

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2018-860 TO**  
**PLANNED UNIT DEVELOPMENT**

**JANUARY 17, 2019**

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 **2018-860** to Planned Unit Development.

***Location:*** 12743 Atlantic Boulevard (SR 10) between Girven Road and Hickory Creek Boulevard West

***Real Estate Number(s):*** 165266-0000, 165265-0055

***Current Zoning District:*** Commercial Community General-1 (CCG-1)  
Planned Unit Development (PUD 2012-288)

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

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

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

***Applicant/Agent:*** Ryan Poytheriss  
Wolverton & Associates, Inc.  
710 East Colonial Drive  
Orlando, Florida 32803

***Owner:*** Circle K Stores  
215 Pendleton Street  
Waycross, Georgia 31501

Home Depot USA, Inc.  
2455 Paces Ferry Road  
Atlanta, Georgia 30339

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

### **GENERAL INFORMATION**

Application for Planned Unit Development **2018-860** seeks to rezone approximately 1.74 acres of land from CCG-1 and PUD to PUD. The rezoning to PUD is being sought so that the property can be redeveloped with a filling station, convenience store and automated car wash. The existing filling station will be demolished and a new structure constructed. The PUD also allows permitted and permissible uses by exception in the CCG-1 Zoning District.

### **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.

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.

***(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 is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

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.

The intended plan of development is located at the intersection of Atlantic Boulevard (SR 10) which is a principal arterial road and Girvin Road which is a collector road. This is a major commercial corridor.

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.

JEA indicates that all services are available to the property. No septic systems are proposed.

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.

The intended plan of development is located at the intersection of Atlantic Boulevard (SR 10) which is a principal arterial road and Girvin Road which is a collector road. This is a major commercial corridor.

FLUE 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.

TE Policy 2.3.6 The City shall require that access to newly developed and redeveloped parcels, other than parcels zoned for or used for single-family dwellings, with frontage along two or more roadways be limited in order to protect performance of the City's transportation network. Access shall be limited to one per roadway with access from the higher functional class roadway or roadway with the higher average daily traffic being limited to right turn-in/right turn-out only. However, exemptions from this Policy may be granted by the Traffic Engineering Division and the JPDD where factors justify the exemptions. Factors to be taken into consideration for exemptions may include, but are not limited to: parcel size and road frontage; projected trip generation of a development; safety and congestion hazards; potential for delay on adjacent road facilities; environmental degradation; adequate traffic circulation; and/or elimination of existing access points.

TE Policy 2.3.7 Access for corner lots or parcels shall be located the greatest distance from the corner commensurate with property dimensions. For roadways having a functional classification of collector or higher, access shall not be less than 150 feet from the geometric centerline of intersecting roadways, 100 feet from the outside through-lane, or commensurate with property dimensions, where the lot frontage is insufficient to meet these requirements, subject to the approval of the Traffic Engineering Division and the JPDD.

Review of City data indicates potential existence of approximately 1.3 acres of Category III wetlands on the subject site. 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. The proposed site plan will need to 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.

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***

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 streetscape: Not applicable

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: Not applicable

The use of existing and proposed landscaping: The written description indicate the development will meet Part 12, except perimeter landscaping along Girvin Road and perimeter landscaping between the parcel and the Home Depot parking area. The lack of perimeter landscaping will be

The treatment of pedestrian ways: The development will be required to have sidewalks along Girvin Road and Atlantic Boulevard.

Focal points and vistas: Not applicable

The use of topography, physical environment and other natural features: The site is flat without noticeable slope. The proposed site plan does show removal of existing wetlands on the north and west side to accommodate the expansion.

Traffic and pedestrian circulation patterns: The existing site has one access on Atlantic Boulevard (SR 10) and one access on Girvin Road. The proposed site plan maintains the same access drives and adds access to the Home Depot parking area.

The use and variety of building setback lines, separations, and buffering:

The use and variety of building groupings: Only one building is proposed.

