

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

**APPLICATION FOR REZONING ORDINANCE 2018-701 TO**

**PLANNED UNIT DEVELOPMENT**

**NOVEMBER 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 **2018-701** to Planned Unit Development.

***Location:*** North side of Atlantic Boulevard (SR 10) between Marketplace Drive and Sutton Lakes Boulevard

***Real Estate Number(s):*** 167445-0180, 167445-0210

***Current Zoning District:*** Planned Unit Development (PUD 2010-377)  
Planned Unit Development (PUD 2010-782)

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

***Current Land Use Category:*** Residential Professional Institutional (RPI)  
Community General Commercial (CGC)

***Planning District:*** Greater Arlington/Beaches, District 2

***Applicant/Agent:*** Michael Herzberg  
12483 Aladdin Road  
Jacksonville, Florida 32223

***Owner:*** Atlantic North, LLC  
1 Sleiman Parkway  
Jacksonville, Florida 32216

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

**GENERAL INFORMATION**

Application for Planned Unit Development **2018-701** seeks to rezone approximately 73.21 acres of land from PUD to PUD. The rezoning to PUD is being sought to combine the uses from PUD 2010-370 and PUD 2010-782 into the proposed PUD. The proposed PUD will allow commercial retail and service establishments, banks, professional and business offices,

restaurants, movie theaters, filling stations with automated car wash facilities and service garages for minor repairs.

### **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?*

The Planning and Development Department finds that the subject property is located in the Residential Professional Institutional (RPI) 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. The PUD is consistent with the 2030 Comprehensive Plan if the recommended conditions are included in the written description.

#### The PUD Development review for consistency with the CGC land use category

According to the Future Land Use Element (FLUE), CGC in the Urban Area is intended to provide compact development while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure. CGC provides for a wide variety of retail goods and services which serve large areas of the City. The maximum gross density for residential in the CGC land use category, Urban Area, is 40 units/acre, however, the category states that “residential uses shall not be the sole use and shall not exceed 80 percent of the development.”

The written description and preliminary site plan of the PUD are consistent with the allowed uses of the CGC land use category. However, the requirements for residential uses should be included in the written description to ensure development results in the required mix of uses for the allowed multi-family dwellings use. **Specifically, the PUD should state the CGC land use category requires that residential uses not be the sole use and not exceed 80 percent of development.**

#### The PUD Development review for consistency with the RPI land use category

RPI in the Urban Area is intended to provide compact medium density development. Development which includes medium density residential and professional office uses is preferred. Limited commercial retail and service establishments which serve a diverse set of neighborhoods is also encouraged. The maximum gross density for residential in the RPI land use category, Urban Area, is 30 units/acre.

The allowed uses within the PUD include the retail sale of new and used automobiles, as well as parts and accessories, commercial indoor recreational or entertainment facilities, hotels, the

sale and service of tires and minor auto repair services. These types of uses are not allowed in the RPI land use category. While the PUD development is a large area (77.21 acres), the portion of the development that is part of the RPI land use category should be consistent with the allowed uses of RPI. **The Uses and Restrictions section of the PUD written description should be amended to delineate the allowed uses in the CGC portion of the development in comparison to the allowed uses in the RPI portion of the development.**

**Additionally, the Limitations on uses within the PUD written description references that all other uses permitted by right or by exception in the CCG-1 zoning category can be allowed through the minor modification process. This statement should be revised and amended to recognize the RPI land use category's permissible uses; not all uses within the CCG-1 zoning category are permissible under the RPI land use category.**

The uses provided herein shall be applicable to all RPI sites within the Urban Area.

**Principal Uses:** Multi-family dwellings; Office; Business and Professional Office; Institutional; Large scale institutional uses, which require supporting residential and office components; Commercial retail sales and service establishments limited to 50 percent of the site area; Live/Work Units; Financial institutions; Restaurants (without drive-in or drive-thru facilities); Single Room Occupancies (SROs); Off street parking lots and garages when combined with another principal use; Single-family dwellings which were originally constructed as single-family dwellings prior to adoption of the 2010 Comprehensive Plan; and Uses associated with and developed as an integral component of TOD. Single-use developments shall be limited to residential or office. Single use residential developments shall be pursuant to the requirements of the Medium Density Residential (MDR) category. Mixed use developments may not include more than 90 percent of any individual use.

**Secondary Uses:** Secondary uses shall be permitted pursuant to the Commercial land use introduction. In addition, the following secondary uses may also be permitted: Single-family dwellings as part of a single-use or mixed used development; Veterinary Offices; and Filling stations.

The uses provided herein shall be applicable to all CGC sites within the Urban 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.

*(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): Residential Professional Institutional (RPI) and Community General Commercial (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:

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.

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.

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.

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.

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.

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.

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.

Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

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.

