

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2017-0327

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 **2017-0327** to Planned Unit Development.

Location: 1904 San Marco Boulevard; on the west side of San Marco Boulevard between Largo Road and Naldo Avenue

Real Estate Number: 081206-0000

Current Zoning District: Residential Medium Density-D (RMD-D)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Medium Density Residential (MDR)

Planning District: Southeast, District 3

Planning Commissioner: Daniel Blanchard

City Council District: The Honorable Lori Boyer, District 5

Applicant/Agent: William Michaelis, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: Paula Foster
1904 San Marco Boulevard
Jacksonville, Florida 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development **2017-0327** seeks to rezone approximately 0.21± acres of land from RMD-D to PUD. The rezoning to PUD is being sought for the purpose of permitting additional home occupation and office uses in conjunction with the existing residential use. The Property Appraiser's property record card indicates that the existing 3,826 square foot structure was built in 1938 and has historically been used as a multi-family triplex.

This rezoning proposes to permit a home occupation of up to approximately nine hundred and fifty nine (959) square feet and an office use of up to approximately nine hundred and fifty nine

(959) square feet on the bottom floor of the triplex, with one use in each existing unit. There are no changes proposed to the existing structure will remain as it stands today. This PUD intends to allow for a home occupation and office space on the bottom floor of the existing triplex on the property, while maintaining residential on the second floor. This PUD shall not require that the bottom floor of the triplex be used for a home occupation and office space, but provides for these uses as alternatives to residential use.

The desired home occupation is an art studio where an individual, whose primary residence is on the property, may use the studio for art lessons and working. The individual operating the home occupation may sell art from the premises used for the home occupation, provided that the art was created by that individual or that individual's clients/students. It shall not be a requirement that the home occupation use be an art studio. In the event the home occupation is not used as an art studio at any given time, the use shall be subject to the following additional limitation: no one shall call upon the premises in connection with the home occupation for such purposes as retail or wholesale sales, services negotiations, contractual agreements, etc.; no traffic shall be generated by the home occupation.

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 Medium Density Residential (MDR) 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 Medium Density Residential (MDR) category in the Urban Area Development Boundary is intended to provide compact medium to high density mixed use development. Generally, multi-family residential should be the predominant development.

Commercial retail sales and service establishments are allowed as a secondary use with the MDR land use category when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map. The subject site is located on the south side of San Marco Boulevard between Landon Avenue and Naldo Avenue. However, Section 656.350(h)(2) of the Zoning Code explains that the maximum distance of the use from a qualifying intersection shall not exceed one block length or 660-feet, whichever is less. The site is located less than 660-feet from the intersection of Atlantic Boulevard, a minor arterial roadway and San Marco Boulevard, a collector roadway.

Additionally, the introduction to the Plan Category Descriptions for the Residential categories of the Future Land Use Element explains that new neighborhood commercial uses shall not be allowed, as secondary uses, where such uses would constitute an intrusion into an existing single

family neighborhood. This PUD is compatible with the secondary uses of the MDR Land Use Category.

(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 Medium Density Residential (MDR) land use category as identified in the Future Land Use Map series (FLUMs) and has been reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element

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.

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 1.2.9 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.

FLUE Policy 2.10.1 The City shall incorporate, in the Land Development Regulations, a system of incentives to promote development and redevelopment opportunities through mixed and multi-use projects.

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 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.

FLUE Policy 3.2.6 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

Recreation and Open Space Element

Policy 2.2.1 The City shall require that all new non-residential land uses, except in the Central Business District, provide a minimum of 10% of the property in open space.

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:

1. Single family/commercial (estimated flows of 600 gpd or less):
 - a. Requirements of Chapter 64E-6, Florida Administrative Code (F.A.C.) are accommodated.
 - b. The collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Commercial (above 600 gpd)
 - a. Requirements of Chapter 64E-6, F.A.C. are accommodated.
 - b. The collection system of a regional utility company is not within 50 feet of the property.
3. Subdivision (commercial or single family):
 - a. Requirements of Chapter 64E-6, F.A.C. are accommodated.
 - b. The collection system of a regional utility company is greater than 1/4 mile from the proposed subdivision.
 - c. Each lot is a minimum of 1 acre unsubmerged property.
 - d. Alternative (mounded) systems are not required.

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.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application should be carefully evaluated for consistency or inconsistency with the following issues:

The San Marco Zoning Overlay

The site is located within the boundaries of the San Marco Overlay Zone. The proposal should be consistent with the zoning restrictions, standards and processes of Section 656, Subpart M, San Marco Overlay Zone.

Flood Zone

A small portion of the subject site at the northern boundary of the property is was determined to be within the 0.2 percent annual chance (or 500-year) flood hazard zone. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance:

Conservation /Coastal Management Element

Policy 1.4.4 The City shall require all development within the 100 year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

Policy 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.

Policy 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.

