

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2013-0630 TO**  
**PLANNED UNIT DEVELOPMENT**

**OCTOBER 10, 2013**

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 **2013-0630** to Planned Unit Development.

***Location:*** 17100 Beaver Street (US 90 West); on the south side of Beaver Street just west of the city limits of Baldwin, approximately ¼ of a mile west of State Road 200 (US 301)

***Real Estate Number(s):*** 000916-0000, 000920-0000, and 000923-0000

***Current Zoning District:*** Agriculture (AGR)

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

***Current Land Use Category:*** Agriculture-IV (AGR-IV)

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

***Planning District:*** Southwest, District 4

***City Council District:*** The Honorable Ray Holt, District 11

***Applicant/Agent:*** Lara Hipps  
The Hipps Group, Inc.  
1650 Margaret Street, Suite 323  
Jacksonville, Florida 32204

***Owner:*** Don Harris  
17100 Beaver Street West  
Jacksonville, Florida 32234

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Planned Unit Development **2013-0630** seeks to rezone approximately 4.76 acres of land from the Agriculture (AGR) Zoning District to Planned Unit Development (PUD) Zoning District. The application includes 3 lots, 2 of which are vacant and 1 with a single

family home built in 1973. The rezoning to PUD is being sought so that the property can specifically allow for a business servicing large commercial vehicles (vehicular service garage), but also seeks a variety of other CCG-1 and CCG-2 uses by right and by exception; such as commercial retail sales and service establishments, the retail sales of new or used automobiles, trucks and tractors, service stations, truck stops, car wash, major automotive repair, and commercial, recreational and entertainment facilities such as carnivals or circuses.

It should be noted that the Florida Department of Transportation (FDOT) has plans to develop the Baldwin Bypass, which is a new road for trucks on U.S. 301 to circumnavigate the town of Baldwin. The proposed alignment is to the west of Baldwin and will intersect with U.S 90 (Beaver St.) on a north-south axis, with the new bypass to be constructed directly through this subject property. The FDOT is slated to begin the acquisition of right-of-way starting in 2014 and continuing for several years. The design plans are at the 60% stage.

### **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?*

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. Thus, the fact that the density of a proposed residential development does not exceed the gross density threshold of the land use category does not ensure overall consistency with the 2030 Comprehensive Plan. Therefore, the transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important to an area that contains predominately single-family residential dwellings and where commercial uses are being introduced as proposed in this Planned Unit Development rezoning. Therefore, the proposed uses are inconsistent with the category description of the functional land use category.

There is a companion Application for Small Scale Annual Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, Ordinance 2013-0629 (**Application 2013C-015**) requesting to change the functional land use category of the subject property from Agriculture (AGR) to Community General Commercial (CGC). The Planning and Development Department has submitted its report on the companion Small Scale Land Use Amendment **2013C-015** and recommends that the same be **denied**. A description of the category is noted below.

The Community General Commercial (CGC) is generally developed in nodal patterns and serves large areas of the City, which include a diverse set of neighborhoods with a combined service population of at least 25,000 people or 10,000 dwelling units. Community/General Commercial

nodes will generally be located within a fifteen minute drive time of the service population. Such uses may only be developed within the commercial and commercially dominated mixed use plan categories of this element.

This type of development includes outlets and establishments that offer a wide range of goods and services including general merchandise, apparel, food and related items. Community/general commercial centers are generally developed with a variety or small department store(s) as its primary anchor. General commercial uses include business and professional offices, financial institutions, highway commercial such as auto repair and sales, mobile home/motor home rental and sales, off street parking lots and garages, boat storage and sales, hotel, motel, fast food establishments, commercial recreational and entertainment facilities and the use must be located on a road classified as collector or higher on the Functional Highway Classification Map.

In addition to secondary and supporting uses allowed in all commercial categories, multi-family dwelling(s), nursing homes, group care facilities, trade schools and colleges, hospitals, medical centers, sanitariums, museums, criminal justice facilities, art galleries, exhibition and trade facilities and similar other institutional uses, dude ranches, riding academies, private camps, camping grounds, shooting ranges, fishing and hunting camps, fairgrounds, race tracks, stadiums and arenas, transit stations, bus and other transportation terminals (but not freight or truck terminals), personal property storage establishments, crematoria, blood donation and plasma centers, building trade contractors, rescue missions, residences in conjunction with a permitted use, and day labor pools etc. may also be allowed within the Community/General Commercial land use category.

Not all potential uses are routinely acceptable anywhere within this land use category. Each potential primary or secondary use must be evaluated for compliance with this and other elements of the 2030 Comprehensive Plan as well as applicable Land Development Regulations. 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.

