

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2020-309 TO**  
**PLANNED UNIT DEVELOPMENT**

**JULY 23, 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 **2020-309** to Planned Unit Development.

***Location:*** 2951 Post St (SR 228); northwest corner of Willow Branch Avenue & Post Street

***Real Estate Number(s):*** 064127-0000

***Current Zoning District(s):*** 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:*** Jack Shad  
Windmill Consulting  
1022 Park Street, #209  
Jacksonville, Florida 32204

***Owner:*** Andrew Suslak  
Post Modern Brewing LLC  
2511 Hendricks Avenue  
Jacksonville, Florida 32207

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

**GENERAL INFORMATION**

Application for Planned Unit Development 2020-309 seeks to rezone approximately 0.23 acres of land from Commercial Community General-2 (CCG-2) to PUD. The rezoning to PUD is being sought to allow the use of a craft brewery. The zoning code does not define this use as allowable in either CCG-1 or CCG-2 and therefore is an added use to the commercial districts. The PUD is also asking for a handful of other deviations from the standard Zoning code. A request from

exemption from Sec. 656.805, the minimum distance limitation for beer and wine, which would allow the uses to avoid applying for a Waiver of Minimum Liquor Distance (WLD) for on premise consumption of beer and wine. Removal of setbacks to intensify uses. And extremely deviate from required parking.

Though the Department recognizes the need to retrofit the lot, developed in 1935 as a gas station, to allow a modern use it feels that the proposal is too intense for the identified residential character area. The parking demand is great and the solutions to that demand are unidentified. The uses allowed under the CCG-2 zoning district are plentiful and the deviation from setback to accommodate inadequate parking space is not beneficial to the character of this historic neighborhood.

Riverside/Avondale Preservation provided two memos to the Department and applicant. Those memos are attached.

### **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 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.

The proposed PUD rezoning seeks to change 0.19 of an acre of land from CCG-2 to PUD to include breweries, and the outdoor sale and service of alcoholic beverages. The subject site is a former gas station and is designated as Community/General Commercial (CGC) land use within the Urban Development Area as identified on the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) 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.

Principal uses in the CGC land use category include, but are not limited to, commercial retail sales and service establishments; restaurants; hotels and motels; offices; multi-family dwellings; and commercial recreational and entertainment facilities. 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 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.

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

No. 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:**

**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.

The site plan provided with this application shows the original building and the removal of the existing trees to provide five (5) new parking spaces along the western portion of the property. The Historic Preservation Section of PDD has indicated that the site design does not blend well with the historic pattern of development in the area. The site is located within the residential character area of the Riverside/Avondale Overlay. The intensification of the use, which requires a large amount of parking and the location of that parking on the site, could be considered out of scale for the heavily residential area.

**Goal 3**

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

It is the opinion of PDD Staff that the parking deviation and landscape/setback reductions on the site, as well as the proposed use with outside seating is not compatible with the character of the area. This section of the Riverside/Avondale Overlay is heavily residential which lends to its classification as residential character area. The site is not part of a commercial corridor like properties near King Street, Stockton Street or Five Points. Those areas are designated as part of the Commercial, Office, and Urban Transitional Areas which all for appropriate uses such as the one proposed in this PUD. The use does not match the Residential character area goals outlined in Part 3-Subpart O of the Zoning Code.

***(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 meets all portions of the City's land use regulations.

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:

**The following additional criteria shall be considered by the Planning and Development Department, the Local Planning Agency, and the City Council when evaluating any land use or zoning application within the Riverside/Avondale Zoning Overlay District:**

*(a) Whether the proposed rezoning is consistent with the Riverside/Avondale Zoning Overlay District and the historic district regulations;*

The proposed PUD does deviation from the parking requirement as defined in the Zoning Code. The subject property is located in the Residential Character Area of the Riverside/Avondale Overlay there requiring the site to meet all off-street parking requirements without a shared parking agreement. The site does not meet this requirement is asking for a reduction from 19 parking spaces (16 for patrons and 4 for employees) to 9 (nine) parking spaces. The Traffic Engineer of DSD has reviewed to plan and says that the proposed four (4) off-street parking spaces will not be allowed. The three (3) on Post Street block site lines and the one (1) on Willow Branch is Avenue is too close to the stop sign. Therefore, the proposed parking reduction is now 19 to 5 parking spaces. Historic Preservation also noted that three (3) of the proposed parking spaces are placed in front of the front plain of the existing structure which is in violation of the recommended limits for parking location in the overlay.

*(b) Whether the rezoning will negatively affect or alter the character of the character area or corridor;*

Historic Preservation noted that though the zoning is commercial (and proposed zoning) the historic pattern of development is residential. The intensification of the amount of parking and the location maybe out of scale for the surrounding residential uses. This area of the Overlay is not a commercial node or corridor like other portions of the Overlay including; Stockton Street, King Street, and Five Points. Commercial activity such as a brewery with outside sitting seems incompatible with the character of this area.

*(c) Whether the rezoning and subsequent future development would result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees; and*

PDD Staff was not provided with a landscape plan. However, based on the Part 12 definitions of protected trees and exceptional specimen trees, and visual inspection of the property, Staff believes that the proposed site plan will be destructive to several trees that may fall into these categories. There are several large trees currently behind the primary structure, which is the location of the proposed driveway. There also appears to be at least one tree that could be classified as a protected tree in the front yard on the western side of the property where parking spaces are proposed. Photos of trees can be found at the end of this report.