This PUD intends to allow for a home occupation and office space on the bottom floor of the existing triplex on the property, while maintaining a residential use on the second floor. This PUD shall not require that the bottom floor of the triplex be used for a home occupation and office space, but provides for these uses as alternatives to the residential use and is consistent with the 2030 Comprehensive Plan, and furthers the goals, objectives and policies contained therein.

(2) Consistency with the Concurrency and Mobility Management System

Currently, this proposed project does not have reserved concurrency or mobility. The change in use from residential to a commercial activity will require an application for an expedited 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 existing structures on the property is allowed if adequately documented by the

applicant. The applicant/agent/owner will need to apply for a CCAS or CRC application, as well as a Mobility application to determine costs associated with this project (with the CMMSO) as well as to reserve concurrency.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a mixed use development including a maximum of 3 multi-family units and/or 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 use of existing and proposed landscaping: The subject property is currently developed and landscaping shall remain substantially as it currently exists on the property or may be changed in a manner that substantially conforms to the character of the area.

The treatment of pedestrian ways: The project will be required to meet ADA minimum accessibility requirements and connects to the existing sidewalk network along San Marco Boulevard.

Traffic circulation patterns: The property is accessed from San Marco Boulevard. This access point is preexisting and has functioned to provide full access since the construction of the existing building over 70 years ago.

The use and variety of building setback lines, separations, and buffering: The property was developed with residential uses over 70 years ago and fronts San Marco Blvd. to the north with multi-family dwellings to the west, single-family residences to the south and retail and office uses to the east. There are no changes proposed for/to the existing site as the subject property is currently developed. The landscaping shall remain substantially as it currently exists on the property or may be changed in the future in a manner that substantially conforms to the character of the area.

Signage: The applicant proposes signage for the subject property that is similar to the requirements under Part 13 of the City's Zoning Code for the CO/CRO Zoning District. Signage may include up to two (2) non-illuminated wall signs not exceeding a maximum of twenty-four (24) square feet in total area.

(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 at the western terminus of the San Marco square commercial/office corridor. There are multiple office and commercial uses in the area such as commercial/retail, restaurant, and professional office uses that front both San Marco Boulevard and Atlantic Boulevard. A less intense professional/office use is adjacent to the property to the east.

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	MDR	RMD-D	Multi-family residential use
East	RPI/CGC	CRO/CCG-1	Professional office, retail and restaurant
South	LDR	RLD-60	Single-family home
West	MDR	RMD-D	Multi-family residential use

The Land Use Map designation for the property is Medium Density Residential (“MDR”). The surrounding land use designations are MDR, Residential-Professional-Institutional (“RPI”) and Low Density Residential (“LDR”). The surrounding zoning designations are Commercial, Residential and Office (“CRO”), Commercial Community General-1 (“CCG-1”) and Residential Low Density-60 (“RLD-60”). The surrounding uses include existing office, multifamily residential, and the retail/commercial San Marco Square. The PUD will allow for a home occupation and office space on the bottom floor of the existing triplex on the property, while maintaining residential on the second floor. The proposed uses should continue to blend in with the essential character of the area.

(6) Intensity of Development

The PUD is appropriate at this location with specific reference to the following:

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: San Marco Boulevard is an city maintained roadway and is classified as a collector. There is a bus stop nearby in front of the property across San Marco Boulevard. The PUD will have access directly onto San Marco Boulevard which intersects with both Atlantic Boulevard and Hendricks Avenue to the southeast.

(7) Usable open spaces plazas, recreation areas.

No recreation area is required. The existing developed site provides passive open space within its building setbacks.

(8) Impact on wetlands

Surveying of a 2004 Geographical Information Systems shape file did not identify wetlands on-site.

(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.

Parking will be provided in the rear of the property and on San Marco Boulevard. The rear of the site currently contains two (2) covered parking spaces and space for at least one (1) additional vehicle. There are two (2) on-street parking spaces on San Marco Boulevard in front of the property. Pursuant to Section 656.607(d)(3) of the Zoning Code, on-street parking may be credited to the parking requirements for the proposed uses. This provides for a total of five (5) parking spaces. The home occupation is limited to a maximum of three (3) clients/students at any given time; and given the size limitations and type of industry likely to maintain an office in the other unit (i.e. lawyer, accountant, etc.), the office use is unlikely to have more than one client/visitor at any given time. Therefore, the amount of people expected to be on the property at any given time is similar to the maximum amount of people that are likely to be on the property given the current uses (2-3 people in the upstairs unit and 1-2 people in each downstairs unit). While the possible number of people likely to be on the property is similar to the current use, the parking demand for the proposed uses will occur mostly during off-peak hours for surrounding uses. For example, lessons during the day will occur while surrounding residents are at work. On the other hand, any lessons during evening hours will occur while the occupants of surrounding offices are likely off-site.

(11) Sidewalks, trails, and bikeways

The project will contain an internal and external pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on May 4, 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 the application for Rezoning **2017-0327** be **APPROVED** with the following exhibits:

1. The original legal description dated March 9, 2017.
2. The original written description dated March 7, 2017.
3. The original site plan dated February 20, 1997.



