

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

**APPLICATION FOR REZONING ORDINANCE 2017-326 TO**

**PLANNED UNIT DEVELOPMENT**

**MAY 18, 2017**

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 **2017-326** to Planned Unit Development.

***Location:*** 4371 Ocean Street between Minorcan Way and Wonderwood Drive

***Real Estate Number(s):*** 168975-0000

***Current Zoning District:*** Commercial Community General-2-Mayport (CCG-2-M)

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

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

***Planning District:*** Greater Arlington/Beaches, District 2

***Planning Commissioner:*** Vacant

***City Council District:*** The Honorable Bill Gulliford, District 13

***Applicant/Agent:*** Paul Harden, Esq.  
501 Riverside Avenue, Suite 901  
Jacksonville, Florida 32202

***Owner:*** Gerald Pack  
Miss Becky Seafood, Inc.  
4371 Ocean Street  
Jacksonville, Florida 32233

***Staff Recommendation:*** **DENY**

### **GENERAL INFORMATION**

Application for Planned Unit Development **2017-326** seeks to rezone approximately 5.4 acres of land from CCG-2-M to PUD. The rezoning to PUD is being sought so that the building can install a larger wall sign than is allowed in the Mayport Overlay.

### **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. 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. 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. 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?*

Yes. Although the written description of the intended plan of development, meets most portions of the City's land use regulations, the development is requesting relief from the signage portion of the Mayport Overlay. It is not the intent to utilize the PUD district solely to diminish the usual application of the provisions of the Zoning Code.

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 **inconsistent** with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

**FLUE 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.

**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.

The application does not contain any innovative site planning, or smart growth techniques. The intent of the PUD district is to bypass the Zoning Code to allow for a larger sign.

*(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 of existing and proposed landscaping: The written description indicates the proposed development will comply with the landscape regulations.

The treatment of pedestrian ways: The site plan shows a sidewalk along Mayport Road and pedestrian access from the sidewalk to the building.

Traffic and pedestrian circulation patterns: The site plan shows two access points on Mayport Road. This will allow for efficient and safe vehicular movement of customers and deliveries.

*(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: The proposed development is located in the Mayport Village which is a working waterfront community. There are a mix of residential, hotel, seafood processing and restaurants in the area. The proposed development at this location complements the existing mixture of uses in Mayport Village.

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-M	Undeveloped
	LDR	RLD-M	Single family dwellings, undeveloped
South	CGC	CCG-2-M	Parking lot
	PBF	ROS-M	Undeveloped marsh
East	PBF	ROS-M	Undeveloped marsh
West	CGC	CCG-2-M	Docks, St. Johns River

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 section of the Zoning Code, 656.397 Mayport Village Working Waterfront Zoning Districts, restricts the sign area for the Mayport Village to 10% of the wall area or 8 square feet whichever is less. The owner is requesting two wall signs, 152 square feet and 130 square feet in area, far exceeding the 8 square feet allowed in the zoning district. Below is the zoning limitation from the Zoning Code.

- (1) One non-illuminated or externally illuminated monument style sign, not exceeding 36 square feet in area; and
- (2) One non-illuminated, externally illuminated or internally illuminated wall sign, per tenant, not exceeding ten percent of the occupancy frontage, or eight square feet in area, whichever is less; or
- (3) In lieu of (2), one non-illuminated, externally illuminated or internally illuminated wall sign not exceeding five percent, or 36 square feet in area, per side of a building that fronts a collector or arterial roadway; or
- (4) In lieu of (2) and (3), one non-illuminated or externally illuminated awning or under canopy sign, per tenant, not exceeding ten percent of the occupancy frontage, or eight square feet in area, whichever is less; or
- (5) In lieu of (2), (3) and (4), one non-illuminated or externally illuminated awning or under canopy sign, per street frontage, per side of a building that fronts a collector or arterial roadway, not exceeding five percent of the occupancy frontage, or 36 square feet in area, whichever is less.

*(6) Intensity of Development*

The proposed development is consistent with the CGC functional land use category as a commercial development. The PUD is appropriate at this location because it will support the existing residences and 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.

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on May 18, 2017, the required Notice of Public Hearing sign was posted.



