

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2013-0720 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 **2013-0720** to Planned Unit Development.

Location: Southeast quadrant of Merrill Road and Kingtree Drive
West

Real Estate Number: 120466 0030

Current Zoning District: Commercial Office (CO)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Neighborhood Commercial (NC)

Planning District: Greater Arlington and the Beaches, District 2

City Council District: The Honorable Clay Yarborough, District 1

Applicant/Agent: Robert White
Taylor and White
9556 Historic Kings Road South, Suite 102
Jacksonville, Florida 32257

Owner: Michael Kirton
Terry Lee Peterson, The Terry Lee Peterson Trust
13805 Windjammer Lane
Jacksonville, Florida 32224

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2013-0720** seeks to rezone approximately 1.33± acres of land from CO to PUD. The rezoning to PUD is being sought for the purpose of developing a 2,600 square foot sit down Krispy Kreme restaurant with indoor and outdoor seating and drive thru facilities. All uses allowed by right in the Commercial Neighborhood (CN) Zoning District will be permitted in this PUD in addition to a drive thru facility in conjunction with Krispy Kreme only. Similar permissible uses by exception such as off-street parking lots, day cares, automated car washes, and gas stations will be granted by zoning exception. Drive thru facilities in conjunction with another business will be granted by exception only.

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 Neighborhood Commercial (NC) 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. The NC functional land use category permits professional office, and commercial retail and service establishments when full urban services are available to the site. Development that is massed along the highest abutting classified road and off street parking shall be located behind or to the side of buildings to the greatest extent possible are characteristics applicable to all NC sites within the Urban Area. 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.

(2) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

Yes. 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?

No. The written description and the site plan of the intended plan of development meet all portions of the City's land use regulations and further their intent by providing specific development standards.

(1) Consistency with the 2030 Comprehensive Plan

Yes. 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): Neighborhood Commercial (NC).

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.

This project provides infill commercial development that results in a compact pattern of land use, resulting in economical and efficient provision of public services.

FLUE Policy 1.1.9 Permit commercial infill on commercially designated sites outside nodal areas where the infill development would: 1. Create a more compact land use pattern than development of new commercial nodes in the same area. 2. Incorporate shared access with adjacent commercial sites, and/or direct access to a frontage or parallel road facility rather than a collector or arterial street; or 3. Support the commercial integrity of an historic district.

FLUE Policy 1.1.10 Promote the use of Planned Unit Developments (PUDs), cluster development, 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.

Therefore, proposed rezoning to Planned Unit Development, as conditioned, is consistent with the 2030 Comprehensive Plan, and further the following goals, objectives and policies contained therein.

(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 Management System Office (CMSO) prior to development approvals. The City Development Number is # 7185.002 / CRC # 83789.0. Mobility # 83789.1 was approved on 9/11/13 by the CMMSO. The mobility amount is \$356,228 for a 2,600 enclosed square feet donut shop with drive thru. The Mobility fee must be paid prior to sign off on the building permit application by the CMMSO.

(3) Allocation of residential land use

This proposed Planned Unit Development does not intend to utilize lands for residential use.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The use of existing and proposed landscaping:

The project will be required to meet the minimal standards set forth in Section 656, Part 12. However, required trees along Merrill Road right-of-way and Kingstree Drive West right-of-way will be allowed to be planted in other on-site areas to maintain safe site distance along both streets and clearance from overhead power lines. Interior perimeter areas adjacent to an uncomplementary and complementary uses and interior landscape VUA will meet the minimum requirements of the Code.

The treatment of pedestrian ways:

Pedestrian access will be provided by sidewalks along Kingstree Drive West where ROW is adjacent to Krispy Kreme property.

Traffic circulation patterns:

The property is proposed to be accessed through three points of access; one right-in, right-out only entry and exit way along the eastbound lane of Merrill Road; one full access way along Kingstree Boulevard, and one full access way from the shared access driveway that exists along the southern property boundary, at the rear of the property. This shared driveway provides local access to three commercially zoned parcels along Merrill Road through shared access easements. It is the opinion of Staff that an additional full access driveway is superfluous along Kingstree Drive. Staff recommends elimination of this driveway. The Development Services has reviewed the submitted site plan and offers the following comments in their memorandum dated December 2, 2013:

- 1. Plans were submitted for 10 set review under City Development Number 7185.002 on 11/4/13. Exhibit F.(1)Site Plan in application packet closely resembles what was submitted for review in 10 set. Traffic has no comments on proposed Site Plan.**
- 2. Signs, fences, wall & landscaping shall not obstruct horizontal line of sight at intersection per FDOT Design Standards Index 546.**

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

Applicant proposes a minimum 10 feet front, side, and rear yard setback, and maximum lot coverage of 35%. The height of any structure will not exceed 25 feet. These requirements are more restrictive than what is found in the conventional CN Zoning District.

