

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-842 TO
PLANNED UNIT DEVELOPMENT

JANUARY 9, 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 **2019-842** to Planned Unit Development.

Location: 0 & 2600 Philips Highway; 1905 Promenade Way

Real Estate Number(s): 126826-0300; 126825-0020; 126826-0200

Current Zoning District(s): Planned Unit Development (PUD 2008-563-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southeast, District 3

Applicant/Agent: Rogers Towers P.A.
T. R. Hainline, Esq.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: Chance Philips Owner, LLC.
25 Market Street
Jacksonville, Florida 32202

CRP/Chance SMP Owner LLC
25 Market Street
Jacksonville, Florida 32202

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2019-842 seeks to rezone approximately ±17.28 acres of land from PUD 2008-563-E to PUD. The rezoning to PUD is being sought for two main purposes; to change the site plan and to delete the “Timing Condition”. The Timing Condition

states, "Phase One shall contain a minimum of 10,000 square feet of retail/office uses." This PUD still requires the parcels abutting Philips Highway to be developed as commercial parcels with a minimum of 10,000 square feet of commercial space, cumulatively, as shown on the Site Plan. Except as mentioned, this PUD does not change any aspect of the Existing PUD.

The current PUD, 2008-563E, allows for multi-family development with commercial parcels along Philips Highway.

PUD Ord. 2008-563-E was approved with the following conditions:

(a) This ordinance serves as the Final Order pursuant to Council Rule 6.310. The Council hereby adopts the findings contained in Exhibit 3, attached hereto.

(b) Development shall proceed in accordance with the Development Services Division Memorandum dated September 8, 2008, except for Comment #3, and the FDOT Memorandum dated July 22, 2008, or as otherwise approved by the Planning and Development Department and FDOT.

(c) At the time of verification of substantial compliance of the PUD, the developer shall submit a phasing schedule for review and approval by the Planning and Development Department.

(d) Prior to any residential development beyond 30 units per acre, an enhanced mass transit station with amenities shall be completed in a manner that is consistent with, and supports long-range planning options, including a potential BRT, bus rapid transit, commuter, or other transit modes identified by the JTA. The enhanced transit station shall accommodate a current fixed route bus to BRT services, and shall include two kiosks providing passenger and system information, route maps, ticketing via machine, real time schedules, next bus arriving information, lighting, music, cooling fans, and benches. The station shall be oriented to allow waiting passengers convenient access to retail services, and the facility shall substantially comply with the facility requirements in Part 14 of the Zoning Code, subject to review and approval by the Planning and Development Department.

(e) The roundabouts shall contain a fountain feature and/or piece of public art.

(f) The developer shall provide at least one dedicated parking space per multifamily dwelling unit, plus one guest parking space per three multifamily dwelling units, or a minimum of 1.33 spaces per multifamily dwelling unit.

(g) Sidewalks along Jackson Square Boulevard shall be at least eight feet in width.

(h) At the time of verification of substantial compliance of the PUD, the developer shall provide a pedestrian plan that shows street trees, street furniture along Jackson Square Boulevard and perimeter landscaping areas fronting Philips Highway.

(i) All entry signage shall be architecturally consistent, monument style, and limited to 200 square feet per sign face.

(j) Signage that advertises multifamily uses shall be nonilluminated or externally illuminated, except on Philips Highway or Jackson Square Boulevard, where signage may be internally illuminated.

(k) Development shall substantially comply with the revised site plan dated September 17, 2008 and maximum lot coverage shall not exceed 80%.

(l) Any multifamily housing development within the PUD shall be designed and constructed in accordance with CPTED standards, as recommended by the Jacksonville Journey Neighborhood Safety and Stability Committee.

(m) The owner and management of any multifamily apartments developed within the PUD shall participate in the Jacksonville Sheriff's Office Crime Free Multi-family Housing Program in accordance with the recommendations of the Jacksonville Journey Neighborhood Safety and Stability Committee.

(n) Phase One residential development shall be limited to 30 units per gross acre of the PUD, and shall not exceed 510 units. Phase One shall contain a minimum of 10,000 square feet of retail/office uses. The project shall be limited to 750 residential units total. Additional residential development beyond 510 units shall not be permitted until a minimum of 30,000 square feet of retail/office has been constructed.

(o) No development greater than 53 feet in height shall be permitted within 100 feet of the westerly boundary of the PUD, adjacent to the FEC right-of-way.

(p) Development shall comply with the Comprehensive Plan requirement of 150 square feet of open space per residential unit.