*(d) Whether the rezoning would have a negative affect on any contributing structures within the Riverside Avondale historic district, as defined in Section 656.399.17, historic landmark or landmark site.*

Historic Preservation did not mention any contributing structures, historic landmark or landmark sites in their memo dated July 9, 2020.

***(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). The Planning and Development Department finds that the proposed PUD is inconsistent with the 2030 Comprehensive Plan, as evaluated in Criteria (B) because the proposed use does not further the Goals, Policies, or Objectives in the 2030 Comprehensive Plan, the Zoning Code, or the Riverside/Avondale Overlay.

***(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. As of June 25, 2020, there is nothing in the Concurrency system regarding the proposed development. If approved, the agent/owner will need to apply/submit a Mobility application and a CRC application for the conversion of use from a service station to a brewery with indoor and outdoor seating.

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

This proposed Planned Unit Development intends to utilize lands for a brewery serving beer and wine with indoor and outdoor seating. 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 because there is no residential component to this PUD.

***(4) Internal compatibility***

This proposed PUD is inconsistent 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: As reviewed in Part (C) of this report, Staff has reviewed the 'Purpose and intent' section of the Riverside/Avondale Overlay, defined in Sec. 656.399.13 (8), and found that the proposed site plan does not support part (c) of

that Section which talks about protection of protected trees or exception specimen trees. The site plan does not reflect landscaping requirements as defined in Part 12 of the Zoning Code.

- The use of topography, physical environment and other natural features: As reviewed in Part (C) of this report, Staff has reviewed the ‘Purpose and intent’ section of the Riverside/Avondale Overlay, defined in Sec. 656.399.13 (8), and found that the proposed site plan does not support part (c) of that Section which talks about protection of protected trees or exception specimen trees.
- Traffic and pedestrian circulation patterns: The proposed site plan does show a new sidewalk along Willow Branch Avenue.
- The use and variety of building sizes and architectural styles: The owner and architect plan to use the building as is, keeping the charm of the historic exterior. The structure is the only thing that will remain the same. The parking area will be converted into outside seating area and the grassy area with trees will be removed to create a driveway with angled parking. The parking location is not consistent with the recommended location of parking in the Riverside/Avondale Overlay.

***(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 subject property abuts a bar to the north and a vacant lot to the west. The bar behind the proposed brewery currently does not meet parking code forcing patrons to park on the street or ROW. The vacant lot to the west is approximately 4,800 square feet and covered in trees.
- The type, number and location of surrounding external uses: The surrounding uses mainly comprise of multi- and single-family dwellings. This last block of the Riverside/Avondale Overlay is commercially zoned but as mentioned by Historic Preservation this is the residential character area and the commercial use proposed is not in scale with the area.
- 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>	CGC	CCG-2	Non-conforming bar
<b>South</b>	CGC	CCG-2	Office and parking lot
<b>East</b>	MDR	RMD-D	Multi-family dwelling
<b>West</b>	CGC	CCG-2	Vacant grassy lot

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

The proposed use is consistent with the CGC functional land use category, per Community Planning's memo. However, Staff feels the proposed redevelopment of the site is not compatible with surrounding properties and the intent of the Riverside/Avondale Overlay. The PUD is not appropriate at this location because the intent of the Riverside/Avondale Overlay to preserve the historic nature of the neighborhood and to blend modern uses that are appropriate in scale and design. PDD Staff have determined from their reviews of the proposed use that the use is not appropriate at the scale proposed and with the lack of parking for the increase in traffic to the site.

- The existing residential density and intensity of use of surrounding lands: The proposed use is not residential but is located in the residential character area of the Riverside/Avondale Overlay. To the east of the subject property is a mix of multi- and single family dwellings. The proposed use is not a compatible use for the neighborhood and surrounding uses.

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

Not required for commercial/industrial use.

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

There are no wetlands on the subject property.

***(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 plan does not indicate a specific location for loading and unloading.

The proposed site plan indicates nine (9) parking spaces; five (5) off street and four (4) on street. The Traffic Engineer has recommended the removal of all four (4) on-street parking space. The three (3) parking spaces on Post Street are not consistent with the area and create sight line problems for motorist and pedestrians. The parking space on Willow Branch Avenue does not meet code because it is within 30 feet of a stop sign.

Staff does not feel the provided parking spaces are sufficient for the intensification of use.

***(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 June 16, 2020, the required Notice of Public Hearing sign was not posted. However, on June 22, 2020 the applicant provided photos of the Rezoning signs posted on the property along with the Sign Posting Affidavit.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2020-309** be **DENIED** with the following exhibits:

1. The original legal description dated May 12, 2020
2. The original written description dated May 5, 2020
3. The original site plan dated May 5, 2020

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2020-309** be **DENIED**.





Aerial



Subject Property

*Source: COJ, Planning & Development Department  
Date: 06/16/2020*



Property to the south: Office

*Source: COJ, Planning & Development Department*  
*Date: 06/16/2020*



Property to the west: Vacant

*Source: COJ, Planning & Development Department*  
*Date: 06/16/2020*



Property to the east: Multi-family dwelling

*Source: COJ, Planning & Development Department*  
*Date: 06/16/2020*



Property to the north: Bar

*Source: COJ, Planning & Development Department*  
*Date: 06/16/2020*



Property to the north-east: New single-family development

*Source: COJ, Planning & Development Department*  
*Date: 06/16/2020*