

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-687 TO
PLANNED UNIT DEVELOPMENT

JANUARY 9, 2020

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 **2019-687** to Planned Unit Development.

Location: East side of New Kings Road (US 23) between
Gilchrist Road and Finch Avenue

Real Estate Number(s): 039982-0000

Current Zoning District(s): Commercial Office (CO)
Commercial Community General-2 (CCG-2)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Northwest, District 5

Applicant/Agent: D. Chris Hagan
Gilmore Hagan Partners
800 West Monroe Street
Jacksonville, Florida 32202

Owner: Roy Shaw
Blue Ribbon Realty, LLC
2762 West Beaver Street
Jacksonville, Florida 32202

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2019-687 seeks to rezone approximately 2.07 acres of land from CO and CCG-2 to PUD. The rezoning to PUD is being sought to allow for bus, semi-tractor, trailer, truck parking and storage. The written description also allows truck stops, service stations, truck rental, light manufacturing, go-cart tracks, animal boarding kennels and other commercial uses.

The site is within the Kings-Soutel Community Redevelopment Area (CRA) and the Kings-Soutel Crossing Overlay. The subject parcel is identified in the overlay for “Minor Redevelopment Project”. The overlay suggests the market can support retail, office and housing. However, no specific uses or development standards are recommended. The application was reviewed by the King-Soutel CRA Advisory Board on December 12. The CRA Board has forwarded a recommendation of approval with three conditions which is at the end of this report.

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 property is located in the 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 is intended to provide compact development in a nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. 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 arterial or higher on the Functional Highway Classification Map. The proposed PUD for bus, semi-tractor, trailer and truck parking and storage. 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.

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

Yes. This proposed rezoning to Planned Unit Development, if approved with the recommended conditions, will be consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

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.

The intended plan of development is not proposing a gradual transition of intensity. However with additional buffering, the proposed intensive commercial uses may be appropriate adjacent to single family residential dwellings.

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 application has been submitted as a PUD, but does not provide for innovative site planning or smart growth techniques. However, reducing the number of proposed uses, which is only accomplished through a PUD, can be considered innovative.

2.2.4 Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.

The intended plan of development offers the standard uncomplementary landscape buffer to mitigate from noise, vibration and glare that the proposed intensive commercial uses will generate.

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 intended plan of development does not propose a gradation of uses. The PUD is requesting to locate intensive commercial uses such as semi-tractor, trailer parking, go-kart tracks, and animal boarding kennels adjacent to a single family dwelling. The recommended conditions will protect the neighborhood from potential negative impacts.

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.

Approval with the proposed conditions will ensure an appropriate transition between the intensive commercial use and the residential zoning district.

(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, does not meet the following portions of the City's land use regulations.

Signage – The written description allows wall signs on all sides of the building, The Zoning Code only allows wall signs facing a public right of way or where there is a customer entrance.

The written description has set a maximum 200 square foot ground sign. The Zoning Code requires 1 square foot in area for each linear foot of street frontage.

Setbacks - The PUD has reduced the setback adjacent to the residential zoning district. In a conventional zoning district the Zoning Code requires a 25 foot setback, however the written description has indicated a 10 foot setback.

(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 category as identified in the Future Land Use Map series (FLUMs): 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.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for bus, semi-tractor and trailer parking and storage. 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 streetscape: The proposed development will follow Part 12 Landscape Regulations of the Zoning Code. A 6 foot high fence with a tree and evergreen hedge is required where a vehicle use area fronts New Kings Road (US 23) and Gilchrist Road (public right of way).
- The use of existing and proposed landscaping: It appears from the site plan, the existing trees will be removed. The written description indicates the development will comply with the landscaping regulations.
- The treatment of pedestrian ways: Pedestrian sidewalks will be provided pursuant to the Comprehensive Plan. Internal walks will not be provided for the semi-tractor and trailer parking.

- Focal points and vistas: There are no focal points or vistas.
- The use of topography, physical environment and other natural features: There are no natural features to preserve.
- Traffic and pedestrian circulation patterns: The intended use will have an internal circular traffic pattern.
- The use and variety of building groupings: The site plan does not show any buildings.
- Compatible relationship between land uses in a mixed use project: The proposed uses are generally compatible with each other.

(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 intended plan of development is to place semi-tractors, trailers, buses, and similar uses within 10 feet of a single family residential zoning district. The written description indicates the standard uncomplementary buffer is sufficient to buffer from any adverse impacts of noise, glare and vibration.

