

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2017-555 TO

PLANNED UNIT DEVELOPMENT

SEPTEMBER 7, 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 **2017-555** to Planned Unit Development.

Location: 14925 North Main Street between Bird Road and Bernard Road

Real Estate Number(s): 108156-0005, 108156-0010

Current Zoning District: Planned Unit Development (PUD 2004-551-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)
Community General Commercial (CGC)

Proposed Land Use Category: Community General Commercial (CGC)

Planning District: North, District 6

Applicant/Agent: Babette Ashley, Esq.
Smith Gambrell & Russell, LLP
50 North Laura Street, Suite 2600
Jacksonville, Florida 32202

Owner: Manuel Ribado
8465 Lamanto Avenue South
Jacksonville, Florida 32211

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2017-555** seeks to rezone approximately 2.91 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the existing use can be expanded. Sunbelt Rentals intends to use the remaining eastern portion of the property for the

outside storage of equipment.

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 Low Density Residential (LDR) and Community General Commercial (CGC) functional land use categories 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series 2017C-016 (Ordinance 2017-554) that seeks to amend the portion of the site that is within the LDR land use category to Community General Commercial (CGC). Staff is recommending that Application for Small-Scale Land Use Amendment to the Future Land Use Map Series 2017C-016 be approved. 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.

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.

Compatibility with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques including but not limited to: transitions in uses; buffering; setbacks; the orientation of open space; and graduated height restrictions to affect elements such as height, scale, mass and bulk of structures, pedestrian accessibility, vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise and odor. In addition, all development on sites which abut a Low Density Residential and/or Rural

Residential land use designation shall provide the following: A scale transition as defined and illustrated in this element. When developing mixed uses, residential uses shall be arranged on the site to provide a use transition between new non-residential uses and the protected abutting residential land uses to the greatest extent feasible. Elements such as yards, open space, at-grade parking and perimeter walls shall be arranged, designed and landscaped in a manner compatible with adjacent areas to serve as a visual buffering element.

The uses provided herein shall be applicable to all CGC sites within the Suburban 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, meets 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 categories as identified in the Future Land Use Map series (FLUMs): Low Density Residential (LDR) and Community General Commercial (CGC). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2017C-016 (Ordinance 2017-554) that seeks to amend the portion of land that is within the LDR land use category to 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 1.1.10 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 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 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

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 3.2.4 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.

(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:

Traffic and pedestrian circulation patterns: There is one existing driveway on Main Street. No other driveways are proposed.

The use and variety of building setback lines, separations, and buffering: The propose written description uses the setbacks, lot coverage and building height standards found in the CCG-1 Zoning District. Since the building is located in the existing CGC land use category, these standards are generally appropriate. However as this site is in the suburban area, the 60 foot maximum building height may be excessive. **There are no other buildings in the area over 40 feet in height. Staff recommends the maximum building height shall not exceed 40 feet in height.**

The particular land uses proposed and the conditions and limitations thereon: The proposed written description states that permitted and permissible uses by exception in the CCG-2 Zoning District shall be allowed through the grant of a zoning exception by the Planning Commission. This is the most intensive commercial district in the Zoning Code and there is a concern the uses are not appropriate for the 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 on Main Street North, which is a developing commercial corridor, but also contains residential dwellings and undeveloped land. Expansion of an existing commercial development is appropriate if the expansion contains buffers and restrictions to protect adjacent existing uses and future uses.

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	LDR	RLD-120	Open storage
	CGC	CCG-2	Open storage
South	LDR	RLD-120	Residential family dwelling
	CGC	CCG-2	Undeveloped, same owner as residential dwelling
East	LDR	RLD-120	Residential dwellings
West	LI	IL	Undeveloped, woods

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 existing PUD contained three restrictions on the use. There is a condition that an 8 foot high fence of wood, pvc or concrete be constructed along the north, east and south property lines. The existing written description contains a limitation on the hours of operation between 7:00 AM to 8:00 PM and that the rear 400 feet of the property will not be lighted. The proposed written description does not contain those three restrictions. **The staff recommends these conditions be continued in the proposed PUD. The property owner who agreed to these conditions has not changed.**

Although there is a non-conforming storage use in operation north of the subject property, the 16 acre parcel is zoned for residential uses. There is an existing subdivision 1300 feet to the south and another subdivision under construction 400 feet to the north. There are also residential dwellings in the immediate area that should enjoy protection from intensive commercial uses.

The agent has presented photographs of the existing trees and shrubs along the property boundaries are an effective screen for the adjacent properties. Staff is unsure the trees will remain or be maintained to provide the necessary screening.

The subject property is located within the boundaries of the North Jacksonville Shared Vision Plan. The vision plan lists many different recommendations and best practices for development in the North Jacksonville area. The proposed amendment is consistent with the recommendation to create new retail and commercial services within a short distance of local residents, decreasing the need for those in the area to travel a great distance for goods and services.

The subject property is also located within the boundaries of the Dunn Avenue and Main Street (US-17)(SR-5) Corridor Revitalization Plan in District 8, the Pecan Park District. This district is a transition between the developed districts to the south, and the rural areas to the north. The study has designated this area as a low priority for development and redevelopment, but also calls for a widening of Main Street (US-17)(SR-5), as development occurs in the area. The proposed future widening would make this area more suitable for commercial development.

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category as a commercial development.

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 proposed commercial use has the potential to create adverse impacts to the surrounding area if not controlled with restrictions and conditions. With the proposed conditions, the staff believes the use will be compatible with the area.

