

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

**APPLICATION FOR REZONING ORDINANCE 2017-0017 TO**

**PLANNED UNIT DEVELOPMENT**

**FEBRUARY 8, 2018**

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 **2018-0017** to Planned Unit Development.

***Location:*** 1183 Edgewood Avenue South; on the east side of Edgewood Avenue between Roosevelt Boulevard (US 17) and Mayflower Street

***Real Estate Number(s):*** 061490-0000

***Current Zoning District:*** Commercial Community General-1 (CCG-1)

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

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

***Planning District:*** District 5, Northwest

***Applicant/Agent:*** Broc Flores  
Fishweir Brewing Company, LLC  
1592 Glendale Street  
Jacksonville, Florida 32205

***Owner:*** John Kowkabany  
PO Box 41641  
Jacksonville, Florida 32203

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2018-0017** seeks to rezone approximately 0.15 acres of land on the on the east side of Edgewood Avenue between Roosevelt Boulevard (US 17) and Mayflower Street from Commercial Community General-1 (CCG-1) to Planned Unit Development (PUD). The property is developed with a 6,000 square foot building built in 1942. The property is part of the Murray Hill commercial corridor. The proposed PUD seeks to permit the development of a brewery which includes the sale and service of beer, wine, cider and mead for on-site consumption within the building, as well as, the sale and service of beer, wine, cider and mead for off-site consumption and distribution. A small tap room with indoor

seating is proposed to serve clientele wishing to sample the craft beers and take tours of the brewery.

This property is located in the Murray Hill Town Center Initiative area, which aims to maintain the commercial and residential areas as they historically existed and to aid in commercial development issues including, but not limited to, parking. The initial part of the town center project was completed in 2008, providing finished on-street parking as well as streetscaping and sidewalks.

This rezoning request is also seeking relief from the minimum distance requirements of Section 656.805 of the Zoning Code for the sale and consumption of beer/liquor in relation to churches within 1,500 feet of the subject property. A zoning waiver is normally required when seeking relief from the 1,500 foot distance requirement, however pursuant to this PUD rezoning request the minimum distance waiver is included within the PUD rezoning and therefore a separate waiver is not needed. The proposed location is not visible to any of these schools or churches, as they are behind the rear line of the structure that will house the proposed use or blocked by other development. Numerous buildings and streets block the view of the building from the churches and schools in the area.

In conformity with state licensing requirements, the waiver hereby granted shall be personal to the license applicant/holder (Fishweir Brewing Company), non-transferable, and shall not run with the land as provided by Section 656.136(c) of the Zoning Code. Any expansion of the use would require a new Waiver of Minimum Liquor Distance Requirements and a change in the state license applicant/holder may only be sought through a new zoning exception process pursuant to Section 656.133, Ordinance Code.

### **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. The PUD proposes the development of a brewery which includes the sale and service of beer, wine, cider and mead for on-site consumption within the building, as well as, the sale and service of beer, wine, cider and mead for off-site consumption and distribution. This PUD simply limits the allowable uses and requests to add the ability for the sale and consumption of alcohol either onsite or off site which is allowed in the CGC land use category. 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.

The Community General Commercial (CGC) functional land use category is 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.

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:

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.

*(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 category as identified in the Future Land Use Map series (FLUMs): Community General Commercial (CGC). This proposed rezoning to Planned Unit Development has been reviewed in relation to and found to be consistent with the 2030 Comprehensive Plan, and furthers the following goals, 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 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 1.1.12 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 1.1.22 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 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 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 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.

1183 Edgewood Avenue South is a property developed with a 6,000 square foot building built in 1942. This PUD simply requests to add the ability for the sale and consumption of alcohol either onsite or off site. The proposed brewery is locating in the existing building, within an existing commercial corridor, located on a collector roadway and is an appropriate commercial infill redevelopment and a compatible use considering the character and location of existing land uses. 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) 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 the development of a brewery which includes the sale and service of beer, wine, cider and mead for on-site consumption within the building, as well as, the sale and service of beer, wine, cider and mead for off-site consumption and distribution, but does allow for multi-family uses by exception. 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: The proposed PUD does not change the vehicular or pedestrian circulation patterns of the existing development or surrounding area. Proposed vehicular access will be via the existing roadway and on-street parking on Edgewood Avenue, as well as a parking lot at 3438 Mayflower Street behind the rear of the property. The development is located within the Murray Hill area along the Edgewood Avenue commercial corridor where on-street parking is provided.

The use and variety of building setback lines, separations, and buffering: The proposed PUD does not change the setbacks, separations or buffers of the existing development. The existing structure will remain unchanged.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The PUD proposes the development of a brewery which includes the sale and service of beer, wine, cider and mead for on-site consumption within the building, as well as, the sale and service of beer, wine, cider and mead for off-site consumption and distribution. No changes to the existing site layout are proposed.

