

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-0167 TO
PLANNED UNIT DEVELOPMENT

APRIL 4, 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 **2019-0167** to Planned Unit Development.

Location: 2033 Riverside Avenue

Real Estate Number(s): 090678 0000

Current Zoning District: Planned Unit Development (PUD 2000-517)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Neighborhood Commercial (NC)

Planning District: Northwest, District 5

Applicant/Agent: Carol Walden
401 E. Jackson Street, Suite 2100
Tampa, FL 33602

Owner: LF2 Riverside LP
2851 John Street, Suite 1
Markham, Ontario Canada L3R 5R7

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development **2019-0167** seeks to rezone approximately 2.9 acres of land from PUD to PUD. The rezoning to PUD is being sought in order to add retail sales of all alcoholic beverages for off-premises consumption to the existing PUD (2000-517). There are no other proposed changes to the property's current entitlements.

The current PUD governing the property, adopted as Ord. 2000-0517, was adopted with a condition that stated in part "an eastbound left turn lane shall be installed on Riverside Avenue at the main driveway by modifying the existing pavement markings, or as otherwise approved by the Florida Department of Transportation." Because the required turn lane has been installed per the

existing PUD, and there are no changes requested in the proposed PUD or planned for the site (other than the addition of liquor sales for off-premises consumption), there are no conditions recommended

There are currently no locations in the vicinity of the subject site with package sales of all alcoholic beverages. However, the Publix grocery store located within the subject parcel, as well as several other retail shops in the vicinity, sell beer and wine for off-premises consumption. Furthermore, the sales of all alcohol for off-premises consumption was an allowed use on the property before it was rezoned to the current PUD.

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 request is for a rezoning to add the permitted use of retail sales of all alcoholic beverages including liquor, beer and wine for off premises consumption. The rest of the PUD will remain unchanged per Ordinance 2000-517-E.

The site is located in the Neighborhood Commercial (NC) land use category of the Urban Development Area. Neighborhood Commercial in the Urban Area is intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. Sites that abut a roadway classified as an collector or higher on the Functional Highway Classification Map are preferred for NC designations. Principal uses include, but are not limited to: Office Business and professional offices including veterinary offices, Multi-family dwellings when combined with another principal use; Commercial retail sales and service establishments, except for new or use automobile sales, funeral homes and broadcasting offices and studios. The proposed addition of use to the existing PUD is consistent with the NC land use category.

The site is located within the Riverside/Avondale Historic District. Vertical construction and changes to existing structures on site must be reviewed by the Planning and Development Department, and potentially the Jacksonville Historic Preservation Commission. According to the PUD, the existing buildings on site will not be expanded or altered to accommodate the use.

The following additional criteria shall be considered by the Planning and Development Department, the Local Planning Agency, and the City Council when evaluating any land use or zoning application within the Riverside/Avondale Zoning Overlay District:

- A. Whether the proposed rezoning is consistent with the Riverside/Avondale Zoning Overlay District and the historic district regulations;

The staff finds the proposed use is consistent with the overlay district.

- B. Whether the rezoning will negatively affect or alter the character of the character area or corridor;

The proposed use will not affect the character area. There are no locations in the vicinity of the subject site with package sales of all alcoholic beverages. There are several retail shops that sell beer and wine for off-premises consumption and the sale all alcoholic beverages for on premises consumption. The sales of all alcoholic beverages for off-premises consumption was an allowed use on the property before it was rezoned to the current PUD

- C. Whether the rezoning and subsequent future development would result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees;

The Proposed PUD will not result in the destruction of wetlands or specimen trees. The site is urban in nature and already built with structures and impervious surfaces. The proposed use will occupy an existing building.

- D. Whether the rezoning would have a negative effect on any contributing structures within the Riverside Avondale historic district, as defined in Section 656.399.17, historic landmark or landmark site.

The proposed PUD will not directly or indirectly affect any contributing structure in the historic District. The proposed use will occupy a building constructed in 2002 which is not a contributing structure.

(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 current Planned Unit Development meets all portions of the City's land use regulations and furthers their intent by providing specific development standards. Because the requested rezoning is only adding a use to the existing PUD, the proposed rezoning will also not conflict with any portion of the City's land use regulations.

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 properties are within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Neighborhood Commercial (NC).

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.

The proposed addition of use will enhance the viability of an existing Planned Unit Development and provide for the addition of a use that is complementary to nearby uses, and the proposed PUD is therefore compatible with this policy

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.

The proposed addition of use will take place within an existing commercial center rather than a new or “green” site. The proposed uses’ compatibility with the surroundings and proposed inclusion into an existing development means that the proposed PUD is compatible with this policy.

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.

The addition of use proposed by this PUD will enhance the viability of an existing commercial center that is already successfully integrated with the surrounding land uses, and is therefore compatible with the above objective.

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 proposed added use will be contained within an existing commercial shopping center

rather than expanding onto new land, and is therefore compatible with this policy.

(2) Consistency with the Concurrency Mobility and Management System

Because the existing PUD has already been built out, and the new PUD does not include added square footage, the project is not required to go through the Concurrency Mobility and Management System.

