

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-442 TO

PLANNED UNIT DEVELOPMENT

AUGUST 23, 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 **2018-442** to Planned Unit Development.

Location: Northwest corner of Gate Parkway and Point Meadows Drive

Real Estate Number(s): 167741 0700

Current Zoning District: Planned Unit Development (PUD 2006-1204)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Residential Professional Institutional (RPI)

Proposed Land Use Category: Community General Commercial (CGC)

Planning District: Southeast, District 3

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

Owner: Arthur Chester Skinner, III Trust
2963 DuPont Avenue
Jacksonville, Florida 32217

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2018-442** seeks to rezone approximately 9.94 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed with a filling station, restaurants, public buildings and facilities and a variety of commercial retail and service establishments.

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 Residential Professional institutional (RPI) 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5299- 18C (Ordinance 2018-441) that seeks to amend the portion of the site that is within the RPI 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 L-5299-18C be approved. 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.

According to the Category Descriptions for the Urban Development Area identified within the FLUE, the CGC future land use category includes outlets and establishments that offer a wide range of goods and services including general merchandise, apparel, food and related items. General commercial uses include business and professional offices, financial institutions, highway commercial, mobile home/motor home rental and sales, off-street parking lots and garages, and boat storage and sales, among other similar types of commercial developments.

Staff has reviewed the proposed PUD and finds that the permitted and permissible uses included within the written description are consistent with the proposed CGC land use category. Warehousing, light manufacturing and fabricating may be permitted as accessory uses 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. 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?

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): Residential Professional Institutional (RPI). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series L-5299-18C (Ordinance 2018-441) that seeks to amend the portion of land that is within the RPI 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 Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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 1.1.22 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 3.1.3 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.

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 Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new 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.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed rezoning should be evaluated with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 0.13 of an acre

General Location(s): Center of the northern property line of the subject site

Quality/Functional

Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition the wetland has no clear or significant impact on the City's waterways.

Soil Types/

Characteristics: Leon fine sand (0-2% slopes) – consists of nearly level, poorly drained and very poorly drained, sandy soils. These soils formed in thick beds of marine sand. They are in flatwoods and tidal marshes. These soils are slowly permeable to moderately rapidly permeable. In areas in flatwoods, the high water table generally is at a depth of 6 to 18 inches. Slopes are linear and range from 0 to 2 percent.

Wetland Category: Category III

Consistency of Permitted Uses: All uses; Silvicultural and agricultural uses may have limited development potential per CCME Policy 4.1.6.

Conservation/Coastal Management Element

Goal 4 To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetland resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

Objective 4.1 The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes.

Policy 4.1.3 The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

- (a) Encroachment - In Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and
- (b) No net loss - Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:
 - i. The habitat of fish, wildlife and threatened or endangered species,
 - ii. The abundance and diversity of fish, wildlife and threatened or endangered species,
 - iii. The food sources of fish and wildlife including those which are threatened or endangered,
 - iv. The water quality of the wetland, and
 - v. The flood storage and flood conveyance capabilities of the wetland; and
- (c) Floodplain protection - Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and
- (d) Stormwater quality - In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:
 - i. Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
 - ii. Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems
- (e) Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and
- (f) Hydrology The design of the fill shall include measures to maintain the wetlands hydrology of the site.

Policy 4.1.6 The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

- (1) Any use not otherwise listed below, provided all of the basic requirements outlined in

Policy 4.1.3 above are met:

(a) Silvicultural uses, provided the following standards are met: Best Management Practices: Silviculture Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

(b) Agricultural uses, provided the following standards are met: Best Management Practices: Agriculture Such activities are to be in compliance with Chapter 40C-44, F.A.C.

(2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

(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 landscaping and tree protection shall be provided in accordance with Part 12 of the Zoning Code. Landscaping standards shall be applied taking into consideration all proposed uses and the entire PUD site. For individual uses, which may own their sites in fee simple, required landscaping may be provided "off-site" within the PUD.

Traffic and pedestrian circulation patterns: The proposed access will be provided via Gate Parkway and Point Meadows Drive and vehicular internal circulation will be as shown on the site plan. The proposed access points and vehicular internal circulation are subject to revision during final design, engineering, and permitting. Design of the access and vehicular internal circulation is subject to review and approval of the Planning and Development Department.