Aerial view of the subject site facing north



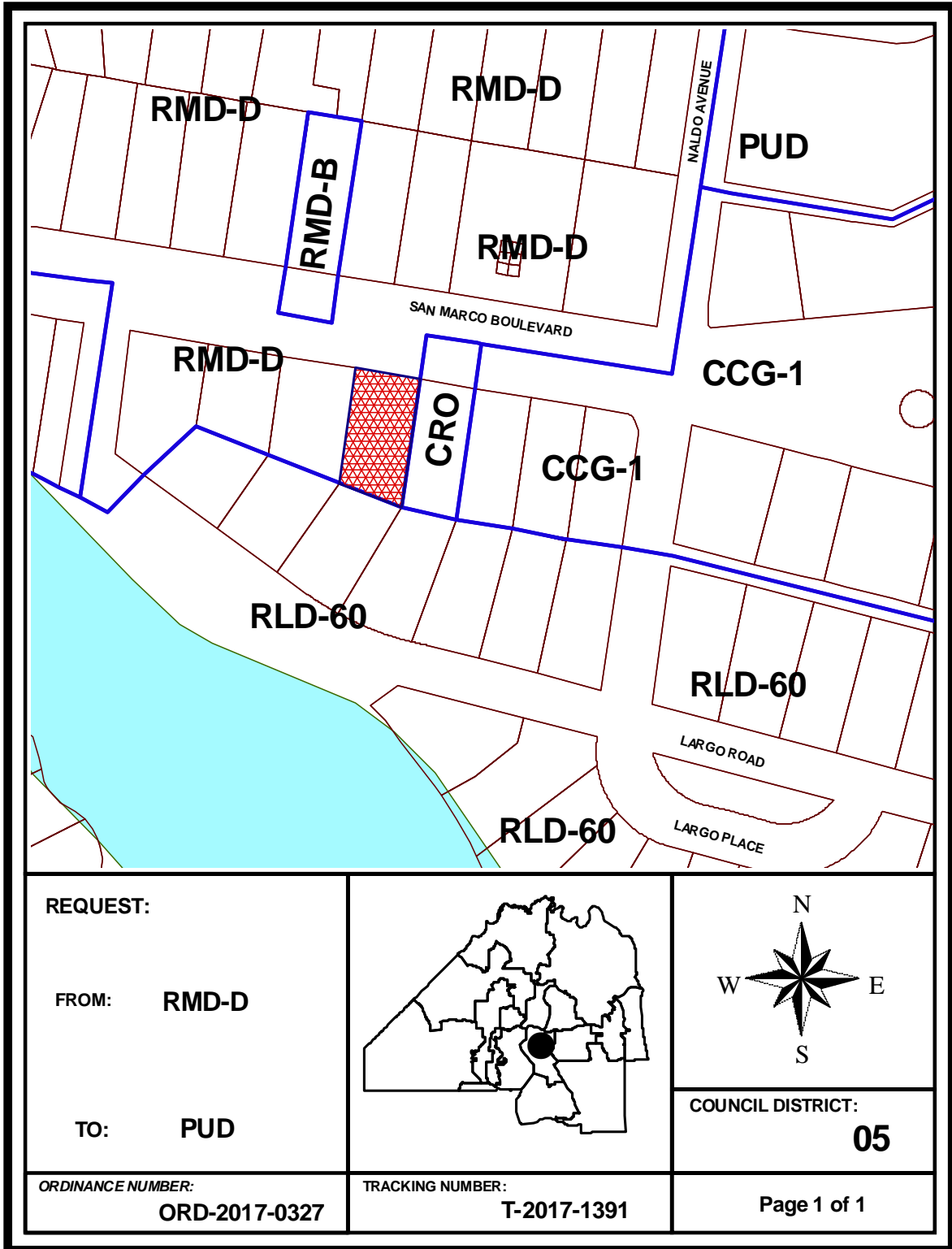
The subject site southwest from San Marco Blvd.



The subject site facing southeast from San Marco Blvd.



The subject site facing south from San Marco Blvd.

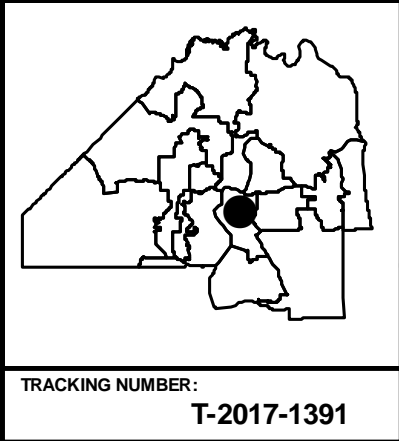


REQUEST:

FROM: RMD-D

TO: PUD

ORDINANCE NUMBER:
ORD-2017-0327



COUNCIL DISTRICT:
05

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