(3) Allocation of residential land use

This proposed Planned Unit Development does not contain any residential uses.

(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 proposed PUD preserves the existing plazas and open space that is currently on the property in support of the areas shared by the commercial uses for their customers. There is no recreation area on site, because there is no residential component.

Traffic and pedestrian circulation patterns: The proposed PUD makes use of existing traffic and pedestrian circulation patterns adopted by the current development. Because the proposed PUD is adding a commercial use without additional square footage of uses, there is no need to change the existing traffic patterns.

Compatible relationship between land uses in a mixed use project: The singular added use proposed by the PUD will complement the existing mixed commercial uses in the development. Sales of all alcoholic beverages for off-premises consumption will be compatible with the package sales of beer and wine from the on-site grocery store, as well as the variety of carry-out restaurants also present.

(5) External Compatibility

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The proposed PUD is only being sought to add a use to the existing PUD, and does not specify a location in which such use would be located. However, the site has already been developed under the current PUD agreement, and the existing PUD is largely compatible with the condition of the adjacent properties. The proposed PUD would not change this dynamic.

The type, number and location of surrounding external uses: The use to be added by the proposed PUD would be generally compatible with the surrounding uses. Although there are no package liquor sales in the vicinity, there are several locations with package sales of beer and wine, and several more with on-premises service of all alcohol. The addition of a liquor store to the existing development would have little to no negative external effects.

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(s)
North	CGC	PUD	Commercial retail shopping center
South	HDR	PUD	Apartment complex
East	HDR	PUD	Apartment complex
West	RPI	CRO	Professional offices

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category and is a multiple-use commercial development. The PUD is appropriate at this location because it will maintain the existing status quo in the area by adding a use compatible with the surroundings.

The existing residential density and intensity of use of surrounding lands: The proposed PUD does not have a residential component. However, the property is bordered on two sides by highly dense multi-family residential developments. While the new use will not be the same as these uses, it is similar in intensity and appropriate for the area.

The availability and location of utility services and public facilities and services: The property has already been developed with a commercial shopping center, and is served by centralized wastewater disposal and water distribution services per the attached JEA availability letter.

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

The project is commercial in nature and is not required to provide recreation area. There are two small plazas located within the boundaries of the current PUD for use by customers of businesses in the development, which will remain unchanged should the proposed PUD be approved.

(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 did not identify any wetlands on-site. However, the written description states “Any development impacting wetlands will be permitted pursuant to local, state and federal 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 site has already been developed in accordance with the existing PUD agreement, and the

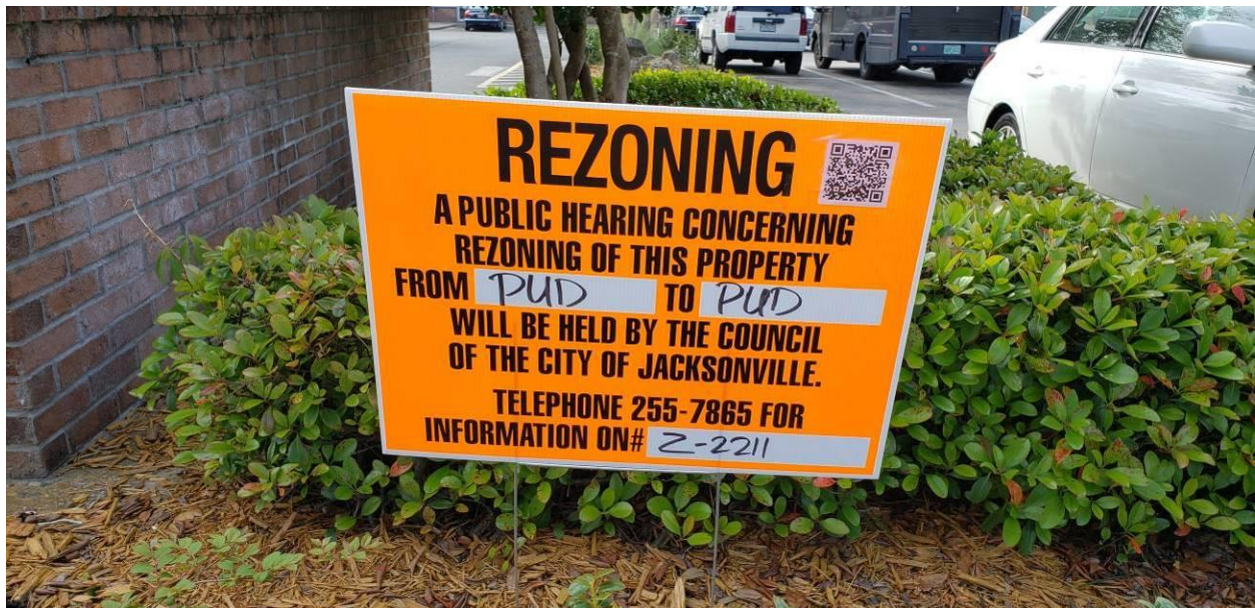
proposed addition of liquor package sales will not require a change in those parking provisions.

