

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2019-0192 TO**  
**PLANNED UNIT DEVELOPMENT**

**APRIL 18, 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 2019-0192 to Planned Unit Development.

***Location:*** 0 College Street and 0 Mc Duff Avenue South

***Real Estate Number(s):*** 064109-0000; 064108-0000; 064107-0000;  
064106-0000; 064105-0000; 064124-0000

***Current Zoning District(s):*** Residential Medium Density-B (RMD-B)  
Commercial Community General-2 (CCG-2)

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

***Current Land Use Category:*** Medium Density Residential (MDR)  
Community General Commercial (CGC)

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

***Planning District:*** Northwest, District 5

***Applicant/Agent:*** Steve Diebenow, Esq.  
1 Independent Drive, Suite 1200  
Jacksonville, Florida 32202

***Owner:*** Estate of Kathleen Carter Bostwick  
William Bostwick  
334 Duval Street East  
Jacksonville, Florida 32202

Estate of Kathleen Carter Bostwick  
Karl Bostwick  
334 Duval Street East  
Jacksonville, Florida 32202

Post Street Real Estate, LLC.  
William Bostwick  
334 Duval Street East

Jacksonville, Florida 32202

Charles W. Bostwick Trust  
William Bostwick  
334 Duval Street East  
Jacksonville, Florida 32202

***Staff Recommendation:***

**APPROVE**

### **GENERAL INFORMATION**

Application for Planned Unit Development 2019-0192 seeks to rezone approximately 0.91 acres of land from Medium Density Residential (MDR) and Commercial Community General-2 (CCG-2) to PUD. The rezoning to PUD is being sought to develop the site as an approximately 7,405 square foot commercial store with parking and retention area. The site is currently vacant and not utilized for anything.

There is a companion Land Use Amendment, 2019-191 (L-5369-19C). The proposed LUA is for a change of the western most parcel (RE#: 064109-0000) to change from Medium Density Residential (MDR) to Community General Commercial (CGC) to allow for the retention pond area, a driveway and some parking for the site. The parcel is approximately 0.23 acres. The remaining 0.68 acre portion of the site is already located within the CGC land use category.

### **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.

***(A) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?***

Yes. The Planning and Development Department finds that the subject properties are located in the Medium Density Residential (MDR) and 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5369-19C (Ordinance 2019-191) that seeks to amend the portion of the site that is within the Medium Density Residential (MDR) land use category to Community General Commercial (CGC). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land Use Map Series L-5369-19C be approved. 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.

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

Yes. This proposed rezoning to Planned Unit Development is in/consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

**Future Land Use Element: Waiting for LU Review**

**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 development is located at the intersection of two State Roads, Post Street and McDuff Avenue. This location is prime for commercial development.

**Objective 6.3**

The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The subject properties have been vacant for years with no commercial activity on them. The proposed development would bring commercial uses to the neighborhood and infill an underutilized lot. There are public facilities available for City water and sewer connection. There is currently a bus stop at this property which will allow for travels to come to the location for their shopping needs.

***(C) 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): Medium Density Residential (MDR) and Community General Commercial (CGC). There is a companion Application for Small-Scale Large-scale Land Use Amendment to the Future Land use Map Series L-5369-19C (Ordinance 2019-191) that seeks to amend the portion of land that is within the Medium Density Residential (MDR) land use category to Community General Commercial (CGC). The Planning and Development Department finds that the proposed PUD is consistent with the 2030 Comprehensive Plan, as evaluated in Criteria (B).

***(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. Currently there is nothing in the Concurrency & Mobility Management System database regarding this proposed retail development.

The applicant/agent/owner will need to apply for a Mobility application and a CCAS/CRC application so it can be reviewed/assessed by the CCMSO, as well as be reviewed by Transportation Planning. This will need to be done to determine the amount of the Mobility fee and to obtain a City Dev # for plan submittal with the City of Jacksonville.

***(3) Allocation of residential land use***

This proposed Planned Unit Development intends to utilize lands for a commercial store. 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. An evaluation of the internal compatibility of a proposed Planned Unit Development shall be based on the following factors:

- The use of existing and proposed landscaping: The proposed landscaping will comply with Part 12 of the zoning code except the uncomplimentary use buffer between the proposed commercial use and residential uses to the west. The applicant has requested that the fencing requirement be changed to allow for a six (6) foot, 85% opaque fence as long as the Stormwater retention is located along the western property line abutting those residential uses.