The use and variety of building setback lines, separations, and buffering: The setbacks contained in the written description are more restrictive than a conventional commercial zoning district.

The City's Ordinance Code requires buffers for "uncomplimentary land uses and zones" in Section 656.1216. Due to the integrated nature of this project, all internal uses within the PUD are considered compatible with each other and no buffers between such internal uses are required. A buffer area will be provided in the MDR portion of the property along the western boundary of the property in lieu of an uncomplimentary buffer pursuant to Section 656.1216 between the commercial and other uses within the PUD and the multifamily residential development located to the west. No new development is permitted within this buffer and the existing vegetation will remain.

Compatible relationship between land uses in a mixed use project: The written description contains uses similar to those in the adjacent area. The proposed companion Land Use Amendment to CGC 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 with development standards such as yard requirements, maximum heights of structures, and separation between uses for each which are unique to the urban design and character of this PUD and vary from the otherwise applicable Zoning Code provisions. The proposed rezoning and land use amendment 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.

(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 an area where residential, office, commercial and institutional uses function as a mixed-use development. Commercial development at this location complements the existing residential, office and commercial 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	RPI	PUD (15-240)	Undeveloped
South	RPI	CO	Medical, professional offices
	CGC	CCG-1	Restaurants, business offices, bank
East	RPI	PUD (15-733)	Ikea
West	LDR	PUD (97-835)	James Island single family subdivision

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 written description contains detailed language for signage. The proposed signage is substantially less than would be allowed in a conventional commercial zoning district.

A 150 foot wide JEA power line easement runs along the western property line of the subject PUD. Only a small portion of the site will be developed into that easement. The easement will act as a buffer to the existing single family residential on the west side of the JEA easement.

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category as a commercial developments. The PUD is appropriate at this location because it will support the existing offices, service establishments and residential uses in the area.

The availability and location of utility services and public facilities and services: JEA indicates there are sufficient facilities to accommodate the proposed development.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The City's Traffic Engineer has three comments to the proposed PUD. The Department believes these comments should be incorporated as conditions in the Ordinance.

- There shall be no median opening on Point Meadows Road. The driveway on Point Meadows Road shall be right in/Right out only.
- Sidewalk shall be provided on the parcel frontage on Gate Parkway.
- Extend the west bound left turn lane 75 feet as recommended in the traffic study at Gate Parkway and Point Meadows intersection.

The property is within the Transportation Management Area (TMA). Pursuant to Transportation Element Policy 1.2.1, requires a calculation of vehicular trips based on the maximum development potential for existing and proposed land uses. Transportation Element Policy 1.3.4 states that land use amendments within the TMA to non-residential land use categories shall be consistent with the mix of uses and total external trips. The Transportation Planning Division is requiring a trip generation and operational analysis be performed for the PUD.

(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 identified a small area of 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.

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 August 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 **2018-442** be **APPROVED with the following exhibits:**

1. The original legal description dated
2. The revised written description dated August 10, 2018
3. The revised site plan dated August 3, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-442** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. There shall be no median opening on Point Meadows Road. The driveway on Point Meadows Road shall be right in/Right out only. Sidewalk shall be provided on the parcel frontage on Gate Parkway. Extend the west bound left turn lane 75 feet as recommended in the traffic study at Gate Parkway and Point Meadows intersection.
2. The Transportation Planning Division requires that a trip generation and operational analysis of the adjacent roadway, performed by a licensed professional traffic engineer, be conducted to determine the impact to the external TMA trips as a result of the land use change. A methodology meeting with the Transportation Planning Division must be held prior to commencement of the study. The traffic analysis is subject to the approval of the Planning and Development Department and the City of Jacksonville Traffic Engineer.
3. 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.



