

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-801 TO
PLANNED UNIT DEVELOPMENT

MARCH 19, 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 **2019-801** to Planned Unit Development.

Location: 3838 Saint Augustine Road
Between Brewster Road and Booker Road

Real Estate Number(s): 070319-0000; 070292-0000

Current Zoning District(s): Commercial Community/General 1 (CCG-1)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Southeast, District 3

Owner: Kamal Yazji
Snack and Gas Inc
5488 River Trail Road South

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning Ordinance 2019-0801 seeks to rezone approximately 0.48 acres of land from Commercial Community/General-1 (CCG-1) to Planned Unit Development (PUD). The rezoning is being sought to allow for the sale of new and used automobiles and light trucks and service garages for minor and major repair in addition to the permitted and permissible uses by exception in the CCG-1 Zoning District.

It is the opinion of the Planning and Development Department that allowing a single property parcel to up-zone the property to allow for the sale of automobiles and service garages would constitute a “spot zoning” in the middle of this ¼ mile stretch on St. Augustine Road. Additionally, it would be detrimental to the residential properties and zoning to the east and west. If the rezoning were to be granted, it possibly will set a precedent in the area that could result in additional properties applying to up-zone their properties.

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?

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. Thus, the fact that the proposed use is permitted in the land use category does not ensure overall consistency with the 2030 Comprehensive Plan. The transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important to adjacent single-family residential area where a more intensive commercial use is being introduced, as is proposed in this Planned Unit Development. Therefore, while the proposed uses are consistent with the category description of the functional land use category, the intensity and scale of the project is **not** consistent with the intent of the 2030 Comprehensive Plan.

(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 inconsistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

Policy 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of the element shall be achieved through zoning and development review process.

The current Zoning and Land Use on the subject property does not provide the proper gradual transition that the Comprehensive Plan requires. The more intensive use of this property will further damage this transition and could set a precedent in the future for more properties along this ¼ mile stretch of St. Augustine Road to seek the same type of intensification next to the residential properties.

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 PUD does not offer any innovative site planning or smart growth techniques that allow for appropriate combinations of complementary uses.

Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

The proposed rezoning will not maintain a compatible land use policy as it relates to the comprehensive plan as the existing Land Use does not agree with the Comprehensive Plans Policy in Policy 1.1.10. City records indicate the current Zoning and Land Use categories are historic to the Property and have not been changed since at least 1972, and most likely dates back to consolidation. The historic nature of these categories allows the properties in this stretch to remain in their intense commercial zones near these residential properties.

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.

The proposed rezoning would not achieve the well balanced organized combination of residential and non-residential that Goal 3 of the Comprehensive Plan seeks to create. As aforementioned, the proposed zoning allows for an intensification of a Land Use and a lack of a transition that is already not complying with all of the Goals and Policies of the Future Land Use Element. The more intense commercial uses including a potential used car dealership, also have the potential to affect the overall fabric and character of the residential neighborhood located around the subject property.

(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 category 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).

(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 commercial uses including the retail sale of new and used automobiles and service garages. 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 **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: The minimum perimeter landscaping requirements cannot be met on the subject property. Without adequate landscaping, automobiles for sale or servicing are in view of adjacent residential properties.
- The particular land uses proposed and the conditions and limitations thereon: The proposed automobile sales and servicing uses can have visual pollution, noise and vibrations. The PUD does not offer any conditions or limitations to mitigate for those impacts.

(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: There are residential dwellings to the west and east of the subject property. The PUD is proposing automobile sales and service garages. These uses have the potential to create noise and visual pollution that will negatively impact the surrounding uses.
- 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	CCG-1	Undeveloped
South	CGC	CCG-1	Undeveloped, Church
East	MDR	RMD-A	Single family, undeveloped
West	LDR	RLD-60	Single family dwellings

(6) Intensity of Development

The intensity of the proposed commercial uses are **inconsistent** with the CGC functional land use category.

- 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 PUD is inappropriate at this location as it is introducing a more intensive commercial use that may negatively impact the residential dwellings to the east and west.
- 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 PUD does not offer any methods to protect the adjacent residential properties from noise or visual impacts.

(7) Usable open spaces plazas, recreation areas.

Open space and recreation area is not required for commercial uses.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-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 site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The subject property contains sidewalks along St. Augustine Road, Booker Road and Brewster Road meeting the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on March 6, 2020 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 **2019-801** be **DENIED**.

1. The original legal description dated October 14, 2019.
2. The original written description dated December 23, 2019.
3. The original site plan dated December 18, 2019.



Aerial view of subject property



View of subject property.



View of subject property.



View of subject property at St. Augustine Road and Brooker Road



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-1</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>	
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0801</p>	<p>TRACKING NUMBER</p> <p>T-2019-2532</p>	<p>COUNCIL DISTRICT:</p> <p>5</p> <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>