- The treatment of pedestrian ways: Pedestrian access shall be provided by means of sidewalks as required by the 2030 Comprehensive Plan.
- The use and variety of building setback lines, separations, and buffering: Buffering between parking a residential uses will be achieved by a minimum six (6) foot 85% opaque fence and a retention pond along the western property line, surviving as the uncomplimentary use buffer.
- The separation and buffering of vehicular use areas and sections of vehicular use areas: The proposed retention pond will serve as a buffer between the residential uses to the west and the VUA on site for the proposed use.

***(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 proposed landscaping will comply with Part 12 of the zoning code except the uncomplimentary use buffer between the proposed commercial use and residential uses to the west. The applicant has requested that the fencing requirement be changed to allow for a six (6) foot, 85% opaque fence as long as the Stormwater retention is located along the western property line abutting those residential uses.
- The type, number and location of surrounding external uses: The properties abut two residential homes, one along College Ave and the other on Post St.
- The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
<b>North</b>	LDR RPI	RLD-60 CRO	Single Family Dwelling Retention Pond
<b>South</b>	CGC	CCG-2	Liquor store
<b>East</b>	CGC	CCG-2	Commercial Shopping Center
<b>West</b>	MDR	RMD-B	Single Family Dwellings

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

The proposed development is consistent with the Community General Commercial (CGC) functional land use category. The PUD is appropriate at this location because it is located at the intersection of two State roads; SR-129 (McDuff Avenue) and SR-228 (Post Street) and provides a buffer for the single family homes to the west from the railroad and is consistent with the commercial uses along the same roadways.

- The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the proposed PUD: The proposed landscaping will comply with Part 12 of the zoning code except the uncomplimentary use buffer between the proposed commercial use and residential uses to the west. The applicant has requested that the fencing requirement be changed to allow for a six (6) foot, 85% opaque fence as long as the Stormwater retention is located along the western property line abutting those residential uses.
- The existing residential density and intensity of use of surrounding lands: Residential properties along College Avenue and Post Street to the west consists mainly of single-family dwellings with some multi-family. The proposed use will not consist of residential uses. The commercial use is appropriate for the area.
- The availability and location of utility services and public facilities and services: The JEA availability letter provided with the application indicates that there are two potential connection points for water and sewer. Water is available along either McDuff Avenue right-of-way or Post Street right-of-way. Sewer connection is available along either College Avenue right-of-way or Post Street right-of-way. The project will be required to meet JEA standards for development.
- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The proposed PUD is located at the intersection of two State roads; SR-129 (McDuff Avenue) and SR-228 (Post Street). EXHIBIT E shows access to the site via College Avenue and Post Street.

McDuff Avenue (SR 129), from Roosevelt Expressway to I-10, is the directly accessed functionally classified roadway. McDuff Avenue is a 2-lane undivided arterial roadway in this vicinity and is currently operating at 63% of capacity. This McDuff Avenue segment has a maximum daily capacity of 14,160 vpd and a 2017 daily traffic volume of 8,938 vpd.

Post Street (SR 228), from Cassat Avenue to McDuff Avenue, is the directly accessed functionally classified roadway. Post Street is a 2-lane undivided arterial roadway in this vicinity and is currently operating at 53% of capacity. This Post Street segment has a maximum daily capacity of 14,160 vpd and a 2017 daily traffic volume of 7,633 vpd.

Currently, it appears there is a JTA bus stop at the location of the proposed driveway on Post Street. JTA needs to be contacted about the bus stop location.

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

Not required for commercial/industrial use.

***(8) Impact on wetlands***

There appears to be no wetlands on the subject properties.

***(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. The loading area is proposed to be located in a drive aisle.

***(11) Sidewalks, trails, and bikeways***

Pursuant to Policy 4.1.5 of the Transportation Element of the 2030 Comprehensive Plan, the applicant must provide for the convenient and safe access by and securing of bicycles on site. The bicycle parking must be consistent with the requirements outlined in Part 6 of the Zoning Code.

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on April 9, 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 2019-192 be **APPROVED with the following exhibits:**

- The original legal description dated 2/11/2019
- The revised written description dated 3/19/2019
- The revised site plan dated 3/13/2019

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2019-192 be **APPROVED**.



**Aerial**



**Subject Property**

*Source: COJ, Planning & Development Department  
Date: April 9, 2019*





**Subject Property**

*Source: COJ, Planning & Development Department  
Date: April 9, 2019*



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