

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-0389 TO
PLANNED UNIT DEVELOPMENT

JUNE 22, 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 **2017-0389** to Planned Unit Development.

Location: 5735 Philips Highway, between University Boulevard and Bowden Road

Real Estate Number(s): 152997-0000 and 153004-0000

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

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast, District 3

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

Owners: Burger King Corporation
4948 University Boulevard West
Jacksonville, Florida 32216

Timothy A. Simmons
BW Philips Bowden, LLC
3708 W. Swann Avenue, Suite 200
Tampa, Florida 33609

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2017-0389** seeks to rezone approximately 4.87 acres of land from CCG-2 to PUD. The site currently consists of a former automobile dealership and an existing Burger King restaurant. The intersection of Philips Highway and University Boulevard is an intense commercial intersection, and as such, uses in the vicinity include a U-Haul storage facility, a tire repair shop, a gun range, hotels/motels, and other similar auto and traveler-oriented uses.

The rezoning to PUD is being sought so that the subject site can be redeveloped to combine the existing Burger King restaurant with the former automobile dealership property in order to redevelop the site, adding a gas station with convenience store and possibly another commercial parcel. The properties are located in the Community General Commercial (CGC) land use category within the Urban Priority Development Area (UPA) as designated in the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the *2030 Comprehensive Plan*.

The PUD proposes permitted uses for two parcels. Permitted uses on Parcel "A" include various commercial uses such as a filling or gas station and retail sales and service establishments which allow for outdoor seating and service. Permitted uses on Parcel "B" are consistent with the CCG-2 Zoning District. According to the PUD written description, building pad areas shall not exceed 55,000 square feet in total.

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 PUD.

(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. 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?

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 meet all portions of the City's land use regulations and further 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 proposed development of the subject property is within the CGC land use category as identified in the FLUMs. This proposed rezoning to PUD is consistent with the *2030 Comprehensive Plan* and furthers the following objectives and policies contained herein, including:

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 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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 3.2.1 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 4.1.8B The City shall evaluate all proposed amendments to the Comprehensive Plan as to 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.

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 subject site for the proposed rezoning is in the CGC land use category. The proposed PUD is consistent with FLUE Objective 1.1 given the existing land use fabric in the area and the fact that the proposed development is consistent with uses allowed in the CGC category. Further, the proposed development is located in an intense commercial intersection of Bowden Road, Philips Highway and University Boulevard. The proposed development will sustain the viability of the area by adding employment and shopping opportunities in the vicinity. As such, the proposed PUD is consistent with FLUE Objectives 3.2 and 6.3 and FLUE Policies 1.1.22, 3.2.1, and 3.2.2.

(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. The applicant/owner will need to submit a CCAS/CRC application and Mobility application to the CMMSO for review of the proposed project prior to development.

(3) Allocation of residential land use

No residential uses are proposed within the PUD.

(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: Landscaping internal to the site will comply with Part 12 of the Zoning Code, "Landscape and Tree Protection." However, if the parcels original to this PUD are subdivided, requirements for perimeter landscaping between property boundaries will need to be revised as those would conflict with the proposed site plan.

The treatment of pedestrian ways: All pedestrian systems will comply with the 2030 *Comprehensive Plan*.

Traffic and pedestrian circulation patterns: The subject site is accessed via two (2) entrances on University Boulevard through the site of the existing Burger King restaurant; one (1) entrance on Philips Highway at the proposed filling station and convenience store; and, as shown on the proposed site plan, two (2) entrances on Bowden Road, also at the proposed filling station. Cross access is permitted between the site of the existing Burger King restaurant and that of the proposed filling station and convenience store. **Per the City's Traffic Engineering Division, the driveway access on Bowden Road closest to Philips Highway must be eliminated.** There shall only be one access from Bowden Road, and it shall be located the greatest distance from the corner commensurate with the property's dimensions. Therefore, only one (1) access point on Bowden Road will be permitted.

(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: The subject site consists of two (2) parcels and is located in an intensely developed commercial area. As a result, the properties are surrounded by either busy commercial corridors or commercial buildings, such as a gun shop/range and a motel. Areas of the proposed PUD that are located on or near the perimeter are shown as storm water management areas, landscaped areas, and areas used for traffic circulation; all of which are compatible with the overall location of the subject site.

The type, number and location of surrounding external uses: The subject site is surrounded by properties zoned CCG-2 within the CGC land use designation. The uses proposed within the PUD are consistent with those allowed in the CGC land use category and as such, the proposed plan of development for an existing fast food restaurant and filling station with convenience store is compatible with the surrounding uses.

The Comprehensive Plan and existing zoning on surrounding lands: The request for the proposed PUD to develop commercial uses consistent with the CGC land use category is consistent with the adjacent uses, zoning districts, and land use categories are as follows:

Adjacent Property	Land Use Category	Use	Zoning District	Current Use
North	CGC		CCG-2	InstaLoans, Shooters (gun range)
South	CGC		CCG-2	Mussallem Galleries (rugs)
East	CGC		CCG-2	Super 8 Motel
West	CGC		CCG-2	InstaLoans, auto repair shop

Lighting: The applicant has not submitted a lighting plan. As conditioned, lighting associated with any use of the proposed PUD will be compatible with the surrounding uses and not obtrusive.