The particular land uses proposed and the conditions and limitations thereon: The written description limits the existing historic uses for the CCG-1 Zoning District as well as adding the ability for the sale and consumption of alcohol either onsite or off site. A small tap room with indoor seating is proposed to serve clientele wishing to sample craft beers and take tours of the brewery.

*(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 proposed use is located in an area where commercial development is encouraged. Surrounding uses include CGC/CCG-1 to the north (commercial/retail); CGC/CCG-1 to the west (commercial/retail); CGC/CCG-1 to the south (commercial/retail); and CGC/PUD to the east (PUD for a parking lot). The proposed PUD is appropriate at this location as it complements the existing retail, commercial and office uses in the immediate area.

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-1	Commercial/retail/restaurant
East	CGC	PUD (2014-141)	Parking lot
South	CGC	CCG-1	Commercial/retail
West	CGC	CCG-1	Commercial/retail/restaurant

This request encourages development of an underutilized property within the Urban Area of the City that already has the infrastructure, utilities, and public facilities in place to support such development. The PUD provides for a gradual transition of densities and intensities between the types of uses which are unique to the urban design and character of this area and vary from the otherwise applicable Zoning Code provisions. The proposed rezoning is compatible with and protects the character of the nearby area and optimizes the combined potentials for economic benefit. The PUD will promote and sustain the viability of an existing and emerging commercial/residential area offering a full range of employment, shopping, living, and leisure opportunities.

*(6) Intensity of Development*

The proposed development is consistent with the CGC functional land use category and is scaled for and complimentary to the pedestrian and surrounding uses. The PUD is appropriate at this location because it will support the existing offices, service establishments and

residential dwellings in the area. If the property is redeveloped and the existing building is replaced with a new building, the property shall be developed in accordance with landscaping standards found in the Zoning Code.

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

Due to the commercial nature of the use, open space is not required. The property currently provides at least 10 percent of open, undeveloped space on the site.

*(8) Impact on wetlands*

There are no wetlands on-site. Any development impacting wetlands will be required to comply with state and local 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 situation is similar to other businesses in the neighborhood in that the area was developed prior to current regulations. The surrounding area is generally deficient in providing adequate off-street parking during peak hours of operation for all the businesses. The site has previously housed a variety of retail stores and commercial uses as well as restaurants and bars. Per Section 656.603(a)(1) - General provisions for parking for Existing uses - Conforming buildings and uses existing as of September 5, 1969, may be modernized, altered or repaired without providing additional off-street parking or off-street loading facilities if there is no increase in area or capacity. Per Part 6 of the Zoning Code, a breakdown of the parking calculation for the proposed use is as follows – 2,000 square feet of brewery/industrial use requires 2 spaces; 95 seats would require 23.75 spaces and 4 employees requires 2 spaces for a total of 28 required parking spaces. The building is vested for 18 spaces, and with 7 on-street spots in front of the building, this leaves the use short by roughly 3 spaces. This will be addressed by a parking agreement executed by the adjacent restaurant providing access for parking to the lot to the east (behind) of the proposed brewery.

There is a parking lot with over 35 spaces at the rear side of the building and 7 on-street spaces on the north side of Edgewood Avenue as well as access to an additional 40+ within 100 yards. Given the historical viability of the area and the presence of on street parking, approval of this request would have a positive cumulative effect on the neighborhood as it would promote a commercial infill use in keeping with the character of the neighborhood. The character of the area includes parking limitations that are anticipated by persons visiting the area. The proposed use and associated improvements to this building should contribute to increased property values and blend in with the essential character of the area. The previous business operated in this location for many years without any traffic related incident when there was no parking provided on site. It will have a positive effect on maintaining the older commercial character of the area. The on-street parking and off-setting hours of operation with adjoining uses mitigate for any potential injury or interference to surrounding property owners.

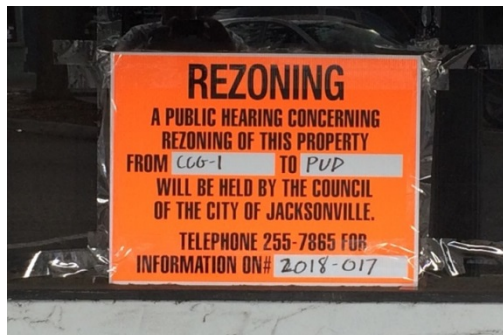
Enhancements were made to pedestrian walkways and vehicular parking areas due to the Murray Hill Town Center Initiative to address the need for pedestrian and vehicular improvements along this corridor. The Murray Hill Town Center area was developed in the 1920s and 1930s. At that time, cars were not as numerous or common as they are today. Parking was limited and on street parking was the primary parking in the area; surface lots were rare. In specific regard to this application, permitting on-premises sales and service of beer and wine not in conjunction with food for the proposed brewery to the existing commercial structure will not generate traffic inconsistent with the traffic generated by the other tenants in the town center or nearby commercial properties. Employee and vendor access shall be by way of the doors at the front and/or rear of the property. Given the historical viability of the area, approval of this request would have a positive cumulative effect on the neighborhood as it would promote a commercial infill use in keeping with the character of the neighborhood.

