

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-642 TO

PLANNED UNIT DEVELOPMENT

OCTOBER 18, 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 **2018-642** to Planned Unit Development.

Location: North side of Bonneval Road between Windsor Falls Drive and Butler Point Road

Real Estate Number(s): 152594-8110 and 152594-8160

Current Zoning District: Planned Unit Development (PUD 98-819)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Regional Commercial (RC)

Planning District: Southeast, District 3

Applicant/Agent: Steve Diebenow, Esq.
DMH&D
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: Atlantis Holdings, LLLP
140 Historic Brick Lane
St. Augustine Florida 32095

Galleria Pointe Owners Association, Inc.
6675 Corporate Center Parkway, Suite 100
Jacksonville, Florida 32216

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development **2018-642** seeks to rezone approximately 9.02 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed for the retail sales of new and used automobiles and trucks including a service garage for minor and major repairs. Additional commercial uses are included in the proposed written description. The parcel is located in “Land Use B” in the current PUD site plan which allows for hotels/motels, banks, restaurants and retails sales.

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 Regional Commercial (RC) 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 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.

Regional commercial uses serve the City and outlying communities. Regional commercial nodes will generally be located with convenient access to transit corridors, and within a thirty minute drive time of the service population. Regional commercial uses may only be developed: (1) in a nodal pattern, and (2) within the commercial and commercially dominated mixed use plan categories. This type of development offers a full range of shopping goods, including general merchandise, apparel, home furnishings and related items. Community and neighborhood commercial uses and projects may be developed as part of a regional commercial node. Business and professional offices, financial institutions, other service commercial, entertainment, recreational, institutional and residential uses may be developed within the area of the regional commercial node, or as autonomous office-professional use projects. Secondary and supporting uses allowed in other commercial categories may also be permitted in this category. Freestanding retail and other supporting uses developed in and around a primary regional commercial center will be sited within the area of the regional commercial node, subject to the provisions of this and other elements of the 2030 Comprehensive Plan. The location, type, scale and density/intensity of the supporting and secondary uses shall be compatible with the overall character of the existing, as well as the proposed future development of the area.

The site was a part of the Galleria DRI which expired in 2013. Due to the expiration of the DRI, the terms of the development order to the DRI no longer apply to this property.

(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): Regional Commercial (RC). 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 1.1.12 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 Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

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 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.

Recreation and Open Space Element

ROS 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.

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

Review of City data indicates the potential existence of wetlands on the subject site. Based upon the city's geographic information data, the Planning and Development Department has determined the wetlands are approximately 0.88 acres; are classified as Category III and 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. Based on that information, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

CCME 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 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 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.

CCME 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)

(2) Consistency with the Concurrency Mobility and Management System

This development falls within the boundaries of VPAC #11497. The owner is required to submit a city Development Number Request Form, Site Plan and Allocation Letter. However no mobility or CCAS/CRC application is necessary.

(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 streetscape: The written description and site plan indicate the street scape of the proposed development will be consistent with the existing developments in the area.

The use of existing and proposed landscaping: The development will meet the Landscape Regulations contained in Part 12 of the Zoning Code.

Traffic and pedestrian circulation patterns: The site plan shows two entrances on Bonneval Road. The entrance locations are subject to the review and approval of the City's Traffic Engineer.

The use and variety of building setback lines, separations, and buffering: The written description contains setbacks that are substantially similar to the CCG-1 Zoning District, which are the same as the existing PUD.

(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, and commercial uses function as a mixed-use development. An automobile dealership at this location is consistent with the 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	RC	PUD (98-819)	I-95 / Butler Blvd Interchange
South	RC	PUD (98-819)	Undeveloped
East	RC	PUD (04-857)	Multi-family dwellings
West	RC	PUD (98-819)	Commercial uses

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 includes a limitation on the intensity and maximum height of lighting. This will protect the adjacent residential from unnecessary impacts. The written description indicates that the development will comply with Part 12 which requires an uncomplementary buffer along the east property line.

The PUD is preserving 1.5 acres along the east property line which will provide a substantial screen to the adjacent residential use.

(6) Intensity of Development

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

The availability and location of utility services and public facilities and services: JEA does indicate that full utilities are available to the site.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site has access to Butler Boulevard and I-95.

(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 City data indicates the potential existence of wetlands on the subject site. The Planning and Development Department has determined the wetlands are approximately 0.88 acres; are classified as Category III and 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.