View of subject property



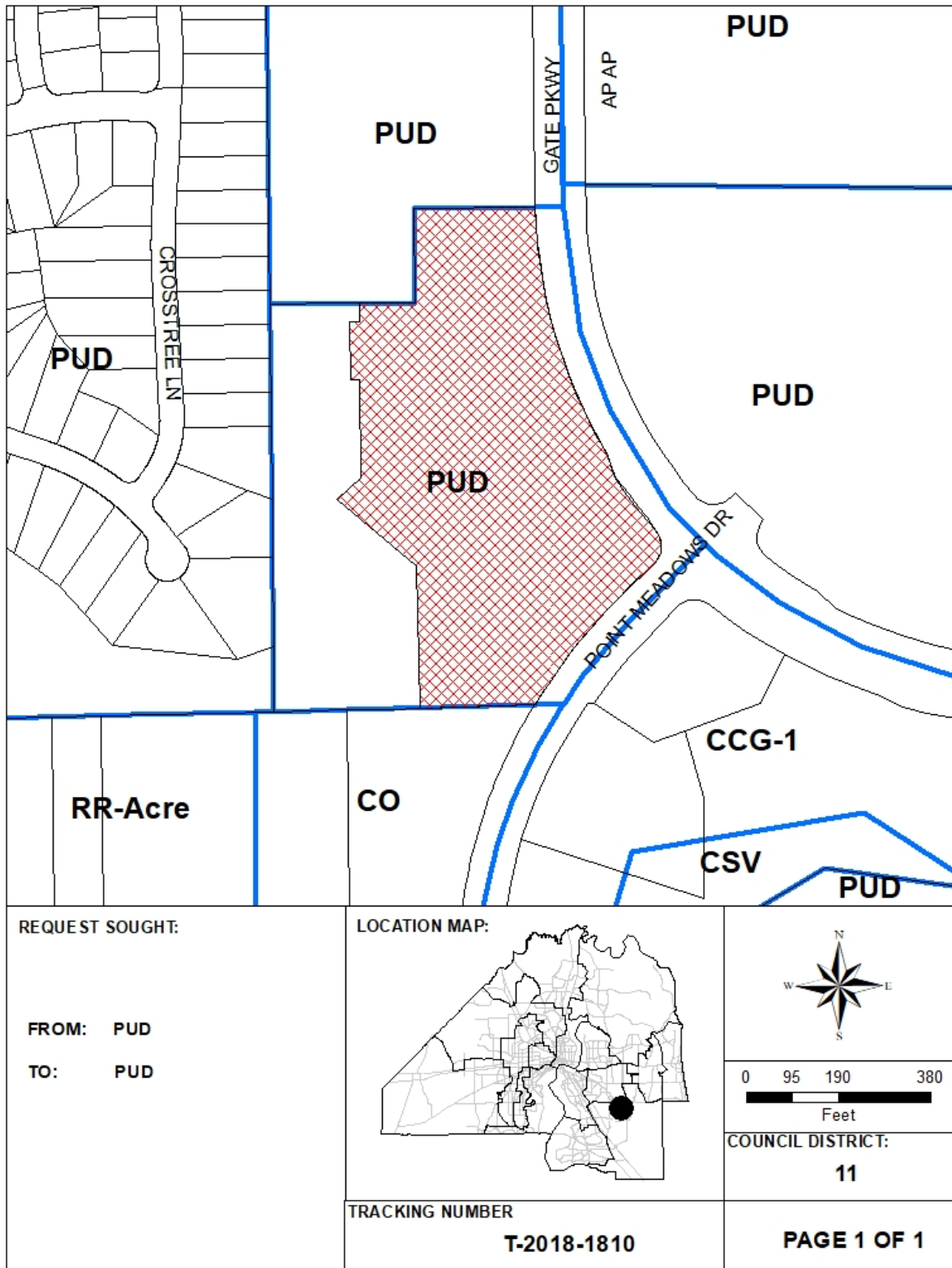
Adjacent office buildings



Adjacent office buildings



Aerial view of subject property.

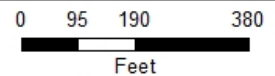
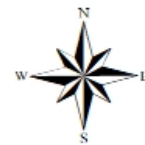
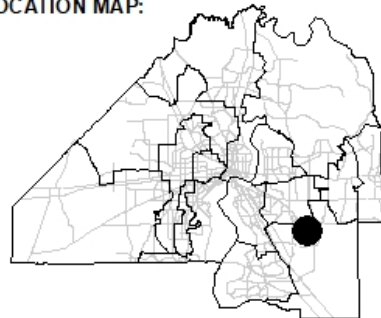


REQUEST SOUGHT:

FROM: PUD

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

11

TRACKING NUMBER

T-2018-1810

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