT DEVELOPMENT**

**DECEMBER 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 2016-0725 to Planned Unit Development.

***Location:*** The east side of New Kings Road between Bowie Road and Harrell Street

***Real Estate Number(s):*** 003775 2000; 003775 4000

***Current Zoning District:*** Planned Unit Development (PUD) Ord. 2005-1156

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

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

***Planning District:*** North, District 6

***Planning Commissioner:*** Marshall Adkinson

***City Council District:*** The Honorable Katrina Brown, District 8

***Applicant/Agent:*** L. Charles Mann  
Mann-Pellicer, Inc.  
165 Arlington Road  
Jacksonville, Florida 32211

***Owner:*** Ace Auction, LLC  
10909 New Kings Road  
Jacksonville, Florida 32219

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Planned Unit Development **2016-0725** seeks to rezone approximately 12.76 acres of land from Planned Unit Development (PUD) to Planned Unit

Development (PUD). The rezoning to PUD is being sought because the owners of the property have identified a continuing demand for additional vehicle auction areas. The property is the subject of a previous rezoning to PUD, as completed through Ordinance 2005-1156-E. The rezoning of this existing PUD to a revised PUD will offer the ability to conduct vehicle auctions consistent with the adjoining property immediately south of the subject site. It is anticipated that the owner of this property and the adjoining auto auction operation may merge, offering a larger operation that would be more efficient than two separate operations. Thus, cross access to that site is depicted on the site plan. That adjoining parcel was rezoned under Ordinance 2003-0069 and is currently conducting regular vehicle auctions. At least four other auctions are located within about one mile of the property. While those exist north of the Dunn Avenue intersection, a large industrial operation is developed immediately across New Kings Road to the west. This parcel encompasses more than 52 acres and contains a building over 600,000 square feet. It is apparent that industrial operations are not uncommon in this area with the subject property being in between these users. Such activity is common and consistent with the character of the area along New Kings Road, and adjacent properties to the north, east and south are substantially buffered with natural vegetation, including extensive wetland areas and a tributary of Trout Creek.

The property is located within the New Kings Road Corridor (US-1), which contains a mix of uses but parcels abutting this roadway are predominantly commercial with the existence of Business Park and significant industrial operations north of the Dunn Avenue intersection. The property is undeveloped from the 2005 PUD rezoning, which approved intensive uses related to warehousing, storage and open display of nursery materials. The commercial operations along US-1 and in the vicinity of this property include various uses as described above, including vehicle auctions, warehousing, and filling stations.

### **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. A description of the category is noted below.

Community General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set

of neighborhoods. Uses should generally be developed in nodal and corridor development patterns while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be compact and connected and should support multi-modal transportation. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Transit-Oriented Developments (TOD), as defined in this element, are encouraged when in close proximity to an existing or planned JTA mass transit system station or Rapid Transit System (RTS). Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

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

**Principal Uses:** Commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices, Business and Professional Offices including veterinary offices; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities; Auto repair and sales, mobile home/motor home rental and sales, boat storage and sales; 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 complies with 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:

FLUE 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 1.1.16 Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:

1. Creation of like uses;
2. Creation of complementary uses;
3. Enhancement of transportation connections;
4. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
5. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.

FLUE Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

FLUE 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.

FLUE Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The proposed commercial development of the property is located on a principal roadway (U.S. 1) and it is a redevelopment of existing commercial area, so it is consistent with Policies 1.1.11, 3.2.1, 3.2.2 and Objective 6.3. Although the property has a land use of CGC it has been mostly vacant. The property is surrounded by LDR and the PUD should provide buffer zones and landscaping between uses to mitigate adverse land use impacts on adjacent uses during development and redevelopment as stated in Policy 1.1.16.

*(2) Consistency with the Concurrency Management System*

Pursuant to the provisions of Chapter 655 Concurrency 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. The property was previously the subject of CCAS application no. 70826.0 (cancelled) under Miller Commercial Complex (CDN 7179.3) and CCAS Application No. 73407.0 (denied) under Miller Commercial Complex II (CDN 8314.0) and aggregated with CCAS 44661 (expired and cancelled) as Miller Commercial Complex. The proposed development will require an application for a new Mobility Fee Calculation Certificate (MFCC) and Concurrency Reservation Certificate (CRC). The calculated Mobility Fee must be paid prior to issuance of the site work permit. Offsetting credit for previous or existing structures on the property might be possible if adequately documented by the applicant.

*(3) Allocation of residential land use*

This proposed Planned Unit Development has no residential component.

*(4) Internal compatibility*

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The streetscape: The site has approximately 2,500 feet of frontage with a proposed entrance from the east side of New Kings Road. The applicant is proposing out-door storage and auction sales of automobiles. To accommodate the identity of the various uses within the development, and to retain the character of the vicinity, there shall be limitations on the amount and type of signage allowed along the property frontage. One

double faced monument sign not to exceed (100) one-hundred square feet in area and (20) twenty feet in height may be permitted along US-1.

The use of existing and proposed landscaping: Part 12 of the Zoning Code shall apply to all components of the property. The development will include a 10 foot wide uncomplimentary buffer at the northwest corner of the property, abutting the LDR land use designation. This buffer will be required to be installed at the time of any new permitting associated with the development. Lighting associated with any use of this PUD will be of a design that does not permit trespass lighting onto adjacent properties. Furthermore, all lighting will utilize either appropriate lenses or cutoffs as required.