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 October 1, 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 **2018-642** be **APPROVED** with the following exhibits:

1. The original legal description dated August 28, 2018.
2. The original written description dated August 28, 2018.
3. The original site plan dated August 17, 2018.



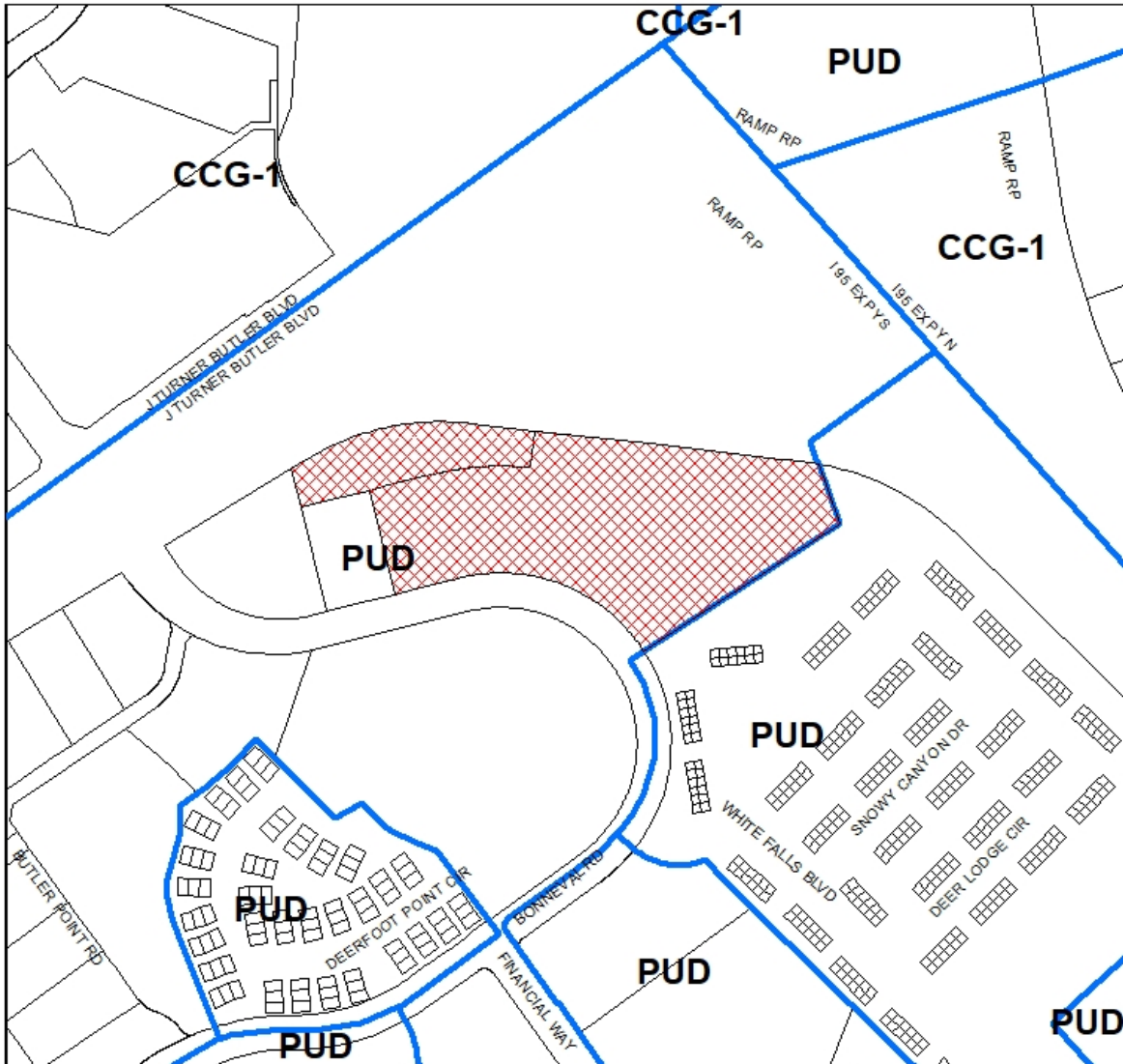
View of subject property



Day care facility adjacent to subject property



Aerial view of subject property.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>	 <p>0 130 260 520 Feet</p> <p>COUNCIL DISTRICT: 11</p>
<p>ORDINANCE NUMBER: ORD-2018-0642</p>	<p>TRACKING NUMBER T-2018-1838</p>	<p>PAGE 1 OF 1</p>