The existing residential density and intensity of use of surrounding lands: There are single family dwellings on lots ranging from 1 to 3 acres. There is an existing subdivision to the south and a subdivision under construction both with 9000 square foot lots.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space. No recreation area is 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. 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. The parking area for customers will comply with Part 12 Landscaping Regulation 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 August 25, 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 **2017-555** be **APPROVED with the following exhibits:**

1. The original legal description dated June 30, 2017.
2. The original written description dated June 30, 2017.
3. The original site plan dated June 30, 2017.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2017-555** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. An eight (8) foot high, 85% opaque fence shall be installed and maintained along the north, east and south property lines.
2. The hours of operation for the eastern 400 feet shall be between 7:00 AM to 8:00 PM, Monday through Friday.
3. The eastern 400 feet shall not be illuminated.
4. There shall be a ten (10) foot wide landscape buffer along the north, east and south property lines.
5. The maximum building height shall be forty (40) feet.
6. Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order.



Aerial view of property.



Existing building



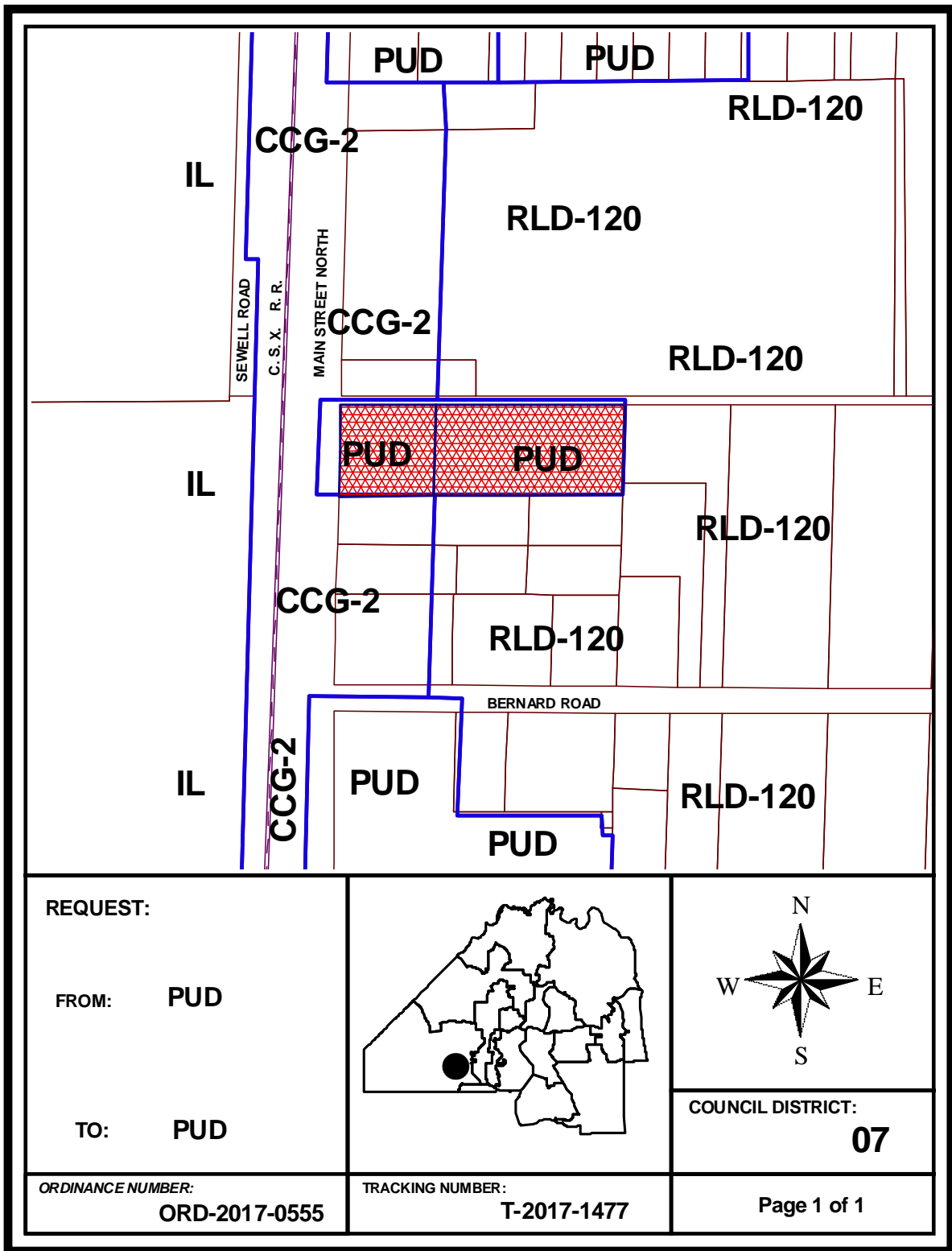
View of storage yard



View north along Main Street



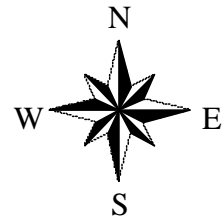
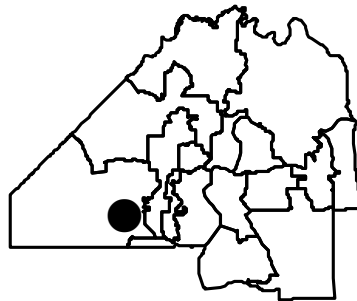
View south along Main Street



REQUEST:

FROM: PUD

TO: PUD



COUNCIL DISTRICT:
07

ORDINANCE NUMBER:
ORD-2017-0555

TRACKING NUMBER:
T-2017-1477

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