

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2013-719 TO

PLANNED UNIT DEVELOPMENT

DECEMBER 12, 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 **2013-719** to Planned Unit Development.

Location: West side of Mayport Road between Brazeale Lane and Bulldairy Road

Real Estate Number(s): 169444-0030

Current Zoning District: Planned Unit Development (PUD 2007-137-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Greater Arlington, Beaches – District 2

City Council District: The Honorable Ray Holt, District 11

Applicant/Agent: Christal Fish, Esq.
Brant, Abraham, Reiter, McCormick & Johnson, P.A.
50 North Laura Street, Suite 270
Jacksonville, Florida 32202

Owner: Brad Nelson
1234 King Street
Jacksonville, Florida 32204

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2013-719** seeks to rezone approximately 1.17 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed as an automobile storage yard. The storage yard is adjacent to the Autoline Dealer

where automobile sales will take place. The current 2.64 acre PUD allows commercial and service uses, including a hotel/motel. The Holiday Inn Express was constructed in 2009, while the remaining parcel remains undeveloped. The parcel is within the Mayport Road Zoning Overlay.

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. CGC in the Urban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is preferred to provide support for commercial and other uses. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as an arterial or higher on the Functional Highway Classification Map. Therefore, 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. A description of the category is noted below.

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; Commercial recreational and entertainment facilities; Auto repair and sales, Off street parking lots and garages; Filling stations.

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.

Accessory Uses: Warehousing, light manufacturing and fabricating may be permitted provided it is part of a commercial retail sales or service establishment, and the accessory use shall be located on a road classified as collector or higher on the Functional Highway Classification

(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): 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:

F.L.U.E. 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.

F.L.U.E. 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.

F.L.U.E. 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.

F.L.U.E. 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.

(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:

Traffic and pedestrian circulation patterns: If developed with uses other than automobile storage, then cross access is allowed with the current PUD.

The use and variety of building setback lines, separations, and buffering: The PUD proposes setbacks that are similar to the existing PUD and the CCG-1 Zoning District.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The PUD indicates uses will comply with Part 6, Off Street Parking Regulations.

Compatible relationship between land uses in a mixed use project: The PUD proposes uses which are substantially similar to the existing PUD.

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 Department recommends that conditions approved with the current PUD be incorporated into the proposed ordinance.

(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:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The PUD provides for a 15 foot wide landscape buffer on the west property line, which is adjacent to residential uses.

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, office, commercial and institutional uses are located along the Mayport Road corridor. Commercial development at this location complements the existing commercial uses.

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	CCG-1	Automobile sales
South	CGC	PUD (07-137)	Holiday Inn Express
East	CGC	CCG-2	Multi-family dwellings
West	MDR	RMD-D	Multi-family residential dwellings

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 property is within the Mayport Road Zoning Overlay. The Overlay extends 200 feet from the right-of-way of Mayport Road. The intent of the Overlay is to enhance the aesthetic and physical appearance of the Mayport Road corridor, retain and enhance property values and promote appropriate redevelopment.

The Overlay regulates building forms and finish materials. Flat roofs are prohibited and bay doors shall not directly face Mayport Road. Metal cladding and plan concrete block are prohibited on the front or street side of buildings. Chain-link, barbed wire, and razor wire are also prohibited when visible from a public right-of-way. The Overlay also regulates landscaping and signage. **The Department recommends the proposed development comply with the Mayport Road Zoning Overlay.**

There are seven conditions added by City Council in the current PUD. Two of the conditions are now included in the Mayport Road Zoning Overlay. **The Department recommends incorporating the one condition which is not included in the Mayport Road Zoning Overlay and is relevant to this property.**

(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 service establishments and residential uses in the area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The FDOT has commented that any connection to Mayport will require a driveway permit and coordination with the agency. The FDOT memorandum dated December 2, 2013 is attached at the end of this report. The Development Services Division has no comments as this is an FDOT road.

(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. However, 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. There are existing sidewalks along Mayport Road.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on November 25, 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 **2013-719** be **APPROVED with the following CONDITIONS:**

1. The subject property is legally described in the original legal description dated September 27, 2013.
2. The subject property shall be developed in accordance with the original written description dated September 27, 2013.
3. The subject property shall be developed in accordance with the original site plan dated September 27, 2013.
4. Any uses with outside storage areas shall maintain a buffer strip a minimum width of five feet extending the entire length of the perimeter of the outside storage area. The buffer strip along Mayport Road shall be a minimum width of ten feet. The buffer shall contain a tree count of one tree for each twenty-five linear feet of buffer area. The trees located in the buffer shall be evergreen trees. Grass or other ground cover shall be planted on all areas of the buffer which are not occupied by other landscaping. A six foot, 100% opaque visual screen along the length of the buffer, except at access points, shall be provided. The visual screen may be a wood fence, masonry wall, landscaping, earth mounds, or combinations thereof.

5. The development shall be subject to Section 656.394.1 Mayport Road Zoning Overlay and Mayport Village Working Waterfront District, of the Zoning Code.