Nodal development patterns at highway intersections are preferred and generally all new community/general commercial uses will be developed in this pattern. An exception to this standard may occur in areas where commercial infill can occur on commercially designated sites and where infill would create a more compact use pattern than development of new commercial nodes in the same area.

The standards to be prepared as Land Development Regulations and the criteria herein only designate locations that may be considered for community commercial uses. Consideration does not guarantee the approval of a particular retail or office commercial use in any given location. Community commercial uses should abut a roadway classified as an arterial or higher facility on the adopted highway functional classification system map, which is part of the 2030 Comprehensive Plan. Sites with two or more boundaries on a transportation right-of-way will be considered preferred locations for these uses.

*(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?*

Yes. The written description and the site plan of the intended plan of development, do not meet all portions of the City's land use regulation. The proposed development is inconsistent with the Future Land Use Element as it introduces a commercial category into a rural residential and agricultural area, thereby creating an isolated area of commercial uses and likewise, the site is not in an appropriate infill location or nodal area nor is the proposed PUD a "mixed use" development.

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): Agriculture-IV (AGR-IV). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2013C-015 (Ordinance 2013-0629) that seeks to amend the portion of land that is within the AGR land use category to CGC. The compatibility between the uses permitted in the requested commercial PUD and the existing residential uses in the surrounding area must be considered in reviewing a rezoning. When viewed in this context, the Planning and Development Department concludes that the proposed request constitutes a spot zoning and is inconsistent with the following goals, objectives and policies of the 2030 Comprehensive Plan:

FLUE Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE Policy 1.1.1 The City shall ensure that all new development and redevelopment after the effective date of the 2030 Comprehensive Plan is consistent with the Future Land Use Map series, and textual provisions of this and other elements of the 2030 Comprehensive Plan, as provided in Chapter 163 (Part II), Florida Statutes (F.S.).

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 1.1.11 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.

Beaver Street is classified as an arterial road, and although there is capacity for the proposed development, capacity does not infer that the development is appropriate at this location. This development should be located on a commercial corridor or node. This location is not appropriate for the proposed commercial uses.

FLUE Policy 1.1.20 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.

FLUE Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

The proposed development does not provide a gradation of scale or intensity from the surrounding properties. The proposed uses, similar to those found in the CCG-1 and CCG-2 Zoning District are too intense for the rural residential and agricultural character of this area along this Beaver Street corridor west of US 301.

FLUE Policy 3.2.2 Promote through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE Policy 3.2.3 The City shall prohibit the expansion or replacement of commercial uses that do not meet applicable locational criteria of the 2030 Comprehensive Plan and have an adverse impact on adjoining or nearby uses. Consider office and high density residential development as a viable alternative in land use reviews.

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.

The proposed rezoning is inconsistent with the adjoining land uses, is not an appropriate infill location, and is not a part of a mixed used or multi use development. The introduction of the proposed commercial/retail uses does not maintain a compact and compatible land use pattern nor is it infill of/in an existing commercial area. The PUD proposed allows for certain uses that may be too intense and does not provide for a gradual transition of densities and intensities with the surrounding area. It would introduce negative externalities such as lights, noise, odor, and would disturb the residential character of the area. In addition there is no other commercial development in the area that would substantiate the placement of a similar commercial use. Approval of this rezoning would constitute spot zoning and does not further the goals, objectives and policies of the 2030 Comprehensive Plan.

When applying the criteria of consistency with the 2030 Comprehensive Plan, the Planning and Development Department considers the combined factors of the goals, objectives, and policies of the plan along with the appropriate Functional Land Use categories as identified in the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE). While the proposed PUD contains some limitations on the permitted commercial uses, as well as a common development and aesthetic theme, it does not provide for a gradual transition of densities and intensities with the surrounding area's current development trend of large lot single-family residential homes and properties, and as such, the proposed amendment is inconsistent with FLUE Objective 1.1 and Policies 1.1.10, 1.1.11, and 3.2.2. In addition the area is served by well and septic which is inconsistent with Policy 3.2.7. The introduction of a commercial category into this rural residential and agricultural area, thereby creating an "island" of intense commercial uses makes this rezoning inconsistent with the 2030 Comprehensive Plan.

*(2) Consistency with the Concurrency and Mobility 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 Mobility and Management System Office (CMSO) 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 and variety of building setback lines, separations, and buffering: The proposed written description indicates the development will comply with setbacks that are substantially similar to those in the CCG-1 Zoning District.