Staff has two concerns with the standard uncomplementary buffer, the first is the height of the fence. The Zoning Code requires a six foot high fence, however trucks, buses and semi-tractors and trailers can be up to 14 feet in height. The site currently has a chain link fence with green fabric. The fabric does not meet the minimum required 85% opacity. **Staff is recommending the fence be increased to 8 feet in height and the opacity be increased to 100% to better screen the vehicles from the residential area.**

The second concern is the width of the uncomplementary buffer. The standard width is 10 feet. **Due to the potential for idling diesel engines, odor and vibrations, 24 hours a day, staff is recommending the width be increased to 20 feet on all sides adjacent to a residential zoning district.**

- 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	CO CCG-2	Undeveloped Motel
South	CGC	CO	Undeveloped

		CCG-2	Undeveloped, restaurant
East	LDR	RR-Acre	Single family dwelling
West	CGC	CCG-2	Undeveloped
		ROS	Mobile home park

- 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: Without conditions, the site is open 24 hours a day, which would allow trucks to enter or leave the site at all hours and disturb residents in the area.

The site plan submitted with the application indicates the rear of the property will be remain wetlands and undeveloped. However, the aerial photograph shows the applicant is already parking vehicles in this area and any wetlands in the area have been destroyed.





Detailed view of site plan

(6) Intensity of Development

The proposed development is **consistent** with the CGC functional land use category for semi-tractor, trailer and bus parking and storage if approved with the recommended conditions. These conditions are necessary to provide extra protection to the adjacent property owners from the potential adverse impacts.

- The location of various proposed uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses:
- 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 existing residential density and intensity of use of surrounding lands: The subject property abuts a single family dwelling to the northeast.
- The availability and location of utility services and public facilities and services: The written description indicates that JEA will provide all utilities. However, the service availability letter states the development will not use JEA for water or sewer.

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site plan shows one access on Gilchrist Road and the gate is at the property line. JTA bus #4 uses New Kings Road (US 23) and Gilchrist Road and a truck may block both vehicular and buses trying to access the site. **Staff recommends the gate be located to allow a truck to completely pull off the road subject to the review and approval of the Transportation Planning Division.**

The Kings Soutel Crossing CRA Board recommended additional landscaping be installed. The PUD indicates it will comply with Part 12 Landscaping Requirements, which include a 10 foot wide landscape area, an evergreen hedge three feet high along at least 75% of the road frontage and one tree every 50 feet. **Staff recommends the number of trees be increased to one tree every 30 feet.**

(7) Usable open spaces plazas, recreation areas.

The project is not required to provide a recreation area.

(8) Impact on wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined there is 0.5 acres of Category III wetlands in the eastern portion of the site. The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and previous impact for agricultural purposes. In addition the wetland does not have a direct impact to the City's waterways. Based on this information, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

(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 December 17, 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 **2019-687** be **APPROVED with the following exhibits:**

1. The original legal description dated June 29, 2019.
2. The original written description dated November 1, 2019.
3. The original site plan dated November 1, 2019.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-687** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. The truck storage area shall be enclosed by an eight (8) feet high, 100% opaque wood or vinyl fence.
2. The width of the uncomplementary buffer along the northeast property line shall be 20 feet where adjacent to a residential zoning district.
3. Any access gate shall be located to allow a truck to completely pull off the roadway.
4. Perimeter landscape trees shall be planted at least one tree every 30 feet along New Kings Road (US 23) and Gilchrist Road.
5. Sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one-half (.5) foot candles ("f.c.") when the parking area is located adjacent to residential areas and shall not exceed one (1.0) f.c. when abutting other non-residential properties. All lighting lamp sources within parking areas shall be metal halide, compact fluorescent or LED. The maximum light pole height in all parking areas should not exceed thirty feet (20'- 0"). An exterior lighting design plan, including a photometrics plan, pole and fixtures schedules shall be submitted at the time of Verification of Substantial Compliance for review and approval by the Planning and Development Department.
6. Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either: (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order.