**RECOMMENDATION**

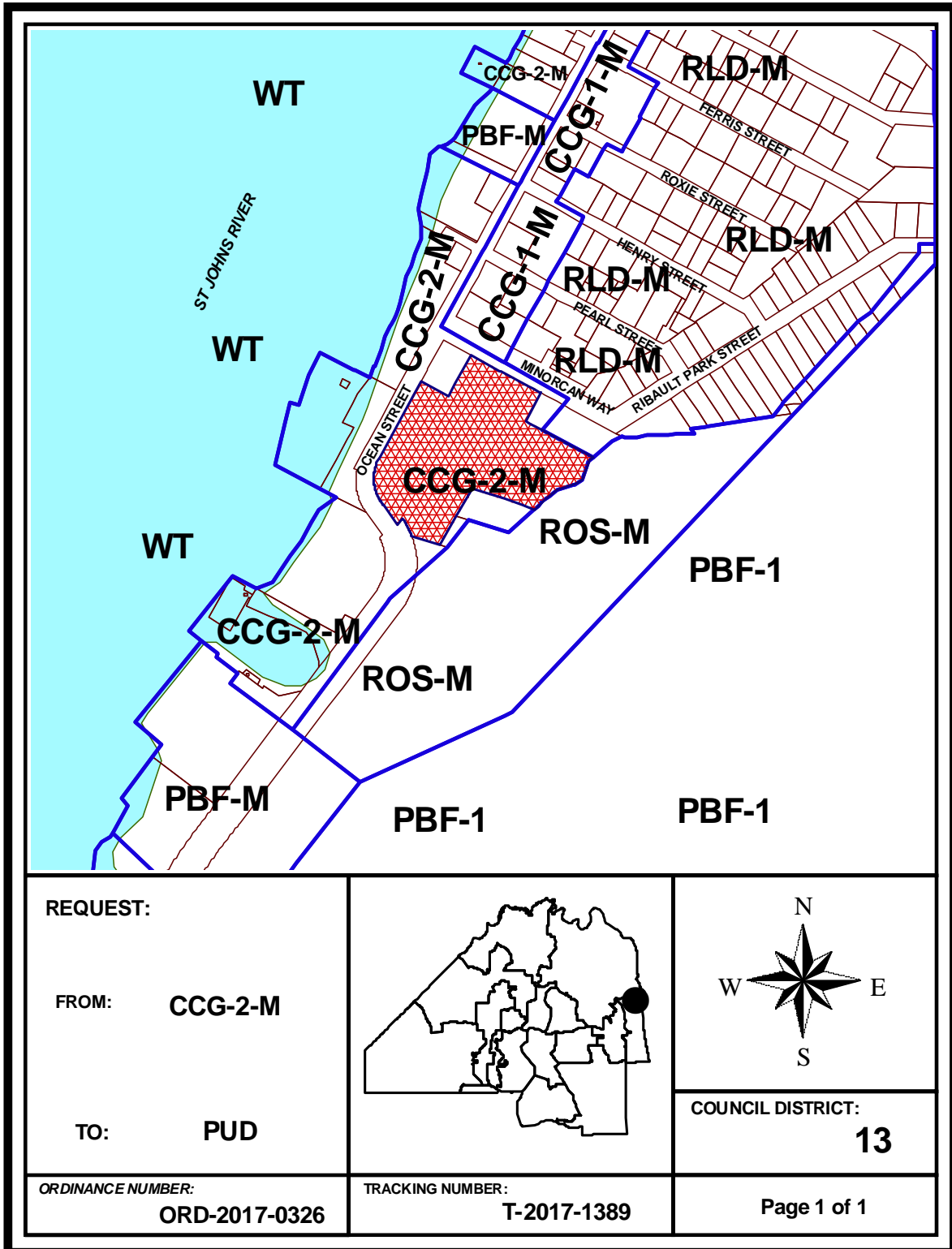
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2017-326** be **DENIED**.



View of existing building



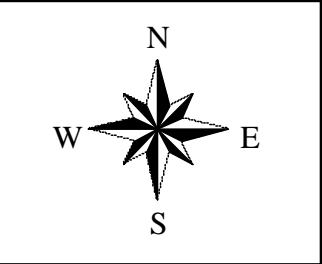
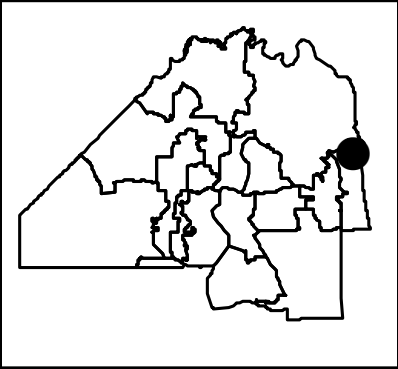
View of existing building



**REQUEST:**

**FROM:** CCG-2-M

**TO:** PUD



**COUNCIL DISTRICT:**  
**13**

**ORDINANCE NUMBER:**  
 ORD-2017-0326

**TRACKING NUMBER:**  
 T-2017-1389

Page 1 of 1