Sec. 656.394.1. Mayport Road Zoning Overlay.

(a) *Intent.* The following additional requirements shall apply to lands within any Commercial Zoning Districts along Mayport Road within the City of Jacksonville. The intent of these additional requirements is to enhance the aesthetic and physical appearance of this gateway into the Beach Communities, retain and enhance property values, promote appropriate redevelopment of blighted areas, and create an environment that is visually appealing and safe for pedestrians, bicycles and vehicular traffic. If the requirements of this Section conflict with any other requirements in [Chapter 656](#), then the stricter requirement shall prevail.

(b) *Delineation of Mayport Road Zoning Overlay.* Within the City of Jacksonville, the Mayport Road Zoning Overlay shall be defined as the lands extending a depth of 200 feet from the outer edges of the right-of-way along Mayport Road in Zoning Districts designated as Commercial Office (CO), Commercial Residential Office (CRO), Commercial Neighborhood (CN), Commercial Community/General-1 (CCG-1), Commercial Community/General-2 (CCG-2), and Planned Unit Development (PUD) having commercial uses.

(c) *Building Form and Finish Materials.* The following general provisions shall apply to all Development in the Mayport Road Zoning Overlay.

(1) Roofs, which give the appearance of a flat roof from any street side of the building, are prohibited. Roofs may be gabled, hipped, mansard or otherwise designed to avoid the appearance of a flat roof from the adjoining street.

(2) Open bay doors and other similar large doors providing access to work areas and storage areas shall not open towards or directly face Mayport Road.

(3) The exterior finish of new buildings, and any exterior finish alterations and/or additions to the front side, street side or any side visible from adjoining residential properties of existing buildings, shall be of brick, wood, concrete, stucco, exterior insulation and finish systems (EIFS), architectural or split-face block, or other finish materials with similar appearance and texture. Metal clad, corrugated metal, plywood or Oriented Strand Board (OSB), and exposed plain concrete block shall not be permitted as exterior finish materials on the front or any street side of a building.

(4) Exterior walls facing Mayport Road shall be relieved by doors, windows and architectural details.

(5) Maximum building height shall be 35 feet.

(d) *Lighting.* Exterior lighting shall be the minimum necessary to provide security and safety.

(1) Direct lighting sources shall be shielded or recessed so that light does not directly illuminate adjacent properties.

(2) Light poles without shielded luminary shall not exceed 15 feet in height.

(3) Light poles with shielded luminary shall not exceed 35 feet in height.

(4) Proposed lighting site plan showing the estimated illumination levels shall be shown on all plans submitted for site plan review.

(5) Maximum contributed illumination at any property line shall be 0.5 foot candles.

(e) *Fences*. The use of chain link, barbed wire, razor or concertina wire, and like fencing shall be prohibited where visible from any public right-of-way. Lawfully existing fencing at the time of the effective date of these regulations shall be permitted for ten years. After ten years from the effective date of these regulations, all fencing shall meet the requirements herein.

(f) *Landscaping and required buffers*. The provisions of [Section 656](#), Part 12 of this regulation shall apply, except that an average ten-foot wide Perimeter Landscape Buffer shall be required along the entire parcel frontage along Mayport Road.

(1) The Perimeter Landscape Buffer shall consist of trees and shrubs as though required by [Section 656.1215](#)

(2) Where a building fronts Mayport Road a six-foot wide landscape planting area shall be maintained between the building and the parking area or any walkway.

(3) All landscape materials shall be drought tolerant and heat resistant, as so identified in any publication issued by the State of Florida or its agencies.

(4) Unhealthy or dead landscape materials, including sod and ground covers shall be replaced within 30 days of written notification from the City to the property owner.

(5) Stormwater retention or detention facilities may be placed within required buffers, provided that required landscape materials are provided.

(6) Lawfully existing landscaping at the time of the effective date of these regulations shall be permitted for ten years. After ten years from the effective date of these regulations, all landscaping shall meet the requirements herein.

(g) *Signs*. Signs shall be regulated as set forth within [Section 656](#), Part 13 of this Code except as follows:

(1) Maximum signage allowed on site shall not exceed one square foot for each linear foot of right-of-way frontage.

(2) Monument signs shall not exceed [96](#) square feet and shall be not closer than 150 feet apart.

(3) Wall signs shall not exceed ten percent of total area of the facade or 300 square feet, whichever is less.

(4) Maximum height of all monument signs shall not exceed eight feet height above the nearest public walkway.

(5) Signs shall be constructed of a solid material such as wood, masonry or high-density urethane.

(6) The following types of signs are prohibited: animated signs, automatic changing message devices except for signs depicting time and temperature, mobile signs,

beacons or tracker lights or similar lighting components, mirror like or reflective materials, obscene signs, pennants, ribbons, streamers and similar elements.

(7) Lawfully existing signage at the time of the effective date of these regulations shall be permitted for ten years. After ten years from the effective date of these regulations, all signage shall meet the requirements herein.



Aerial view of the property.