*(11) Sidewalks, trails, and bikeways*

There is an existing sidewalk in front of the building along Edgewood Avenue that meets the 2030 Comprehensive Plan requirement.

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on January 23, 2018, the required Notice of Public Hearing sign **was** posted.

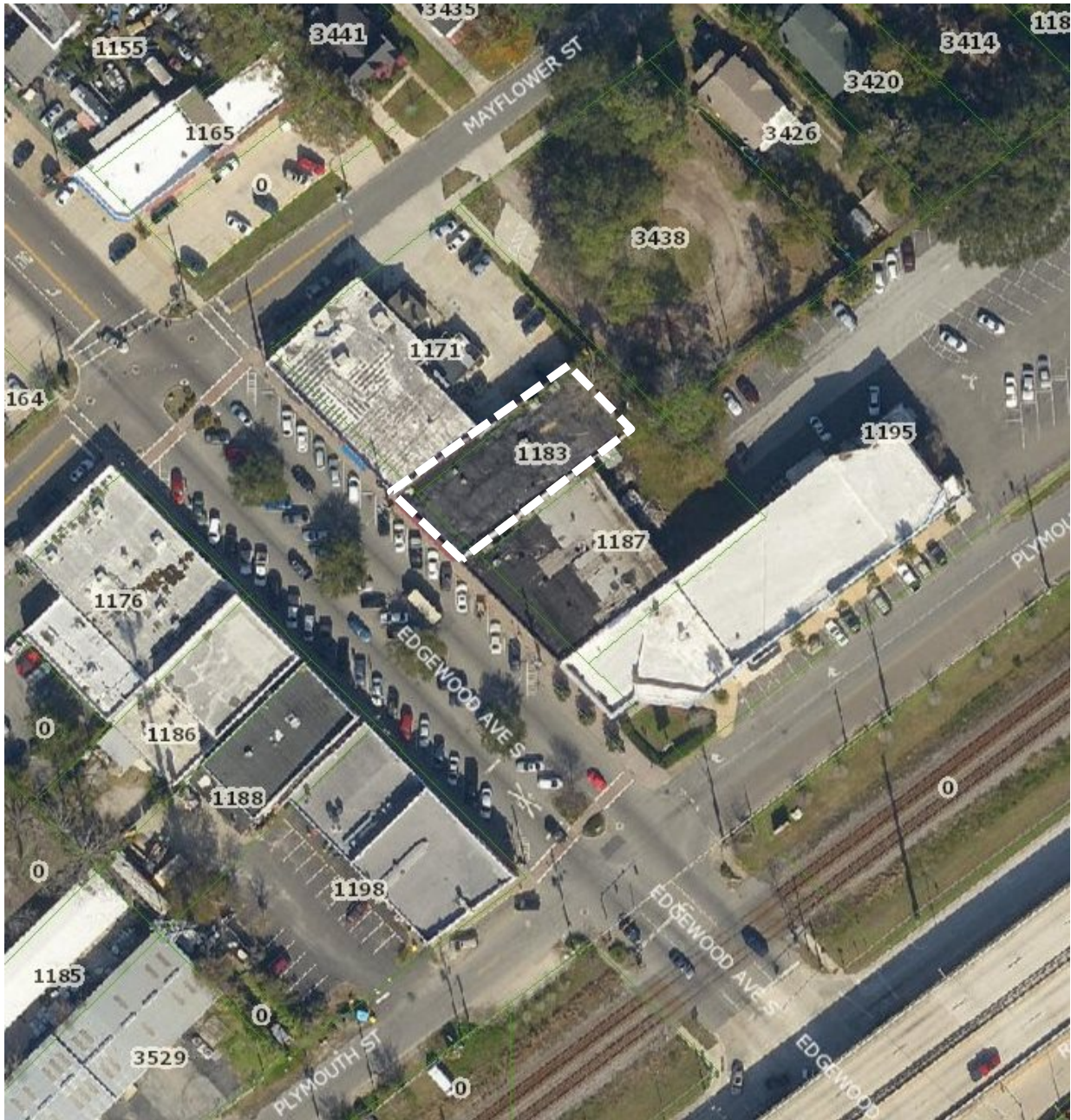


**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2018-0017** be **APPROVED with the following exhibits:**

1. The original legal description dated October 9, 2017.
2. The revised written description dated January 24, 2018.
3. The original site plan dated October 6, 2017.