(q) A minimum of 50% of the landscaping requirements shall be provided on-site. A ten foot perimeter buffer shall be provided adjacent to single family residences located along the north property line at the time of verification of substantial compliance of the PUD. Vehicle Use Areas shall be landscaped in accordance with Part 12 of the Zoning Code.

(r) Traffic calming devices shall be provided along River Oaks Road, subject to review and approval by the Planning and Development Department.

(s) The 30-foot right-of-way proposed for dedication to the JTA as depicted on the approved site plan, shall be dedicated to the JTA without cost or conditions if and when JTA determines that it will accept the right-of-way and has plans to use such corridor for rapid transit purposes.

The Planning & Development Department has reviewed the conditions of the enacted ordinance and forwards the following comments:

All of the conditions listed above are contained within the proposed Written Description and will be continued to be enforced with development of the site. The only change is to condition (n)

where the applicant has requested that the “Timing Condition” stated as, “Phase One shall contain a minimum of 10,000 square feet of retail/office uses.

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) and the Light Industrial (LI) functional land use categories 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 site is primarily located in the Community / General Commercial (CGC) land use category of the Urban Priority Area (UPA) as identified on the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. Approximately 0.23 of an acre in the southwestern corner of the subject site is located in the Light Industrial (LI) category.

CGC in the UPA is intended to provide compact development, which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Principal uses include, but are not limited to: Commercial retail sales and service establishments; Restaurants; Hotel and motel; Office, Business and Professional Office including veterinary office; Financial institutions; Multi-family dwellings; and similar uses. Development that includes residential uses is preferred to provide support for commercial and other uses. Residential uses shall not be the sole use and shall not exceed 80 percent of a development.

LI, in any Development Area, is intended to provide for the location of industrial uses, which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes. Principal uses in the LI land use category include Light assembly and manufacturing; Packaging; Processing; Business/professional offices; Medical clinics; and similar. Commercial retail sales and service uses are generally considered a secondary use in the LI category.

Uses listed within the proposed PUD written description are the same as those approved under the current PUD zoning and are consistent with the CGC land use category and the LI category. Based on the site plan submitted with the PUD, the LI portion of the subject site is to be used for parking. 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:

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 proposed project has a mix of residential and commercial uses proposed. Though this rezoning changes the original order of development, the overall project will provide a mix of uses and provide multi-family units, which are needed in this area. Development in the CGC land use category that includes residential uses is preferred to provide support for commercial and other uses. Residential uses shall not be the sole use and shall not exceed 80 percent of a development.

Policy 1.2.9

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

JEA services will be provided to the site as indicated by the JEA availability letter and memo from JEA dated December 12, 2019.

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.

The proposed development is multi-use. The front portion of the property along Philips Highway is designated for commercial uses and the remainder of the property is to be developed as residential multi-family apartments. Properties along Philips Highway are primarily high intensity Commercial (CCG-2) extending south and has pockets of Industrial Light and Industrial Business Park. The addition of multi-family use adds to the fabric of the area.

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 subject properties are located along the US 1 Corridor Study. The Study found this segment to be mostly developed with commercial and light industrial uses, many of which could be considered blighting influences, and residential areas experiencing decline. The Study found a lack of investment in the northern segment and states that this area should be “encouraging infill development to attract new businesses into the area.”

(C) 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, meets all portions of the City’s land use regulations and furthers their intent by providing specific development standards.

(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 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. Mobility # 94944.0 was approved on 10/16/2017 for the proposed San Marco Promenade project. It was reserved for 510 apartment units and 12,000 enclosed square footage of commercial/retail. The Mobility Fee was paid in full \$10,782 on October 16, 2018 after receiving credit for previous uses on the site. CRC # 94944.1 was permitted for 284 apartment units for Phase 1 of the apartment project. For the 226 apartment units left under Mobility # 94944.0, a new CRC application will need to be filed with our office, the CMMSO. A CRC application for the 12,000 enclosed square feet of commercial/retail will also need to be submitted or included in the CRC application for Phase 2 for the 226 apartment units. Anything above and beyond the 226 apartment units and 12,000 enclosed square feet available and paid for under Mobility # 94944.0, will require a new Mobility application and CRC application(s).