### *(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.

Currently, Mobility # 95183.0 / CRC # 95183.1 / City Dev # 7036.018 is reserved for a project known as Atlantic North: Echo Park-Jacksonville. It reserves 24,661 enclosed square feet of new/used car sales on a portion of the parcels. The mobility fee of \$58,643 will need to be paid prior to permit sign-off by the Concurrency & Mobility Management System Office (CMMSO). Any future development at the remaining site will require submittal of a Mobility application and CCAS/CRC application for each phase of the property.

### *(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 existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The written description and the site plan indicates there will be pedestrian plazas to increase the walk-ability environment. The developer has constructed a 10 foot wide multi-use path on the north side of the Abess Boulevard extension from Kernan Boulevard. The Parks, Recreation and Community Services Department recommends the multi-use path be continued along the Abess Boulevard extension to Atlantic Boulevard.

The treatment of pedestrian ways: The development intends to have wider pedestrian walks in conjunction with pedestrian plazas.

Traffic and pedestrian circulation patterns: The site plan shows the development using a modified grid layout which will connect with adjacent developments.

The use and variety of building groupings: The site plan shows several groupings of buildings which break up the parking areas into smaller areas. This promotes pedestrian walk-ability and less driving between stores when on site.

The use and variety of building sizes and architectural styles: The written description indicates that the buildings will contain architectural features and facades which will break up the long walls typical of "big box" retailers.

#### (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 near the intersection of Atlantic Boulevard (SR 10) and Kernan Boulevard. There is substantial existing and proposed commercial development in this area. To the east is a proposed mixed use development containing commercial and multi-family dwellings. Commercial development at this location complements the existing residential dwellings, office and commercial uses along Beach Boulevard.

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	PBF	PBF-3	Jacksonville Executive at Craig Airport
South	LDR	PUD (97-53)	Hawkins Cove residential subdivision
	LDR	RR-Acre	Undeveloped, wetlands
East	RPI	PUD (10-782)	Commercial retail center
West	CGC	PUD (10-377)	Automobile dealership

*(6) Intensity of Development*

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

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: A portion of the northeast corner of the subject property is located within the School Regulation Zone for Craig Airfield. Section 656.1009 of the Zoning Code and Chapter 333 (Airport Zoning) Florida Statutes prohibit new public or private schools within the School Regulation Zone. Schools are not listed as a permitted or permissible uses in the proposed written description.

The majority of the property is also located within the 50' Civilian Height and Hazard Zone for Craig Airfield. Therefore, zoning will limit building to that height for development unless otherwise approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the "Height and Hazard Zone" must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.10051(d). In addition approximately fifteen percent (15%) of the northern portion of the site is with the runway protection zone where buildings may be prohibited. The proposed site plan shows the area designated as a future retention pond. Presently, the Airport Authority does not object to the proposed PUD.

A portion of the subject site (northeast corner) is located within a designated 750 foot wellhead protection zone. The well is located within the JEA's water treatment facility. The proposed amendment was routed to the Environmental and Compliance Department, Environmental Quality Division (EQD) for review and comment on potential impacts related to wellhead protection regulations. EQD only concern was regarding certain businesses utilizing petroleum and dry cleaning chemicals could cause potential adverse impacts to the wellhead protection area. Therefore, development of the site must be completed in compliance with Section 366.406 of the City's Municipal Code. The developer must obtain all necessary permits from the Florida Department of Environmental Protection and the EQD.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The City's Traffic Engineer recommends that a traffic study be prepared to determine the need for left turn lanes and possible lane realignment/reduction on Marketplace Drive.

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

The project will be developed with the required amount of open space. A recreation area is not required.

*(8) Impact on wetlands*

Review of the St. Johns River Water Management District (SJRWMD) and City data indicates the potential existence of approximately 10 acres of wetlands on the subject site. The wetlands consist of seven isolated pockets that have a low functional value for water filtration and flood water storage capacity. Any development that impacts the wetlands will be permitted through local, state and federal agencies.

*(9) Listed species regulations*

There were no mention of threatened, endangered, or species of special concern utilizing the land use amendment site. However, according to the applicant's environment consultant, there was evidence of typical forest wildlife such as deer, rabbit, various birds, amphibians and small reptiles.

*(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 written description indicates the development will provide interconnectivity between buildings with internal and external sidewalks. It also indicates that the sidewalks will be wider with pedestrian plazas top promote a walking environment. The project will contain a pedestrian system that meets the 2030 Comprehensive Plan. The developer has constructed a 10 foot wide multi-use path on the north side of the Abess Boulevard extension from Kernan Boulevard. The Parks, Recreation and Community Services Department recommends the multi-use path be continued along the Abess Boulevard extension to Atlantic Boulevard.



### SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on October 30, 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 **2018-701** be **APPROVED with the following exhibits:**

1. The original legal description dated August 6, 2018.
2. The revised written description dated October 31, 2018.
3. The original site plan dated August 6, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-701** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. A traffic study, subject to the review and approval of the City's Traffic Engineer and the Transportation Planning Division, shall be prepared to determine the need for left turn lanes and possible lane realignment/reduction on Marketplace Drive.
2. 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 subject property.



View of subject property.



View of 10 foot wide multi-use path on Abess Boulevard



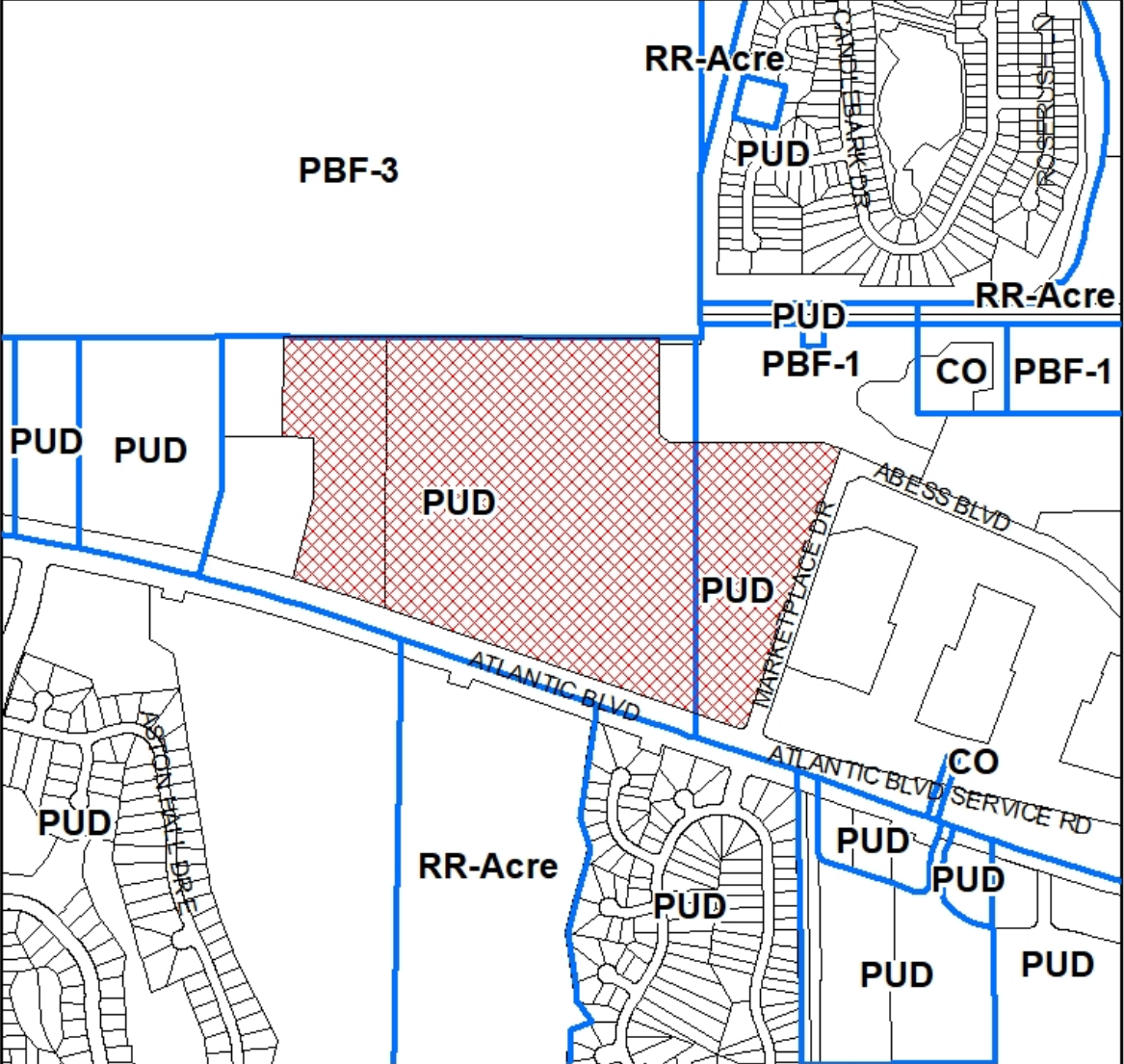
View of terminus of Abess Boulevard. Recommend 10 foot wide multi-use path be extended



View of subject property.



Adjacent retail center



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>	<p>COUNCIL DISTRICT: 2</p>
<p>ORDINANCE NUMBER: <b>ORD-2018-0701</b></p>	<p>TRACKING NUMBER <b>T-2018-1938</b></p>	<p><b>PAGE 1 OF 1</b></p>