The use and variety of building sizes and architectural styles: No architectural style was submitted with the application. It is expected the design will be similar to existing filling stations and conveniences stores.

The use and variety of materials: the PUD does not indicate the type of materials are used.

The separation and buffering of vehicular use areas and sections of vehicular use areas:

The variety and design of dwelling types: Not applicable

The particular land uses proposed and the conditions and limitations thereon: The PUD is not proposing any additional conditions or limitations.

The form of ownership proposed for various uses: Not applicable

Compatible relationship between land uses in a mixed use project: The proposed uses in the PUD, are those found in the CCG-1 Zoning District and therefore are expected to be compatible.

### ***(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 along a commercial corridor. Atlantic Boulevard (SR 10) is a Principal Arterial roadway. Commercial development is appropriate at this location.

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	PUD (12-288)	Undeveloped, wetlands
South	NC	PUD (94-132)	Commercial stores
East	CGC	PUD (96-1048)	Filling station, commercial stores
West	CGC	PUD (12-288)	Undeveloped, wetlands, Home Depot

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: To reduce light pollution and glare, it is recommended that a limitation be placed on the type of illumination and lighting levels.

### ***(6) Intensity of Development***

The proposed development is consistent with the CGC functional land use category as a commercial development. The PUD is appropriate along this commercial corridor as it will support the existing residential uses in the area.

The existing residential density and intensity of use of surrounding lands: The nearest residential dwellings are 500 feet to the southeast and screened from Atlantic Boulevard (SR 10) by 150 feet of woods.

The availability and location of utility services and public facilities and services: JEA indicates that all services are available.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The proposed development has access to two roads, Girvin Road is classified as a collector and Atlantic Boulevard (SR 10) is classified as a principal arterial. The Transportation Planning Division has two conditions for approval that the development is subject to mobility fee review and access to the site is subject to FDOT guidelines.

***(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 potential existence of approximately 1.3 acres of Category III wetlands on the subject site. 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.

***(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. There are existing sidewalks on both frontages.



### SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on January 4, 2019, 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 **2018-860** be **APPROVED with the following exhibits:**

1. The original legal description dated August 17, 2018.
2. The revised written description dated January 7, 2019.
3. The original site plan dated July 1, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-860** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one (1.0) f.c. when abutting non-residential properties or public rights of way. All lighting lamp sources within parking and pedestrian areas shall be metal halide, compact fluorescent or LED. The developer shall mount light fixtures on canopies so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. An exterior lighting design plan, including a photometrics plan, pole and fixtures schedules shall be submitted at the time of Verification of Substantial Compliance for review and approval by the Planning and Development Department.
2. This development is subject to mobility fee review.

3. Access to the site via Atlantic Boulevard (SR 10) must be subject to FDOT access management guidelines.
4. 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.