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for multi-family units and 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. 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 for the project is the same as the landscaping proposed in the PUD Ord. 2008-563-E. The Written Description reads, "Perimeter buffer shall be required in accordance with the provisions of §656.1215 of the Zoning Code, unless otherwise approved by the Planning and Development Department. No buffer setbacks or landscaping shall be required due to subdivision of projects within the project. Otherwise, the requirements of the City of Jacksonville Code 656 Part 12 shall apply; however, landscaping may be relocated to provide for efficient development of the site as approved by the Planning and Development Department."
- The treatment of pedestrian ways: The pedestrian circulation system on the site shall comply with the City of Jacksonville 2030 Comprehensive Plan.
- Traffic and pedestrian circulation patterns: The pedestrian circulation system on the site shall comply with the City of Jacksonville 2030 Comprehensive Plan.
- The use and variety of building setback lines, separations, and buffering: The setbacks are consistent with the RHD-B zoning district. There are no setback requirements for required parking on-site.
- Compatible relationship between land uses in a mixed use project: The commercial development is separated from the residential high density units by a parking areas and some landscaping. the Commercial buffers the residential uses from the busy roadway.

(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 commercial development, proposed, is along Philips Highway and the residential units will be developed in the middle of the remainder of the property with parking throughout the site but the majority on the perimeter of the property. The western portion of the property fronts a railroad.

- The type, number and location of surrounding external uses: The properties surrounding the subject properties range from commercial and public utilities to low density residential.
- 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 CGC	CO CCG-2	Single Family Dwellings Used Car Sales & Offices
South	LI CGC	IL CCG-2	JEA Utilities Open Storage/ Warehousing
East	CGC	CCG-2	Warehousing/Distribution
West	LDR	PBF-1	Park Railroad

- 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: There is a site specific policy in the Transportation Element for this development. The policy states: Policy 11.3.6 A local road that primarily serves residential uses and connects two roadways that are functionally classified as Minor Arterial or higher shall not be physically widened to increase vehicular capacity or to add or modify parking unless requested by a majority of landowners located along the road. However, such request will not obligate the City to do so. Such roads include but are not limited to: River Oaks Road.

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category. The PUD is appropriate at this location because the mix of use and density of the project is appropriate along a major roadway. The mixed-use project also promotes a high-density multi-family development which is lacking in the area. The project also serves as an infill project, revitalizing the surrounding area.

- 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 high density of residential uses will complement the commercial uses that will be developed along Philips Highway.
- The existing residential density and intensity of use of surrounding lands: Residential uses surrounding the property or in the general area consists mainly of single-family dwellings. The lack of multi-family dwellings promotes the need for diversity of housing types in the area. the unit count was previously approved in Ord. 2008-563-E.
- The availability and location of utility services and public facilities and services: The site will be developed with JEA utilities.

SCHOOL	CONCURREN- CY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Hendricks Ave ES #71	4	126	659	667	101%	105%
Dupont MS #66	4	55	1,071	831	78%	79%
Terry Parker HS #86	4	70	1,866	1,626	87%	89%

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Per the conditions of Ord. 2008-563 the developer will be responsible for assisting JTA in improving the right-of-way for rapid transit purposes (condition (s)).

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space and recreation area.

(8) Impact on wetlands

There are no wetlands located on this site.

(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 PUD states, “Parking requirements shall be ½ of the required parking for CCG-1 for commercial use and ½ of required parking for residential uses. Off-site parking adjacent to the development shall be credited against any parking requirements. There shall be no setbacks for required parking.”

Because the proposed PUD is using the requirements for development that were proposed in the existing PUD traffic engineering has no comments.

(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 10, 2019, the required Notice of Public Hearing signs were not posted. The applicant provided photos and the sign posting affidavit indicating signs were posted on November 20, 2019. Between that time and December 10th the signs were removed. On December 17, 2019, Planning & Development Staff provided the applicant with replacement signs.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2019-842** be **APPROVED with the following exhibits:**

1. The original legal description dated November 6, 2019
2. The original written description dated November 6, 2019
3. The original site plan dated October 2, 2019

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-842** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. Conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (o), (p), (q), (r), and (s) will remain from Ord. 2008-563. Condition (n) will be revised, as written in Exhibit D, to eliminate the "Timing Condition" for Phase 2 of the development so that development of the rest of the residential units may occur before construction of the commercial parcels.
2. Anything above and beyond the 226 apartment units and 12,000 enclosed square feet available and paid for under Mobility # 94944.0, will require a new Mobility application and CRC application(s).
3. 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.