Signage: All parcels within the PUD will be permitted to have signage along each roadway frontage of the proposed PUD Zoning District. The existing pylon sign for the Burger King on University Boulevard would remain as a permitted sign. Signage for the PUD shall be in a manner consistent with that of a typical multi-tenant commercial site. With the exception of the existing Burger King pylon sign, the number, location, size, and height of signage shall be consistent with the Unified Signage Plan submitted with the written description of the PUD. Allowable sign types, heights, and areas are smaller than what is generally permitted in Section 656.1303(c)(3); however, the provision relating to sign separation shall not be imposed upon this PUD because additional directional signs are needed for cross-connectivity. Further, the intent of the PUD is that uses permitted on the site of the existing Burger King shall not be allowed to advertise on the site proposed for the filling station and convenience store, unless that use is also permitted on that site as well.

(6) Intensity of development

The proposed development is consistent with the CGC functional land use category and is intended to be a commercial development consisting of two (2) parcels, which may be subdivided at some point in the future. Based on the submitted site plan, Parcel A shall be developed with a convenience store and gas station as well as another commercial uses. Parcel B shall remain the existing Burger King restaurant. Building pad areas shall not exceed 55,000 square feet in total. The PUD is appropriate at this location with specific reference to the following:

The locations of various proposed uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses: The proposed rezoning would combine the uses of the existing Burger King restaurant with a vacant automobile dealership in order to redevelop the site with a gas station and convenience store, suitable for auto travelers accessing Philips Highway, University Boulevard, and Bowden Road. These uses are compatible with each other and with the surrounding uses, particularly because the site is located approximately ¼ mile from Interstate-95 (I-95).

The availability and location of utility services and public facilities and services: The Jacksonville Electric Authority (JEA) provides electric power, water, and sewer services to the property, and a letter of availability has been issued.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The subject site is accessed from both Bowden Road University Boulevard and Philips Highway, which are classified as arterial roadways. An arterial roadway provides service which is relatively continuous and of a relatively high traffic volume, long trip length and high operating speed. Arterial roads have restricted parking, access control, with signals at important intersections and stop signs on the side streets.

(7) Usable open spaces, plazas, recreation areas

The proposed PUD does not include recreational uses.

(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. This is a paved urban site with minimal existing landscaping.

(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 minimum number of parking spaces shall be provided as proposed on the site plan, 80 spaces. The limitation on parking (parking maximum) provided in the Zoning Code shall not apply to the proposed rezoning given the number of uses permitted on site and the similar hours of operation for the permitted uses. All other parking regulations shall be consistent with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

Bowden Road and University Boulevard are fully served with sidewalks. Philips Highway is not served with sidewalks however. All pedestrian systems will comply with the 2030 *Comprehensive Plan*, and bicycle racks will be provided subject to Section 656.608 of the Zoning Code.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on June 1, 2017, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2017-0389** be **APPROVED with the following exhibits:**

1. The original legal description dated January 23, 2017.
2. The original written description dated April 18, 2017.
3. The original site plan dated April 18, 2016.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2017-0389** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one-half (.5) foot candles ("f.c.") when the building or parking areas are located adjacent to residential areas, and shall not exceed one (1.0) f.c. when abutting other non-residential properties. All lighting lamp sources within parking and pedestrian areas shall be metal halide, compact fluorescent or LED. The maximum light pole height in all parking areas should not exceed thirty feet (30'- 0"). An exterior lighting design plan, including a photometrics plan, pole and fixtures schedules shall be submitted at the time of Verification of Substantial Compliance for review and approval by the Planning and Development Department. Light fixtures shall be mounted on canopies so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.
2. The driveway access on Bowden Road closest to Philips Highway must be eliminated. There shall only be one access from Bowden Road, and it shall be located the greatest distance from the corner of Bowden Road and Philips Highway commensurate with the property's dimensions.
3. Prior to requesting a final building inspection or occupying the facility in any manner, the owner, developer, or applicant shall submit to the Planning Department separate certification letters confirming that all horizontal and vertical components of the development have been substantially completed. This condition shall apply to both phased and non-phased developments. This certification can be made per building.
4. A traffic operation analysis of build-out conditions, prepared by a professional traffic engineer, shall be submitted to the Transportation Planning Division for review and approval at the time of verification of substantial compliance.
5. A revised site plan showing only one access to the east on Bowden Road shall be submitted at the time of verification of substantial compliance.