Traffic and pedestrian circulation patterns: A conceptual site plan was submitted indicating the open nature of the proposed use. Traffic and pedestrian circulation patterns are subject to approval by the Planning and Development Department and the Public Works Department. A pedestrian circulation plan will need to be submitted detailing the connectivity of the various uses within the proposed PUD.

The separation and buffering of vehicular use areas and sections of vehicular use areas: Any parking or other vehicular use areas will be subject to the requirements as referenced above in the use of existing and proposed landscaping. The proposed commercial uses in the PUD are similar to the activities occurring on properties in close proximity. Limited building heights, orientations of doorways, uses, and structures, buffering and lighting requirements shall insure that the development is compatible with adjacent uses. The development will be appropriately screened from adjacent properties and structures will be oriented in a manner that will foster an inward approach to this development. The uses are consistent with the character of the area along New Kings Road.

#### *(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: Additional landscaping and buffering for open areas or other uses near the perimeter of the proposed PUD may be required as approved by the Planning and Development Department.

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, commercial, undeveloped commercial and public facility uses function as a mixed-use area. Additional mixed-use commercial development at this location will be compatible with the existing uses in the surrounding area.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	LDR/CGC	RR-Acre/CCG-1	Undeveloped/Trout River
South	CGC	PUD	Commercial/auto auction/repair
East	CGC	PUD/CO	Undeveloped
West	BP/CGC	IBP/CCG-1	Undeveloped

Immediately adjacent land uses include only CGC and BP across US-1 to the west. Surrounding Zoning Districts include CCG-1 to the north, CO to the east, the PUD for an auto auction to the south and an IBP industrial warehouse operation to the west across US-1. Thus, all properties abutting the subject property to the south and west are designated as either industrial or CGC and developed with either warehousing or other intensive commercial uses. The site is undeveloped and has no significant or unique characteristics, variation of elevations or natural features. It is appropriate to utilize such zoning tools to permit operation of commercial activities while maintaining the quality of a commercial corridor and reducing the overall intensity of such commercial thoroughfares. The implementation of this PUD would further the goals, objectives and policies of the plan. By utilizing this PUD zoning the property owner can commence vehicle auctions consistent with the other numerous operations existing within the US-1 corridor and immediately adjacent to the south. The natural features, combined with the design and standards of the PUD permit this operation without negative impacts to adjoining properties or the US-1 area.

*(6) Intensity of Development*

The proposed development is consistent with the CGC functional land use category and is a multi-use commercial development. The PUD is appropriate at this location with specific reference to the following:

The location of various proposed uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses: The applicant is requesting the following uses:

Commercial retail sales and service establishments, including the sale of new and used Vehicles; Professional and business offices, buildings trades contractors that do not require outside storage or the use of heavy machinery, ditching machines, tractors, bulldozers or other heavy construction equipment and similar uses; Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, movie theaters; Vocational, trade or business schools and similar uses; Retail plant nurseries including outside display, but not on-site mulching or landscape contractors requiring heavy equipment or vehicles in excess of one-ton capacity; Express or parcel delivery offices and similar uses (but not freight or truck terminals);

Veterinarians and animal boarding, subject to the performance standards and development criteria set forth in Part 4; Personal property storage establishments meeting the performance development criteria set forth in Part 4; Retail outlets; Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4; Churches, including a rectory or similar use; Assembly of components and light manufacturing when in conjunction with a retail sales or service establishment, conducted without outside storage or display; Service Garages for minor or major repairs and outside storage subject to the performance standards and development criteria set forth in Part 4, Zoning code, including the storage of boats, private or commercial vehicles.

The proposed uses are akin to the nature of existing service/supply commercial uses along this area of New Kings Road. The development shall be limited to the specific proposed uses as noted above. By utilizing this PUD zoning the property owner can commence vehicle auctions consistent with the other numerous operations existing within the US-1 corridor and immediately adjacent to the south. The natural features, combined with the design and standards of the PUD permit this operation without negative impacts to adjoining properties or the US-1 area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The applicant proposes access to the west side of New Kings Road. Staff recommends that the location of the proposed access point shall align with the proposed access point to the Park North Business Park.

The Transportation Planning Division of the Planning and Development Department offers the following comments per a memorandum dated November 21, 2016:

New Kings Road (SR 15), from Interstate 295 to Dunn Avenue (SR 104), is the directly accessed functionally classified roadway. New Kings Road is a 4-lane divided arterial in this vicinity and is currently operating at an acceptable LOS C. New Kings Road segments have a maximum daily service volume of 39,800 vpd and a 2016 daily traffic volume of 25,500. This road segment currently has sufficient capacity to accommodate the traffic generated by this development. This proposal is for 10.53 acres of ITE 150 Warehousing, which would generate a total of 603 vpd and does not exceed the amount of allowable trip generation for this property.

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

The applicant has indicated that the proposed development within this PUD will contain a significant degree of green area and landscape area with disturbance of any protected trees being kept to a minimum.

*(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*

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 regarding parking and loading.

*(11) Sidewalks, trails, and bikeways*

The project will contain an internal pedestrian system that meets the 2010 Comprehensive Plan. There will also be external sidewalks as required.

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on November 22, 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 **2016-0725** be **APPROVED with the following exhibits:**

1. The original legal description dated September 13, 2016.
2. The written description dated August 20, 2016.
3. The original site plan dated September 13, 2016.



**Aerial view of the subject site facing north**



**The subject site on the right facing north along Kings Rd. (US 1)**





**The subject site facing east from Kings Rd. (US 1)**



**The subject site facing east from Kings Rd. (US 1)**



**The subject site on the right facing north along Kings Rd. (US 1)**



**The subject site on the left facing north along Kings Rd. (US 1)**