Subject Property

Source: COJ, Planning & Development Department
Date: 12/10/2019



Subject Property

Source: COJ, Planning & Development Department
Date: 12/10/2019



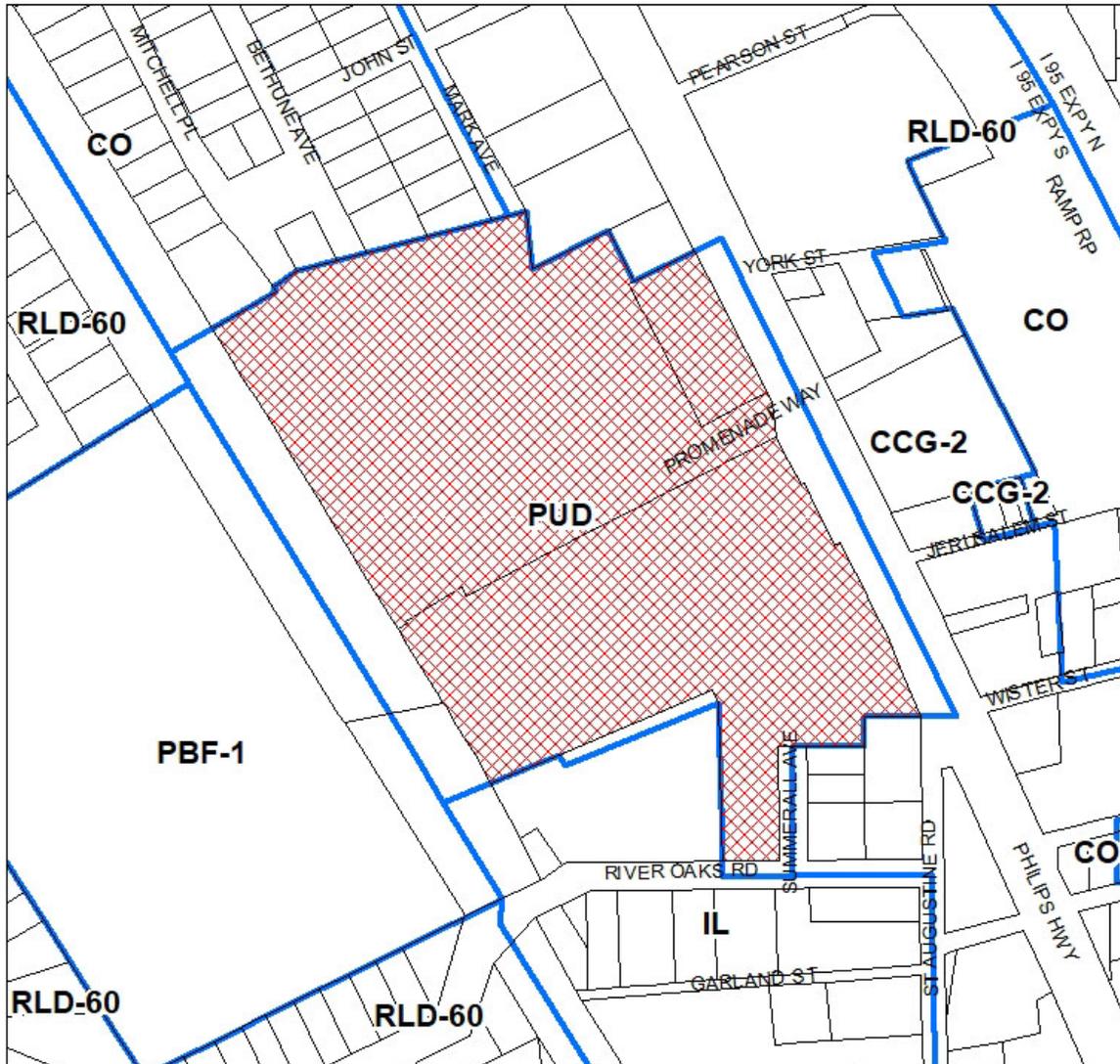
Properties to the north

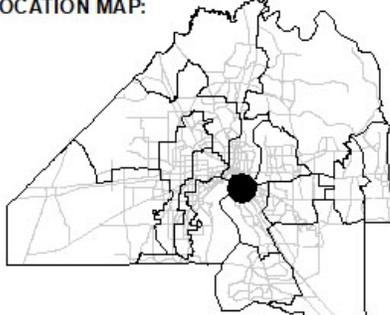
Source: COJ, Planning & Development Department
Date: 12/10/2019



Property to the east

Source: COJ, Planning & Development Department
Date: 12/10/2019



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 95 190 380</p> <p>Feet</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0842</p>	<p>TRACKING NUMBER</p> <p>T-2019-2563</p>	<p>COUNCIL DISTRICT:</p> <p>5</p> <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>