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



**The subject site facing northeast from Edgewood Ave.**



**The subject site on the right facing west along Edgewood Ave.**



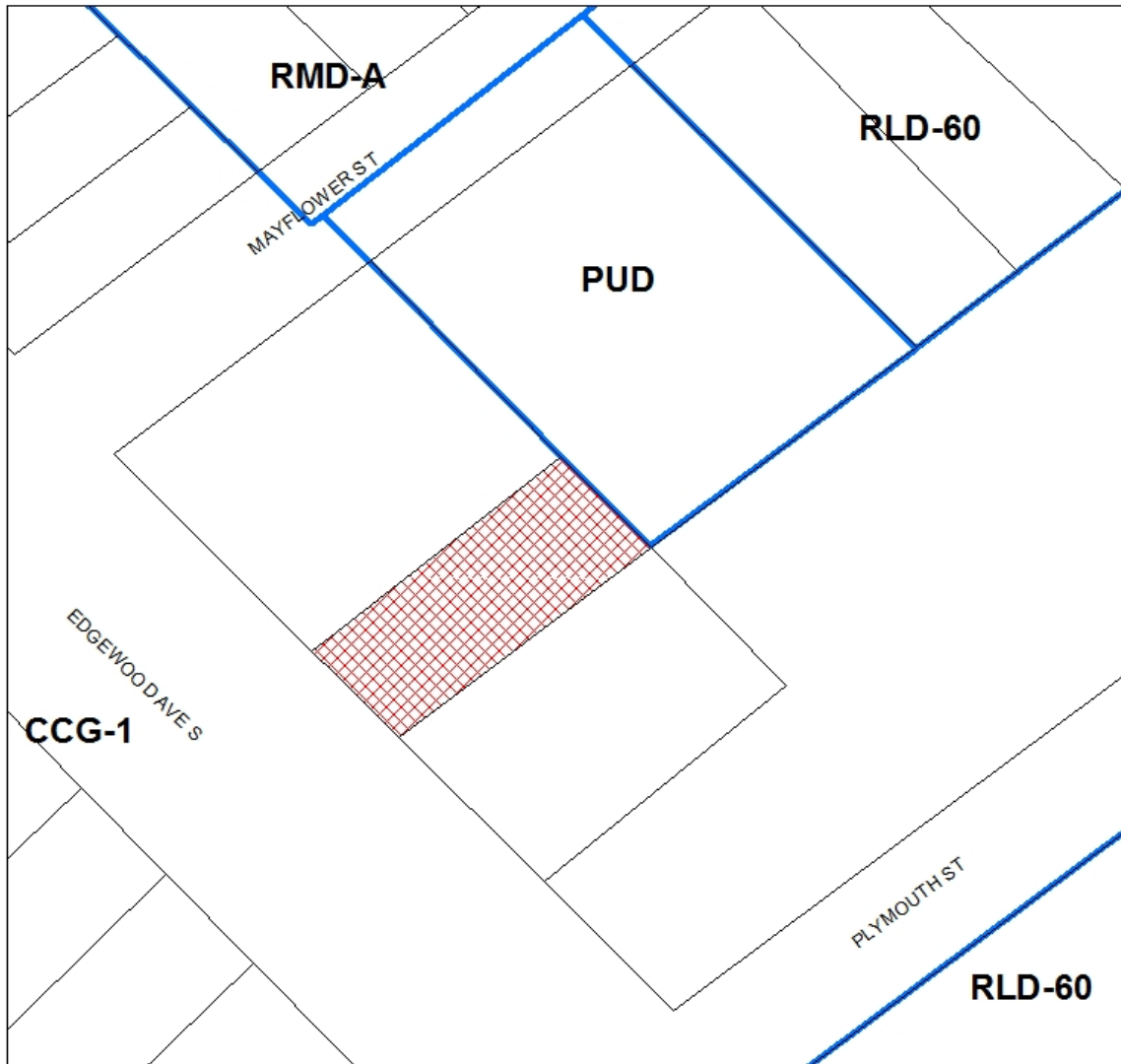
**The subject site on the left facing east along Edgewood Ave.**

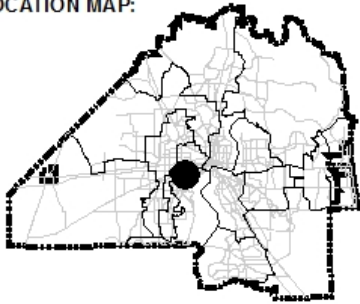



**The subject site facing northeast from Edgewood Ave.**



**Adjacent restaurant uses to the west**



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-1</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 20 40 80</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>14</p>
<p>ORDINANCE NUMBER:</p> <p>ORD-2018-0017</p>	<p>TRACKING NUMBER</p> <p>T-2017-1580</p>	<p>PAGE 1 OF 1</p>