(11) Sidewalks, trails, and bikeways

The existing development already contains a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on March 14, 2019, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2019-0167 be **APPROVED** with the following exhibits:

1. The original legal description dated January 2, 2019.
2. The original written description dated February 25, 2019.
3. The original site plan dated December 7, 2018.



Aerial



Existing Publix within PUD



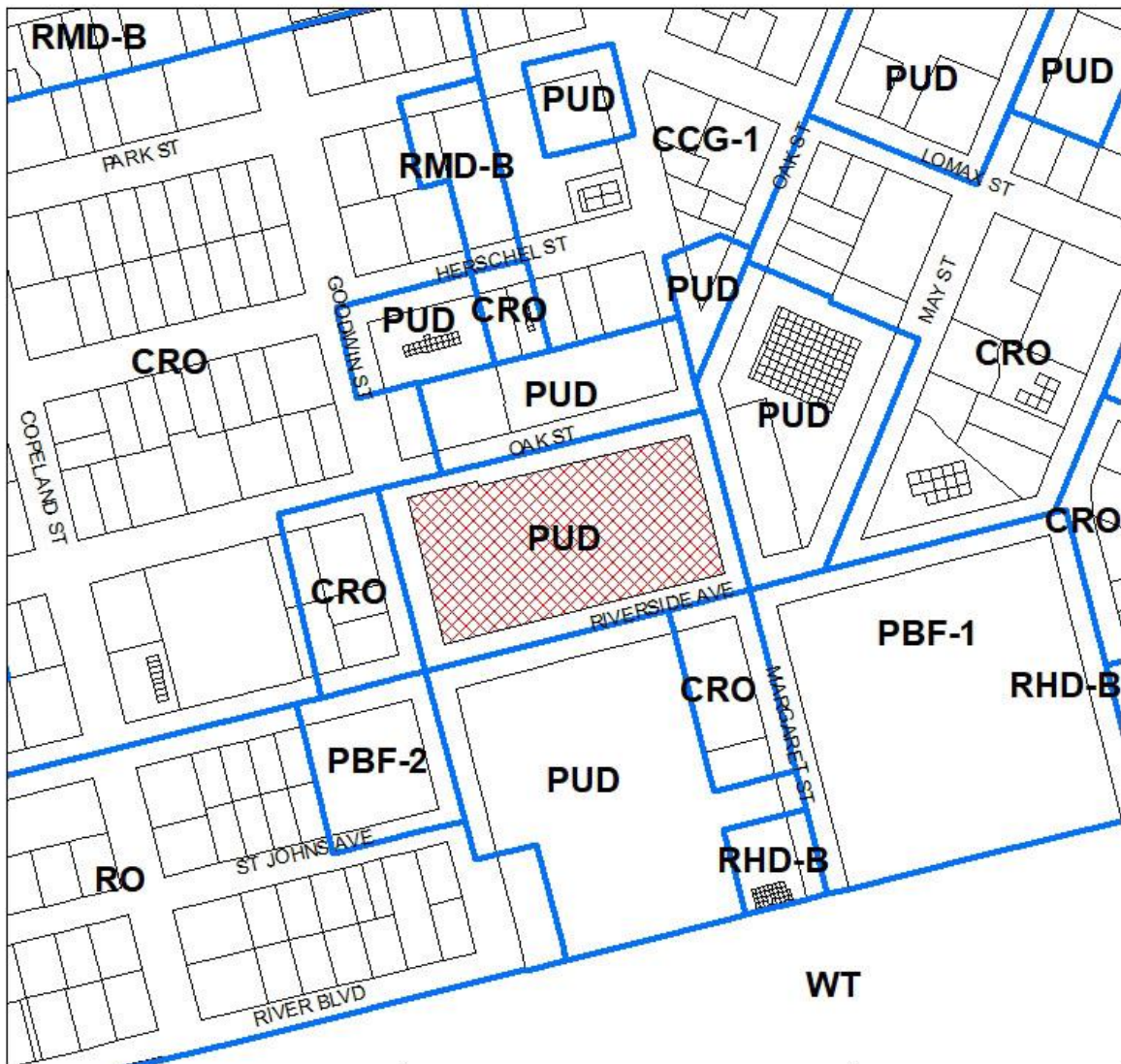
Shops within PUD

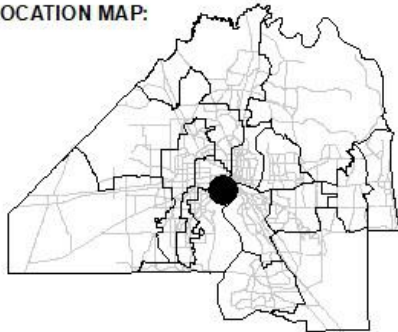
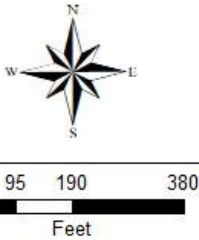


Shops within PUD, including vacant storefront



Existing commercial retail across Oak Street, north of subject site



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>14</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0167</p>	<p>TRACKING NUMBER</p> <p>T-2019-2211</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>