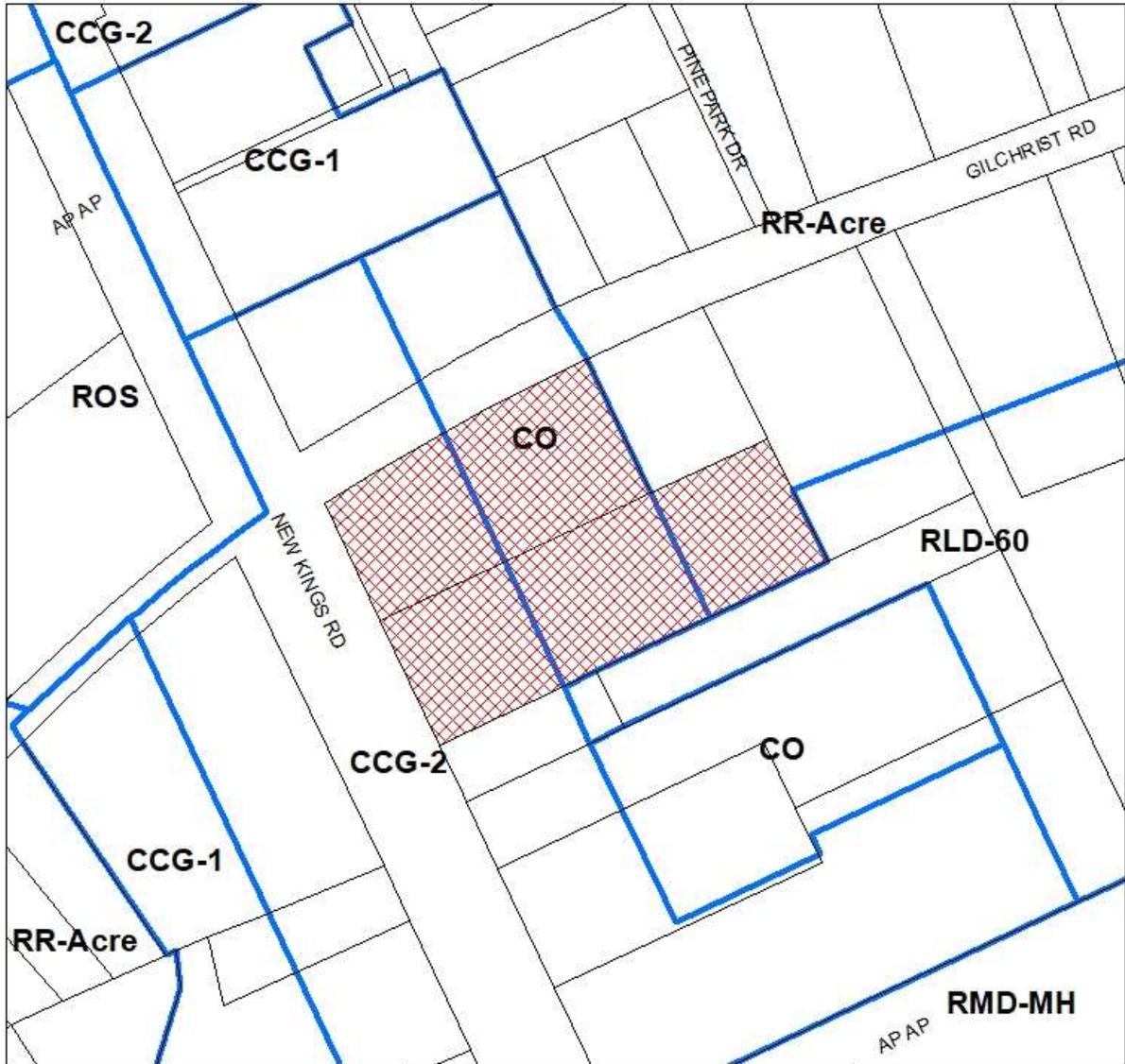
Aerial view of subject property



View of subject site



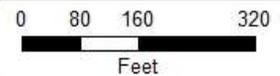
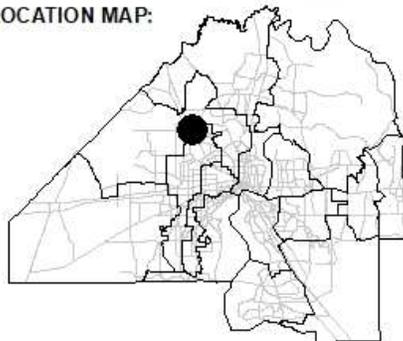
View of subject site



REQUEST SOUGHT:

FROM: CCG-2, CO & RR-ACRE
TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

10

TRACKING NUMBER

T-2019-2344

**EXHIBIT 2
 PAGE 1 OF 1**