Aerial

Source: Staff, Planning and Development Department Date: June 1, 2017



Subject Site – existing Burger King, fronting University Blvd.
Source: Staff, Planning and Development Department Date: June 1, 2017



Subject Site – former automobile dealership, fronting Philips Highway
Source: Staff, Planning and Development Department Date: June 1, 2017



Subject Site – former automobile dealership, from Bowden Road
Source: Staff, Planning and Development Department Date: June 1, 2017



Bowden Road, view looking west towards Philips Highway
Source: Staff, Planning and Development Department Date: June 1, 2017



University Boulevard, view looking southwest towards Philips Highway
Source: Staff, Planning and Development Department Date: June 1, 2017

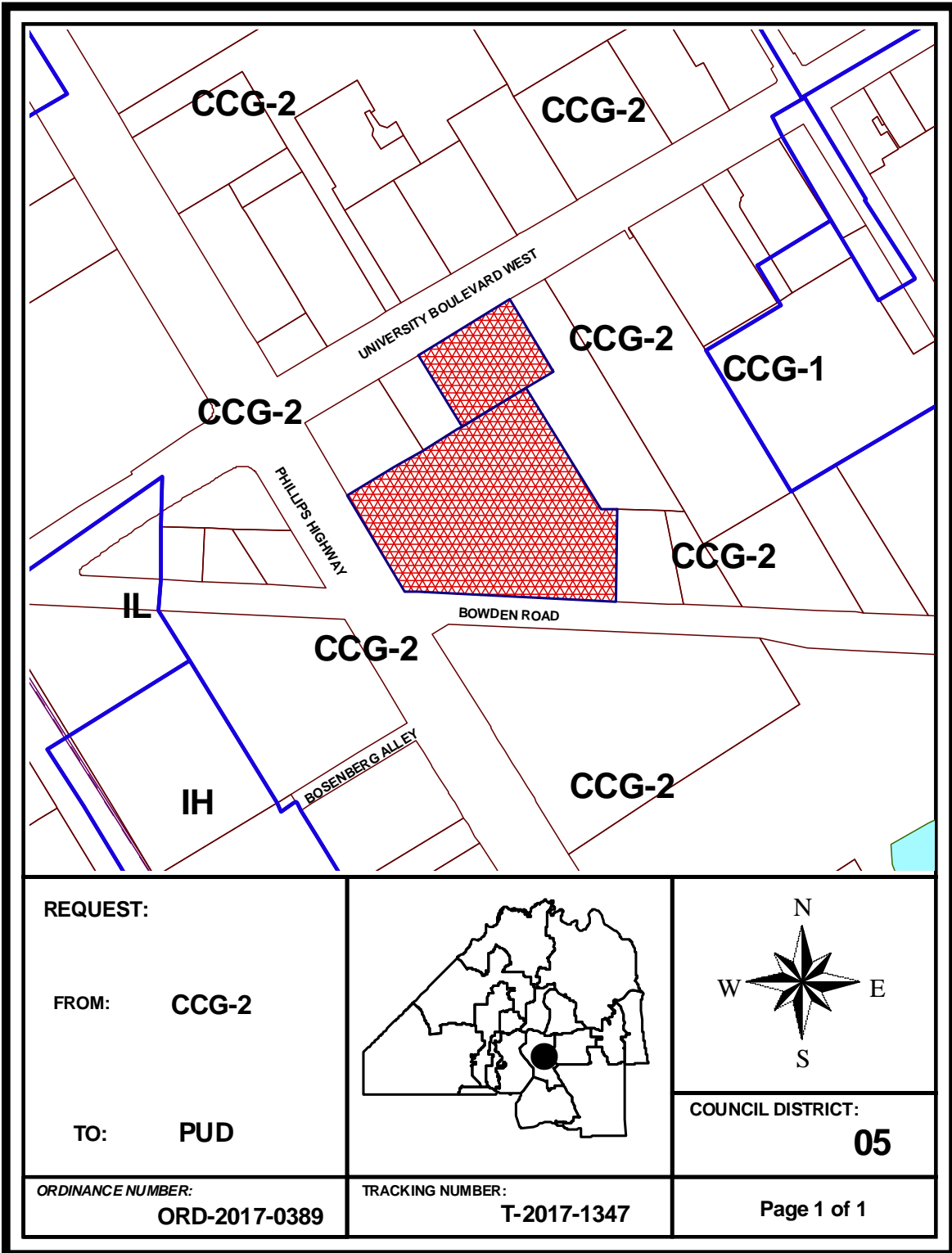


Proposed cross-connectivity access at Burger King parcel
Source: Staff, Planning and Development Department Date: June 1, 2017



Intersection of Philips Highway and University Boulevard

Source: Staff, Planning and Development Department Date: June 1, 2017

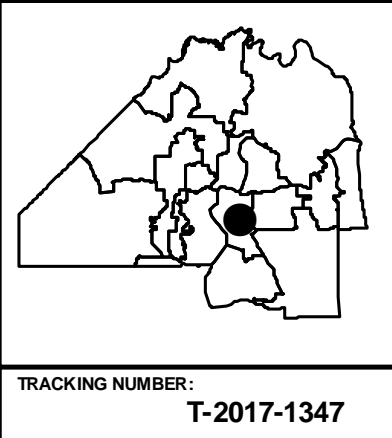


REQUEST:

FROM: CCG-2

TO: PUD

ORDINANCE NUMBER:
ORD-2017-0389



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COUNCIL DISTRICT:
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Page 1 of 1