The particular land uses proposed and the conditions and limitations thereon:

The written description lists as permitted uses those that are generally found in the Commercial

Neighborhood (CN) and Commercial Residential Office (CRO) Zoning Districts. However the agent has included as a permitted use a drive thru in conjunction with the Krispy Kreme restaurant. Permissible uses by exception in the CN Zoning District will be approved through the exception process.

Signage:

Signage will conform to the Krispy Kreme family of signage including a 70 square feet pole sign, no more than 23 feet in height. Directional and building signs will be permitted consistent with Part 13 of the Zoning Code.

(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 surrounding properties are developed with neighborhood commercial uses to the east and north (auto parts store to the east, commercial and retail shopping center to the north, offices to the east) and multi-family and single-family homes to the west and south. The multi-family properties to the west are in fact zoned CO and CN.

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	NC	PUD (2006-428-E)	Commercial Shopping Center
East	NC	PUD (2007-805-E)	O'Reilly Auto Parts
South	LDR	RLD-60	Single-family
West	NC	CN, CO	Multi-family

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: Site lighting will be designed and installed to direct downward and reflect back toward the subject property to prevent excessive glare or light onto surrounding properties. The Applicant will submit a lighting plan for the entire site at the time of Verification of Substantial Compliance.

(6) Intensity of Development

The PUD is appropriate at this location with specific reference to the following:

The availability and location of utility services and public facilities and services:
The site is served by city sewer and water.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:
Merrill Road is classified as a Collector road. No mass transit stop is required at this location.

(7) Usable open spaces plazas, recreation areas.

There is no residential component to the development. No recreation area is required.

(8) Impact on wetlands

Surveying of a 1995 Geographical Information Systems shape file 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 is required to be developed in accordance with Part 6 of the Zoning Code. Additional parking may be allowed for as described in the Written Description dated September 30, 2013.

(11) Sidewalks, trails, and bikeways

The project will contain an internal and external pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on December 2, 2013, the required Notice of Public Hearing sign **was** posted.



*Source: Planning and Development Department
Date: December 2, 2013*

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2013-720** be **APPROVED with the following conditions:**

- 1) The subject property is legally described in the original legal description dated August 23, 2013.**
- 2) The subject property shall be developed in accordance with the original written description dated September 30, 2013.**
- 3) The subject property shall be developed in accordance with the original site plan dated October 22, 2013.**
- 4) The subject property shall be developed in accordance with the Development Services Division Memorandum dated December 2, 2013 or as otherwise approved by the Planning and Development Department.**
- 5) All trees greater than 5" in caliper along the western property boundary abutting Kingtree Drive East within the first 15 feet from the right-of-way shall be preserved, except where to accommodate access and provide clear site triangle.**
- 6) There shall be no secondary full access driveway to the property other than the existing shared access driveway at the southern perimeter of the property.**
- 7) There shall be no outdoor audio speakers installed on the subject property.**



View from Kingtree, north. Site is wooded/ undeveloped.

*Source: Planning and Development Department
Date: December 2, 2013*



Commercial office at the intersection of Merrill Road and Kingtree Drive West.

*Source: Planning and Development Department
Date: December 2, 2013*



Multi-family apartments along Kingstree Drive West.

*Source: Planning and Development Department
Date: December 2, 2013*



Adjacent auto parts store to the east.

*Source: Planning and Development Department
Date: December 2, 2013*



Neighborhood commercial shopping center across Merrill Road.

*Source: Planning and Development Department
Date: December 2, 2013*



Existing shared access drive at the rear of the property. The driveway provides access to the businesses fronting Merrill Road by the residents of the neighborhood.

*Source: Planning and Development Department
Date: December 2, 2013*