The particular land uses proposed and the conditions and limitations thereon: The proposed written description lists many uses that are permitted and permissible by exception in the CCG-1 Zoning District and CCG-2 Zoning District. These particular uses are not necessarily compatible with each other or with the surrounding uses and existing pattern of development in the area. While the proposed PUD may be sought as an allowable use in the CGC Land Use Category, this request does not provide for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes on large rural and agricultural lots. The application represents an encroachment of commercial uses into an established residential area and may set a negative precedent for future erosion of the

neighborhood to commercial uses and strip commercial development.

*(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 **not** achieved by the following:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The PUD proposes the standard setbacks for the conventional CCG-1 Zoning District and is no more efficient than the standard requirements of the Code. While the PUD's site plan indicates a large undeveloped area, it will not provide an adequate buffer for the proposed uses as condition of the site and the understory flora is sparse and allows views into the property.

The type, number and location of surrounding external uses: The area surrounding the proposed development is predominantly residential and agricultural in nature and there is a diverse range of residential lot sizes. The proposed change is located in an environment that is not conducive to the creation of new businesses, and represents an encroachment of commercial uses into an established residential neighborhood, possibly setting a negative precedent for future erosion/conversion of the neighborhood to commercial uses and strip commercial development. An intensive commercial development in this location will not complement the existing character of the area and will only create adverse impacts to the neighborhood.

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	AGR-IV/RR	AGR/RR-Acre	Undeveloped land/SF homes
South	AGR-IV	AGR	Undeveloped land
East	AGR-IV	AGR	SF homes
West	AGR-IV	AGR	SF homes

Since the application for rezoning does not appear to meet the standards and criteria for rezoning pursuant to Section 656.125 Limitations on rezoning of land; criteria for rezoning of the Zoning Code, the City Council will consider a rezoning only if the same determines that there is substantial, competent evidence that maintaining the current zoning district accomplishes a "legitimate public purpose", as defined in Section 656.125(c) of the Zoning Code. It is the opinion of the Planning and Development Department that the following legitimate public purposes are relevant to this proposed rezoning:

The proposed rezoning will constitute "spot zoning," that is an isolated zoning district unrelated to adjacent and nearby districts;

Uses permitted under the proposed rezoning will not be consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area or will deviate from an established or developing logical and orderly development pattern;

The proposed rezoning and the development permitted thereunder will result in significant adverse impacts upon property values of adjacent or nearby properties or in the general area more than the types of uses currently permitted;

The proposed rezoning and the development permitted thereunder will detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances.

The uses permitted under the proposed PUD rezoning may be too intense, and not consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area. The grant of this rezoning will permit development that deviates from the logical and orderly development pattern of the area and is inconsistent with the adjacent and nearby residential zoning districts.

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 proposed rezoning is inconsistent with the adjoining land uses, is not an appropriate infill location, and is not a part of a mixed used or multi use development. The introduction of the proposed commercial/retail uses does not maintain a compact and compatible land use pattern nor is it infill of/in an existing commercial area. The PUD proposed allows for certain uses that may be too intense and does not provide for a gradual transition of densities and intensities with the surrounding area. It would introduce negative externalities such as lights, noise, odor, and would disturb the residential character of the area. In addition there is no other commercial development in the area that would substantiate the placement of a similar commercial use.

*(6) Intensity of Development*

The proposed development is inconsistent with the AGR functional land use category as a commercial development. The PUD is inappropriate at this location because it may be too intense, and not consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area. The proposed commercial use does not serve the immediate needs of the area and is inappropriate at this location because it will create adverse impacts such as additional activities and traffic adversely affecting the residential uses in the area.

The existing residential density and intensity of use of surrounding lands: In looking at an aerial photo and during the site visit, it is apparent the area is primarily residential in character with a wide range of lot sizes. There are no developed commercial uses in the immediate area. The uses proposed in the PUD are too intense for the surrounding area and will create a commercial destination bringing additional traffic to the area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Beaver Street is a two lane arterial roadway. Although there is capacity on the roadway for the development, this does not indicate the location is appropriate for the proposed uses.

Any other factor deemed relevant to the limitation of the intensity of the development for the

benefit of the public health, welfare and safety: The written description contains uses which are generally found in the CCG-1 and CCG-2 Zoning Districts. The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations.

*(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 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. 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 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 September 27, 2013, 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 **2013-0630** be **DENIED**.





Aerial view of the subject site facing north





**Aerial view of the subject site facing south**



**The subject site on the left facing west on Beaver St.**





**The subject site facing south from Beaver St.**



**The subject site facing south from Beaver St.**





**The subject site ahead on the right facing east along Beaver St.**



**The subject site facing southeast from Beaver St.**



**The subject site facing south from Beaver St.**