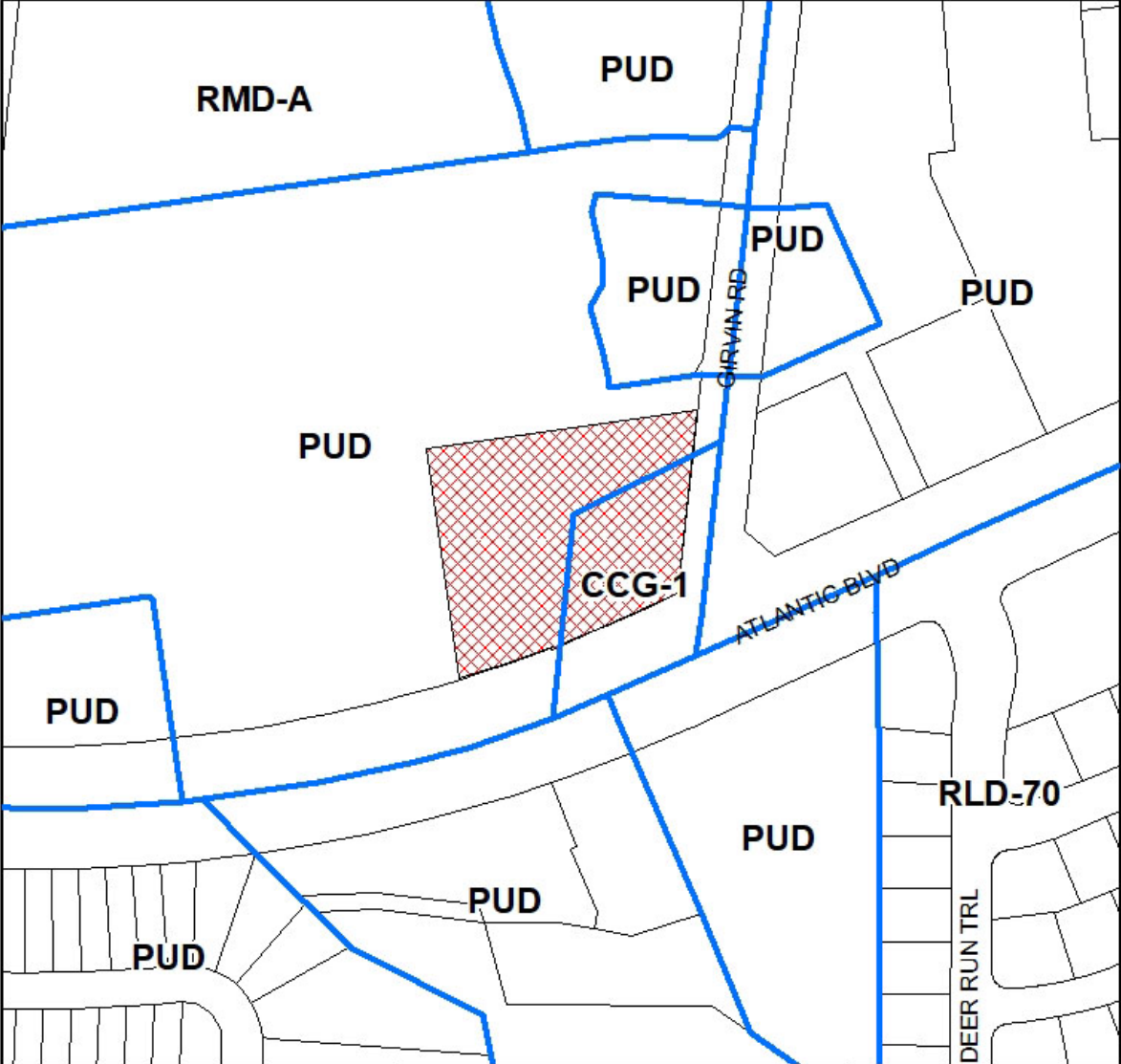
Aerial view of subject property.



View of existing filling station



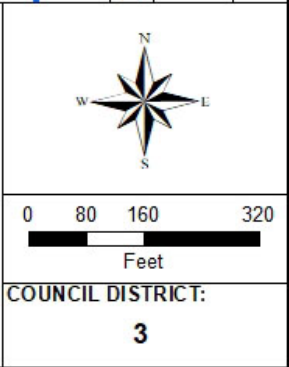
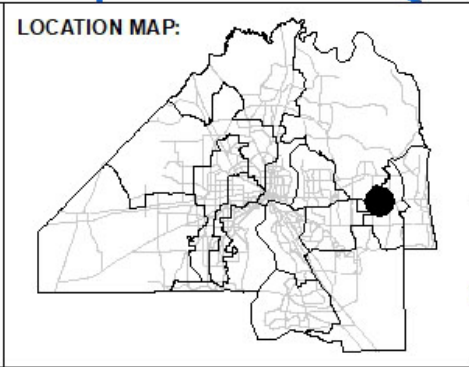
View of existing filling station



**REQUEST SOUGHT:**

**FROM: CCG-1 & PUD**

**TO: PUD**



**ORDINANCE NUMBER**

**ORD-2018-0860**

**TRACKING NUMBER**

**T-2018-1942**

**PAGE 1 OF 1**